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# 7/17/1987

# OREGON
# ENVIRONMENTAL QUALITY
# COMMISSION MEETING
# MATERIALS


State of Oregon
**Department of Environmental Quality**

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

July 17, 1987

Coos Bay City Hall
Council Chambers
500 Central Avenue
Coos Bay, Oregon

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# A G E N D A

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.

APPROVED A. Minutes of May 29, 1987, EQC meeting; June 12, 1987, special meeting; and June 19, 1987, special conference call.

APPROVED B. Monthly Activity Report for April and May 1987.

APPROVED C. Tax Credits.

9:05 a.m. PUBLIC FORUM

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

ACTION AND INFORMATION ITEMS

Public hearings have previously been conducted on items marked by an asterisk (*). The Commission may, however, wish additional information on these items and accept comments from interested persons or call on interested persons to answer questions. This opportunity shall not replace comments at public hearings. Public testimony will be accepted on all other items.

PARTIAL APPROVAL 1 D. Request for an Exception to OAR 340-41-026(2), (An EQC Policy Requiring Growth and Development be Accommodated within Existing Permitted Loads), by Pope & Talbot, Inc.

APPROVED * E. Request for Commission Approval of the Construction Grants Management System and Priority List for Fiscal Year 1988.

APPROVED * F. Proposed Adoption of Amendments of Rules Related to Standards of Performance for New Stationary Sources of Air Contaminants, OAR 340-25-505 to 553.

DELAYED TO NEXT MEETING * G. Proposed Adoption of Amendments to Water Quality Standards Regulations, OAR 340, Chapter 41: Mixing Zone Policy, and Toxic Substance Standards and Total Dissolved Solids Standards.

APPROVED W* H. ADDL DIRECTION[2] Proposed Adoption of Amendments to Rules Concerning Hazardous Waste Management Fees, OAR 340-102-065 and 340-105-113, and Proposed Repeal of OAR 340-120-030.

APPROVED W* I. MODIFICATIONS[3] Proposed Adoption of Revisions to "Oil and Hazardous Material Spills and Releases" Rules, OAR 340-108-002(9)(b); OAR 340-108-010; OAR 108-020(5) and Repeal of OAR 340-108, Appendix I, in its entirety.

ACCEPTED W J. RECOMMENDATIONS Informational Report: Oregon's Toxic Air Pollutant Emission Inventory and Related Indoor Air Quality Issues

ACCEPTED K. Informational Report: Issues, Concerns and Legislation Associated with Marine Paints Containing Tributy Tin (TBT).

APPROVED L. Proposed Repeal of Temporary Rule Amending Solid Waste Permit Application Processing Fee for Large General Purpose Domestic Waste Landfills, OAR 340-61-120.

WORK SESSION

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

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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 Thunderbird Motor Inn, 1313 N. Bayshore Drive, Coos Bay, Oregon. Agenda items may be discussed at breakfast. The Commission will lunch during a boat tour of the bay.

The next Commission meeting will be August 28, 1987, in Medford, Oregon.

Copies of the staff reports on the agenda items are available by contacting the Director's Office of the Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204, phone 229-5395, or toll-free 1-800-452-4011. Please specify the agenda item letter when requesting.

DOP823

1. Approved elimination of the color limit.

2. Approved with authorization for hearing to consider amendments.

3. Approved with modifications (delete reference to 40CFR355).

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

ENVIRONMENTAL QUALITY COMMISSION

Minutes of the One Hundred Eighty-First Meeting
July 17, 1987

Coos Bay City Hall
Council Chambers
500 Central Avenue
Coos Bay, Oregon

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Commission Members Present:

Chairman, James Petersen
Vice Chairman, Arno Denecke
Mary Bishop
Sonia Buist

Commissioner Wallace Brill was absent.

Department of Environmental Quality Staff present:

Director, Fred Hansen
Assistant Attorney General, Michael Huston
Division Administrators and program staff members

Note:

Staff reports presented at this meeting, which contain the Director's recommendations, are on file in the Office of the Director, Department of Environmental Quality, 811 S. W. Sixth Avenue, Portland, Oregon 97204. Written material submitted at this meeting is made a part of this record and is on file at the above address.

BREAKFAST MEETING

The Environmental Quality Commission heard reports from Sandra Diedrich representing the Coos-Curry Council of Governments, Mr. Lynn Heusinkveld representing the Charleston Sanitary District, council representatives from the cities of North Bend and Coos Bay, and the Coos County commissioners. The reports reflected the sewage treatment improvements occurring in the cities and county. Ms. Diedrich presented an overview of the Coos Bay shellfish study conducted by DEQ in cooperation with the local governments in the area. She asked the EQC to acknowledge the efforts of numerous advisory committee members who assisted in the study.

FORMAL MEETING

CONSENT ITEMS

Agenda Item A: Minutes of the May 29, 1987, EQC meeting; June 12, 1987, Special Meeting; and June 19, 1987, Special Conference Call.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that the May 29, June 12 and June 19 minutes be approved.

Agenda Item B: Monthly Activity Report for April and May 1987.

Commissioner Denecke asked Linda Zucker, Hearings Officer, about the status of the McInnis cases. Ms. Zucker replied that David Ellis, the Assistant Attorney General prosecuting the cases, had said DEQ would wait until fall for the Multnomah County District Attorney's decision about pursuing criminal action. DEQ has not requested Ms. Zucker to reconsider her decision to delay the administrative hearings until conclusion of the criminal proceedings.

Commissioner Denecke volunteered to contact the District Attorney if the department thought that would be helpful. Michael Huston, Assistant Attorney General, indicated that his office would check

with the District Attorney and confer with Director Hansen about the next step.

ACTION: It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously that the April and May 1987 activity reports be approved.

Agenda Item C: Tax Credits.

Commissioner Bishop asked about Styrofoam bottles and the high cost of recycling the bottles. Commissioner Bishop wondered if an additional cost could be added to the price to help with the recycling cost. Mike Downs, Administrator of the Hazardous and Solid Waste Division, said the department would review the existing law and consider this idea as potential amendments are formulated for the next legislative session.

ACTION: It was MOVED by Commissioner Denecke, seconded by Commissioner Buist and passed unanimously that the following Director's recommendations be approved:

1. Issue tax credit certificates for pollution control facilities:

   T-1875, Sandra Thun; manure control system.

   T-1877, Robert Wassmer; manure control system.

   T-1878, Robert Durrer; manure control system.

   T-1879, Crown Zellerbach Corp.; fugitive emissions control system.

   T-1880, Owens Illinois, Inc.; vacuum system addition to the glass recycling system.

   T-1883, Teledyne Industries, Inc.; fugitive emissions control system.

   T-1884, Teledyne Industries, Inc.; fugitive emissions control system.

2. Revoke Pollution Control Facility Certificate No. 1600 issued to Cascade Construction Company and reissue to Lakeside Industries.

3. Revoke Pollution Control Facility; Certificate No. 1359 issued to Willamina Lumber Company and reissue to Wheeler Manufacturing Company.

PUBLIC FORUM

No public forum testimony was given.

ACTION AND INFORMATIONAL ITEMS

Agenda Item D: Request for an Exception to OAR 340-41-026(2), (an EQC Policy Requiring Growth and Development be Accommodated within Existing Permitted Loads), by Pope & Talbot, Inc.

This item was a request by Pope & Talbot to increase the biochemical oxygen demand (BOD) permit limitations and to eliminate the existing color limitations required in their NPDES (National Pollutant Discharge Elimination System) waste discharge permit.

Pope & Talbot Pulp, Inc. owns and operates a pulp and paper mill near Halsey, Oregon. Wastewater is treated and discharged to the Willamette River in accordance with conditions of the NPDES permit issued by the Department. Pope & Talbot has applied for renewal of the permit.

In order to approve the company's request for the load limit increase, the Department had to be confident the increase would not cause water quality standards violations and the EQC would grant an exception to their water quality management plan policy, as defined by OAR 340-41-026(2).

DIRECTOR'S RECOMMENDATION: Based upon the staff report summation (in the staff report), it is recommended the Commission take the following actions about the request from Pope & Talbot, Inc. for modified permit limits:

1. BOD Limits

   a. Maintain the existing BOD limitations from May 1 to October 31.

   b. Authorize the Department to permit increased winter BOD discharges if the Department determines there is a demonstrated need.

   c. Direct the Department to determine how much additional summer season waste assimilative capacity exists in the Willamette River, and propose criteria for allocation of any reserve assimilative capacity to existing and potential new dischargers.

2. Color Limits

   a. Deny the request for elimination of the color limit and maintain the existing color limitation of 1500 color units based on an effluent flow of 18 million gallons per day from May 1 to October 31 of each year.

   b. Eliminate color limitations from November 1 to April 30 of each year.

Steve Penner of Shedd, Oregon, told the Commission he was a recreational user of the Willamette River near the Halsey discharge area. He felt the discharge was significant: the color had increased and the odor was stronger, particularly in the morning. Mr. Penner said there seemed to be a reduction in the number of cutthroat trout below the mixing area of the plant. He said the water stain could disrupt the food chain occurring in the river. In concluding, Mr. Penner felt Pope & Talbot should continue to treat their effluent for color and their request to eliminate the color limit should be denied.

The following spoke on behalf of Pope & Talbot Pulp, Inc.:

Peter Pope, Chairman and Chief Executive Officer, Pope & Talbot

William Frohnmayer, Vice President, Fiber Products, Pope & Talbot

Steve Wolffe, Engineer, Pope & Talbot

Bryan Johnson, Consultant to Pope & Talbot

Dr. Frank Schaumburg, Professor of Engineering, Oregon State University, Consultant to Pope & Talbot

The following points were emphasized by the company representatives:

-- The Halsey mill is a modern, environmentally clean mill.

-- The pulp business supplies the Oregon economy with $400 million dollars, and the pulp business is very competitive.

-- The company is willing to accept the current BOD limits at this time; however, they believe a study of the waste receiving capacity of the Willamette River is essential.

-- Although it appears the company can meet the current BOD limit, they are concerned about compliance problems when temperatures drop in the fall and efficiency of the treatment process declines.

-- The bleach sequence at the mill has been changed to meet market demand. Less chlorine is used for bleaching. Additionally, mill effluent color has increased.

-- About 60,000 gallons of chlorine solution must now be added to the effluent to meet the color limit. Cost of wastewater treatment for the mill has nearly doubled, and no environmental benefit is produced.

-- Color in the effluent does not adversely impact aquatic life, although color in the water can result in subtle changes in the aquatic community of the river.

-- The color limitation is an unreasonable restriction, and effluent color is an aesthetic problem. Based upon the few

complaints the Department has received, the company has spent a great deal of money to meet color limits.

-- The color difference with and without treatment at the mill would probably not be noticeable in the river to the casual observer.

-- While alternative technologies for color prevention or color removal are being tested around the world, the techniques have not been successful for the types of pulping being done at the Halsey mill.

-- Color and odor in the river are not related.

-- When chlorine is added to the effluent (which contains lignins, tannins and other organic compounds), chlorinated organic compounds are produced. These compounds are a significant environmental concern because of their designation as carcinogens and mutagens.

Rod Schmall, Smurfit Newsprint Corporation, presented written testimony urging the Commission to study the waste assimilative capacity of the Willamette River. Due to a time limitation, Mr. Schmall did not speak to the Commission; however, the written testimony is made a part of the record of this meeting.

Larry Patterson, Water Quality Division, responded to the testimony presented and questions from the Commission. He reviewed background information on the color limits and the original concerns about the color impact on the City of Corvallis' downstream water supply. Mr. Patterson indicated that in 1985 the plant's color limits were being exceeded and the Department received more complaints. He also described the potential for oxygen bleaching as an alternative. This technique reduces the color and chlorine is not used in the process.

Chairman Petersen questioned whether it was appropriate for the department to approve wintertime waste load increases, in light of the policy statement wording of the rule.

Commissioner Buist expressed concern with cancer rates and cancer causing chemicals. She said that health concerns are more significant than aesthetics. Commissioner Denecke noted that he

was faced with a dilemma: while he did not want the color in the river, he did not want chlorine added because of the potential long-term health effects.

Chairman Petersen asked the Department to pursue a study of the Willamette River. The purpose of the study would be to update the assessment of the wasteload assimilative capacity and to develop criteria for load allocation. He also suggested that the color issue be included in the study.

ACTION: It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously to authorize the department to eliminate the color limit from the Pope & Talbot permit.

It was further MOVED by Commissioner Bishop, seconded by Commissioner Buist, and passed unanimously to approve sections 1.a. and 1.c. of the Director's Recommendation. (Sections 1.b., 2.a. and 2.b. of the Director's Recommendation were not approved.)

Agenda Item E: Request for Commission Approval of the Construction Grants Management System and Priority List for Fiscal Year 1988.

This item was a request to approve the Fiscal Year 1988 Construction Grants Priority Management System and List.

Within the Management System there is a proposed amendment to establish reserves for capitalization of the State Revolving Fund; a proposed addition to establish a non-point source management planning reserve; and a proposed amendment to broaden eligibility for major sewer replacement and rehabilitation and combined sewer overflow separation projects.

DIRECTOR'S RECOMMENDATION: Based on the staff report summation , it is recommended the Commission adopt the FY88 Construction Grants Priority List as presented in Attachment H. It is further recommended the Commission adopt the proposed amendment to OAR 340-53-025 regarding establishment of reserves to capitalize the State Revolving Fund, adopt the proposed addition to OAR 340-53-025 to allow establishment of

a non-point source management planning reserve, and adopt the proposed amendment to OAR 340-53-027 to broaden eligibility for major sewer replacement or rehabilitation and for combined sewer overflows.

Tom Lucas, Water Quality Division, responded to Commission questions about the ranking criteria used to create the priority list.

Ron Stillmaker, City of North Bend, asked the Commission to consider changing the ranking assigned to the City of North Bend. He said the city should be classified as B priority instead of C. Mr. Stillmaker felt the B rating is justified since the city has experienced water quality violations and bypassing of sewage to the bay.

Mr. Lucas responded that while the previous North Bend project had been classified as a B, information available to the department does not support a B rating for the current project. He further noted that said 1987 funding would cause about 20 projects to be moved off the 1988 list. This shift would effectively place the City of North Bend at about Number 21 and within the anticipated funding range assuming funds become available for 1988.

Lynn Heusinkveld, Charleston Sanitary District, recommended approval of the priority list.

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

Agenda Item F: Proposed Adoption of Amendments of Rules Related to Standards of Performance for New Stationary Sources of Air Contaminants, OAR 340-25-505 to 553.

This item was a request to incorporate provisions applicable to federal requirements into the Oregon Standards of Performance for New Stationary Sources.

The Clean Air Act requires the Environmental Protection Agency (EPA) to establish New Source Performance Standards (NSPS) to limit pollutant emissions from major new and modified sources.

States are allowed to develop rules enforcing NSPS in their jurisdiction. If EPA finds a state's rules to be adequate, then authority to administer the NSPS is delegated to the state.

Oregon first adopted rules to administer NSPS in 1978. Since then, the rules have been amended several times to keep them current with federal requirements. DEQ has committed, through the State/EPA Agreement (SEA), to update the NSPS rules on an annual basis. In the last year, EPA has published one new and three amended NSPS relevant to Oregon. The new provisions primarily affect large steam generating facilities and coil coaters.

DIRECTOR'S RECOMMENDATION: Based upon the staff report summation , it is recommended the Commission adopt the proposed amendments (attached to the staff report) to OAR 340-25-505 to 340-25-553, rules on National Standards of Performance of New Stationary Sources.

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

Agenda Item G: Proposed Adoption of Amendments to Water Quality Standards Regulations, OAR 340, Chapter 41: Mixing Zone Policy, Toxic Substance Standards and Total Dissolved Solids Standards.

The Commission earlier directed the Department to prepare an issue paper about the standards for mixing zones and toxic substances. These issue papers were presented to the Commission in June 1986 with a request for authorization to conduct hearings on the proposed rule amendments. The hearings were authorized and conducted in five locations around the state in July 1986.

While most of the respondents favored the rule revisions, additional language changes were suggested, an explanation of rule implementation was requested and a discussion of the economic impact resulting from the changes was asked. Staff reviewed the testimony and revised the proposed amendments to incorporate the public comments. Final rule language is consistent with state statutes and the Clean Water Act.

DIRECTOR'S RECOMMENDATION: Based on the staff report summation , it is recommended the Commission adopt the final rule language as presented in the staff report for Attachment A, Mixing Zone Policy; Attachment B, Toxic Substances Standards; and Attachment C, Total Dissolved Solids Standards.

Robert Gilbert, Northwest Pulp and Paper Association (NWPPA), asked the Commission to delay this item until the Association had further time to review the standards. Mr. Gilbert indicated the Association did not receive a copy of the staff report and proposed standards until July 13 and the NWPPA staff was not immediately available to comment on the report.

Director Hansen advised the Commission that a delay would not be critical to the Department.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that Agenda Item G be delayed until the August 28 EQC meeting.

Agenda Item H: Proposed Adoption of Amendments to Rules Concerning Hazardous Waste Management Fees, OAR 340-102-065 and 340-105-113 and Proposed Repeal of OAR 340-120-030.

This item was a request to adopt proposed amendments to rules about hazardous waste management fees and to repeal another fee-related rule.

The proposed amendments would increase the annual compliance determination fees paid by generators and handlers of hazardous waste and would increase the permit application processing fees for certain facilities. Other proposed amendments are for clarification.

The proposed fee increases are necessary to offset a current funding deficit in the Hazardous Waste Program and to maintain the program at the level required for EPA authorization.

DIRECTOR'S RECOMMENDATION: Based upon the staff report summation , it is recommended the Commission adopt the proposed amendments to rules concerning hazardous waste

management fees, OAR 340-102-065 and 340-105-113 and repeal OAR 340-120-030.

The department provided the Commission with a corrected version of the proposed rule. A letter from the law firm representing Chem Securities was also provided to Commission members.

Frank Deaver, Tektronix Inc., told the Commission he agreed with the provisions of the amendments except for Page 3 of the proposed amendment. He said the $70,000 fee would be excessive for a small on-site hazardous waste treatment facility, and he would prefer the fee be based on a graduated payment schedule. Mr. Deaver asked the Commission to approve the fee schedule on page 3 of the rule and reconsider within the next 90 days a graduated fee for small business.

Diane Stockton, Omark Industries, agreed with Mr. Deaver. Additionally, Ms. Stockton asked the Commission to allow reconsideration of Pages 1 and 2 of the proposed rule. She felt the rule was not consistent with public policies supporting waste minimization and on-site treatment.

Mike Downs, Administrator of the Hazardous and Solid Waste Division, explained the intent of the amendments. He urged the Commission to adopt the rule as proposed, to direct the department to review the matter over the next 90 days and to return with proposed amendments.

ACTION: It was MOVED by Commissioner Buist, seconded by Commissioner Denecke and passed unanimously that the Director's recommendation be approved. Additionally, the department was directed to consider amendments to address concerns raised by Mr. Deaver and Ms. Stockton. The EQC authorized the department to proceed with a public hearing within 90 days.

Agenda Item I: Proposed Adoption of Revisions to "Oil and Hazardous Material Spills and Releases" Rules, OAR 340-108-002(9)(b); OAR 340-108-010; OAR 108-020(5); and Repeal of OAR 340-108, Appendix I, in its entirety.

This item was a request for permanent adoption of federal values for reporting hazardous waste spills. In addition to this request was a recommendation to incorporate 406 hazardous substances with reportable values. These values were adopted by the Environmental Protection Agency in April 1987.

> DIRECTOR'S RECOMMENDATION: Based upon the staff report summation , it is recommended that the Commission find that the extremely hazardous substances listed in 40 CFR Part 355-Appendix A, because of their quantity, concentration or physical or chemical characteristics, may pose a present or future hazardous to human health, safety, welfare or the environment when spilled or released. It is also recommended the Commission adopt the proposed revisions to "Oil and Hazardous Materials Spills and Releases" rules OAR 340-108-002; OAR 340-108-101; OAR 340-108-020 and repeal in its entirety Appendix I of OAR 340 Division 108.

Robert Gilbert, Northwest Pulp and Paper Association, submitted written testimony to the Commission. A copy of this testimony is made a part of this meeting record.

Director Hansen explained that industry was concerned with the strict liability imposed if the Director's recommendation was adopted. This resulted because the department was proposing to adopt 40 CFR Part 355 Appendix A list ahead of comparable adoption by EPA.

Rich Reiter, Hazardous and Solid Waste Division, presented an alternative recommendation that had been worked out with industry representatives. He presented the following amended Director's Recommendation:

> Based on the above (staff) report, it is recommended that the Commission adopt proposed revisions to "Oil and Hazardous Materials Spills and Releases" rules OAR 340-108-002; OAR 340-108-010; OAR 340-108-020 and repeal in its entirety Appendix I of OAR 340 Division 108 as presented in Attachment II with the further amendment that all references to 40 CFR 355 Appendix A be deleted from the amendments proposed in Attachment II.

ACTION: It was MOVED by Commissioner Buist, seconded by Commissioner Denecke and passed unanimously that the amended Director's recommendation be approved with all references to 40 CFR 355 removed.

Agenda Item J: Informational Report: Oregon's Toxic Air Pollutant Emission Inventory and Related Indoor Air Quality Issues.

This item presented information on the recently released Oregon Toxic Air Pollutant Emissions Inventory. The toxic air pollutant emissions inventory was conducted from 1985 to 1986 as a prerequisite to the development of a toxic air pollutant control program. The program is currently being developed.

The emissions inventory report identified non-point sources as being responsible for the largest quantities of toxic air pollutants released in Oregon. The report also emphasized the problem of indoor emissions of toxic air pollutants. The American Lung Association of Oregon asked if the Commission and the Department officially endorse those recommendations in the report relating to cigarette smoke. The Department recognizes that emission of cigarette smoke in public places is regulated through the Administrative Rules of the Oregon State Health Division.

DIRECTOR'S RECOMMENDATION: It is recommended the Commission accept the Oregon Toxic Air Pollutant Emissions Inventory and support appropriate Department actions protecting those exposed to indoor air pollutants.

Joe Weller, American Lung Association of Oregon, told the Commission there are two groups involuntarily exposed to tobacco smoke: children living in homes where their parents smoke and employees who spend their days in enclosed areas with no regulations of smoking. Mr. Weller suggested the Commission support the following actions:

1. Request the department to work closely with the State Health Division and with Workers Compensation Department to develop an indoor air legislation package for the 1989 Legislature. This package should identify a lead agency and also

appropriate funds to develop a program to reduce exposure to indoor air pollution, specifically cigarette smoke.

2. Request the department to develop a media-based educational program about children exposed to passive smoke at home.

3. Request the department to adopt an indoor air quality standard for cigarette smoke, to publicize that standard and to provide measurement services or instruments to interested people.

Dr. Buist told the Commission she strongly supported the study and Mr. Weller's proposals. Attached to the minutes is the transcript of Dr. Buist's comments about the risks and effects of indoor air pollutants caused by cigarette smoke.

Steve Boedigheimer, Oregon State Health Division, spoke to the Commission about the training programs and publications the State Health Division offers. Mr. Boedigheimer gave the Commission several copies of the publications.

ACTION: It was MOVED by Chairman Petersen, seconded by Commissioner Buist and passed unanimously that the informational report be accepted and that the department be directed to work with the Health Division to develop legislation that addresses Mr. Weller's suggestions for the 1989 legislative session.

Agenda Item K: Information Report: Issues, Concerns and Legislation Associated with Marine Paints Containing Tributyl Tin (TBT).

Tributyl tins are organotin compounds used as the active biocidal ingredient in marine antifouling paints. After the antifouling paints are applied, a small amount of TBT is leached slowly from the paint surface to retard or prevent the growth of fouling organisms such as barnacles, algae and tubeworms. However, TBT is also highly toxic to other marine biota such as oysters and clams. Oysters have been an indicator species for TBT, developing abnormal shell structure in the presence of TBT at parts per trillion levels.

Restrictions for using TBT are in effect in Europe and are currently being considered by EPA. Individual states have enacted legislation to control TBT immediately in the absence of guidance from EPA. Without any indication that TBT is a problem in Oregon estuaries, Oregon passed Senate Bill 551, which prohibits the use of TBT on recreational boats to prevent future contamination.

Commercial oyster growing areas near South Slough sanctuary, Coos Bay, were recently inspected and evidence of potential TBT contamination was discovered. Shell samples showed a high degree of thickening and malformation. Tissue and water quality samples were collected for TBT analysis and sent to Moss Landing Marine Laboratory in California. Depending on the analysis of the TBT analysis, a plan of action for the oyster growers and consumers to address potential human health risks will need to be coordinated with the Health Division.

DIRECTOR'S RECOMMENDATION: Although no published water quality standards or human health risk information exist, the presence of TBT in the oysters continues to concern the Department. In the absence of regulatory information, the Department believes that implementing actions to reduce and eventually eliminate toxic levels of TBT from entering waters of the sate and affecting aquatic life is essential. Therefore, the Department will continue to seek out the most up-to-date information available. Additionally, the Department will pursue funding opportunities and cooperative efforts with federal organizations to monitor and to manage potential sources of TBT for maximum environmental protection. By reducing the amount of TBT introduced into the environment, the amount that may be currently present in Oregon's estuaries should gradually degrade to less toxic forms and create less environmental risks in the near future.

To accomplish this goal, the Department proposes to do the following:

1. Evaluate existing conditions in other oyster growing estuaries such as Yaquina Bay and Tillamook Bay. The evaluation will be compared with the Coos Bay study and used to determine if other sensitive marine organisms such as clams might also be affected by TBT.

2. Investigate shipyard dry dock practices to determine what improvements for managing paint application and removal procedures and thus reducing the amount of TBT entering sensitive estuarine areas.

3. Develop a public information bulletin, as directed by SB 554, as quickly as possible to provide information on environmental effects of TBT. Included in the bulletin would be guidelines for recreational boat owners about properly removing and disposing TBT paints prior to non-TBT paint application.

Krystyna Wolniakowski, Water Quality Division, provided the Commission with samples of oysters affected with TBT.

ACTION: It was MOVED by Commissioner Denecke, seconded by Commissioner Buist, and unanimously passed that the report be accepted. The Commission asked the Department to keep them updated on this situation.

Agenda Item L: Proposed Repeal of Temporary Rule Amending Solid Waste Permit Application Processing Fee for Large General Purpose Domestic Waste Landfills, OAR 340-61-120.

This item was a request to repeal the temporary rule, which amended OAR 340-61-120, adopted by the Commission at the June 12 meeting.

At the June 12, 1987, EQC meeting, the Commission adopted a temporary rule amendment to the Solid Waste Permit Fee Schedule, OAR 340-61-120. The rule provided for an $85,000 permit application processing fee for large general purpose domestic waste landfills.

Since that meeting, the Legislature passed House Bill 2619, which amends Section 3, Chapter 679, Oregon Laws 1985 requiring the Department to investigate, evaluate, review and process any permit application for landfills and associated transfer stations proposed to receive solid waste from Multnomah, Clackamas and Washington Counties. This amendment meant that the Department would be able to cover the costs of processing the permit applications for the Waste Management and Tidewater Barge landfill

proposals from the existing Senate Bill 662 $1 per ton fee on disposal of solid waste in the Metro region.

DIRECTOR'S RECOMMENDATION: It is recommended the Commission repeal the temporary rule amending OAR 340-61-120 adopted at the June 12, 1987, EQC meeting.

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

Additional Items

Director Hansen advised the Commission that the Department is preparing to issue the Part B License for the Hazardous Waste Disposal Site operated by Chem Securities at Arlington. Oregon Law (ORS 466.130) requires the Commission to hold a public hearing prior to issuance of a license in the area where the site is located. Director Hansen recommended the Commission authorize the Department to conduct the hearing.

ACTION: It was MOVED by Chairman Petersen, seconded by Commissioner Denecke and passed unanimously that a hearing on the proposed license for the Chem Securities Hazardous Waste Disposal Facility be authorized and that the Department be authorized to serve as Hearings Officer for the Commission.

The Commission discussed the remaining EQC dates for the year and decided to leave the dates as previously scheduled.

Director Hansen called the Commission's attention to the written report on legislation prepared by Stan Biles.

There was no further business, and the meeting was adjourned.

DR. BUIST'S COMMENTS ON AGENDA ITEM J

While I don't have a question, I strongly support what Joe Weller said. When I first became involved with the whole issue of second-hand smoke, I was frankly quite skeptical about its importance and the health risk. My real involvement came when I chaired a committee for the National Institute of Health, which had to look at the evidence. As a result I was then put on the National Academy of Sciences panel and also on the Surgeon's General Committee that produced last year's Surgeon General's report. I spent a great deal of my time reviewing the evidence and listening to experts in many different areas who had all reviewed their area. I have come to the conclusion that the weight of evidence is certainly coming down on the side that there is an appreciable health risk to second-hand smoke. Let's take lung cancer for instance. Almost all of the studies that have looked at the risk for lung cancer have demonstrated there is indeed an increased risk for people exposed to second-hand smoke. When you look at the reason for this, it becomes quite clear when you recognize that second-hand smoke has, in fact, as many toxic chemicals in it as mainstream smoke. In fact, some of these chemicals are in higher quantities although they are obviously tremendously diluted. So, there is a very, very good theoretical basis for second-hand smoke being carcinogenic. It almost certainly is and what saves us from an increased risk is the fact that it is diluted so much. For people working in environments where it isn't diluted that much, clearly there is an increased risk and I think the workplace is especially important. You can perhaps choose to do what you want at home, but if you are exposed to smoke at work, then that's another matter. I think the clearest risk is for lung cancer. Now the number of 5,000 deaths a year attributable

to second-hand smoke, lung cancer deaths, is a number that has been modeled from all sorts of existing numbers piled on each other. This may or may not be accurate. Nevertheless, it's almost certainly true that the risk is increased and the evidence is best for lung cancer. The evidence is reasonably good that children whose parents smoke have increased risks, have an increased number of respiratory infections and certainly increased respiratory symptoms and perhaps have a slight decrease in their rate of mind growth. The evidence is pretty good for all of that. Children are innocent victims and I can't tell you how often in the outpatient clinic we see a mother balancing a child on her lap with cigarette ash dropping onto the child. That child is certainly an innocent victim. So I do think that it is important to recognize that the risks are there. Cigarette smoke, if it was treated as both mainstream and second-hand smoke and treated as a usual occupational exposure, would have been regulated a long time ago. Joe mentioned that the risks were as great or greater than for radon. Interestingly, one of the theories as to why second-hand smoke is potentially carcinogenic is that normally radon attaches itself to solid surfaces. It attaches to the wall it's on. One of the ideas is that when there is smoke around in the room, the radon comes off from the surfaces and attaches itself onto the particulates from the smoke; actually that's how it gets down into the lungs. So normally the radon may be fairly innocuous but in this case it is piggy-backed down into the lungs. It is the radon that is causing some of the damage. In addition to the radon, there are, of course, hundreds of chemicals--many of which are carcinogenic. So the risk is there. The question is what to do about it. Now there is no question that we are moving toward a smoke-free society. The rate of smoking in this country now is about 27 percent in adults. That is remarkable. It's almost been cut in half of the last

25 years and gradually, each year it's moving down. One of the things that makes it move down is restricting the ability to smoke in the work place and in public places. I see smokers every day who are coming for help with giving up smoking because it is becoming so difficult for them to smoke at the work place and because they feel so embattled. There's no question that that has been a very effective policy. Putting up the price of cigarettes: every time you put up the price of cigarettes, a few more people stop smoking. That is another very effective policy. As you increase the price, fewer people will smoke. That has clearly been proved to be very effective. I endorse all that Joe has said and what the American Lung Association stands for. I'm not quite sure what we are empowered to do, but I would certainly strongly encourage the Department to move toward whatever it can. The suggestions Joe made are reasonable.

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

ENVIRONMENTAL QUALITY COMMISSION

Minutes of the One Hundred Eightieth Meeting
May 29, 1987

Fourth Floor Conference Room
Executive Building
811 S. W. Sixth Avenue
Portland, Oregon

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Commission Members Present:

Chairman, James Petersen
Vice-Chairman, Arno Denecke
Mary Bishop
Wallace Brill

Commissioner Sonia Buist was absent.

Department of Environmental Quality Staff Present:

Director, Fred Hansen
Assistant Attorney General, Michael Huston
Assistant Attorney General, David Ellis
Division Administrators and program staff members

NOTE:

Staff reports presented at this meeting, which contain the Director's recommendations, are on file in the Office of the Director, Department of Environmental Quality, 811 S. W. Sixth Avenue, Portland, Oregon 97204. Written material submitted at this meeting is made a part of this record and is on file at the above address.

BREAKFAST MEETING

Stan Biles, Assistant to the Director, provided a legislative update for the Commission. The Department is tracking about 200 bills, not originated by the Department, that impact the agency. He reviewed proposals to create new programs dealing with used tires, household hazardous wastes, drug lab cleanup, and plastics reduction and indicated that such proposals reflect the high level of credibility the department has with the legislature. He then reviewed the current status of a number of the more significant bills the department is concerned with as reflected in the latest edition of the DEQ Legislative Newsletter. (Further information about specific bills can be found in the Legislative Newsletter available from the Public Affairs Office.)

Lydia Taylor, Administrator, Management Services Division, provided the Commission with a status report on the Department's budget that is currently being considered by the Ways and Means subcommittee. The base budget request had been approved by the subcommittee without any cuts. In general, most decision packages were being accepted as proposed or with minor changes in funding level. The significant issues that were still being discussed were the level of general fund support for the hazardous waste program enhancements, the level of fee for the underground storage tank package, and the source of revenue to fund the spill response package.

Ron Householder, Acting Administrator, Air Quality Division, briefed the Commission about the draft report on Health Effects of Field Burning that has been prepared for the Field Burning Research Advisory Committee. Ron indicated the staff has reviewed the draft report and has identified no significant errors in methodology used. However, there is concern about the uncertainty and precision of the numbers presented in the report. Specifically, the numbers presented in the draft report suggest that exposure over a 70 year lifespan to typical levels of smoke from Field Burning, Wood Stoves, and Slash Burning would result in 1, 45, and 16 additional deaths per year, respectively.

Ron Householder also advised the Commission that EPA was expected to announce their new fine particulate (PM10) standard on June 3, 1987. This new standard is expected to create some new non-attainment areas in the state.

FORMAL MEETING

CONSENT ITEMS

Agenda Item A: Minutes of the April 17, 1987, EQC Meeting; April 22, 1987, Special Meeting; and May 7, 1987, Special Conference Call.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that the minutes of the April 17, 1987, EQC Meeting; April 22, 1987, Special Meeting; and May 7, 1987, Special Conference Call; be approved.

Agenda Item B: Monthly Activity Report for March 1987.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Brill and passed unanimously that the activity report for March 1987 be approved.

Agenda Item C: Tax Credits.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that the following Director's recommendation be approved:

1. Issue tax credit certificates for pollution control facilities:

   T-1840, Portland General Electric: for replacement of PCB capacitors.

   T-1874, Portland General Electric: for an oil spill containment system.

2. Revoke Pollution Control Facility Certificates 853 and 1034 issued to Champion International and reissue to Hanel Lumber Co.

PUBLIC FORUM

Jacob Tanzer, Attorney for Tidewater Barge Lines, Inc. and Wastech, Inc., Wes Hickey, Executive Vice President of Tidewater Barge Lines, and Merle Irvine, Executive Vice President of Wastech

advised the Commission of their proposal to establish a landfill in Eastern Oregon that would be capable of serving the Portland metropolitan area. Mr. Tanzer said Tidewater planned to use container barges to transport garbage to a 600+ acre landfill site near the Boardman bombing range 16 miles south of Boardman. They were pursuing approvals of the site based on a proposal to dispose of garbage from Clark County, Washington. However, the site would also have the capacity to serve the Portland area.

Mr. Tanzer indicated they were not asking the Commission to designate their site as the regional landfill. Rather, they wanted to make sure the Commission was aware of their proposal and did not inadvertently block future consideration of their site. He said the Commission's function was to choose a metropolitan site and to leave METRO with the flexibility to explore other sites. He expressed the view that competition would provide better protection of the public than PUC rate regulation, and that site redundancy (a fall-back site) would be desirable.

ACTION AND INFORMATION ITEMS

Agenda Item D. Request for Issuance of an Environmental Quality Commission Order for the North Albany County Service District.

This item was a request for a Commission order requiring the North Albany County Service District to correct water quality and sewage treatment plant violations. Despite local efforts for 15 years, no progress was made to resolve the sewage disposal problem in the North Albany area. Action by the Commission would promote a solution and the order would become the basis for seeking self-liquidating bonds if local financing efforts fail.

The Department was advised that 31 residents signed petitions calling for health hazard findings and mandatory annexation. The County Board of Health is expected to act on the petition by June 3 and may request the State Health Division to begin a findings and annexation process.

> DIRECTOR'S RECOMMENDATION: Based upon the summation (in the staff report), it is recommended that the Commission issue an Environmental Quality Commission Compliance Order as discussed in the Alternatives and Evaluation Section, by signing the document prepared as Attachment E (to the staff report). The Commission may utilize ORS 454.235 to seek self-liquidating bonds to finance the needed sewerage facilities in the event local financing efforts fail.

David St. Louis, Manager, Willamette Valley Region Office, provided additional background information on the North Albany situation in response to questions from the Commission. It was also noted that the draft order (Attachment E) should be corrected to state North Albany County Service District rather than Sanitary District.

ACTION: It was MOVED by Commissioner Denecke, seconded by Commissioner Brill and passed unanimously that the Director's recommendation be approved with the correction in the order as noted above.

Agenda Item E. Public Hearing and Proposed EQC Adoption of Temporary Rule Amending Solid Waste Permit Application Processing Fee for Large General Purpose Domestic Waste Landfills, OAR 340-61-120.

This agenda item was a request to the Commission to adopt a temporary rule allowing revision of the solid waste permit fee schedule. The reason for this request is that the Department has been approached by two companies proposing to build major landfills in north central Oregon. The Department is not staffed nor budgeted to address these two large and complex permit applications in the time for either site to receive solid waste when the St. John's landfill closes.

Based upon the cost involved with the Senate Bill 662 landfill siting process, the Department proposed that the Commission adopt a temporary rule revising the solid waste permit fee schedule. The rule would require an $85,000 permit application processing fee for a major, new general-purpose domestic waste landfills.

DIRECTOR'S RECOMMENDATION: Based upon the findings in the Summation (of the staff report), it is recommended the Commission hold a public hearing and, based on that public hearing, adopt the proposed temporary rule amending OAR 340-61-120 which is provided in Attachment 5 (of the staff report). It is also recommended the Commission authorize the Department to hold public hearings about making the temporary rule permanent.

Jacob Tanzer, Attorney for Tidewater Barge Lines, questioned the justification for the proposed $85,000 fee for a major new landfill receiving 100,000 tons of garbage per year or more, particularly as it relates to the balance of the fee schedule which has a maximum fee of $1,000 for a new landfill receiving less than 100,000 tons per year. He further felt the fee was not

justified when the applicant is required to develop all the site information compared to the department developing the information as it did in the metro area landfill siting process. He expressed the view that the proposed fee was quite high for an entrepreneur to put up and they did not want to be singled out. He felt the fee schedule should be based on the cost of doing the necessary review and should be fairly applied to all solid waste facility applications including those for alternative technology.

Bill Webber, Valley Landfills, Inc., also questioned the level of the proposed fee and expressed concern about what the Department would do when this crisis was over and how that staff would be funded. In addition, Mr. Webber said he felt the Department spends too much time on front-end review and does not adequately stress landfill compliance with operating requirements including aesthetics. He said the new fee, if adopted, should not apply to expansion of an existing landfill and therefore recommended that Section h(A) of the proposed new rule be amended to read, "...fee of $85,000, not to include previously permitted sites, shall be..."

Mike Downs, Administrator, Hazardous and Solid Waste Division, responded to remarks by Messrs. Tanzer and Webber. He noted that the department is trying to deal with an emergency -- the need to promptly review two major applications that were not anticipated. He further noted that the solid waste program operates without federal funding assistance and this results in increased reliance on fees. He stressed that concerns over the impact of landfills on groundwater make it necessary that the department perform a more detailed technical review than has been done in the past. He said the quickest and most economical way to gain the needed information to process an application is to have department staff work closely with the applicants' consultants during their study efforts to make sure essential and correct information is obtained the first time. Additionally, Mr. Downs said, to ensure a comprehensive compliance program is developed and maintained, the front-end design of a site must be studied.

Commission members asked a number of clarifying questions of Mike Downs and Kent Mathiot. Chairman Petersen asked the Department to explore alternatives for funding including the use of Senate Bill 662 funds ($1/ton surcharge on Portland metropolitan area garbage) to cover the added cost the the application review process. Also, he suggested that a bookkeeping system be considered, where unused application fees could be refunded to the applicant.

ACTION: It was MOVED by Commissioner Denecke, seconded by Commissioner Bishop and approved unanimously that the

Commission postpone action on this item until the June 12 meeting to allow the Department the opportunity to explore the alternatives mentioned by the Commission.

At this time, Chairman Petersen moved to Agenda Item K which was scheduled for 11:00 a.m.

Agenda Item K. Informational Report: Report from Facility Siting Advisory Committee, Chair-person Rebecca Marshall.

The Facility Siting Advisory Committee was appointed in January 1986. The purpose of the Committee was to serve as an advisory group on policy or process issues relating to the landfill siting program. The Committee's 14 members live throughout the tri-county area and represented a variety of professions.

The committee met monthly, attended many of the Department's public meetings and hearings and spent a considerable amount of time reading reports.

Rebecca Marshall, Chair-person, presented a summary of the Committee's final review of the landfill siting process. She presented to the Commission a written copy of the summary which is made a part of the record of this meeting. The summary was a compilation of committee concerns, questions and issues they felt the EQC should consider. Ms. Marshall recommended that a report be prepared describing the complete landfill siting process. Such a report would provide a useful guide for other processes as well as for landfill siting.

Chairman Petersen thanked the Committee and expressed appreciation on behalf of the Commission for a job well done.

Agenda Item F. Proposed Adoption of Changes in Air Contaminant Discharge Permit Fees and other Requirements as Amendments to the State Implementation Plan (OAR 340-20-155 and 340-20-165).

This item was a request to recommend changes in the fee schedule for Air Contaminant Discharge Permits, effective July 1, 1987. The changes were recommended to partially offset inflationary costs of operating the permit program and to make the fees more equitable for industry by reflecting time spent by the Department on different source classes.

DIRECTOR'S RECOMMENDATION: Based upon the Summation (in the staff report), it is recommended the Commission adopt the

proposed modifications to OAR 340-20-155, Table 1, Air Contaminant Sources and Associated Fee Schedule (Attachment 1 of the staff report), and OAR 340-20-165, Fees. It is also recommended the Commission direct the Department to submit the rule revision to the U. S. Environmental Protection Agency for inclusion to the State Implementation Plan.

The Commission asked for clarification of the level of the proposed fee increase compared to the level of inflation and the portion of program costs borne by the public. Lloyd Kostow, Air Quality Program Operations Manager, responded that fees had not been increased for 4 years and the proposed increase was 13.4 percent. He also noted that approximately one half of the permit compliance costs are covered by fees and the remainder are funded from a combination of state general funds and federal funds.

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

Agenda Item G. Proposed Adoption of Open Field Burning Rules, OAR 340-26-001 through 340-26-055, as a Revision to the Oregon State Implementation Plan.

This item requested that the State Implementation Plan be amended to incorporate changes to the Field Burning Rules. The changes proposed were to address the problem of smoke from propane field burning, preparatory burning and straw stack burning. Changes were also proposed to promote the use of new techniques for maximizing acres burned while minimizing smoke affects.

Since propane burning has increased to an estimated 30,000 to 60,000 acres a season, the proposed rules prohibit propane flaming of fields when atmospheric conditions are not suitable for smoke dispersal. The rule changes are the first made to regulate propane flaming, and no significant adverse economic impact on the grass seed industry is foreseen.

DIRECTOR'S RECOMMENDATION: Based on the summation (in the staff report), it is recommended the Commission adopt the proposed field burning rule changes (OAR 340-26-001 through 340-26-055) as a revision to the State Implementation Plan.

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

Commissioner Denecke asked the Department to send a copy of this staff report to Representative Liz VanLeeuwen.

Agenda Item H. Proposed Adoption of Amendments to the Water Quality Program Permit Fee Schedule (OAR 340-45-070, Table 2).

This item requested a proposed fee increase for the Water Quality program. Historically, the fees for large municipalities have been much less than those for large industrial facilities. Because of the additional staff involvement in municipal facilities, this new fee schedule has narrowed the disparity. Furthermore, the number of new applications for gold cyanidization facilities has created a need for a new category of annual compliance fees. Except for one minor change in the definition of small mining operations, the fee schedule, as proposed at the time of the hearing authorization, is the same.

> DIRECTOR'S RECOMMENDATION: Based upon the summation (in the staff report), the Director recommends the Commission adopt the proposed amendment of the Water Quality Permit Fee Schedule.

In response to a question from Chairman Petersen, Kent Ashbaker, Water Quality Division Industrial Waste Manager, advised that permit fees fund approximately 17 percent of the program costs.

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

Agenda Item I. Proposed Adoption of Amendments to the Hazardous Waste Management Rules, OAR 340, Divisions 100 through 102.

This item requested adoption of proposed amendments to the Department's hazardous waste management rules. The amendments were necessary to maintain consistency between the federal and state programs, minimizing confusion within the regulated community. The proposed amendments were also necessary for the Department to continue receiving authorization from the U. S. Environmental Protection Agency for managing a state-operated hazardous waste program.

The proposed amendments included:

a. The adoption by reference of some new federal rules, including new small quantity generator rules;

b. The adoption of new rules concerning public availability of information; and

c. The deletion of existing state small quantity generator rules.

DIRECTOR'S RECOMMENDATION: Based upon the Summation (in the staff report), it is recommended the Commission adopt the proposed amendments to the hazardous waste management rules, OAR Chapter 340, Divisions 100 through 102 (as presented in Attachment IV of the staff report).

Jean Meddaugh, Oregon Environmental Council, said that OEC agrees with the need for consistency. Chairman Petersen said that unless there is a compelling environmental need for rules to be more strict, consistency has merit; at this time, he did not feel a need existed for more stringent rules.

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

Agenda Item J. Informational Report: Individual Aerobic Sewage Treatment Plants.

Mr. C. B. Canoles spoke at the April 17 EQC public forum. He presented a study about the operation of a residential aerobic sewage treatment system installed as a repair to a failing system in Tillamook County. He asked the Commission to consider a 50 percent reduction in the disposal field and to consider eliminating the requirement for a repair/replacement area (when an aerobic plant is used as the method of onsite sewage treatment). The Commission requested the Department to review Mr. Canoles' materials and to prepare an informational report about these issues.

DIRECTOR'S RECOMMENDATION: Based upon staff reservations that aerobic systems will not consistently provide good effluent quality, the Director recommended the Commission not consider reducing drainfield sizing requirements at this time. The Director further recommended that staff be instructed to continue working with Mr. Canoles to see if the staff concerns about operation and maintenance can be

overcome. The Director also recommended the Commission reject further consideration of eliminating the repair area requirement.

Chairman Petersen encouraged the Department to continue investigation of these types of systems. Commissioner Bishop suggested the last sentence of the recommendation be eliminated.

ACTION: It was MOVED by Commissioner Bishop, seconded by Commissioner Denecke and passed unanimously that the Director's recommendation be modified to delete the last sentence and approved as modified.

Agenda Item L. Adoption of Rules for Contested Case Hearing on Senate Bill 662 Landfill Siting Decision.

On May 7, 1987, the Commission voted to provide interested parties an opportunity for a contested case hearing on the Senate Bill 662 landfill siting decision. As a result of this decision, this item requested the Commission adopt the State Attorney General's model rules applicable to conduct of contested case hearings.

The Commission was encouraged to adopt these model rules instead of the EQC administrative rules because the appeal procedures in the EQC's existing rules provide for a lengthy appeal of the hearings officer's final order. A delay would not be appropriate since statutory direction must be compiled with. The Attorney General's model rules allow the EQC to conduct the contested case in a manner consistent with protection of interested parties' procedural rights and without unnecessary delays.

DIRECTOR'S RECOMMENDATION: The Director recommended that the Commission adopt the STATEMENT OF NEED AND REASONS IN SUPPORT OF TEMPORARY RULEMAKING as findings, and adopt as a temporary rule, proposed rule OAR 340-11-141 which makes the Attorney General's Model Rules of Procedure for Contested Cases applicable to any contested case hearing conducted by or for the Commission on its order selecting a landfill disposal site pursuant to 1985 Oregon Laws, Chapter 679.

Chairman Petersen asked if the Attorney General's Model Rules should be substituted for the current Commission contested case rules for all cases. Michael Huston, Assistant Attorney General, responded that the present Commission rules allow some additional procedural steps that have been appreciated by the Commission's Hearings Officer and parties in contested cases. However, these procedures tend to lengthen the proceeding, which is not desirable

in this case. Mr. Huston indicated he is working with the department at the Director's request to evaluate the rules and make a recommendation for appropriate changes.

Dave Ellis, Assistant Attorney General, stated the lawyers for the affected parties have been advised and have not voiced any concern about the Commission adopting the model rules.

Steven Janik, Attorney for the Port of Portland, said he saw no problem with the Attorney General's Model Rules. However, he stated that there is also a need to address the procedures for preparation of a draft final order, for parties to comment on the draft final order, for adoption of the final order by the hearings officer, and for appeal of the Hearings Officer's final order to the EQC. Mr. Janik expected these issues to be worked out with the department and David Ellis, Assistant Attorney General. Edward Sullivan, attorney for the Helvetia Mountaindale Preservation Coalition, said that he generally agreed with Mr. Janik and agreed the mechanics of the final order could be worked out.

Chairman Petersen said full authority would be given to the hearings officer, Arno Denecke.

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

There was no further business, and the meeting was adjourned at 12:00.

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

ENVIRONMENTAL QUALITY COMMISSION

Minutes of the Special Meeting
June 12, 1987

Multnomah County Courthouse
Room 602
Portland, Oregon

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Commission Members Present:

Chairman, James Petersen
Vice-Chairman, Arno Denecke
Mary Bishop
Sonia Buist
Wallace Brill

Department of Environmental Quality Staff Present:

Director, Fred Hansen
Assistant Attorney General, Michael Huston
Assistant Attorney General, David Ellis
Division Administrators and program staff members

NOTE:

Staff reports presented at this meeting, which contain the Director's Recommendations, are on file in the Office of the Director, Department of Environmental Quality, 811 S. W. Sixth Avenue, Portland, Oregon 97204. Written material submitted at this meeting is made a part of this record and is on file at the above address.

The principal purpose of this meeting was for the Commission to select a site and to order the establishment of a waste disposal site as authorized in Senate Bill 662. In addition, the Commission gave consideration to the proposed adoption of a temporary rule amending Solid Waste Permit application processing fees for large general-purpose domestic waste landfills. Although no public testimony was taken at this meeting, the EQC called upon interested persons to answer questions and to provide information.

Agenda Item 1. Selection of and Order Establishing a Waste Disposal Site as Authorized in Senate Bill 662.

Chairman Petersen opened the discussion by reading a statement on behalf of the Commission that provided an overview to the audience of the events leading up to their decision. He described what will happen after their decision is made, including the process for a contested case hearing. This statement is made a part of the record in this matter. Chairman Petersen also thanked the Department, the landfill siting staff, Director Hansen, the consultants, the citizen advisory committee, and the citizens and neighborhoods of the proposed landfill sites for all their views, concerns and efforts.

In response to questions from Commissioners Bishop and Brill, Michael Huston, Assistant Attorney General, advised that the Commission could subsequently select the second site if, in the contested case hearing process, the first selected site was rejected. He also advised that the Commission could legally select two sites, and could hold a single contested case hearing covering both sites.

Commissioner Buist read a prepared statement which is made a part of the record in this matter. She stated she was impressed with the thought that went into the development of the process for siting the landfill and how that process was followed. Although she had reservations about both sites, she believed both sites meet the requirements of SB 662. She stated there was never a clear front runner in her mind, but of the two sites, she would have to choose the Bacona Road site.

Commissioner Buist MOVED that the Commission site the landfill at Bacona Road and strongly recommend to METRO that the final decision not be made until other alternatives have been evaluated. Commissioner Brill seconded the motion.

In discussion, Commissioner Bishop expressed the view that both sites were suitable and met the requirements of Senate Bill 662. However, because of problems associated with both sites, she preferred to select both sites.

Chairman Petersen then read a personal statement which is made a part of the record in this matter. Chairman Petersen said that in his mind there had not been a clear front runner. While it is very important to pick a landfill site in the metropolitan area, he said that other sites outside of the area should be considered by METRO. He said while both sites (Ramsey Lake and Bacona Road) were suitable, Bacona Road was the most suitable. Chairman Petersen said both sites were roughly equal in environmental and technical aspects. However, when he factored in the tremendous disparity in cost factors, the potential impact on economic development, and the projected site life difference, he concluded the Bacona Road site appeared most suitable.

Chairman Petersen then expressed support for Commissioner Buist's motion and proposed to formalize the wording of the motion as follows:

> I MOVE that the Environmental Quality Commission order the Department of Environmental Quality to establish a solid waste facility at the Bacona Road site subject, however, to the condition as follows:
>
> > If the Metropolitan Service District, established under ORS 268, enters into a contractual agreement with a DEQ permitted landfill disposal site owner or operator, requiring a disposal site owner or operator to receive the solid waste from the district, then DEQ shall not be required to establish a disposal site pursuant to this order; and all authority for establishment of a disposal site pursuant to this order, shall expire upon execution of such a contract by the Metropolitan Service District.

Commissioner Buist and Commissioner Brill agreed to accept this wording as included in their motion and second.

ACTION: The MOTION was passed by a four to one vote with Commissioner Bishop dissenting.

Chairman Petersen commented that the EQC hopes that the Port of Portland will be cooperative in the development of a transfer facility if a site east of the mountains appears to be more suitable.

Chairman Petersen indicated that specific findings and conclusions needed to be adopted to support the EQC order. He said he felt the EQC should discuss the order and findings at this meeting and approve the final wording of the document over a conference call to occur sometime next week. While Chairman Petersen said he did not have any problems with the Bacona Road site findings, he did recommend that typographical errors be corrected and additional findings be included as follows:

Page 5, paragraph IV -- correct to read Bacona Road Site rather than Ramsey Lake Site, and change "...pages 2-103 through 2-105" to read 2-94 through 2-97.

Add the following under the heading Other Considerations:

Section 5 (2) of the Act directs the Commission in selecting a disposal site to review the study prepared by DEQ and the sites recommended by DEQ under Section 3 of the act. The Commission has reviewed the study and finds it relevant for the following reasons:

1. The study demonstrates that selection of the Bacona Road site complies with the criteria set forth in Section 4 of the act.

2. The study provides information and evidence in support of the Commission's other considerations set forth in subparagraph ___(to be included in final draft).

Section 2 (2)(d) of the Act directs the Commission to give due consideration to other factors the Commission considers relevant. The Commission considers the following factors relevant:

1. Cost of acquisition, development and operation of the disposal site.

2. Projected life of the disposal site.

3. Potential impacts on regional economic development.

The Commission recognizes that private interests have come forward and requested commission consideration of sites other than the sites recommended by DEQ, including sites given preliminary consideration by DEQ but not recommended by DEQ under Section 3 of the act. The Commission does not intend to consider these under its authority provided by SB 662. However, the Commission does not wish to foreclose consideration of any potential solid waste disposal site by METRO, and encourages DEQ and METRO to further evaluate these disposal options.

ACTION: Chairman Petersen MOVED that the Commission adopt the Findings of Fact and Conclusions attached to the draft order for the Bacona Road site with incorporation of the above noted corrections and additions. The motion was seconded by Commissioner Denecke and approved unanimously.

By consensus, the Commission agreed that the department should incorporate the corrections and additions into the Findings of Fact and Conclusions and circulate it to the Commission for further consideration at a special conference call meeting.

Commissioner Denecke asked about the neighborhood protection plan. He stated a concern about safety at the junction of the Sunset Highway and Vernonia Road. Commissioner Denecke indicated he was prepared to go along with the department recommendation that an overpass not be required but wondered if it would be possible to require construction later if a study by the State Police or the

Department of Transportation, conducted after the landfill had opened, demonostrated a need.

Chairman Petersen asked Edward Sullivan, Attorney for the Helvetia Mountaindale Preservation Coalition, if he or his consultants had considered the issue or would like to comment. Mr. Sullivan said he felt it was best to leave this discussion for the contested case hearing. The commission concluded that this issue could be addressed further as part of the final order following the contested case hearing.

The Commission discussed whether there was a need to specifically adopt the Neighborhood Protection Plan separately. Steve Greenwood advised that it was part of the order and had already been adopted.

Agenda Item 2. Consideration of Proposed EQC Adoption of Temporary Rule Amending Solid Waste Permit Application Processing Fee for Large General Purpose Domestic Waste Landfills.

At the May 29 EQC meeting, the Department proposed a temporary rule increasing the solid waste permit application processing fee for large domestic landfills to $85,000. The Department must fund additional staff needed to investigate and process applications for two sites in north central Oregon proposed to handle Portland area solid waste. At the May 29 EQC meeting, the Commission directed the Department to investigate the use of 662 monies for funding the additional staff and the refunding of unspent permit fees to the applicant.

Fred Hansen advised that the proposal now before the Commission had been modified from the previous proposal in the following respects:

1. The recommendation to authorize permanent rulemaking had been deleted. Instead, the Commission should direct the department to look at the whole issue of the fee structure and come back with a hearing authorization at some point in the future. The Department will work with applicants to develop a more equitable solid waste permit fee structure before requesting authorization to conduct public hearings.

2. The proposal had been modified to require the Department to account for its costs in reviewing an application and return any unused portion of the application fee to the applicant.

3. The Department is continuing to pursue a vehicle in the legislative process to accomplish a change allowing the SB 662 surcharge to be continued and applied to the review of these applications. Since this remains uncertain, the Department would suggest that if the Commission proceeds to adopt the proposed temporary rule, the department be directed not to collect the fee if legislation is enacted allowing use of SB 662 money. In such a case, the rule would be repealed at a future Commission meeting.

DIRECTOR'S RECOMMENDATION: Based upon the findings in the Summation (of the staff report), it is recommended the Commission adopt the proposed temporary rule amending OAR 340--61 as set forth in Attachment 2 (of the staff report). It is further recommended the Commission direct the Department to work with the affected parties in developing an equitable permit application fee schedule and return to the Commission for authorization to hold public hearings on permanent rule amendments.

Commissioner Denecke asked Director Hansen if the time spent by the staff to review applications will be recorded and logged. Director Hansen replied that the time will be recorded like legal, billable fees.

ACTION: It was MOVED by Commissioner Buist that the Directors recommendation be approved.

Jacob Tanzer, Attorney for Tidewater Barge Lines, expressed the view that the Department had not addressed the policy issue that was requested. He said the Department's recommendation simply provided that if funds cannot be found elsewhere, make the applicants pay. He suggested it may be more appropriate to juggle priorities within the agency, finding the necessary funds to accomplish the review or going to the Emergency Board if additional funds are necessary. Mr. Tanzer believes the proposal

is unfair to the applicant and a different solution should be found.

Chairman Petersen expressed the view that the EQC and DEQ are faced with a unique situation at this time. He said the siting of a landfill for the Metropolitan area and the current situation with large private proposals to be evaluated in a very narrow time frame is a special situation. A year ago, these plans were not apparent to the Department.

Jay Waldron, Attorney for Waste Management of Oregon, said his company supports the recommended policy (department proposal) with the provision that the unused fee will be refunded. They also support it because they expect to be asking DEQ to rapidly evaluate their application. They also note that fees reflecting the level of work that a review agency does on an application are becoming common everywhere, so this proposal is not out of the ordinary.

Chairman Petersen asked Director Hansen to comment on the suggestion that the department should divert monies budgeted for other purposes to review of landfill applications. Director Hansen noted the Department understands the Commission expects prompt, timely review of the two potential eastern Oregon landfills. It is always an option to shift funds within the existing budget as long as it is understood that other commitments must be given up; however, the Department does not recommend this. The Department has developed it's proposal on the basic premise that those people who make application and ask for a service to be provided should bear the burden of the service cost. This is consistent with the direction that the Legislature has given the department in other areas where the department collects fees.

> ACTION: Chairman Petersen noted there was a motion on the floor to approve the Director's recommendation. The motion was seconded by Commissioner Denecke and unanimously approved.

There was no further business, and the meeting adjourned at 9:40 a.m.

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

ENVIRONMENTAL QUALITY COMMISSION

Minutes of the Special Meeting
June 19, 1987

811 S. W. Sixth Avenue
Portland, Oregon

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On June 19, 1987, at 1:30 p.m., a special telephone conference call of the Oregon Environmental Quality Commission convened. Present by conference call connection were Chairman James Petersen in Bend, Vice Chairman Arno Denecke in Salem, Commissioner Wallace Brill in Medford, Commissioner Sonia Buist in Portland, Commissioner Mary Bishop in Portland, and Assistant Attorney General David Ellis in Salem. Present in the Director's Office on the sixth floor of the Department of Environmental Quality office at 811 SW Sixth Avenue in Portland, Oregon, were Director Fred Hansen, several members of the Department staff, a representative from Metro, and a number of citizens including attorneys representing the Ramsey Lake and Bacona Road community neighborhood organizations, Waste Management Inc., and Tidewater Barge Lines.

The purpose of the special conference telephone call was to finalize the content of the proposed Findings of Fact and Conclusions and Order, regarding establishment of Bacona Road as a regional landfill site, as directed by the Commission at the June 12, 1987, meeting.

Chairman Petersen noted that each Commissioner received a revised draft of the Findings of Fact and Order from the Department the previous day and a letter with suggested revisions from the Port of Portland. He also noted that Metro staff had proposed

changes to the revised Order. It was determined that the Commission had not received copies of an objection to the revised Findings submitted to the Department late the previous day by Mr. Ed Sullivan, attorney, representing the Helvetia/Mountaindale Preservation Coalition (HMPC).

At Chairman Petersen's request, Ed Sullivan read the text of the objections to the draft revised Findings of Fact aloud for the Commission. Assistant Attorney General, David Ellis, summarized the Department's response to five objections posed by Mr. Sullivan. Director Hansen noted that the contested case proceeding on the landfill site selection will provide an opportunity for entertaining objections of the nature presented by HMPC.

Chairman Petersen requested that language changes to the Order, as suggested by Metro staff, be read aloud. David Luneke of Metro read the proposed revisions to page 3, paragraph 2 g, of the Order. These changes would release the DEQ from obligation to develop the Bacona Road site solely upon passage of a resolution, by Metro, that the site was no longer needed. Director Hansen informed the Commission that Rena Cusma, Metro Executive, contrary to Metro staff suggestions, testified that morning in Salem that Metro supports the language of the revised order as proposed by DEQ. By consensus the Commission agreed that the Department's version of the draft Order more accurately reflects their intent: DEQ's obligation to develop the Bacona Road site would expire when Metro decided the site was no longer needed, and the District had entered into binding agreements guaranteeing the disposal of all the District's waste for a period of not less than 20 years.

Chairman Petersen noted that language included in the revised Findings of Fact page 7, paragraph 2, comparing the Bacona Road site and the Ramsey Lake site would require participation of the Ramsey Lake site opponents in the contested case hearing. By consensus the Commission approved language proposed by Assistant Attorney General David Ellis to eliminate mention and comparison of the Bacona Road and Ramsey Lake sites in the Findings of Fact and Conclusions.

David Ellis informed the Commission of his opinion that the record of the proceedings on the landfill site selection does not support the implied conclusion included in the Findings of Fact (page 7,

paragraph 2), that landfill siting at the Bacona Road site would not have a significant impact on regional economic development. There were no objections to Chairman Petersen's suggestion that this reference be eliminated from the findings.

Vice Chairman Denecke clarified his understanding that the proposed Order, as amended during this meeting, would be interpreted to mean that if the Bacona Road site is eliminated as a result of the contested case proceeding that a new order of the Commission could be passed directing the DEQ to establish the Ramsey Lake site.

Assistant Attorney General Ellis suggested minor changes be made to pages 5 and 8 of the Findings of Fact to clarify the reports being referred to in the document. He also suggested that the signature block be changed to allow Fred Hansen to sign the Order on behalf of the Commission. There were no objections to these suggestions.

It was MOVED by Commissioner Buist, seconded by Commissioner Bishop and passed unanimously that revisions to the proposed draft Findings of Fact and Conclusions and Order on Bacona Road, as amended during the meeting, be approved.

Chairman Petersen apologized to Mr. Sullivan for the short time given to review the Department's proposed draft language for the draft Findings of Fact and Order. While recognizing the time constraints placed on the Department in these circumstances, Chairman Petersen requested the Department take all steps possible to provide sufficient time and notice for review in the future.

There was no further business and the meeting was adjourned.

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There was no further business and the meeting was adjourned.

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, July 17, 1987, EQC Meeting

April and May 1987 Program Activity Report

Discussion

Attached is the April and May, 1987 Program Activity Report.

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

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

The purposes of this report are:

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

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

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

Recommendation

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

Lydia Taylor
Fred Hansen

SChew:p
MD26
229-6484
Attachment

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

April and May, 1987

Table of Contents

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

April and May 1987
(Month and Year)

SUMMARY OF PLAN ACTIONS

| | Plans Received | | Plans Approved | | Plans Disapproved | | Plans Pending |
|---|---|---|---|---|---|---|---|
| | Month | FY | Month | FY | Month | FY | |
| Air | | | | | | | |
| Direct Sources | 11 | 66 | 11 | 45 | 0 | 0 | 30 |
| Small Gasoline Storage Tanks Vapor Controls | - | - | - | - | - | 0 | - |
| Total | 11 | 66 | 11 | 45 | 0 | 0 | 30 |
| Water | | | | | | | |
| Municipal | 36 | 140 | 34 | 154 | 0 | 0 | 37 |
| Industrial | 7 | 84 | 8 | 81 | 0 | 0 | 9 |
| Total | 43 | 224 | 42 | 235 | 0 | 0 | 46 |
| Solid Waste | | | | | | | |
| Gen. Refuse | 2 | 18 | - | 10 | 1 | 1 | 21 |
| Demolition | 2 | 4 | 1 | 3 | - | - | 3 |
| Industrial | 1 | 13 | 2 | 16 | - | - | 12 |
| Sludge | - | 1 | - | 1 | - | - | 1 |
| Total | 5 | 36 | 3 | 30 | 1 | 1 | 37 |
| Hazardous Wastes | - | 0 | - | 0 | - | - | - |
| GRAND TOTAL | 59 | 435 | 51 | 310 | 1 | 1 | 113 |

MP658

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT

DIRECT SOURCES
PLAN ACTIONS COMPLETED

| Permit Number | County | Plan Action Number | Source Name | Process Description | Date Rcvd | Status Assigned |
|---|---|---|---|---|---|---|
| 31 0037 | UNION | 196 | NORTH POWDER WOOD GAS. | INSTALLATION OF SCRUBBERS | 04/23/87 | APPROVED |
| 31 0002 | UNION | 208 | BOISE CASCADE CORP | EFB LINE 1 PART DRYER | 04/20/87 | APPROVED |
| 15 0004 | JACKSON | 209 | BOISE CASCADE CORP | BOILER ASH DUST SUPPRESSION | 03/12/87 | APPROVED |
| 09 0001 | DESCHUTES | 213 | DAW FOREST PRODUCTS CO | SCRUBBER FOR BOILER | 02/13/87 | APPROVED |
| 18 0013 | KLAMATH | 215 | WEYERHAEUSER COMPANY | CYCLONE | 04/15/87 | APPROVED |
| 03 9504 | CLACKAMAS | 216 | PARK PL WOOD PRODUCTS INC | PAINT SPRAY BOOTH | 04/13/87 | APPROVED |
| | | 217 | | BAGHOUSE | 04/13/87 | APPROVED |
| 10 0083 | DOUGLAS | 219 | ROSEBURG FOREST PRODUCTS | DUAL WET SCRUBBER | 04/10/87 | APPROVED |

TOTAL NUMBER QUICK LOOK REPORT LINES 8

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — April 1987 (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 | 21 | 2 | 22 | 14 | | |
| Existing | 1 | 26 | 4 | 23 | 16 | | |
| Renewals | 5 | 92 | 7 | 115 | 51 | | |
| Modifications | 15 | 53 | 9 | 53 | 24 | | |
| Total | 23 | 192 | 22 | 213 | 105 | 1391 | 1421 |
| Indirect Sources | | | | | | | |
| New | 1 | 14 | 5 | 21 | 1 | | |
| Existing | 0 | 0 | 0 | 0 | 0 | | |
| Renewals | 0 | 0 | 0 | 0 | 0 | | |
| Modifications | 0 | 2 | 0 | 2 | 1 | | |
| Total | 1 | 16 | 5 | 23 | 2 | 271 | 272 |
| GRAND TOTALS | 24 | 208 | 27 | 236 | 107 | 1662 | 1693 |

| Number of Pending Permits | Comments |
|---|---|
| 14 | To be reviewed by Northwest Region |
| 7 | To be reviewed by Willamette Valley Region |
| 0 | To be reviewed by Southwest Region |
| 4 | To be reviewed by Central Region |
| 1 | To be reviewed by Eastern Region |
| 27 | To be reviewed by Program Operations Section |
| 32 | Awaiting Public Notice |
| 20 | Awaiting end of 30-day Public Notice Period |
| 105 | |

MAR.5
AA5323

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT

DIRECT SOURCES
PERMITS ISSUED

| County Name | Source Name | | Permit Number | Appl. Rcvd. | Status | Date Achvd. | Type Appl. | |
|---|---|---|---|---|---|---|---|---|
| COLUMBIA | CHEVRON CHEMICAL CO | 05 | 2042 | 03/02/87 | PERMIT ISSUED | 03/30/87 | MOD | Y |
| COOS | WEST FOREST WOOD PRODUCTS | 06 | 0107 | 07/22/86 | PERMIT ISSUED | 03/31/87 | EXT | N |
| LINN | OREGON STRAND BOARD CO | 22 | 1037 | 04/30/85 | PERMIT ISSUED | 03/31/87 | RNW | Y |
| MULTNOMAH | SAKRETE OF PACIFIC NW INC | 26 | 1947 | 01/09/87 | PERMIT ISSUED | 03/31/87 | RNW | Y |
| PORT.SOURCE | AVISON LUMBER CO. | 37 | 0360 | 12/15/86 | PERMIT ISSUED | 03/31/87 | EXT | N |
| COOS | ROSEBURG FOREST PRODUCTS | 06 | 0010 | 10/07/86 | PERMIT ISSUED | 04/01/87 | MOD | Y |
| BENTON | 3-G LUMBER COMPANY | 02 | 2481 | 02/03/87 | PERMIT ISSUED | 04/06/87 | RNW | N |
| BENTON | DIAMOND B CORPORATION | 02 | 7082 | 05/12/86 | PERMIT ISSUED | 04/06/87 | RNW | N |
| WASCO | THE DALLES CONCRETE PROD | 33 | 0019 | 08/06/86 | PERMIT ISSUED | 04/06/87 | RNW | N |
| HARNEY | TECTON LAMINATES CORP. | 13 | 0016 | 08/11/86 | PERMIT ISSUED | 04/08/87 | NEW | Y |
| JACKSON | CORNETT LUMBER COMPANY | 15 | 0007 | 04/24/86 | PERMIT ISSUED | 04/08/87 | MOD | Y |
| JEFFERSON | MID-COLUMBIA LBR & BOX CO | 16 | 0025 | 11/06/86 | PERMIT ISSUED | 04/08/87 | NEW | N |
| LINN | TELEDYNE WAH CHANG ALBANY | 22 | 0547 | 02/04/83 | PERMIT ISSUED | 04/08/87 | RNW | Y |
| PORT.SOURCE | FOOD EXPRESS INC | 37 | 0363 | 11/03/86 | PERMIT ISSUED | 04/08/87 | EXT | Y |
| JACKSON | MEDFORD CORPORATION | 15 | 0048 | 03/31/86 | PERMIT ISSUED | 04/10/87 | RNW | Y |
| MULTNOMAH | OWENS-ILLINOIS GLASS CONT | 26 | 1876 | 03/12/87 | PERMIT ISSUED | 04/16/87 | MOD | Y |
| CLACKAMAS | RSG FOREST PRODUCTS | 03 | 1791 | 04/06/87 | PERMIT ISSUED | 04/20/87 | MOD | Y |
| COOS | ROSEBURG FOREST PRODUCTS | 06 | 0010 | 10/07/86 | PERMIT ISSUED | 04/20/87 | MOD | Y |
| DESCHUTES | PONDEROSA MOULDINGS INC. | 09 | 0017 | 06/16/86 | PERMIT ISSUED | 04/20/87 | EXT | N |
| LINCOLN | WILLAMINA LUMBER COMPANY | 21 | 0011 | 03/26/87 | PERMIT ISSUED | 04/20/87 | MOD | Y |
| TILLAMOOK | TILLAMOOK LUMBER COMPANY | 29 | 0007 | 03/26/87 | PERMIT ISSUED | 04/20/87 | MOD | |
| UNION | BOISE CASCADE CORP | 31 | 0002 | 02/27/87 | PERMIT ISSUED | 04/20/87 | MOD | Y |

TOTAL NUMBER QUICK LOOK REPORT LINES 22

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — April 1987 (Month and Year)

PERMIT ACTIONS COMPLETED

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **Indirect Sources** | | | |
| Washington | 185th Ave.-Rock Cr. Blvd. to T.V. Hwy., File No. 34-8701 | 04/21/87 | Final Permit Issued |
| Jackson | Medford Shopping Center Expansion, 2,053 Spaces, File No. 15-8702 | 04/06/87 | Final Permit Issued |
| Multnomah | U.S. Postal Service-Portland General Mail Facility, 400 Spaces, File No. 26-8703 | 04/15/87 | Final Permit Issued |
| Washington | N.W. Cornell Rd.-Ray Circle to Cornelius Pass Rd., File No. 34-8704 | 04/23/87 | Final Permit Issued |
| Washington | Stone Creek Apartments, 321 Spaces, File No. 34-8705 | 04/24/87 | Final Permit Issued |

MAR.6
AA5324

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — April 1987 (Month and Year)

PLAN ACTIONS COMPLETED - 29

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **MUNICIPAL WASTE SOURCES - 23** | | | |
| Marion | Woodburn<br>WWTP-RBC Return channel<br>including Addenda Nos. 1 & 2 | 4-6-87 | Provisional Approval |
| Deschutes | Romain Village<br>Recirculating gravel filter | 4-15-87 | Comments to Engineer |
| Lane | Emerald PUD<br>Conventional sand filter | 4-17-87 | Comments to Engineer |
| Deschutes | Bend<br>- South Hwy 97 sewer project<br>- North Hwy 97 sewer project<br>- Tamarack Park | (4-15-97)<br>(4-15-87)<br>(4-16-87) | Provisional Approval<br>Provisional Approval<br>Provisional Approval |
| Linn | DOT, Highway Division<br>Oak Grove SRA<br>System repair, 10,000 gpd | 5-1-87 | Provisional Approval |
| Douglas | Yoncalla<br>STP modifications | 4-29-87 | Comments to City |
| Coos | Charleston S.D.<br>Joe Ney Sewers | 4-28-87 | Provisional Approval |
| Columbia | Rainier<br>Sewer improvements (separation) | 4-20-87 | Provisional Approval |
| Douglas | RUSA<br>- Whipple Street Ext.<br>- Super 8 Metal (relocation)<br>- Douglas Avenues exit<br>- Leroy Hanna exit | 4-28-87 | Provisional Approval |
| Clackamas | Wilsonville<br>Knoll Commerce Center, South | 4-20-87 | Provisional Approval |
| Clackamas | Oak Lodge, S.D.<br>Trila Jean Estates | 4-15-87 | Provisional Approval |



07

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — April 1987 (Month and Year)

PLAN ACTIONS COMPLETED - 29

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **MUNICIPAL WASTE SOURCES** (cont'd) | | | |
| Coos | Bandon<br>Baltimore and 17th sewer ext. | 4-15-87 | Provisional Approval |
| Baker | Baker<br>Campbell to Church on Main St. | 4-15-87 | Provisional Approval |
| Tillamook | NTCSA<br>Ray Smith et al (lateral K.5.1) | 4-15-87 | Provisional Approval |
| Clatsop | Warrenton<br>Alder Manor MH Park Addition<br>on NW Date street | 4-15-87 | Provisional Approval |
| Douglas | Green S.D.<br>Lance Street Ext. | 4-15-87 | Provisional Approval |
| Curry | Bob McNeely dba Whaleshead Beach Campground<br>RGF/Land Irrigation<br>8,000 gpd | 5-7-87 | Comments to Engineer |
| Douglas | Drain<br>Lab & equipment/ generator purchase | 3-7-87 | Provisional Approval |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — April 1987 (Month and Year)

PLAN ACTIONS COMPLETED - 29

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **INDUSTRIAL WASTE SOURCES - 6** | | | |
| Columbia | Boise Cascade, St. Helens PCB Station #16 | 4-21-87 | Application withdrawn |
| Columbia | Boise Cascade, St. Helens PCB Station #17 | 4-21-87 | Application withdrawn |
| Columbia | Boise Cascade, St. Helens PCB Station #18 | 4-21-87 | Application withdrawn |
| Columbia | Boise Cascade, St. Helens PCB Station #19 | 4-21-87 | Application withdrawm |
| Tillamook | Coast Wide Ready Mix, Inc. Settling Pond | 4-14-87 | Approved |
| Multnomah | McCLoskey Corporation Spill Control Systems | 4-20-87 | Approved |

SUMMRY-F

# Summary of Actions Taken
# On Water Permit Applications in APR 87

8 MAY 87

| Source Category &Permit Subtype | Number of Applications Filed — Month | | | Number of Applications Filed — Fiscal Year | | | Number of Permits Issued — Month | | | Number of Permits Issued — Fiscal Year | | | Applications Pending Permits Issuance (1) | | | Current Number of Active Permits | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen |
| Domestic | | | | | | | | | | | | | | | | | | |
| NEW | | 3 | | 1 | 16 | | | 1 | | 1 | 9 | | 4 | 15 | | | | |
| RW | | | | 1 | | | | | | 1 | | | 1 | 1 | | | | |
| RWO | 4 | | | 45 | 29 | | 4 | | | 32 | 16 | | 44 | 34 | | | | |
| MW | | | | | | | | | | 1 | | | 1 | | | | | |
| MWO | | | | 5 | 7 | | | 2 | | 3 | 9 | | 7 | 2 | | | | |
| Total | 4 | 3 | | 52 | 52 | | 4 | 3 | | 38 | 34 | | 57 | 52 | | 229 | 174 | 29 |
| Industrial | | | | | | | | | | | | | | | | | | |
| NEW | | 3 | 7 | 7 | 15 | 33 | 1 | | 1 | 3 | 4 | 33 | 8 | 16 | 9 | | | |
| RW | | | | 1 | | | | | | 1 | | | 1 | | | | | |
| RWO | 3 | 3 | | 30 | 20 | | 2 | 1 | | 23 | 13 | | 18 | 16 | | | | |
| MW | 1 | | | 1 | | | | | | 1 | | | 1 | | | | | |
| MWO | 6 | 3 | 6 | 12 | 6 | 10 | 3 | 3 | 3 | 16 | 5 | 9 | 3 | 4 | 3 | | | |
| Total | 10 | 9 | 13 | 51 | 41 | 43 | 6 | 4 | 4 | 44 | 22 | 42 | 31 | 36 | 12 | 163 | 132 | 356 |
| Agricultural | | | | | | | | | | | | | | | | | | |
| NEW | | 1 | | | 2 | | | | | | | | | 2 | | | | |
| RW | | | | | | | | | | | | | | | | | | |
| RWO | | | | 1 | 1 | | | | | 1 | 1 | | | 1 | | | | |
| MW | | | | | | | | | | | | | | | | | | |
| MWO | | | | | | | | | | | | | | | | | | |
| Total | | 1 | | 1 | 3 | | | | | 1 | 1 | | | 3 | | 2 | 11 | 56 |
| Grand Total | 14 | 13 | 13 | 104 | 96 | 43 | 10 | 7 | 4 | 83 | 57 | 42 | 88 | 91 | 12 | 394 | 317 | 441 |

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-APR-87.

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 | FACILITY | FACILITY NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|---|---|---|---|---|---|---|---|---|---|
| **General: Cooling Water** | | | | | | | | | |
| IND | 100 | GEN01 | MWO | 84814/A | NORPAC FOODS, INC. | SALEM | MARION/WVR | 13-APR-87 | 31-DEC-90 |
| IND | 100 | GEN01 | MWO | 50594/A | NORPAC FOODS, INC. | SALEM | MARION/WVR | 13-APR-87 | 31-DEC-90 |
| IND | 100 | GEN01 | MWO | 102773/A | ADVANCED HYDROLYZING SYSTEMS, INC. | WARRENTON | CLATSOP/NWR | 23-APR-87 | 31-DEC-90 |
| **General: Seafood Processor** | | | | | | | | | |
| IND | 900 | GEN09 | NEW | 102773/A | ADVANCED HYDROLYZING SYSTEMS, INC. | WARRENTON | CLATSOP/NWR | 23-APR-87 | 31-DEC-91 |
| **NPDES** | | | | | | | | | |
| DOM | 100310 | NPDES | RWO | 33060/A | GERVAIS, CITY OF | GERVAIS | MARION/WVR | 02-APR-87 | 31-JAN-92 |
| IND | 100311 | NPDES | NEW | 100119/A | LAMMI, GEORGE N. | CLATSKANIE | COLUMBIA/NWR | 07-APR-87 | 31-OCT-91 |
| DOM | 100312 | NPDES | RWO | 36690/A | BURRIGHT, LARRY | CLACKAMAS | CLACKAMAS/NWR | 08-APR-87 | 31-JAN-92 |
| DOM | 100313 | NPDES | RWO | 33901/A | GOLD HILL, CITY OF | GOLD HILL | JACKSON/SWR | 08-APR-87 | 31-MAR-92 |
| IND | 100088 | NPDES | MWO | 84816/A | NORPAC FOODS, INC. | SILVERTON | MARION/WVR | 13-APR-87 | 30-APR-90 |
| IND | 100105 | NPDES | MWO | 84820/A | NORPAC FOODS, INC. | STAYTON | MARION/WVR | 13-APR-87 | 31-MAY-90 |
| IND | 100315 | NPDES | RWO | 84791/A | NORPAC FOODS, INC. | BROOKS | MARION/WVR | 20-APR-87 | 31-MAR-92 |
| IND | 100316 | NPDES | RWO | 96207/A | WEYERHAEUSER COMPANY | KLAMATH FALLS | KLAMATH/CR | 20-APR-87 | 31-JAN-92 |
| DOM | 100317 | NPDES | RWO | 40981/A | HUNTINGTON, CITY OF | HUNTINGTON | BAKER/ER | 20-APR-87 | 29-FEB-92 |
| IND | 100061 | NPDES | MWO | 34855/C | BARTH, JOHN, INCORPORATED | DUNDEE | YAMHILL/WVR | 23-APR-87 | 31-MAR-90 |

| CAT | PERMIT NUMBER | TYPE | SUB-TYPE | FACILITY | FACILITY NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|---|---|---|---|---|---|---|---|---|---|
| WPCF | | | | | | | | | |
| DOM | 3798 | WPCF | MWO | 70000/B | PIONEER VILLA TRUCK PLAZA, INC. | HALSEY | LINN/WVR | 02-APR-87 | 31-JAN-89 |
| IND | 3612 | WPCF | MWO | 84801/A | NORPAC FOODS, INC. | DAYTON | YAMHILL/WVR | 13-APR-87 | 31-DEC-87 |
| IND | 100112 | WPCF | MWO | 100081/B | ORECO ENTERPRISES, INC. | ASHWOOD | JEFFERSON/CR | 16-APR-87 | 31-JUL-90 |
| DOM | 100314 | WPCF | NEW | 100069/A | MCNEELY, DON R. PLANTE, JEANNE M. & KEMP, JAMES J. | BROOKINGS | CURRY/SWR | 17-APR-87 | 30-APR-92 |
| DOM | 3353 | WPCF | MWO | 27112/B | EWING, RICHARD G. | OTIS | LINCOLN/WVR | 20-APR-87 | 30-JUN-86 |
| IND | 3870 | WPCF | MWO | 48085/A | LA CREOLE FRUIT CO. | RICKREALL | POLK/WVR | 21-APR-87 | 31-JUL-89 |
| IND | 100318 | WPCF | RWO | 92150/A | WISNOVSKY, ANN | JACKSONVILLE | JACKSON/SWR | 28-APR-87 | 30-APR-92 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — April 1987 (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 | 1 | 3 | - | 3 | 1 | | |
| Closures | - | 1 | - | 2 | 3 | | |
| Renewals | - | 11 | 3 | 16 | 16 | | |
| Modifications | 2 | 13 | 2 | 14 | - | | |
| Total | 3 | 28 | 5 | 35 | 20 | 182 | 182 |
| Demolition | | | | | | | |
| New | - | 1 | - | 2 | - | | |
| Closures | - | - | - | - | - | | |
| Renewals | - | 1 | - | - | 2 | | |
| Modifications | - | 2 | - | 3 | - | | |
| Total | 0 | 4 | 0 | 5 | 2 | 13 | 13 |
| Industrial | | | | | | | |
| New | 1 | 5 | - | 9 | 7 | | |
| Closures | - | 4 | - | - | 3 | | |
| Renewals | 1 | 6 | 1 | 13 | 5 | | |
| Modifications | 3 | 13 | 3 | 13 | - | | |
| Total | 5 | 28 | 4 | 35 | 15 | 103 | 103 |
| Sludge Disposal | | | | | | | |
| New | - | 2 | - | 3 | 2 | | |
| Closures | - | - | - | - | - | | |
| Renewals | - | 1 | - | - | - | | |
| Modifications | - | 1 | - | 1 | - | | |
| Total | 0 | 4 | 0 | 4 | 2 | 16 | 16 |
| Total Solid Waste | 8 | 64 | 9 | 79 | 39 | | |

Hazardous Waste

Outputs currently under revision.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — April 1987 (Month and Year)

PERMIT ACTIONS COMPLETED

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| Clatsop | City of Astoria<br>Astoria Landfill<br>Closed municipal waste landfill. | 4/8/87 | Permit amended. |
| Clatsop | Crown Zellerbach<br>Wauna Mill Landfill<br>Existing industrial waste landfill. | 4/8/87 | Permit amended. |
| Lincoln | Willamina Lumber Co. (formerly Smurfit Newsprint Corp.)<br>Toledo Log Yard Landfill<br>Existing industrial waste landfill. | 4/8/87 | Permit amended. |
| Morrow | City of Heppner<br>Turner Landfill<br>Existing municipal waste landfill. | 4/8/87 | Permit renewed. |
| Clackamas | RSG Forest Products (formerly Smurfit Newsprint Corp.)<br>Molalla Pit<br>Existing industrial waste landfill. | 4/13/87 | Permit amended. |
| Linn | D C Walker Enterprises, Inc.<br>Cedar Lumber Landfill<br>Existing industrial waste landfill. | 4/13/87 | Permit renewed. |
| Yamhill | Riverbend Landfill Co., Inc.<br>River Bend Sanitary Lndfl.<br>Existing municipal waste landfill. | 4/13/87 | Permit renewed. |

MAR.6 (5/79) SB6682.D

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| Lane | Lane County<br>Short Mountain Landfill<br>Existing municipal waste landfill. | 4/29/87 | Permit renewed. |
| Umatilla | Pendleton Sanitary Service, Inc.<br>Pendleton Regional Sanitary Landfill<br>Existing municipal waste landfill. | 4/29/87 | Permit amended. |

| DATE | WASTE TYPE | SOURCE | DISPOSE ANNUALLY |
|---|---|---|---|
| 30-APR-87 | ARSENIC CONTAMINATED BOILER DEPOSITS | INDUSTRIAL INORGANIC CHEMICALS | 5.4 CU YD |
| 30-APR-87 | ASBESTOS BEARING WASTE | PULP MILLS | 60 CU YD |

2 Request(s) approved for generators in Alaska

| | | | |
|---|---|---|---|
| 30-APR-87 | REFRIGERATION COOLANT FLUID | COLLEGES & UNIVERSITIES | 3.24 CU YD |

1 Request(s) approved for generators in Idaho

| | | | |
|---|---|---|---|
| 03-APR-87 | LAB PACK - NON REGULATED | SIC UNKNOWN | 1.35 CU YD |
| 03-APR-87 | CONTAMINATED SOIL | NON-SUPERFUND SITE CLEANUP | 1000 CU YD |
| 09-APR-87 | EMPTY CONTAINERS WHICH LAST CONTAINED SPENT SOLVENTS | OTHER ELECTRONIC COMPONENTS | 8.1 CU YD |
| 09-APR-87 | PCB EQUIPMENT | PCB REMOVAL & CLEANUP ACTIVITY | 8.1 CU YD |
| 09-APR-87 | ARSENIC CONTAMINATED FILTERS ETC | SEMICONDUCTORS | 0.54 CU YD |
| 09-APR-87 | DDT POWDER (50% MIX) | OTHER GOVERNMENT AGENCY | 1.08 CU YD |
| 13-APR-87 | L13 LEACHATE | HW TREAT/STORE/DISPOSE FCLTY | 25 CU YD |
| 13-APR-87 | WASTE SOLIDIFIED GLUE / 1,1,1 TRICHLOROETHANE | NON-RCRA SPILL CLEANUP | 5.4 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 2.7 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 16.2 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 8.1 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 4.05 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 26.73 CU YD |
| 20-APR-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 6.75 CU YDF |
| 30-APR-87 | LUMBER DIP TANK SLUDGE AND CONTAMINATED SOIL | WOOD PRESERVING | 18 CU YD |

| DATE | WASTE TYPE | SOURCE | DISPOSE ANNUALLY |
|---|---|---|---|
| 30-APR-87 | LAB PACK - ORM-E | COLLEGES & UNIVERSITIES | 1.08 CU YD |

16 Request(s) approved for generators in Oregon

| | | | |
|---|---|---|---|
| 03-APR-87 | OIL TANKS | HW TREAT/STORE/DISPOSE FCLTY | 2000 CU YD |
| 03-APR-87 | WOODTREATING WASTE | WOOD PRESERVING | 1.45 CU YD |
| 09-APR-87 | CONTAMINATED WELL BORING SOIL | OTHER INDUS. ORGANIC CHEMICALS | 13.5 CU YD |
| 09-APR-87 | WASTE CONTAMINATED SOIL & SLUDGE | NON-SUPERFUND SITE CLEANUP | 40 CU YD |
| 09-APR-87 | CONTAMINATED SANDBLAST GRIT | DEPARTMENT OF DEFENSE | 61 CU YD |
| 13-APR-87 | SUMP SLUDGE | TRUCKING TERMINAL FACILITIES | 385 CU YD |
| 13-APR-87 | WASTE ASBESTOS INSULATION | OTHER INDUS. ORGANIC CHEMICALS | 10.8 CU YD |
| 13-APR-87 | MTBP RESIDUALS | OTHER INDUS. ORGANIC CHEMICALS | 10.8 CU YD |
| 13-APR-87 | CCA SLUDGE | WOOD PRESERVING | 4 CU YD |
| 13-APR-87 | FILTER RESIDUE | DRY CLEANING PLANTS (NO RUGS) | 0.54 CU YD |
| 13-APR-87 | SOLID RESIDUE -- SLIME-TROX RX-65 | OTHER CHEMICAL PREPARATIONS | 3 CU YD |
| 30-APR-87 | CCA DOOR PIT RESIDUE | WOOD PRESERVING | 135 CU YD |
| 30-APR-87 | WHITE POLYMERIC GEL | PAPER MILLS(NO BUILDING PAPER) | 0.41 CU YD |
| 30-APR-87 | YELLOW POLYMERIC GEL | PAPER MILLS(NO BUILDING PAPER) | 0.41 CU YD |

14 Request(s) approved for generators in Washington

33 Requests granted - Grand Total

02

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — April, 1987 (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 | 13 | 96 | 5 | 69 | 232 | 224 |
| Airports | | | 0 | 6 | 1 | 1 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — April, 1987 (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

| County | Name of Source and Location | Date | Action |
|---|---|---|---|
| Clackamas | Yoder Quarry, Molalla | 04/87 | In Complaince |
| Multnomah | Complete Building Materials Quarry, Portland | 04/87 | Source Closed |
| Multnomah | Grand Metal Products Corporation, Portland | 04/87 | In Compliance |
| Multnomah | Oaks Amusement Park, Portland | 04/87 | In Compliance |
| Multnomah | Rono Graphic Communications Company, Portland | 04/87 | In Compliance |

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1987

CIVIL PENALTIES ASSESSED DURING MONTH OF APRIL, 1987:

| Name and Location of Violation | Case No. & Type of Violation | Date Issued | Amount | Status |
|---|---|---|---|---|
| Norman Aikins<br>dba/Aikins Septic Tank Pumping<br>Douglas County | OS-SWR-87-22<br>Pumped and disposed of sewage without being licensed. | 4/9/87 | $500 | Paid 5/4/87. |
| Paul D. Howell<br>dba/Howell Enterprises<br>Coos Bay, Oregon | AQ-SWR-87-17<br>Open storage of friable asbestos; use of improper containers; failure to label containers of asbestos waste. | 4/10/87 | $5,000 | Contested 4/30/87. |
| Murphy Plywood Company<br>Milwaukie, Oregon | NP-NWR-87-26<br>Excessive noise from an industrial noise source. | 4/29/87 | $500 | Awaiting company's response. |

VAK:b
GB6672

April, 1987
DEQ/EQC Contested Case Log

| ACTIONS | LAST MONTH | PRESENT |
|---|---|---|
| Preliminary Issues | 0 | 0 |
| Discovery | 0 | 0 |
| Settlement Action | 2 | 2 |
| Hearing to be scheduled | 0 | 0 |
| Department reviewing penalty | 0 | 0 |
| Hearing scheduled | 0 | 0 |
| HO's Decision Due | 4 | 3 |
| Briefing | 0 | 0 |
| Inactive | 4 | 4 |
| SUBTOTAL of cases before hearings officer. | 10 | 9 |
| HO's Decision Out/Option for EQC Appeal | 0 | 1 |
| Appealed to EQC | 4 | 4 |
| EQC Appeal Complete/Option for Court Review | 0 | 0 |
| Court Review Option Taken | 0 | 0 |
| Case Closed | 0 | 0 |
| TOTAL Cases | 14 | 14 |

| | |
|---|---|
| 15-AQ-NWR-87-178 | 15th Hearing Section case in 1987 involving Air Quality Division violation in Northwest Region jurisdiction in 1987; 178th enforcement action in the Department in 1987. |
| $ | 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 |
| HW | Hazardous Waste |
| HSW | Hazardous and Solid Waste Division |
| 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 |



CONTES.B

April 1987

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. |
| 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. |
| 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 June 13, 1986. Department of Justice to draft final order reflecting 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. |
| BRAZIER FOREST PRODUCTS | 11/22/85 | 12/12/85 | 02/10/86 | Dept | 23-HSW-85 Declaratory Ruling | EQC issued declaratory ruling July 25, 1986. Department of Justice to draft final order reflecting EQC action. |
| NULF, DOUG | 01/10/86 | 01/13/86 | 05/05/86 | Dept | 01-AQFB-85-02 $500 Civil Penalty | Nulf appealed decision imposing $300 civil penalty. |

April 1987

DEQ/EQC Contested Case Log

| Pet/Resp Name | Hrng Rqst | Hrng Rfrrl | Hrng Date | Resp Code | Case Type & No. | Case Status |
|---|---|---|---|---|---|---|
| VANDERVELDE, ROY | 06/06/86 | 06/10/86 | 11/06/86 | Resp. | 05-WQ-WVR-86-39<br>$5,500 Civil Penalty | Appealed to EQC. |
| MALLORIE'S DAIRY, INC. | 09/08/86 | 09/08/86 | 04/10/87 | Prtys | 07-WQ-WVR-86-91<br>WPCF Permit violations<br>$2,000 Civil Penalty | Hearings Officer affirmed penalty 4/24/87. |
| MALLORIE'S DAIRY, INC. | 09/08/86 | 09/08/86 | 04/10/87 | Prtys | 08-AQOB-WVR-86-92<br>$1,050 Civil Penalty | Decision due. |
| MONTEZUMA WEST | 10/09/86 | 10/09/86 | | Prtys | 10-HW-SWR-86-46 | Settlement action. |
| M & W FARMS, INC. | | 12/28/86 | 02/20/87 | Hrgs | 12-AQ-FB-86-11<br>$300 civil penalty | Decision due. |
| RICHARD KIRKHAM dba, WINDY OAKS RANCH | | 01/07/87 | 03/04/87 | Hrgs | 1-AQ-FB-86-08<br>$680 civil penalty | Decision due. |

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT

DIRECT SOURCES
PLAN ACTIONS COMPLETED

| Permit Number | County | Plan Action Number | Source Name | Process Description | Date Rcvd | Status Assigned |
|---|---|---|---|---|---|---|
| 09 0001 | DESCHUTES | 213 | DAW FOREST PRODUCTS CO | SCRUBBER FOR BOILER | 02/13/87 | APPROVED |
| 26 3231 | MULTNOMAH | 220 | WILLAMETTE ELECTRIC PRODS | HEAT CLEANING OVEN | 04/16/87 | APPROVED |
| 10 0030 | DOUGLAS | 223 | SUN STUDS, INC | BOILER PRE-HEATER | 04/28/87 | APPROVED |

TOTAL NUMBER QUICK LOOK REPORT LINES 3

28

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — May 1987 (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 | 5 | 26 | 2 | 24 | 16 | | |
| Existing | 0 | 26 | 5 | 28 | 10 | | |
| Renewals | 6 | 98 | 16 | 131 | 42 | | |
| Modifications | 1 | 54 | 13 | 66 | 12 | | |
| Total | 12 | 204 | 36 | 249 | 80 | 1398 | 1424 |
| Indirect Sources | | | | | | | |
| New | 2 | 16 | 0 | 21 | 3 | | |
| Existing | 0 | 0 | 0 | 0 | 0 | | |
| Renewals | 0 | 0 | 0 | 0 | 0 | | |
| Modifications | 0 | 2 | 1 | 3 | 0 | | |
| Total | 2 | 18 | 1 | 24 | 3 | 271 | 274 |
| GRAND TOTALS | 14 | 222 | 37 | 273 | 83 | 1669 | 1698 |

| Number of Pending Permits | Comments |
|---|---|
| 12 | To be reviewed by Northwest Region |
| 10 | To be reviewed by Willamette Valley Region |
| 1 | To be reviewed by Southwest Region |
| 2 | To be reviewed by Central Region |
| 0 | To be reviewed by Eastern Region |
| 22 | To be reviewed by Program Operations Section |
| 26 | Awaiting Public Notice |
| 7 | Awaiting end of 30-day Public Notice Period |
| 80 | |



MAR.5
AA5323

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT

DIRECT SOURCES
PERMITS ISSUED

| County Name | Source Name | | Permit Number | Appl. Rcvd. | Status | Date Achvd. | Type Appl. | |
|---|---|---|---|---|---|---|---|---|
| CLACKAMAS | LONE STAR INDUSTRIES INC | 03 | 1937 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | N |
| CLACKAMAS | LONE STAR INDUSTRIES INC | 03 | 2469 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | Y |
| CLACKAMAS | LONE STAR INDUSTRIES INC | 03 | 2639 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | Y |
| MARION | SCHULER CORPORATION | 24 | 5774 | 11/06/86 | PERMIT ISSUED | 05/11/87 | MOD | N |
| MULTNOMAH | LONE STAR INDUSTRIES INC | 26 | 1765 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | Y |
| MULTNOMAH | LONE STAR INDUSTRIES INC | 26 | 1908 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | N |
| MULTNOMAH | LONE STAR INDUSTRIES INC | 26 | 1909 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | Y |
| MULTNOMAH | LONE STAR INDUSTRIES INC | 26 | 1910 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | N |
| MULTNOMAH | ALDER CREEK LUMBER CO INC | 26 | 2537 | 02/04/87 | PERMIT ISSUED | 05/11/87 | RNW | N |
| MULTNOMAH | LONE STAR INDUSTRIES INC | 26 | 2965 | 04/03/87 | PERMIT ISSUED | 05/11/87 | RNW | Y |
| PORT.SOURCE | LONE STAR INDUSTRIES INC | 37 | 0212 | 04/22/87 | PERMIT ISSUED | 05/11/87 | MOD | Y |
| CLACKAMAS | SATRUM-DYBVAD MILLING | 03 | 2661 | 03/09/87 | PERMIT ISSUED | 05/13/87 | RNW | N |
| DESCHUTES | BEND READY MIX | 09 | 0038 | 12/01/86 | PERMIT ISSUED | 05/13/87 | RNW | N |
| JOSEPHINE | STAR CONCRETE, INC. | 17 | 0057 | 03/24/87 | PERMIT ISSUED | 05/13/87 | RNW | N |
| LAKE | LAKE DISTRICT HOSPITAL | 19 | 0015 | 10/07/86 | PERMIT ISSUED | 05/13/87 | RNW | N |
| LINN | MILL-RITE FARMS, INC. | 22 | 7143 | 03/23/87 | PERMIT ISSUED | 05/13/87 | RNW | N |
| MULTNOMAH | LONE STAR INDUSTRIES, INC | 26 | 1995 | 04/27/87 | PERMIT ISSUED | 05/13/87 | MOD | N |
| PORT.SOURCE | THREE WAY PORTABLE CRUSH | 37 | 0158 | 03/25/87 | PERMIT ISSUED | 05/13/87 | RNW | N |
| PORT.SOURCE | CENTRAL PRE-MIX CONCRETE | 37 | 0364 | 01/30/87 | PERMIT ISSUED | 05/13/87 | NEW | N |
| MALHEUR | TEAGUE MINERAL PRODUCTS | 23 | 0028 | 11/14/86 | PERMIT ISSUED | 05/18/87 | RNW | |
| MULTNOMAH | CHEVRON U.S.A. INC | 26 | 2025 | 03/18/85 | PERMIT ISSUED | 05/18/87 | RNW | |
| UMATILLA | BLUE MOUNTAIN ASPHALT CO | 30 | 0097 | 12/01/86 | PERMIT ISSUED | 05/18/87 | RNW | Y |
| WASHINGTON | STIMSON LUMBER COMPANY | 34 | 2066 | 11/19/85 | PERMIT ISSUED | 05/18/87 | RNW | |
| PORT.SOURCE | EUCON CORPORATION | 37 | 0164 | 04/20/87 | PERMIT ISSUED | 05/18/87 | RNW | Y |
| CLATSOP | CROWN ZELLERBACH COMPANY | 04 | 0004 | 02/12/86 | PERMIT ISSUED | 05/19/87 | MOD | Y |
| DESCHUTES | PACIFIC GAS TRANSMISSION | 09 | 0084 | 12/01/86 | PERMIT ISSUED | 05/19/87 | EXT | |
| DOUGLAS | ROSEBURG FOREST PRODUCTS | 10 | 0053 | 10/07/86 | PERMIT ISSUED | 05/19/87 | MOD | Y |
| UNION | NORTH POWDER WOOD GAS. | 31 | 0037 | 03/16/87 | PERMIT ISSUED | 05/19/87 | MOD | Y |
| PORT.SOURCE | PORTLAND-EAST ROCK PROD | 37 | 0232 | 03/26/87 | PERMIT ISSUED | 05/19/87 | RNW | Y |
| PORT.SOURCE | OHBAYASHI CORP | 37 | 0354 | 01/29/87 | PERMIT ISSUED | 05/19/87 | EXT | |
| PORT.SOURCE | OHBAYASHI CORP | 37 | 0366 | 01/29/87 | PERMIT ISSUED | 05/19/87 | EXT | |
| CLACKAMAS | WILLAMETTE FALLS HOSPITAL | 03 | 2568 | 02/25/87 | PERMIT ISSUED | 05/20/87 | RNW | N |
| HARNEY | HARNEY ROCK & PAVING CO. | 13 | 0018 | 10/09/86 | PERMIT ISSUED | 05/20/87 | EXT | |
| MULTNOMAH | PORTLAND SAND & GRAVEL | 26 | 1917 | 04/08/87 | PERMIT ISSUED | 05/20/87 | RNW | N |
| MULTNOMAH | WOODLAND PARK HOSPITAL | 26 | 3227 | 08/14/86 | PERMIT ISSUED | 05/20/87 | EXT | |
| UMATILLA | GOOD SHEPHERD COMM HOSP | 30 | 0102 | 07/29/86 | PERMIT ISSUED | 05/21/87 | NEW | |

TOTAL NUMBER QUICK LOOK REPORT LINES 36

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — May 1987 (Month and Year)

PERMIT ACTIONS COMPLETED

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| Indirect Sources | | | |
| Multnomah | PIA, 1,400 Spaces, File No. 26-7908 | 05/01/87 | Final Permit Issued |

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — May 1987 (Month and Year)

PLAN ACTIONS COMPLETED - 13

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **MUNICIPAL WASTE SOURCES - 11** | | | |
| Clackamas | Tri-City S.D.<br>Bolton WWTP Demolition/<br>Pump Station Access Road | 6-5-87 | Approved |
| Marion | Salem<br>Contract C1 - Energy Cons Measures<br>Contract C2 - Cogeneration System | 5-26-87 | Provisional Approval |
| Curry | Sandpiper Subdivision<br>First Addition Sanitary Sewers | 5-20-87 | Provisional Approval |
| Multnomah | Portland<br>S. E. Relieving Int., Phase 4 | 5-27-87 | Provisional Approval |
| Clackamas | Canby<br>Pine St. Extension for Wally Telford | 5-29-87 | Provisional Approval |
| Josephine | Harbeck-Fruitdale S.D.<br>Cornerstone Church Extension | 5-28-87 | Provisional Approval |
| Marion | Keizer<br>Wheatland Rd San. Sewer Project | 6-4-87 | Provisional Approval |
| Deschutes | Redmond - Valley View<br>P.U.D. | 5-29-87 | Provisional Approval |
| Jackson | BCVSA<br>Columbia Ave. between<br>Stewart & Cunningham | 5-29-87 | Provisional Approval |
| Marion | Emerald PUD<br>Conventional sand filter | 5-22-87 | Final Comments to Lane County |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — May 1987 (Month and Year)

PLAN ACTIONS COMPLETED - 13

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| **INDUSTRIAL WASTE SOURCES - 2** | | | |
| Linn | Great Western Silicon OR Clarifier/Neutralization Facilities | 5-20-87 | Approved |
| Yamhill | Ushio America, Inc. Neutralization Facility | 4-28-87 | Approved |

SUMMRY-F

# Summary of Actions Taken
# On Water Permit Applications in MAY 87

8 JUN 87

| Source Category &Permit Subtype | Number of Applications Filed — Month | | | Number of Applications Filed — Fiscal Year | | | Number of Permits Issued — Month | | | Number of Permits Issued — Fiscal Year | | | Applications Pending Permits Issuance (1) | | | Current Number of Active Permits | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen | NPDES | WPCF | Gen |
| Domestic | | | | | | | | | | | | | | | | | | |
| NEW | | 1 | | 1 | 17 | | | | | 1 | 9 | | 4 | 16 | | | | |
| RW | | | | 1 | | | | | | 1 | | | 1 | 1 | | | | |
| RWO | | 1 | | 45 | 30 | | | 1 | | 31 | 18 | | 43 | 34 | | | | |
| MW | | | | | | | 1 | | | 3 | | | 1 | | | | | |
| MWO | 1 | 1 | | 6 | 8 | | | | | 4 | 10 | | 6 | 2 | | | | |
| Total | 1 | 3 | | 53 | 55 | | 1 | 1 | | 40 | 37 | | 55 | 53 | | 229 | 173 | 29 |
| Industrial | | | | | | | | | | | | | | | | | | |
| NEW | | 1 | 15 | 7 | 15 | 44 | 2 | 1 | 18 | 5 | 5 | 51 | 6 | 15 | 4 | | | |
| RW | | | | 1 | | | | | | 1 | | | 1 | | | | | |
| RWO | | 3 | | 30 | 21 | | 2 | | | 25 | 12 | | 16 | 17 | | | | |
| MW | | | | 1 | | | | | | 1 | | | 1 | | | | | |
| MWO | | | | 12 | 6 | 10 | 2 | 2 | 2 | 18 | 7 | 10 | 2 | 2 | 2 | | | |
| Total | | 4 | 15 | 51 | 42 | 54 | 6 | 3 | 20 | 50 | 24 | 61 | 26 | 34 | 6 | 165 | 133 | 375 |
| Agricultural | | | | | | | | | | | | | | | | | | |
| NEW | | | | | 2 | | | 1 | | | 1 | | | 1 | | | | |
| RW | | | | | | | | | | | | | | | | | | |
| RWO | | | | 1 | 1 | | | | | 1 | 1 | | | 1 | | | | |
| MW | | | | | | | | | | | | | | | | | | |
| MWO | | | | | | | | | | | | | | | | | | |
| Total | | | | 1 | 3 | | | 1 | | 1 | 2 | | | 2 | | 2 | 12 | 56 |
| Grand Total | 1 | 7 | 15 | 105 | 100 | 54 | 7 | 5 | 20 | 91 | 63 | 61 | 81 | 89 | 6 | 396 | 318 | 460 |

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-MAY-87.

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 | FACILITY | FACILITY NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|---|---|---|---|---|---|---|---|---|---|
| **General: Cooling Water** | | | | | | | | | |
| IND | 100 | GEN01 | MWO | 65610/B | OWENS-ILLINOIS GLASS CONTAINER INC. | PORTLAND | MULTNOMAH/NWR | 08-MAY-87 | 31-DEC-90 |
| IND | 100 | GEN01 | MWO | 44571/B | LONE STAR INDUSTRIES, INC. | PORTLAND | MULTNOMAH/NWR | 14-MAY-87 | 31-DEC-90 |
| **General: Placer Mining** | | | | | | | | | |
| IND | 600 | GEN06 | NEW | 102798/A | BRUSIUS, JOSEPH | | DOUGLAS/SWR | 08-MAY-87 | 31-JUL-91 |
| **General: Suction Dredges** | | | | | | | | | |
| IND | 700 | GEN07 | NEW | 102790/A | CAMPBELL, ROBERT G. AND TAMERA K. & KRUSE, EDWARD | | JACKSON/SWR | 06-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102799/A | HIBBEN, STEVE M. | | MOBILE SRC/ALL | 14-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102813/A | WICK, CHRISTOPHER M. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102814/A | DALBEC, KEVIN | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102795/A | VALENTINE, DENNIS G. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102794/A | WEEKS, THOMAS LEE & CAROL L. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102793/A | ALLEN, PERRY D. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102796/A | OLSON, RONALD J. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102819/A | ROBERSON, PAUL | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102826/A | GARRINGER, RONALD R. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102827/A | WARD, STEVE | | BAKER/ER | 19-MAY-87 | 31-JUL-91 |

| CAT | PERMIT NUMBER | TYPE | SUB-TYPE | FACILITY | FACILITY NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|---|---|---|---|---|---|---|---|---|---|
| IND | 700 | GEN07 | NEW | 102828/A | HEATON, CHUCK | | MOBILE SRC/ALL | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102829/A | LONGAN, JAMES O. | | JACKSON/SWR | 19-MAY-87 | 31-JUL-91 |
| IND | 700 | GEN07 | NEW | 102832/A | STERN, RAY A., MOORE, BILL & KENNEDY, GEORGE | | MOBILE SRC/ALL | 22-MAY-87 | 31-JUL-91 |
| General: Seafood Processor | | | | | | | | | |
| IND | 900 | GEN09 | NEW | 87444/B | SOUTH COAST SEAFOODS, INC. | CHARLESTON | COOS/SWR | 08-MAY-87 | 31-DEC-91 |
| IND | 900 | GEN09 | NEW | 82880/B | PACIFIC COAST SEAFOODS COMPANY | WARRENTON | CLATSOP/NWR | 20-MAY-87 | 31-DEC-91 |
| General: Gravel Mining | | | | | | | | | |
| IND | 1000 | GEN10 | NEW | 61743/B | STAYTON ROCK PRODUCTS, INC. | STAYTON | MARION/WVR | 08-MAY-87 | 31-DEC-91 |
| NPDES | | | | | | | | | |
| IND | 100319 | NPDES | RWO | 58890/A | MURPHY PLYWOOD COMPANY | SUTHERLIN | DOUGLAS/SWR | 08-MAY-87 | 31-JAN-92 |
| IND | 100320 | NPDES | NEW | 102549/A | GREAT WESTERN SILICON (OREGON) CORPORATION | MILLERSBURG | LINN/WVR | 11-MAY-87 | 31-MAY-92 |
| IND | 3756 | NPDES | MWO | 96118/B | LONE STAR INDUSTRIES, INC. | PORTLAND | MULTNOMAH/NWR | 14-MAY-87 | 31-OCT-88 |
| IND | 100177 | NPDES | MWO | 96116/B | LONE STAR INDUSTRIES, INC. | PORTLAND | MULTNOMAH/NWR | 14-MAY-87 | 30-APR-91 |
| DOM | 100227 | NPDES | MW | 90770/A | UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY | HILLSBORO | WASHINGTON/NWR | 14-MAY-87 | 31-JUL-91 |
| IND | 100323 | NPDES | NEW | 100179/A | MELRIDGE, INC. | AURORA | CLACKAMAS/NWR | 20-MAY-87 | 31-MAR-92 |
| IND | 100325 | NPDES | RWO | 90860/A | UNION PACIFIC RAILROAD COMPANY | HINKLE | UMATILLA/ER | 20-MAY-87 | 30-APR-92 |

| CAT | PERMIT NUMBER | TYPE | SUB-TYPE | FACILITY | FACILITY NAME | CITY | COUNTY/REGION | DATE ISSUED | DATE EXPIRES |
|---|---|---|---|---|---|---|---|---|---|
| WPCF | | | | | | | | | |
| IND | 3495 | WPCF | MWO | 24192/B | HULME, LESLIE | BROOKS | MARION/WVR | 07-MAY-87 | 31-JAN-87 |
| IND | 100214 | WPCF | MWO | 96115/B | LONE STAR INDUSTRIES, INC. | OREGON CITY | CLACKAMAS/NWR | 14-MAY-87 | 30-JUN-91 |
| DOM | 100321 | WPCF | RWO | 64715/A | OREGON STATE DEPARTMENT OF TRANSPORTATION | COOS BAY | COOS/SWR | 14-MAY-87 | 30-APR-92 |
| AGR | 100322 | WPCF | NEW | 102755/A | ADADROMOUS, INC. | | COOS/SWR | 20-MAY-87 | 30-APR-92 |
| IND | 100324 | WPCF | NEW | 32675/B | MENASHA CEDAR CORPORATION | COOS BAY | COOS/SWR | 20-MAY-87 | 30-APR-92 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — May 1987 (Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

| | Permit Actions Received Month | Permit Actions Received FY | Permit Actions Completed Month | Permit Actions Completed FY | Permit Actions Pending | Sites Under Permits | Sites Reqr'g Permits |
|---|---|---|---|---|---|---|---|
| General Refuse | | | | | | | |
| New | - | 3 | - | 3 | 1 | | |
| Closures | 1 | 2 | 1 | 3 | 3 | | |
| Renewals | 1 | 12 | 1 | 17 | 16 | | |
| Modifications | 1 | 14 | - | 14 | 1 | | |
| Total | 3 | 31 | 2 | 37 | 21 | 182 | 182 |
| Demolition | | | | | | | |
| New | - | 1 | - | 2 | - | | |
| Closures | - | - | - | - | - | | |
| Renewals | 1 | 2 | 1 | 1 | 2 | | |
| Modifications | - | 2 | - | 3 | - | | |
| Total | 1 | 5 | 1 | 6 | 2 | 13 | 13 |
| Industrial | | | | | | | |
| New | - | 5 | - | 9 | 7 | | |
| Closures | - | 4 | 1 | 1 | 2 | | |
| Renewals | 1 | 7 | 1 | 14 | 5 | | |
| Modifications | 1 | 14 | - | 13 | 1 | | |
| Total | 2 | 30 | 2 | 37 | 15 | 103 | 103 |
| Sludge Disposal | | | | | | | |
| New | - | 2 | - | 3 | 1 | | |
| Closures | - | - | - | - | - | | |
| Renewals | - | 1 | 1 | 1 | - | | |
| Modifications | - | 1 | - | 1 | - | | |
| Total | 0 | 4 | 1 | 5 | 1 | 16 | 16 |
| Total Solid Waste | 6 | 70 | 6 | 85 | 39 | | |

Hazardous Waste

Outputs currently under revision.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Hazardous and Solid Waste Division (Reporting Unit) — May 1987 (Month and Year)

PERMIT ACTIONS COMPLETED

| County | Name of Source/Project /Site and Type of Same | Date of Action | Action |
|---|---|---|---|
| Linn | Sure-Flow, Inc.<br>Cox Lagoon<br>Existing septage lagoon/ land irrigation system. | 5/6/87 | Permit renewed. |
| Malheur | Malheur County<br>Lytle Boulevard Landfill<br>Existing municipal waste landfill. | 5/8/87 | Permit renewed. |
| Lane | Bohemia, Inc.<br>Saginaw Disposal Site<br>Existing industrial waste landfill. | 5/15/87 | Permit renewed. |
| Marion | Marion County Solid Waste Department<br>Brown's Island Demolition Disposal Site<br>Existing demolition land-fill. | 5/19/87 | Letter authorization (#189) extended. |
| Linn | James River Corp. of Nevada<br>James River Corp. - Lebanon (formerly CZ Lebanon)<br>Existing industrial waste landfill. | 5/20/87 | Closure permit issued. |
| Polk | Boise Cascade Corporation<br>Valsetz Landfill<br>Closed municipal waste landfill. | 5/26/87 | Permit revoked. |

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| DATE | WASTE TYPE | SOURCE | DISPOSE ANNUALLY |
|---|---|---|---|
| 13-MAY-87 | WASTE NICKEL-CADMIUM BATTERIES | ENV. SERVICES CONTRACTORS | 2.7 CU YD |

1 Request(s) approved for generators in British Columbia

| | | | |
|---|---|---|---|
| 07-MAY-87 | HYDROCHLORIC ACID CONTAINING CHROME | PLATING & ANODIZING | 5.34 CU YD |
| 07-MAY-87 | WASTE AZINPHOS METHYL | RCRA SPILL CLEANUP | 0.68 CU YD |
| 13-MAY-87 | LAB PACKS - VARIOUS | MEDICAL & SURGICAL HOSPITALS | 0.54 CU YD |
| 19-MAY-87 | CONTAMINATED EQUIPMENT | OTHER AGRICULTURAL CHEMICALS | 1050 CU YD |
| 19-MAY-87 | SODIUM HYDROXIDE DRY SOLID | OTHER NONFERROUS FOUNDRIES | 2.16 CU YD |
| 19-MAY-87 | WASTE PENTACHLOROPHENOL | WOOD PRESERVING | 13.5 CU YD |
| 19-MAY-87 | LAB PACK - FLAMMABLE | SEMICONDUCTORS | 1.08 CU YD |
| 28-MAY-87 | WASTE MERCURY COMPOUND | RCRA SPILL CLEANUP | 0.27 CU YD |
| 28-MAY-87 | WASTE GOLD SULFIDE SOLUTION | ELECTRONIC COMPUTING EQUIPMENT | 0.27 CU YD |
| 28-MAY-87 | SODIUM CARBONATED SOLUTION | MACHINERY, EXCEPT ELECTRICAL | 10 CU YD |

10 Request(s) approved for generators in Oregon

| | | | |
|---|---|---|---|
| 04-MAY-87 | HEAVY METALS CONTAMINATED SOIL | NON-SUPERFUND SITE CLEANUP | 2400 CU YD |
| 07-MAY-87 | LAB PACK - ORM-A | CANNED FRUITS & VEGETABLES | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - ORM-E | OTHER GOVERNMENT AGENCY | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - CORROSIVE LIQUID | OTHER GOVERNMENT AGENCY | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - FLAMMABLE LIQUID | OTHER GOVERNMENT AGENCY | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - CORROSIVE BASE | OTHER GOVERNMENT AGENCY | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - POISON B | OTHER GOVERNMENT AGENCY | 0.27 CU YD |
| 07-MAY-87 | LAB PACK - ORM-B | SEMICONDUCTORS | 0.27 CU YD |

| DATE | WASTE TYPE | SOURCE | DISPOSE ANNUALLY |
|---|---|---|---|
| 11-MAY-87 | PCB CONTAMINATED SOLID | PCB REMOVAL & CLEANUP ACTIVITY | 2500 CU YD |
| 13-MAY-87 | K001 CONTAMINATED SOIL | WOOD PRESERVING | 1.89 CU YD |
| 13-MAY-87 | ANTHRICITE COAL, CLAY, ROCK | PRIMARY PRODUCTION OF ALUMINUM | 1 CU YD |
| 13-MAY-87 | HOUGHTON LIQUID HEAT/SODIUM CYANIDE | ELECT LIGHT FIXTURE/COMMERCIAL | 0.27 CU YD |
| 13-MAY-87 | MANOMETERS/RAGS COMTAMINATED WITH MERCURY | SEMICONDUCTORS | 0.27 CU YD |
| 13-MAY-87 | CONTAMINATED SOIL | NON-SUPERFUND SITE CLEANUP | 9600 CU YD |
| 19-MAY-87 | MAGNESIUM-CARBON BATTERY | HW TREAT/STORE/DISPOSE FCLTY | 27 CU YD |
| 19-MAY-87 | DIRT/PHENOL-FORMALDEHYDE RESIN | PLASTICS MATERIALS, SYNTHETICS | 4.05 CU YD |
| 19-MAY-87 | METALLIC MERCURY CONTAMINATED SOLIDS | ELECTRICAL INDUST. APPARATUS | 0.54 CU YD |
| 28-MAY-87 | LAB PACK - CORROSIVE/ALKALINE | HW TREAT/STORE/DISPOSE FCLTY | 11 CU YD |
| 28-MAY-87 | SOLIDIFIED PAINTS, RESINS, ADHESIVES | HW TREAT/STORE/DISPOSE FCLTY | 648 CU YD |
| 28-MAY-87 | H E A F FILTERS | PRIMARY PRODUCTION OF ALUMINUM | 13 CU YD |
| 28-MAY-87 | WASTE WATER COOLANT/BUFFING COMPOUND | SEMICONDUCTORS | 175 CU YD |
| 28-MAY-87 | ADHESIVE, CONTAINERS & RUBBER | FABRICATED STRUCTURAL METAL | 3 CU YD |

22 Request(s) approved for generators in Washington

33 Requests granted - Grand Total

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — May, 1987 (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 | 13 | 109 | 8 | 77 | 237 | 232 |
| Airports | | | 0 | 6 | 2 | 1 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — May, 1987 (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

| County | Name of Source and Location | Date | Action |
|---|---|---|---|
| Clackamas | Cranston Machinery Company, Milwaukie | 05/87 | In Compliance |
| Multnomah | Casper Enterprises, Portland | 05/87 | In Compliance |
| Multnomah | Coca Cola Syrup Factory, Portland | 05/87 | In Compliance |
| Multnomah | John's Place Auto Repair, Portland | 05/87 | In Compliance |
| Multnomah | Tom Boden Store Fixtures, Portland | 05/87 | In Compliance |
| Multnomah | U & I Tavern, Portland | 05/87 | In Compliance |
| Polk | Lloyd and Orton Seed Cleaning, Independence | 05/87 | Source Closed |
| Polk | Willamette Industries, Dallas | 05/87 | In Compliance |

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1987

CIVIL PENALTIES ASSESSED DURING MONTH OF MAY, 1987:

| Name and Location of Violation | Case No. & Type of Violation | Date Issued | Amount | Status |
|---|---|---|---|---|
| Richard Knight<br>Roseburg, Oregon | OS-SWR-87-16A<br>Discharged sewage onto ground surface from a wood-frame dwelling. | 5/5/87 | $250 | Default order and judgment issued on 6/3/87. |
| Richard Knight<br>Roseburg, Oregon | OS-SWR-87-16B<br>Discharged sewage onto ground surface and into public waters from a mobile home. | 5/5/87 | $500 | Default order and judgment issued on 6/3/87. |
| Smurfit Newsprint Corporation<br>West Linn, Oregon | AQ-NWR-87-38<br>Odors emitted from the secondary treatment lagoon contributed to a condition of air pollution and a public nuisance. | 5/14/87 | $500 | Paid 5/27/87. |
| Kurt H. Antoni<br>dba/Cascade Septic Tank Service<br>Estacada, Oregon | OS-NWR-87-33<br>Disposed of septic tank pumpings at an unauthorized location. | 5/15/87 | $500 | Contested 5/29/87. |
| Merit USA, Inc.<br>Portland, Oregon | WQ-NWR-87-27<br>Spilled oil into Smith Lake, public waters. | 5/28/87 | $3,500 | Contested 5/28/87. |

VAK:b
GB6757

May, 1987
DEQ/EQC Contested Case Log

| ACTIONS | LAST MONTH | PRESENT |
|---|---|---|
| Preliminary Issues | 0 | 0 |
| Discovery | 0 | 0 |
| Settlement Action | 2 | 1 |
| Hearing to be scheduled | 0 | 1 |
| Department reviewing penalty | 0 | 0 |
| Hearing scheduled | 0 | 1 |
| HO's Decision Due | 3 | 1 |
| Briefing | 0 | 0 |
| Inactive | 4 | 4 |
| SUBTOTAL of cases before hearings officer. | 9 | 8 |
| HO's Decision Out/Option for EQC Appeal | 1 | 2 |
| Appealed to EQC | 4 | 4 |
| EQC Appeal Complete/Option for Court Review | 0 | 0 |
| Court Review Option Taken | 0 | 0 |
| Case Closed | 0 | 2 |
| TOTAL Cases | 14 | 14 |

| | |
|---|---|
| 15-AQ-NWR-87-178 | 15th Hearing Section case in 1987 involving Air Quality Division violation in Northwest Region jurisdiction in 1987; 178th enforcement action in the Department in 1987. |
| $ | 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 |
| HW | Hazardous Waste |
| HSW | Hazardous and Solid Waste Division |
| 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 |

May 1987

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. |
| 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. |
| FUNRUE, Amos | 03/15/85 | 03/19/85 | 06/20/85 | Resp. | 05-AQ-FB-84-141 Civil Penalty of $500 | Funrue to decide whether to pursue appeal. |
| 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. |
| BRAZIER FOREST PRODUCTS | 11/22/85 | 12/12/85 | 02/10/86 | Dept | 23-HSW-85 Declaratory Ruling | EQC issued declaratory ruling July 25, 1986. Department of Justice to draft final order reflecting EQC action. |
| NULF, DOUG | 01/10/86 | 01/13/86 | 05/05/86 | Dept | 01-AQFB-85-02 $500 Civil Penalty | Nulf appealed decision imposing $300 civil penalty. |

May 1987

DEQ/EQC Contested Case Log

| Pet/Resp Name | Hrng Rqst | Hrng Rfrrl | Hrng Date | Resp Code | Case Type & No. | Case Status |
|---|---|---|---|---|---|---|
| VANDERVELDE, ROY | 06/06/86 | 06/10/86 | 11/06/86 | Resp. | 05-WQ-WVR-86-39<br>$5,500 Civil Penalty | Appealed to EQC. |
| ~~MALLORIE'S DAIRY, INC.~~ | ~~09/08/86~~ | ~~09/08/86~~ | ~~04/10/87~~ | ~~Prtys~~ | ~~07-WQ-WVR-86-91 WPCF Permit violations $2,000 Civil Penalty~~ | No appeal of hearings officer's decision. Case closed. |
| MALLORIE'S DAIRY, INC. | 09/08/86 | 09/08/86 | 04/10/87 | Prtys | 08-AQOB-WVR-86-92<br>$1,050 Civil Penalty | Decision due. |
| ~~MONTEZUMA WEST~~ | ~~10/09/86~~ | ~~10/09/86~~ | | ~~Prtys~~ | ~~10-HW-SWR-86-46~~ | Case closed by stiupulated order of dismissal without prejudice to right to refile 5/20/87. |
| M & W FARMS, INC. | | 12/28/86 | 02/20/87 | Hrgs | 12-AQ-FB-86-11<br>$300 civil penalty | Decision dismissing penalty issued 5/15/87. |
| RICHARD KIRKHAM dba, WINDY OAKS RANCH | | 01/07/87 | 03/04/87 | Hrgs | 1-AQ-FB-86-08<br>$680 civil penalty | Decision affirming $680 penalty issued 5/22/87. |
| PAUL D. HOWELL dba, HOWELL ENTERPRISES | 04/30/87 | 05/04/87 | | Hrgs/ Prtys | 2-AQ-SWR-87-17<br>$5,000 asbestos penalties | To be scheduled July, 1987. |
| KURT ANTONI dba CASCADE SEPTIC TANK SERVICE | 05/29/87 | 05/29/87 | 07/06/87 | Prtys | 3-OS-NWR-87-33<br>$500 civil penalty | Hearing scheduled. |

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item C, July 17, 1987, 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-1875 | Sandra Thun | Manure Control System |
| T-1877 | Robert Wassmer | Manure Control System |
| T-1878 | Robert Durrer | Manure Control System |
| T-1879 | Crown Zellerbach Corp. | Fugitive Emissions Controls |
| T-1880 | Owens Illinois, Inc. | Vacuum System Addition to Glass Recycling System |
| T-1883 | Teledyne Industries, Inc. | Fugitive Emissions Controls |
| T-1884 | Teledyne Industries, Inc. | Fugitive Emissions Controls |

2. Revoke Pollution Control Facility Certificate #1600 issued to Cascade Construction Company and reissue to Lakeside Industries.

3. Revoke Pollution Control Facility Certificate #1359 issued to Willamina Lumber Company and reissue to Wheeler Manufacturing Company.

Proposed July 17, 1987 Totals:

| | |
|---|---|
| Air Quality | $ 886,577.00 |
| Water Quality | 139,419.00 |
| Hazardous/Solid Waste | 59,880.00 |
| Noise | -0- |
| | $ 1,085,876.00 |

1987 Calendar Year Totals not including Tax Credits Certified at this EQC meeting.

| | |
|---|---|
| Air Quality | $ 131,118.63 |
| Water Quality | 1,261,313.28 |
| Hazardous/Solid Waste | 61,564.00 |
| Noise | -0- |
| | $ 1,453,995.91 |

Fred Hansen

R. Harrower:y
(503) 229-6484
June 23, 1987
FY5415

Application No. T-1875

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Sandra Thun
1535 McCormick Loop Road
Tillamook, OR 97141

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

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

2. Description of Facility

The facility is a manure control system consisting of an 80' diameter x 16' high liquid storage tank, pump, agitator, and 345' of building gutters.

Claimed Facility Cost: $64,681.00
(Accountant's Certification was provided).

The Accountant certified a facility cost of $64,681.00. The U.S. Department of Agriculture Stabilization and Conservation Service reimbursed the applicant $45,362.00. This amount will be subtracted by the applicant from the amount of tax credit for which she is eligible when she files her State Income Tax form.

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 August 19, 1985 less than 30 days before construction commenced on August 24, 1985. The application was reviewed by DEQ staff and the applicant was notified that the application was complete and that construction could commence.

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

c. Construction of the facility was substantially completed on November 20, 1986 and the application for final certification was found to be complete on February 18, 1987 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 elimination of industrial waste as defined in ORS 468.700. Industrial waste includes liquid and solid substances which may cause pollution of the waters of the state.

Prior to installation of control facilities, manure was spread on land throughout the year, which frequently resulted in these materials entering Tillamook Bay via local ditches. The new liquid manure holding tank allows for storage of animal manure during wet weather conditions. The application of manure to land during the drier summer months has greatly reduced contamination of field runoff. Gutters have also been installed on the animal confinement buildings to collect clean runoff from the roofed buildings and divert it outside of the manure collection area. This provides more holding capacity for manure in the storage tank.

The claimed facility provides no return on investment. It should be understood that manure was spread on land prior to installation of the control facilities. The timing of the land application can now be controlled to minimize contamination of storm runoff. The sole purpose of this facility is to control wastes from the farm operation to reduce the contamination of the Tillamook Bay Drainage Basin.

The Department conducted water quality surveys in Tillamook Bay during 1979 - 1980. The surveys concluded that dairy operations were a major cause of high bacterial contamination in the drainage basin which threatened the oyster industry. The Department required the development of a Tillamook Bay Drainage Basin Agricultural Non-Point Source Pollution Abatement Plan which was incorporated into the North Coast Basin Water Quality Management Plan by the Environmental Quality Commission on August 28, 1981. This plan requires the control of animal waste from farm operations in order to reduce water pollution.

b. Analysis of Eligible Costs

One hundred percent (100%) of the facility cost is allocable to 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 elimination 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 $64,681.00 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1875.

L.D. Patterson:c
WC1999
(503) 229-5374
May 13, 1987

Application No. T-1877

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Robert Wassmer
6205 Idaville Road
Tillamook, OR 97141

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

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

2. Description of Facility

The facility is a manure control system consisting of a 32' diameter x 8' high liquid manure storage tank, a 47' x 39' x 6' solids storage area, a 38' x 41' roof, 197' of concrete curbing, 75' of milkhouse wastewater diversion pipeline, and 862' of building gutters.

Claimed Facility Cost: $38,198.00
(Accountant's Certification was provided).

The Accountant certified a facility cost of $38,198.00. The U.S. Department of Agriculture Stabilization and Conservation Service reimbursed the applicant $27,828.00. This amount will be subtracted by the applicant from the amount of tax credit for which he is eligible when he files his State Income Tax form.

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 19, 1985 more than 30 days before construction commenced on July 21, 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 November 7, 1985 and the application for final certification was found to be complete on March 6, 1987 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 elimination of industrial waste as defined in ORS 468.700. Industrial waste includes liquid and solid substances which may cause pollution of the waters of the state.

Prior to installation of control facilities, manure was spread on land throughout the year, which frequently resulted in these materials entering Tillamook Bay via local ditches. The new liquid manure holding tank and solids holding area allow for storage of animal manure during wet weather conditions. The application of manure to land during the drier summer months has greatly reduced contamination of field runoff. Concrete curbing has been installed around the edge of the manure collection slabs for containment. A roof was constructed over an existing manure accumulation slab to minimize the collection of rainwater in the contaminated area. In addition, gutters have been installed on the animal confinement buildings to collect clean runoff from the roofed buildings and divert it outside of the manure collection area. This provides more holding capacity for manure in the storage tank.

The claimed facility provides no return on investment. It should be understood that manure was spread on land prior to installation of the control facilities. The timing of the land application can now be controlled to minimize contamination of storm runoff. The sole purpose of this facility is to control wastes from the farm operation to reduce the contamination of the Tillamook Bay Drainage Basin.

The Department conducted water quality surveys in Tillamook Bay during 1979 - 1980. The surveys concluded that dairy operations were a major cause of high bacterial contamination in the drainage basin which threatened the oyster industry. The Department required the development of a Tillamook Bay Drainage Basin Agricultural Non-Point Source Pollution Abatement Plan which was incorporated into the North Coast Basin Water Quality Management Plan by the Environmental Quality Commission on August 28, 1981. This plan requires the control of animal waste from farm operations in order to reduce water pollution.

b. Analysis of Eligible Costs

One hundred percent (100%) of the facility cost is allocable to 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 elimination 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 $38,198.00 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1877.

L.D. Patterson:c
WC2001
(503) 229-5374
May 13, 1987

Application No. T-1878

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Robert Durrer
2890 McCormick Loop
Tillamook, OR 97141

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

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

2. Description of Facility

The facility is a manure control system consisting of a 39' x 61' x 6' solid manure storage area, and a 35' x 96' roofed concrete manure containment slab.

Claimed Facility Cost: $36,540.00
(Accountant's Certification was provided).

The Accountant certified a facility cost of $36,540.00. The U.S. Department of Agriculture Stabilization and Conservation Service reimbursed the applicant $21,777.00. This amount will be subtracted by the applicant from the amount of tax credit for which he is eligible when he files his State Income Tax form.

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 August 6, 1984 more than 30 days before construction commenced on October 24, 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 November 25, 1986 and the application for final certification was found to be complete on March 11, 1987 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 elimination of industrial waste as defined in ORS 468.700. Industrial waste includes liquid and solid substances which may cause pollution of the waters of the state.

Prior to installation of control facilities, manure was spread on land throughout the year, which frequently resulted in these materials entering Tillamook Bay via local ditches. The new manure holding facility and containment slab allows for storage of animal manure during wet weather conditions. The application of manure to land during the drier summer months has greatly reduced contamination of field runoff. A roof was constructed over the new facilities to minimize the collection of rainwater in the contaminated area.

The claimed facility provides no return on investment. It should be understood that manure was spread on land prior to installation of the control facilities. The timing of the land application can now be controlled to minimize contamination of storm runoff. The sole purpose of this facility is to control wastes from the farm operation to reduce the contamination of the Tillamook Bay Drainage Basin.

The Department conducted water quality surveys in Tillamook Bay during 1979 - 1980. The surveys concluded that dairy operations were a major cause of high bacterial contamination in the drainage basin which threatened the oyster industry. The Department required the development of a Tillamook Bay Drainage Basin Agricultural Non-Point Source Pollution Abatement Plan which was incorporated into the North Coast Basin Water Quality Management Plan by the Environmental Quality Commission on August 28, 1981. This plan requires the control of animal waste from farm operations in order to reduce water pollution.

b. Analysis of Eligible Costs

One hundred percent (100%) of the facility cost is allocable to 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 elimination 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 $36,540.00 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1878.

L.D. Patterson:c
WC2000
(503) 229-5374
May 13, 1987

Application No. T-1879

State of Oregon
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Crown Zellerbach Corporation
Wauna Division
Route 30
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill utilizing the Kraft process on Highway Route 30, Clatskanie, Oregon.

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

2. Description of Facility

Fourth Electrical field of a new four field two chamber electrostatic precipitator replacing a three field two chamber electrostatic precipitator.

Claimed Facility Cost: $769,395
(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 December 3, 1985 more than 30 days before construction commenced in September 1986.

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

c. Construction of the facility was substantially completed on November 20, 1986 and the application for final certification was found to be complete on March 19, 1987 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 reduce a substantial quantity of air pollution.

This reduction is accomplished by the replacement of an existing three field two chamber electrostatic precipitator (ESP) requiring either a rebuild or replacement. The decision to replace the ESP was based on OAR 340-20-001 requiring "highest and best practicable treatment and control", and a higher cost for the alternative control design consisting of an ESP rebuild with a scrubber. The former ESP was required to meet an emission rate of 0.13 gr/dscf; whereas, the new ESP was designed to meet 0.044 gr/dscf over the life of the facility. This lower ESP emission rate results in the additional annual collection of 296 tons of particulate over the life of the facility.

The facility was source tested to demonstrate compliance on January 15, 1987. The results of the source test demonstrated compliance with the 0.044 gr/dscf grain loading at an average grain loading of 0.035 gr/dscf.

The replaced three field two chamber ESP has received prior tax credit rendering the "like for like" replacement cost ineligible for tax credit per ORS 468.155(E)(2)(e)(A). The claimed facility cost of $769,395 is the additional cost of the fourth field only and does not include the "like for like" replacement cost of the former ESP.

The average gross annual income is $32,264 based on the additional 296 tons of sodium sulfate (saltcake) collected annually at an average value of $109/ton. The additional annual operating expense due to increased electrical power consumption resulting from the addition of the fourth field is $8,189. Therefore, the applicant realizes an average annual cash flow of $24,075.

Based upon the average annual cash flow of $24,075, 20 year useful life and a facility cost of $769,395, the portion of costs allocable to pollution control using the method outlined in the "Pollution Control Tax Credit Handbook" is 100 percent of the claimed facility cost.

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 reduce a substantial quantity of air pollution and accomplishes this purpose by the replacement of an air cleaning device as defined in ORS 468.275.

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 $769,395 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1879.

W.J. Fuller:d
AD855
(503) 229-5749
June 19, 1987

Application No. T-1880

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Owens-Illinois Inc.
Glass Container Division
5850 N.E. 92nd Drive
Portland, OR 97220

The applicant owns and operates a glass container plant at Portland, Oregon.

Application was made for tax credit for a solid waste recycling facility.

2. Description of Facility

The facility is a vacuum system added to an existing glass recycling process. The original process was certified in 1980 (T-1305, Copy Attached, Attachment I). The system was added to deal with an increased volume of post-consumer glass generated by the requirements of the Opportunity to Recycle Act (SB 405) and the increased plastics contamination from styrofoam labels on glass beverage containers. The addition has made recycling of this excessively contaminated glass possible.

Major equipment consists of a 19-inch diameter vacuum, 30 HP motor and auxiliary equipment.

Claimed Facility Cost: $59,880
(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 December 2, 1985 less than 30 days before installation commenced on December 10, 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 November 15, 1986 and the application for final certification was found to be complete on March 27, 1987 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 reduce a substantial quantity of solid waste by recycling. The facility complies with DEQ statutes and rules.

b. Analysis of Eligible Costs

The original tax credit (T-1305) was granted to the applicant to assist in recycling of glass. Since that tax credit was issued, the nature of glass purchased by Owens-Illinois has changed. With the beginning of on-route recycling and the entrance of styrofoam covered beverage containers into the market, contamination of the purchased glass has increased dramatically. The system has not resulted in any reduction in labor costs for Owens-Illinois. Due to the established pricing system at Owens-Illinois, the new vacuum system has not resulted in any cost savings from increased use of cullet over virgin raw materials (cost paid for cullet is directly related to raw material costs). It appears that the sole purpose of the new vacuum system is to maintain end-product quality by removing plastic and aluminum contamination from the recycled glass.

Based on the above analysis, it has been determined that the facility's percentage allocable 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 sole purpose of the facility is to reduce a substantial quantity of solid waste by recycling.

c. The facility complies with DEQ statutes and rules.

d. The sole purpose of the facility is to utilize material that would otherwise be solid waste by recycling.

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

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

e. 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 $59,800 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1880.

Attachment: I. Tax Credit Review Report (T-1305)

Ernest A. Schmidt:b
SB6664
(503) 229-5157
April 28, 1987

Appl T-1305
Date 12/1/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Owens-Illinois, Inc.
Glass Container Division
P.O. Box 20067
Portland, Oregon 97220

The applicant owns and operates a glass container manufacturing facility at Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a cullet processing facility designed to remove metal (ferrous and non-ferrous), paper, plastic, natural corks, wood and rubber stoppers from waste glass purchased from recycling organizations.

Request for Preliminary Certification for Tax Credit was made on October 26, 1978, and approved in December 1978.

Construction was initiated on the claimed facility in January 1979, completed in December 1979, and the facility was placed into operation in February 1980.

Facility Cost: $401,889.89 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of this facility, Owens-Illinois was limited in the amount of cullet (recycled waste glass) that could be used in their batching process, due to the presence of contaminants in the cullet. This amounted to a limit of about 15% cullet per batch or 75 tons per day of waste glass. Now the company can effectively clean the cullet and is able to increase the amount used per batch to about 40% or 200 tons per day.

At the present time, the company is only receiving enough waste glass from recyclers to process about 100 tons per day. However, the company is actively seeking more waste glass and will be assigning one man full time to this effort beginning in January.

4. Summation

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

b. Facility was constructed on or after January 1, 1973, as required by ORS 468.165(1)(c).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.

e. The cost of the facility allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $401,889.89 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1305.

W.H. Dana:c
SC131
(503) 229-6266
12/2/80

Application No. T-1883

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

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

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

2. Description of Facility

Five (5) pneumatic downcomers (connecting and sealing devices) between the pure chlorination condensers and storage cans in the pure chlorination process.

Claimed Facility Cost: $70,328
(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 August 3, 1984 more than 30 days before construction commenced on February 15, 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 August 27, 1985 and the application for final certification was found to be complete on May 27, 1987 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 air pollution.

This prevention is accomplished by elimination of air pollution, resulting from fugitive emissions, as defined in ORS 468.275. The fugitive emissions consisting of carbon monoxide (CO), hydrogen chloride (HCl) and chlorine ($Cl_2$) have essentially been eliminated by installation of the 5 pneumatic downcomers. The 5 pneumatic downcomers (sealing devices) provide a leak free connection between condensers and storage cans during transfer of zirconium tetrachloride ($ZrCl_4$) to the storage cans in the pure chlorination process. Prior to installation of the 5 downcomers, a tight fit was obtained between the $ZrCl_4$ storage cans and the condensers by shimming the gap between with wooden blocks. Any fit less than perfect and removal of the storage cans after filling resulted in the release of the fugitive emissions.

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

b. Analysis of Eligible Costs

There are no economic benefits from installation of the facility and containment of the fugitives due to the fugitive emissions (toxic gases) which have little economic value resulting from the relatively high cost of reclaiming and the small quantity of material. Therefore, there is no return on the investment in the facility and the sole purpose of the facility is pollution control, 100% of the facility is eligible for 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 elimination of air pollution, resulting from fugitive emissions, as defined in ORS 468.275.

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 $70,328 with 100 % allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1883.

WJ Fuller:d
AD868
(503) 229-5749
June 12, 1987

Application No. T-1884

State of Oregon
Department of Environmental Quality

# TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

The applicant owns and operates a zirconium, hafnium, tantalum, titanium and niobium production plant at 1600 Old Salem Road, Albany, Oregon

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

2. Description of Facility

Six connecting devices for sealing the gap between the sand chlorination primary condensers and the holding cans to prevent fugitive emissions of hydrogen chloride, chlorine and carbon monoxide during transfer of zirconium tetrachloride ($ZrCl_4$) from the primary condensers to the holding cans in the sand chlorination process.

Claimed Facility Cost: $46,854
(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 November 29, 1983 before construction commenced on December 15, 1983.

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

c. Construction of the facility was substantially completed on June 24, 1985 and the application for final certification was found to be complete on May 29, 1987 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 air pollution.

This prevention is accomplished by elimination of air pollution, resulting from fugitive emissions, as defined in ORS 468.275. The fugitive emissions consisting of carbon monoxide (CO), hydrogen chloride (HCl) and chlorine ($Cl_2$) have essentially been eliminated by the connecting devices (sealing devices). The six (6) connecting devices provide a leak free connection between condensers and storage cans during transfer of zirconium tetrachloride ($ZrCl_4$) to the storage cans in the chlorination process. Prior to installation of the 6 connecting devices, a tight fit was obtained between the $ZrCl_4$ holding cans and the condensers by shimming the gap between with wooden blocks. Any fit less than perfect and removal of the holding cans resulted in the release of the fugitive emissions (gases) some of which are quite toxic in small quantities.

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

b. Analysis of Eligible Costs

There are no economic benefits from installation of the facilitiy and containment of the small amount of fugitives due to reclaiming cost and negligible value. Therefore, since there is no return on the investment in the claimed facility and the sole purpose of the facility is pollution control, 100% of the facility 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 elimination of air pollution, resulting from fugitive emissions, as defined in ORS 468.275.

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 $46,854 with 100% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1884.

W.J. FULLER:a
AA6440
(503) 229-5749
June 12, 1987

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATION

1. Certificates issued to:

Cascade Construction Company, Inc.
P.O. Box 4267
Portland, OR 97208

The Certificates were issued for solid waste pollution control facilities.

2. Summation:

In February of 1983, the EQC issued Pollution Control Facility Certificate 1600 to Cascade Construction Company, Inc.

In December of 1986, Cascade Construction Company sold their pollution control facility to Lakeside Industries.

Lakeside Industries requests that the remaining tax credit associated with the acquisition be reissued under their name.

3. Director's Recommendation:

It is recommended that Certificate Number 1600 be be revoked and reissued to Lakeside Industries, the certificate to be valid only for the time remaining from the date of the first issuance.

R. Harrower:y
229-6484
June 23, 1987
FY5408

**Cascade**
**Construction**
**Company, Inc.**
**General Contractors**
P.O. Box 4267, Portland, Oregon 97208

PHONE: 222-6421

*Equal Opportunity Employer*

March 13, 1987

Department of Environmental Quality
Box 1760
Portland, OR 97207

Gentlemen:

Pursuant to Oregon Administrative Rule 150-316.097, we hereby notify you that we have sold on December 15, 1986 a certified (certificate number T-1585) pollution control facility to:

Lakeside Industries
Federal ID #91-0879481
PO Box 1379
Bellevue, WA 98009

The following is a summary of our utilization of the credits available for this facility.

| | |
|---|---|
| Certified cost of the facility | $96,475 |
| Percentage of cost allocable to pollution control | 100% |
| Total original credit available | $48,238 |
| Less: portion of credit earned by us during our ownership | (38,592) |
| Balance of credit available to Lakeside | $ 9,646 |

Very truly yours,

Jon E. Morris
President

JEM/clw
cc: Lakeside Industries

Management Services Div.
Dept. of Environmental Quality
RECEIVED
MAR 16 1987

OREGON C.U.P. *(Cleaning Up Pollution)* AWARD — 1974, 1975, 1976
CASCADE CONSTRUCTION CO. INC. has been named the recipient of the Oregon C.U.P. Award for outstanding achievement in protecting the environment.

LAKESIDE INDUSTRIES
P. O. BOX 1379 BELLEVUE, WA 98009 (206) 883-1661

May 13, 1987

Ms. Sherry Chew
c/o Department of Environmental Quality
811 SW 6th Avenue
Portland, OR 97204

Ms. Chew,

Pursuant to Oregon Administrative Rule 150-316.097, we hereby notify you that on December 15, 1986 Lakeside Industries (Federal ID #91-0879481) purchased a certified pollution control facility (certificate #T-1585) from Cascade Construction Company, Inc. Please transfer all credits available to our account.

Very Truly Yours,

Brad Landis

Brad Landis

Certificate No. 1600

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Date of Issue 2/25/83

Application No. T-1585

# POLLUTION CONTROL FACILITY CERTIFICATE

| Issued To: | Location of Pollution Control Facility: |
|---|---|
| Cascade Construction Company, Inc.<br>P.O. Box 4267<br>Portland, OR 97208 | Portland |
| As: ☐ Lessee ☒ Owner | |
| Description of Pollution Control Facility:<br>Crusher system for asphalt recycling | |
| Type of Pollution Control Facility: ☐ Air ☐ Noise ☐ Water ☒ Solid Waste ☐ Hazardous Waste ☐ Used Oil | |
| Date Pollution Control Facility was completed: June, 1982 | Placed into operation: April 1982 |
| Actual Cost of Pollution Control Facility: $96,474.64 | |
| Percent of actual cost properly allocable to pollution control:<br>100% | |

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

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

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

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

Signed Joe Richards

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on the 25th day of February, 19 83.

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATION

1. Certificates issued to:

Willamina Lumber Company
400 Sunset Business Park
9400 SW Barnes Road
Portland, OR 97225

The Certificates were issued for water pollution control facilities.

2. Summation:

In 1981, the EQC issued Pollution Control Facility Certificate 1359 to Publisher's Paper Company.

In 1986, the facility was purchased and the certificate was reissued to Smurfit Newsprint.

Later, in 1986, Willamina Lumber Company purchased this same facility from Smurfit and Certificate 1359 was then reissued to Willamina Lumber Company.

The Willamina Lumber Company has recently sold this facility to Wheeler Manufacturing Company who now requests that Certificate 1359 be reissued in their name.

3. Director's Recommendation:

It is recommended that Certificate Number 1359 be revoked and reissued to Wheeler Manufacturing Company, the certificate to be valid only for the time remaining from the date of the first issuance.

R. Harrower:y
229-6484
6/23/87
FY5407

# WILLAMINA LUMBER COMPANY

Phone 297-7691
Oregon Area Code 503
Telex 36-0355

9400 S. W. BARNES RD. • PORTLAND, OR. 97225
400 SUNSET BUSINESS PARK


May 6, 1987

Ms. Sherry Chew
Department of Environmental Quality
811 S.W. 6th Avenue
Portland, OR 97204

Dear Ms. Chew:

Recently I wrote you requesting reassignment of tax credits for the Toledo operation from Smurfit Newsprint to Willamina Lumber Company. Willamina Lumber Company sold the facility to Wheeler Manufacturing Co. in a transaction made public last week. Please reassign the original from Smurfit Newsprint to Wheeler Manufacturing Co., 2009 Sturdevant Road, Toledo, Oregon 97391.

Please call if you have questions.

Sincerely,

WILLAMINA LUMBER COMPANY

JERRY C. STAMPS
Chief Project Engineer

JCS:vls

WHEELER MANUFACTURING CO., AN OREGON LTD PARTNERSHIP
2009 Sturdevant Road
P. O. Box 370
Toledo, Oregon 97391
503/336-2206

May 14, 1987

Ms. Sherry Chew
Department of Environmental Quality
811 S. W. 6th Avenue
Portland, Or. 97201

Dear Ms. Chew: RE: Cert. No. 1359 (12-14-81)

We recently purchased a sawmill in Toledo, Oregon, from Willamina Lumber Company. We understand they have contacted you to transfer the tax credits from Willamina Lumber Company to Wheeler Manufacturing Co. We do want assignment of the tax credits made to us at 2009 Sturdevant Road, P, O, Box 370, Toledo, Oregon 97391.

Please call me if you need further information.

Yours truly,

Wheeler Manufacturing Co., an Oregon Ltd. Partnership
By Wheeler Management Company, Inc.
By Samuel C. Wheeler, President

Samuel C. Wheeler

Cert. No. 1359
Date First Issued 12/4/81
Date Reissued 17 April 87
Appl. No. T-1461

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

# POLLUTION CONTROL FACILITY CERTIFICATE

| Issued To: | Location of Pollution Control Facility: |
|---|---|
| Willamina Lumber Company<br>9400 SW Barnes Road<br>Portland, OR 97225 | Toledo, Oregon |
| As: ☐ Lessee ☒ Owner | |

Description of Pollution Control Facility:

The facility is a pentachlorophenate solution dip tank and control system with a slop tank, a sloped concrete slab, and a metal roof.

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

Date Pollution Control Facility was completed: October 1981 Placed into operation: October 1981

Actual Cost of Pollution Control Facility: $ 68,711.00

Percent of actual cost properly allocable to pollution control:

80 percent of more

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

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

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

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

NOTE: THIS IS A REISSUED CERTIFICATE VALID ONLY FOR THE TIME REMAINING FROM THE DATE OF FIRST ISSUANCE.

Signed James E. Petersen

Title James E. Petersen, Chairman

Approved by the Environmental Quality Commission on the 17th day of April, 1987

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item D, July 17, 1987, EQC Meeting

Request For An Exception to OAR 340-41-026(2) -- (An EQC Policy Requiring Growth and Development Be Accommodated Within Existing Permitted Loads), by Pope & Talbot Pulp, Inc.

## Background

Pope & Talbot Pulp, Inc., Halsey, has requested the Environmental Quality Commission:

a. Authorize an increase in the Biochemical Oxygen Demand (BOD) waste loads allowed to be discharged to the Willamette River to accommodate a planned production capacity expansion of the pulp and paper mill.

b. Authorize the Department to delete the limits in the waste discharge permit for effluent color. (The color limit was a condition of the original approval for construction of the mill.)

In order to approve the company's request for load limit increase, the EQC would have to grant an exception to a water quality management plan policy, OAR 340-41-026(2). This policy states:

> "In order to maintain the quality of water in the State of Oregon, it is the policy of the EQC to require that growth and development be accommodated by increased efficiency and effectiveness of waste treatment and control such that future discharge loads from existing sources do not exceed presently allowed discharged loads unless otherwise specifically approved by the EQC."

## Problem Statement

Pope & Talbot Pulp, Inc., owns a bleach kraft pulp and paper mill near Halsey, Oregon. Pope & Talbot purchased the mill in May 1983, from the American Can Company who constructed and started mill operations in 1969.

On July 17, 1986, Pope & Talbot applied for renewal of their NPDES Permit which was to expire on December 31, 1986. With their renewal application, the Company requested an increase in BOD and TSS discharge limits as well as removal of the effluent color permit limit. The request is associated with the Company's proposal to increase production from approximately 460 to 600 tons per day over the next five years.

On December 17, 1986, the Department sent Pope & Talbot Pulp, Inc., a proposed NPDES permit which contained the same BOD and TSS limits that are in the present permit. The Department did propose, however, to eliminate the color limitation from November 1 to April 30 each year, while maintaining the existing color limits during the summer, low stream flow period. The Department explained in a cover letter the request for higher BOD and TSS limits could not be supported, and that any production growth would have to be accomodated by increased treatment and/or control to stay within presently allowed permit limitations.

The existing permit limits and the latest limits requested by the Company are summarized as follows:

| Parameter/Units | Period | Existing Limits | Requested Limits |
|---|---|---|---|
| BOD, Monthly Average, lbs/day | 6/1-10/31 | 2,500 | 5,000 |
| Daily Maximum, lbs/day | 6/1-10/31 | 3,700 | 9,600 |
| BOD, Monthly Average, lbs/day | 11/1-5/31 | 4,000 | 8,100 |
| Daily Maximum, lbs/day | 11/1-5/31 | 5,000 | 15,000 |
| TSS, The request for increase in TSS waste loads was withdrawn on June 17, 1987. | | | |
| Color, Monthly Average, units | Year Around | 1,500 | No Limit |
| Daily Maximum, units | Year Around | 2,200 | No Limit |

The Company's request is now brought to the Commission for consideration. The proposed permit has not been sent out on Public Notice.

For a more complete discussion of the issues, refer to the Background Report (Attachment A).

## Evaluation of Request and Alternatives

In general, the potential alternatives available to the EQC are as follows:

1. Grant the Pope & Talbot request for change of permit limits for each of the parameters.

2. Authorize a change in the permit limits for one or both of the parameters and in essence grant part of the Company's request.

3. Deny the Company's request and leave the current permit limits in effect.

During the mid-1960's, the American Can Company negotiated with the Oregon State Sanitary Authority (predecessor to the Environmental Quality Commission and Department of Environmental Quality) to construct a new pulp and paper mill near Halsey. This proposal resulted in considerable discussion among the American Can Company, the Sanitary Authority, and concerned citizens. At its meeting on September 6, 1967, the Sanitary Authority voted 3 to 2 to approve the proposed mill project, subject to conditions proposed in the staff report and to several conditions requested by the public. The most significant water quality requirements were that:

1. During summer the BOD discharged to the Willamette River shall not exceed an average of 2,500 pounds per day.

2. The average color of the discharge shall not exceed 1500 color units (based on an effluent flow of 18.0 million gallons per day).

BOD

Highest and Best Practicable Treatment and Control of wastes is required in all cases so as to minimize discharges and to maintain dissolved oxygen and overall water quality at the highest possible levels. Since the issuance of the first waste discharge permits in the late 1960's, growth of municipal and industrial facilities discharging to the Willamette River has occurred. However, this growth has been accomodated without raising any allowed BOD loads during the summer months. Some increase in winter loads have been authorized where there has been a demonstrated need.

The technology exists to accomodate the planned mill expansion at Halsey and to still maintain compliance with the existing allocated BOD discharge load of 2,500 pounds per day during the summer. Some of this technology is currently used in other mills in the state.

Any increase in BOD discharged to the Willamette River could affect dissolved oxygen. Water quality standards for dissolved oxygen in the Willamette River are found in OAR 340-41-445. The rule states that:

"(2) No wastes shall be discharged and no activities shall be conducted which either alone or in combination with other wastes or activities will cause violation of the following standards in the waters of the Willamette River Basin:

(a) Dissolved oxygen (DO):

(A) Multnomah Channel and main stem Willamette River from mouth to the Willamette Falls at Oregon City, river mile 26.6: The DO concentrations shall not be less than 5 mg/L.

(B) Main stem Willamette River from the Willamette Falls to Newberg, river mile 50: The DO concentrations shall not be less than 6 mg/L.

(C) Main stem Willamette River from Newberg to Salem, river mile 85: The DO concentrations shall not be less than 7 mg/L.

(D) Main stem Willamette River from Salem to confluence of Coast and Middle Forks, river mile 187: The DO concentrations shall not be less than 90% of saturation."

These water quality standards, adopted by the Commission, recognize the changing physical nature of the Willamette River. The standards reflect the higher levels of dissolved oxygen which can be attained in the upper Willamette River to protect the cold water fishery, i.e., salmon.

The Department routinely monitors the quality of the Willamette River and major tributaries. The purpose of this monitoring is to determine whether water quality standards are being met, to establish trend data, and to provide a data base for evaluating waste discharges.

Since the mid-1970's, dissolved oxygen has generally met the concentration identified in the standards for the lower Willamette River below Salem. Between 1972 and 1982, the dissolved oxygen concentration in Portland harbor was just above the standard on two occasions. Since 1982, after the closure of two pulp and paper mills, the lower Willamette has consistently met the dissolved oxygen standard with a margin of safety. The closure of these mills, which exerted their greatest influence in the lower river, has resulted in occasional inquiries about the availability of any excess assimilative capacity of the Willamette River.

In the upper Willamette River between Eugene and Salem, minimum dissolved oxygen measurements occasionally drop below the 90 percent saturation standard. The violations are infrequent, occurring less than ten percent of the time. Typical saturation measurements which violate the standard are between 85 and 89 percent. However, these observations do point out that more routine standards violations could develop with increased BOD loads in the upper river. This concern increases when considering that actual BOD loads at other sources are currently well below their permitted loads.

In the past, the only time the Commission has authorized an exception to OAR 340-41-026(2) is when it was clear there would be no environmental effect from the increased discharge load. In one case, Gresham, the discharge was to the Columbia River. The other exception was Wacker Siltronic, a small BOD load discharged seven miles above the mouth of the Willamette. Because the policy is designed to maintain water quality above standards at all times, exceptions have not been considered where standards are periodically violated, or where there is concern about the effects of the increased discharge load.

A detailed study of the Willamette River is needed to determine the capacity of both the upper and lower river sections to accomodate increased loads. Prior to granting any increases in summer BOD loads, the Department needs to develop policies and criteria for the allocation of any reserve capacity for expansion of existing sources or proposed new sources.

Commission approval of the Gresham request on July 25, 1986, resulted in a directive to the Department to review OAR 340-41-026(2), and to return to the EQC at a later date with possible revisions to the policy. This particular review resulted from the City of Gresham's request to allow an increase in their permitted load for BOD and suspended solids. The Commission approved the requested 50 percent increase in permitted load, but was very explicit about limiting the exception to the Columbia River, because of its large dilution capacity. The Department will be reviewing this policy as it prepares the upcoming water quality standards EQC staff report dealing with anti-degradation.

## Color

An effluent color limitation was incorporated into the first Waste Discharge Permit for the mill and has remained in each subsequent permit. The color limitation of 1500 units was based on the Company's projection before mill startup of what the color concentration would be in the treated effluent. Until the early 1980's, the color limits were consistently achieved. Various changes in the Company's bleaching sequence resulted in less chemical usage, but higher effluent color. To comply with the color limitations, approximately $2500 to $3500 per day of bleaching chemical is added to the waste water to reduce color.

The Pope & Talbot mill is the only pulp and paper mill in Oregon that is required to comply with an effluent color limit. Although there are two other bleach kraft mills in Oregon, both of these mills discharge treated effluent to the Columbia River. With the extremely large dilution factor that occurs in the Columbia River, the colored discharge plume from one of these mills is occasionally visible, but it rapidly disperses and does not have a lasting effect on that river. The five other pulp mills in the Willamette Basin discharge effluents ranging from 75 to 750 color units. Only about three other mills in the United States are required to comply with effluent color limits.

Table 3 of Attachment A lists several color control technologies evaluated by Pope & Talbot. Although the Department has required a color limit, it has not specified the control technology. Color is currently controlled by adding sodium hypochlorite to the wastewater prior to secondary treatment. Pope & Talbot has chosen this method because it is one of the least expensive, and the chemicals are already used in the pulp bleaching process.

Chlorinated contaminants such as chloroform are known by-products of the bleaching process. Adding sodium hypochlorite to control color may increase the quantity of chlorinated impurities already present in the treated effluent. In 1986, the Department conducted several studies to determine: 1) the effects of the discharge in the river system, and 2) if chemical addition for color control caused any measurable detrimental effect on the Willamette River. Chronic bioassays conducted in January 1986, on the treated effluent showed no toxicity to test organisms at effluent concentrations experienced in the river during low summer stream flow conditions. During the test, hypochlorite was not added for color control.

In July 1986, the Department assessed the quality of the Willamette River both up- and down-stream from the mill's discharge. No violations of water quality standards were found. However, the color of the Willamette River increased from 5 units above the discharge to 25 units at the downstream edge of the mixing zone (about 300 feet downstream from the point of discharge). Approximately one mile downstream, just above the confluence with the Long Tom River, the color was 20 units. The color at Peoria, approximately six miles downstream, was 10 units. During the July study, sufficient sodium hypochlorite was added to maintain the mill's effluent color at a monthly average of 1907 color units.

In October 1986, the Department conducted chronic bioassays on samples of Willamette River water taken both up- and down-stream from the mill discharge. None of the samples showed any apparent toxicity. Although sodium hypochlorite was added for color control, the downstream river sample contained no detectable chloroform at a detection limit of 0.001 mg/L.

Additional river samples were taken by the Department on July 1, 1987. However, the results were not available to include in this report.

In conclusion, the chemical addition does not appear to have any measurable effect on the river other than to reduce color in the river. In addition, the color does not appear to affect the river other than aesthetically. If it is determined that chlorinated contaminants are negatively affecting the river system, it would be the Department's intent to require Pope & Talbot to utilize an alternative color control method. In such case, changes in the pulp bleaching process may also be necessary to reduce the loss of chlorinated compounds.

Without color control and with higher production, the color load to the river could more than double. Pope & Talbot maintains the increased color in the river would not be perceptible to the public, and the cost for controls cannot be justified.

During summer streamflow conditions, the effluent discharge can be highly visible at the outfall and, after mixing with the entire river, dissipates to a brownish tea color downstream. The Department does receive occasional complaints regarding the discoloration. During the last few years when the mill has experimented without color control (with the Department's approval), the number of complaints has increased. The water quality standards for the Willamette Basin specify there shall be no objectional color outside the mixing zone.

The Department concludes that practicable technology is available to allow Pope & Talbot to expand production and comply with the existing color limit. Since discoloration of the river appears to be an aesthetic issue associated with summer conditions and low streamflow, the Department proposes that the existing permit limits for color of 1500 units be maintained from May 1 to October 31 of each year. However, the Department also proposes to eliminate the permit color limit from November 1 to April 30 of each year to correspond with winter conditions of reduced recreational use and higher river flows.

## Summation

1. Pope & Talbot Pulp, Inc., has requested an increase in BOD loading limitations in their NPDES permit. Approval of such requests normally requires the Commission to grant an exception to OAR 340-41-026(2) which requires that growth and development be accommodated within existing permitted waste discharge loads, unless otherwise approved by the Commission. Pope & Talbot has also requested that the present permit limit for effluent color be eliminated.

2. Because the water quality management plan policy is designed to maintain water quality above standards at all times, exceptions have not been considered where standards are periodically violated, or where there is concern about the effects of the increased discharge load.

3. Pope & Talbot Pulp has presented their expansion plans which call for production to increase from 460 to about 600 tons per day over the life of the proposed NPDES permit.

4. Technology is available to allow Pope & Talbot to increase production and still maintain compliance with the present summer BOD limits. Some of the technology is utilized by other pulp mills in Oregon to achieve and maintain compliance with their permits. Higher winter BOD

limits may be justified due to lower treatment efficiencies during the colder winter months.

5. Any increase in currently permitted summer BOD loadings for municipal and industrial dischargers to the Willamette River would be quite controversial. Other industrial and municipal dischargers that have experienced growth and development have been required to increase the efficiency of treatment and control to maintain compliance with existing permit loads. Some increases in permitted winter BOD loads have been authorized for pulp and paper mills where there has been a demonstrated need.

6. Color in the Willamette appears to be solely an aesthetic issue. Since the mill became operational in 1969, it has been required to maintain compliance with color limits. Complaints regarding color in the river have increased during experimentation periods when the mill has been allowed to exceed present color limits. The Department does not believe there should be any increase in authorized color discharges during the summer season when recreational use is high and stream flows are low. Elimination of the color limit during the winter season when recreational uses are low and stream flows are high would not be expected to cause any problems.

7. The proposed permit has not been placed on Public Notice. A proposed increase in effluent limits for BOD or color could result in opposition from the public. Therefore, if the Commission approves the request for an increase in BOD waste loads or elimination of color limits, any comments generated during the Public Notice period in opposition to the change should be presented to the Commission prior to issuance of the permit.

## Director's Recommendation

Based upon the Summation, the Director recommends that the Commission take the following actions regarding the request from Pope & Talbot Pulp, Inc. for modified permit limits:

1. BOD Limits

   a. Maintain the existing BOD limitations from May 1 to October 31.

   b. Authorize the Department to permit increased winter BOD discharges if the Department determines there is a demonstrated need.

   c. Direct the Department to determine how much additional summer season waste assimilative capacity exists in the

Willamette River, and propose criteria for allocation of any reserve assimilative capacity to existing and potential new dischargers.

2. Color Limits

a. Deny the request for elimination of the color limit and maintain the existing color limitation of 1500 color units based on an effluent flow of 18 million gallons per day from May 1 to October 31 of each year.

b. Eliminate color limitations from November 1 to April 30 of each year.

Fred Hansen

Attachments: (9)

A. Background Report
B. Pope & Talbot Letter of Request Dated April 17, 1986
C. DEQ Response Letter Dated June 2, 1986
D. Application for Permit Renewal
E. Proposed NPDES Permit and Cover Letter Dated December 17, 1986
F. Pope & Talbot's Written Response to Proposed Permit

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# BACKGROUND REPORT

## BACKGROUND ON THE REQUEST

Pope & Talbot Pulp, Inc., owns a pulp and paper mill near Halsey, Oregon. Portions of the mill are operated by James River Corporation. Pope & Talbot Pulp purchased the mill in May 1983, from the American Can Company who constructed and started mill operations in 1969.

During the mid-1960's, the American Can Company negotiated with the Oregon State Sanitary Authority (predecessor to the Environmental Quality Commission and Department of Environmental Quality) to construct a new pulp and paper mill near Halsey. This proposal resulted in considerable discussion among the American Can Company, the Sanitary Authority, and concerned citizens. At its meeting on September 6, 1967, the Sanitary Authority voted 3 to 2 to approve the proposed mill project, subject to conditions proposed in the staff report and to several conditions requested by the public. The most significant water quality requirements were that:

1. During summer the BOD discharged to the Willamette River shall not exceed an average of 2,500 pounds per day.

2. The average color of the discharge shall not exceed 1500 color units (based on an effluent flow of 18.0 million gallons per day).

Both provisions were design criteria proposed by American Can based on a 300 ton per day bleached kraft mill. The BOD limitation was based on about 90 percent removal of organic wastes in the waste water treatment system. The color limitation was based on American Can's projection of what the color concentration would be in the treated effluent. American Can also estimated there would be no noticeable increase in color in the Willamette River. This point was of particular importance because the City of Corvallis operated a potable water supply intake approximately 12 miles downstream on the Willamette River. The water intake is still in use today.

The approval action by the Sanitary Authority established the discharge limits for BOD and color as well as other parameters which were subsequently incorporated into the first Waste Discharge Permit for the mill. These limits have remained unchanged for the summertime low stream flow period in subsequent permits.

On July 17, 1986, Pope & Talbot applied for renewal of their NPDES Permit which was to expire on December 31, 1986. (Timely filing of a renewal application continues the existing permit in effect until final action is taken on the renewal application.) With their renewal application, the company requested an increase in BOD and TSS discharge limits as well as removal of the effluent color permit limit. (These issues had been raised earlier in a letter from the company dated April 17, 1986. In response to this letter, the Department advised by letter dated June 2, 1986, that it did not support any such change in permit limits.)

On December 17, 1986, the Department sent Pope & Talbot Pulp, Inc., a proposed NPDES permit for review prior to permit renewal. The draft permit contained the same BOD and TSS limits that are in the present permit. The Department did propose, however, to eliminate the color limitation from November 1 to April 30 each year, while maintaining the existing color limits during the summer, low stream flow period. The Department explained in a cover letter the request for higher BOD and TSS limits could not be supported, and that any production growth would have to be accommodated by increased treatment and/or control to stay within presently allowed permit limitations.

Pope & Talbot Pulp, Inc., responded by letter dated January 8, 1987. The letter requested further increases in discharge limits beyond those initially requested in their renewal application, based on past production levels and proposed production increases.

The Department met with the company to discuss the matter further on February 19, 1987. The Department and the company agreed to explore additional waste control options, but did not reach any agreement on modification of permit limits.

The existing permit limits and the latest limits requested by the Company are summarized as follows:

| Parameter/Units | Period | Existing Limits | Requested Limits |
|---|---|---|---|
| BOD, Monthly Average, lbs/day | 6/1-10/31 | 2,500 | 5,000 |
| Daily Maximum, lbs/day | 6/1-10/31 | 3,700 | 9,600 |
| BOD, Monthly Average, lbs/day | 11/1-5/31 | 4,000 | 8,100 |
| Daily Maximum, lbs/day | 11/1-5/31 | 5,000 | 15,000 |
| TSS, The request for increase in TSS waste loads was withdrawn on June 17, 1987. | | | |
| Color, Monthly Average, units | Year Around | 1,500 | No Limit |
| Daily Maximum, units | Year Around | 2,200 | No Limit |

The Company's request is now brought to the Commission for consideration. The proposed permit has not been sent out on Public Notice.

## BACKGROUND ON WATER QUALITY MANAGEMENT PLAN

To appreciate the significance of Pope & Talbot Pulp's request, one must clearly understand the water quality management plan for the Willamette River, and how the existing permit limits were established.

In years past, the Willamette River was highly polluted because of large quantities of inadequately treated industrial and domestic waste discharging to the basins waters. To improve water quality and to restore the Willamette for the salmon runs and other lost beneficial uses, a massive clean up effort was initiated with the creation of the Sanitary Authority by the voters in 1938.

The initial Water Pollution Control Policies followed by the Sanitary Authority were designed to:

- Protect public health.
- Use the full waste assimilative capacity of the stream.
- Achieve water quality standards.

Implementation efforts got underway in 1947 (after the war). Primary treatment and summer time disinfection was required for sewage sources, and summer time special control was required for industrial wastes (holding of strong pulp mill wastes during the summer months for release in the winter). Facilities required under these policies were installed by 1957. Unfortunately, growth and new sewer construction increased waste loads faster than treatment reduced them. Standards were not achieved, and little improvement in water quality was noticeable by 1957.

More stringent controls on major cities and pulp mills were then initiated. Construction of secondary treatment facilities was initiated for the major cities on the main stem of the Willamette River. Additional summertime storage capacity for strong wastes was initiated at the pulp mills. Improvement in water quality was still not sufficient to meet water quality standards.

In June 1964, a major revision in water pollution control policy was adopted by the Sanitary Authority. A minimum of secondary treatment or equivalent control of all wastes was required for the Willamette Basin. Planning, design and construction of a new round of waste treatment facilities for all sources began.

Water Quality Standards, initially adopted in 1947, were refined in 1967, and an implementation program was adopted. Highest and Best Practicable Treatment and Control of Wastes was required in all cases so as to minimize discharges of wastes to streams and maintain water quality as high as possible. This was interpreted to be a minimum of secondary treatment or equivalent control. This new policy was extended to apply statewide. A deadline of July 1, 1972 was set for completion of facilities.

With these actions in 1964 and 1967, a new management policy of requiring a minimum technology based level of control so as to keep as much waste out of the stream as practicable, and requiring more stringent treatment where necessary to meet water quality standards was set in place. This new

policy replaced the earlier policy of utilizing the full assimilative capacity of the stream.

Beginning in 1968, permits were issued for all discharges. Maximum allowable pollution loads expressed in pounds per day of oxygen demanding waste (BOD) were incorporated in all permits. Permittees were informed that such loads could not be increased, and that more stringent controls would be necessary in the future to accommodate growth. This policy was deemed essential for maintaining standards compliance into the future. It was also assumed that addition of new sources or reduction of stream flows through increased consumptive water uses could require reductions in existing permitted discharges in order to maintain standards compliance. Use of new technology and elimination of existing discharges was viewed as the opportunity to gain a margin of safety for the future that otherwise did not exist with the total waste loading as permitted.

The underlying assumption of all of these policy decisions was that the waste assimilative capacity of the river is a limited public resource that must be managed for maximum public benefit. In short, such capacity should not be used unless practicable alternatives do not exist.

Implementation of these policies proved quite successful. With a couple of exceptions, facilities were completed statewide by the July 1, 1972, deadline. The dissolved oxygen standard in the Portland Harbor, the most critical water quality reach of the river, was met in 1970, and has been met continuously since. The dissolved oxygen standard for the reach between Newberg and Salem was met most of the time, but not continuously.

In 1976, the state's water quality standards and implementing regulations were again updated. The policies and requirements that were implemented in the period from 1964 to 1976 to limit discharge loads, minimize pollution and maintain present high quality waters were incorporated into the rules and standards at that time.

The Federal Clean Water Act was adopted in late 1972. This act required "Secondary Treatment" of sewage and "Best Practicable Treatment" of industrial waste throughout the nation by July 1, 1977. Oregon had already achieved in mid 1972 what Congress required the rest of the nation to achieve by 1977.

The Federal Act did not impose any significant change in technical requirements in Oregon. Minor changes in treatment requirements were necessary for some industries once federal guidelines were adopted. However, for the most part, discharge limits established for sources in the Willamette Basin were more stringent than minimum Federal effluent guideline requirements. These more stringent levels were necessary to reduce discharges enough to achieve compliance with water quality standards.

Since the management policies discussed above were adopted and discharge limits were established in initial permits, growth of municipal and industrial facilities discharging to the Willamette River has occurred, without any increase in allowed BOD loads during the summer months.

Winter (high stream flow period) discharge limits for most sources have been generally established at higher levels than summer discharges and have been adjusted over time. Biological treatment facilities do not function as efficiently when temperatures are lower. During the winter, limits have been generally established at levels which reflect the ability of the facilties installed to meet stringent summer limits. However, in no case have winter discharge limits been established less restrictive than EPA guideline levels.

A significant number of municipal facilities in the Willamette Basin have been expanded since the late 1960's. With each expansion, treatment efficiencies have been improved as necessary to stay within the discharge limits established in initial permits. In some instances, installation of highest and best practicable treatment and control has resulted in removal of wastes from the municipal systems and allowable discharge limits have been reduced.

Pulp mill production has increased since the initial waste discharge permit limits were established. Most of the production increases (5 to 10 percent per year) have resulted from minor modifications to existing equipment. Occasionally, however, a mill will undergo a major expansion that results in a significant production increase. Those mills that have increased production have also increased their waste water treatment and/or control to maintain operation within existing BOD summer loading limits. Generally, expansions have been accommodated by a combination of internal process controls and modifications to the waste water treatment systems. Some increases in permitted TSS loads and winter BOD loads have been authorized for pulp and paper mills where there has been a demonstrated need. Consequently, since some mills have expanded more than others, the degree of BOD removal and/or control is not consistent from mill to mill. Those mills that increased production most provide higher levels of waste water control. Because the Pope & Talbot mill is the newest mill on the Willamette River, the level of BOD removal has been very good comparatively.

## PRESENT WILLAMETTE RIVER WATER QUALITY

The Department routinely monitors the quality of the Willamette River and major tributaries. The purpose of this monitoring is to determine whether water quality standards are being met, to establish trend data, and to provide a data base for evaluating waste discharges. Parameters routinely tested include bacteria, solids, pH, dissolved oxygen, oxygen demand, and nutrients.

In 1986, the Department completed a biennial water quality status assessment. In preparing this report, the water quality monitoring information was evaluated against the adopted standards. Tables 1 and 2 summarize water quality information for several key Willamette River stations. At present, the monitoring data indicates a general compliance with the water quality standards at mainstem Willamette River stations.

Since the mid-1970's, dissolved oxygen has generally met the concentration identified in the standards for the lower Willamette River below Salem. Between 1972 and 1982, the dissolved oxygen concentration in Portland harbor was just above the standard on two occasions. Since 1982, after the closure of two pulp and paper mills, the lower Willamette has consistently met the dissolved oxygen standard with a margin of safety. The closure of these mills, which exerted their greatest influence in the lower river, has resulted in occasional inquires about the availability of any excess assimilative capacity of the Willamette River.

In the upper Willamette River between Eugene and Salem, minimum dissolved oxygen measurements occasionally drop below the 90 percent saturation standard. The violations are infrequent, occurring less than ten percent of the time. Typical saturation measurements which violate the standard are between 85 and 89 percent. However, these observations do point out that more routine standards violations could develop with increased BOD loads in the upper river. This concern increases when considering that actual BOD loads at other sources are currently well below their permitted loads. Occasionally, water quality measurements for fecal coliform bacteria also exceed the standards. These violations generally occur during wet-weather periods due to land runoff and occuasonal sewage bypasses.

Table 1. Willamette River Water Quality Summary (1982-86)
Dissolved Oxygen, BOD, and Bacteria

| Location | D.O. Stand. | Summer Min. D.O. | Summer Median D.O. | Summer Max. BOD (mg/L) | Summer Median Fecal Coliform (Std.= 200) | Summer Max. Fecal Coliform |
|---|---|---|---|---|---|---|
| Springfield | 90% | 90% | 100% | 1.3 | 30 | 150 |
| Harrisburg | 90% | 88% | 100% | 1.3 | 36 | 430 |
| Albany | 90% | 89% | 97% | 1.3 | 36 | 1100 |
| Buena Vista | 90% | 88% | 96% | 1.3 | 36 | 91 |
| Wheatland | 7 mg/L | 8.5 | 9.4 | 1.5 | 36 | 600 |
| Newberg | 6 mg/L | 7.9 | 8.9 | 1.6 | 36 | 2400 |
| Canby | 6 mg/L | 8.0 | 8.9 | 1.5 | 30 | 210 |
| Portland | 5 mg/L | 7.0 | 8.5 | 2.7 | 91 | 930 |

Values observed for other parameters appear to meet the standards. The maximum total dissolved solids (TDS) measured in the Portland area are approaching the basin standard for the Willamette of 100 mg/l. A major part of the increase appears to come from point source discharges, particularly pulp mill effluents. For instance, the median TDS concentration between Harrisburg and Albany increases about 11 percent. A large part of this increase can be attributed to the Pope & Talbot mill, which is less than 0.5 percent of the Willamette River flow at Albany. This pattern is also observed above and below other major point source discharges.

Table 2. Willamette River Water Quality Summary (1982-86)
Total Diss. Solids, pH, Nutrients and Color

| Location | Summer Median TDS (mg/L) | Summer Max. TDS (mg/L) | Summer Max. pH | Summer Aver. Color | Summer Median $NO_2$ + $NO_3$ - N (ug/L) | Summer Median Total Phos. (ug/L) |
|---|---|---|---|---|---|---|
| Springfield | 46 | 53 | 8.3 | 6 | 20 | 30 |
| Harrisburg | 53 | 59 | 8.2 | 5 | 60 | 61 |
| Albany | 59 | 67 | 7.9 | 9 | 110 | 73 |
| Buena Vista | 51 | 63 | 7.6 | 6 | 120 | 50 |
| Wheatland | 56 | 61 | 8.1 | 7 | 200 | 75 |
| Newberg | 62 | 73 | 7.7 | 8 | 210 | 95 |
| Canby | 64 | 75 | 7.7 | 7 | 250 | 87 |
| Portland | 78 | 94 | 7.8 | 7 | 270 | 108 |

When evaluating trends, one major change in Willamette River water quality can be highlighted. Figure 1 shows dissolved oxygen in Portland Harbor. This marked improvement reflects the basin-wide reduction of BOD loads to the Willamette. Other water quality parameters monitored have shown no detectable trends over the past five years. In short, water quality in the Willamette today is generally good.

Although there are occasional dissolved oxygen violations between Eugene and Salem, the monitoring data shows no major problems in the Willamette River. However, the Department must continue to evaluate emerging water quality issues. Concerns have broadened from a historical focus on dissolved oxygen and suspended solids to one which includes other parameters, such as nutrients and toxics. Population increases, new industry, and changes in land use all affect water quality in the Willamette River. Any growth in discharged loads must be evaluated beyond traditional pollutants.

One example is nutrients. In 1986, the Commission adopted a nuisance phytoplankton growth rule for Oregon. Areas which experience excessive growth of algae may have to implement nutrient controls. Although no algal growth problem exists at present, nitrogen and phosphorus levels in the lower Willamette are higher than those in the upper reaches. This pattern can be seen from the data summarized in Table 2.

Another growing concern is toxics. Studies by the U.S. Geological Survey in 1976 looked at the occurrence of trace metals. The results indicated a relatively clean environment in terms of metals, with some isolated exceptions. Information on the presence of organic toxics in the Willamette is sparse. Depositional areas, such as the Newberg Pool and the Tidal Reach, are susceptible to upstream discharges. A 1983 study by EPA documented problems with bottom feeding fish in the Newberg area. More data is needed before the status of toxics can be properly assessed.

A continuing concern exists regarding the potential for the Willamette River to accommodate increased waste loads from either existing sources or from potential new sources.

Historically, the Willamette River suffered severe dissolved oxygen problems due to large loads of organic waste waters from pulp and paper industries and from municipalities. In the early 1960's, dissolved oxygen levels routinely violated the Oregon water quality standards. Through the implementation of measures to control BOD loads and through increased low flow augmentation, water quality in the Willamette River improved dramatically. The pattern of basin-wide reduction of BOD loads and corresponding improvements in dissolved oxygen levels in the Willamette at Portland is seen in Figure 1. During the past five years (1982-86), dissolved oxygen concentrations consistently exceeded minimum levels required to support aquatic life uses.

The experience gained from reducing BOD in the Willamette can provide a starting point for defining acceptable loads. The general relationship between historic point source loads and dissolved oxygen is shown in Figure 2. This graph displays both the median and minimum observed dissolved oxygen concentrations at Portland. The minimum concentration generally occurs during critical conditions caused by low flows and high water temperatures. According to the standards, "DO concentrations shall not be less than 5 mg/L".

Figure 2 also identifies the current permitted BOD load for major point sources on the Willamette. During the past five years, actual BOD loads have been about half the permitted load. In the 1970's, when actual loads were about 80 percent of the current total permitted load, the lowest dissolved oxygen concentrations were just above the standard. This implies that if all permitted sources were discharging at their permit limits, standards for dissolved oxygen may not be met. Therefore, the current permitted load needs to be closely examined, particularly before allowing any increases.

Since the adoption of the EQC growth policy, two major industrial waste water sources have shutdown on the Willamette River system. Boise Cascade operated a sulfite based pulp and paper mill in Salem. This facility discharged 6000 - 7000 pounds per day of BOD to the Willamette River during the summer. Boise also discharged 6000 - 7000 pounds per day of ammonia nitrogen. The ammonia load equated to roughly 30,000 pounds per day of oxygen demand. Boise Cascade shut down the mill in 1982. Crown Zellerbach also operated a sulfite based pulp and paper mill in Lebanon which discharged treated waste water to the South Santiam River. Average summer BOD discharges ranged from 2000 - 3000 pounds per day. The ammonia discharge amounted to about 3000 pounds per day or about 14,000 pounds per day of oxygen demand. Crown Zellerbach shut down this mill in 1980.

Occasionally, permittees inquire about the availability of any excess summer capacity that may exist in the Willamette River since the shutdown of these mills. The current permitted load shown in Figure 2 does not include the loads from either Boise Cascade, Salem or Crown Zellerbach, Lebanon. At first glance, the pattern displayed in Figure 2 could suggest that the Willamette River is already over-allocated. However, several other factors, such as including ammonia in the definition of BOD loads must be considered. Consequently, a decision on allowing any load increase of oxygen demanding material during the summer should be deferred until the Department can complete additional studies of the assimilative capacity of the Willamette.

The Department has identified a need to reevaluate and update the water quality management plan for the Willamette Basin. The main purpose of this evaluation will be to assess the present and future adequacy of the existing waste load allocation to individual sources (established with initial permit issuance in 1968). It is also desirable to determine the capability of the river to accomodate new waste sources or expanded existing loads without causing violation of water quality standards or impairing beneficial uses of water, and to establish criteria for allocation of any such loads to new or existing sources.

Current permitted discharges to the Willamette are the result of a policy which reduced loads until water quality standards were attained. Compliance with water quality standards based on actual monitoring data will continue to be the major factor considered in any water quality management plan update for the Willamette Basin. Other important factors which will lead to basin planning decisions include reviewing the performance of various treatment facilities and providing an equitable basis to all sources in the basin. In other words, clear criteria must be defined which support the granting of any load increases.

A reliable water quality model is one tool which can assist with the allocation of loads. A model can help evaluate the effect of various management alternatives on receiving water quality. Besides dissolved oxygen, additional pollutant parameters should also be considered in future modelling efforts.

The project to organize relavent historical data, complete model calibration, and evaluate management alternatives has been delayed by lack of funding. Existing limited resources have been assigned to other work deemed to be of higher priority, such as establishment of total maximum daily loads for nutrients in the Tualatin River and other streams. As a result, information that is necessary to properly and fully evaluate the ramifications of the request of Pope & Talbot for waste load increase is not available. However, it is necessary to complete an evaluation based on available information and make a decision on the Pope & Talbot request.

## EVALUATION OF REQUEST AND ALTERNATIVES

Pope & Talbot Pulp has requested the EQC grant an exception to OAR 340-41-026(2) and authorize an increase in it's allowable summer BOD discharge limit from 2,500 to 5,000 pounds per day. The company has further requested that the discharge limit for color be eliminated from the permit.

In general, the potential alternatives available to the EQC are as follows:

1. Grant the Pope & Talbot request for change of permit limits for each of the parameters.

2. Authorize a change in the permit limits for one or both of the parameters and in essence grant part of the company's request.

3. Deny the Company's request and leave the current permit limits in effect.

In order to evaluate the requests of Pope & Talbot Pulp, it is appropriate to examine the ability of the company to comply with each of the current limits as well as the consequences of granting the requested modification.

At the Department's request, the Company has studied various methods and costs for additional treatment plant modifications, in-plant BOD control facilities, and color control systems. These control options have veen addressed in reports sumitted to the Department on April 20, 1987.

The control systems studied range from separating and reusing cooling water to more complex process modifications. The capital cost of the various individual control projects range from $30,000 to over $10,000,000. Table 3 lists the control projects, costs, and estimated benefits evaluated by Pope & Talbot.

The benefits referred to in Table 3 are judged by the effectiveness for BOD and color control on the mill effluent. Technology allows combinations of these control devices to be used to improve pollutant removal efficiencies.

The data in Table 3 will be discussed further in the following sections relating to the requested limit changes.

## BOD Limit

Since the mill at Halsey was completed in 1969, the waste water treatment system has operated at about a 90 percent BOD removal efficiency. It has consistently complied with the BOD permit limits. Recent improvements to the system have increased the treatment efficiency. The monthly average BOD discharge for April 1987, was only 1281 pounds per day (approximately 32 percent of the winter limit, or 51 percent of the summer limit). Discharges for May 1987, were even lower.

The mill has had little difficulty complying with the biochemical oxygen demand (BOD) permit limits. However, it is apparent from the following table that BOD discharge loads have risen as production increased:

**BOD Discharge Loads**

| Date | Season | Ave BOD (#/day) | Average Pulp Production (tons per day) | Monthly Average Permit Limit (#/day) |
|---|---|---|---|---|
| 1970 | Summer | 990 | 281 | 2500 |
| 1970 | Winter | 1748 | 261 | 2500 |
| 1986 | Summer | 2337 | 475 | 2500 |
| 1986 | Winter | 2936 | 459 | 4000 |

Based on the Company's projections for the next five years, pulp production could increase to 550 or 600 tons per day. Without the recent improvements to the treatment system, the BOD discharged to the Willamette River at these higher production levels would have violated the permit limits. Additional controls may still prove to be necessary.

As noted above, Pope & Talbot Pulp, Inc., has studied various methods and costs for additional treatment plant modifications and in-plant BOD control facilities. Technology is available to allow Pope & Talbot to increase production and still maintain compliance with the present summer BOD limits.

To justify it's request for increased BOD limits, the Company used a dissolved oxygen computer model to project the effect on water quality from doubling the allowable summer monthly average BOD load from 2500 to 5000 pounds per day. As previously noted, excessive BOD discharges to the Willamette River can lower dissolved oxygen concentrations which must be maintained to support aquatic organisms and to comply with established

standards. The Company's model results indicate that, when keeping all other point sources at their current permitted loads, the increased BOD from the mill will have minimal effect on dissolved oxygen concentrations in the Willamette River. Based on this model result, the Company concludes that the stretch of the Willamette River above Corvallis may have adequate capacity to assimilate the increased BOD load from the Halsey mill.

Water quality planning should not be based soley on the results of dissolved oxygen computer models. Such models do not address the potential effects of added nutrients, total dissolved solids, and other pollutants. However, computer models can be very useful in determining what stream segments can best assimilate added quantities of BOD. If a model is to be used in the water quality planning process, the Department believes that substantial work is needed to calibrate a model before using the results. Because models only predict what a stream's response might be to a given pollutant load, the Department believes a review of the effect of past BOD loads on dissolved oxygen levels in the Willamette River is needed.

The Department and the Commission have information on water quality in the Willamette River at higher BOD loads from point sources gathered during the years of the well documented clean-up of the Willamette. As noted in the discussion on present river water quality, this data suggests that if current permitted waste loads are discharged by all sources, there would be virtually no safety factor for standards compliance.

Clearly, a decision to allow an increase in permitted BOD load for Pope & Talbot Pulp would be contrary to how other dischargers have faced expansion. Municipalities, which have expanded their waste water treatment plants, have been required to improve the treatment efficiency to maintain summer BOD discharges within their existing permit loads. In addition, a pulp mill located in Newberg expanded production approximately 110 percent from 1980 to 1981 and increased its waste treatment and control to maintain the summer BOD discharge within existing permit loads.

If the Halsey mill is allowed to increase the BOD load discharged, clear criteria are needed for justification. Such criteria must continue to protect the water quality of the Willamette and must be applicable on an equitable basis to all sources in the basin. No such criteria have been developed to date. Again, as noted previously, the Department has intended to address this issue in conjunction with a planned, but delayed, update of the water quality management strategy for the Willamette Basin.

If the Commission denies the request for an increase in permitted BOD waste discharge load during the summer months, increased quantities of BOD will need to be removed as production increases. If Pope & Talbot decides to provide additional BOD control with in-plant projects, the existing permitted winter BOD limits may be sufficient. If, however, the additional BOD control is provided by the waste treatment system, a need for higher limits may be demonstrated during the cooler winter months. Biological treatment systems are normally somewhat less efficient during the winter

due to cooler water temperatures. In addition, colder temperatures and higher stream flows allow streams to accept higher BOD loads without affecting the dissolved oxygen resource. Increased winter discharge loads have been granted at other mills where a need has been demonstrated.

Based on the above discussion, the Department concludes that:

a. Technology exists to accomodate the planned expansion of Pope & Talbot Pulp while maintaining compliance with the existing allocated BOD discharge loading of 2,500 pounds per day during the summer months. Some of this technology is currently being utilized in other mills in the state and is considered to be within the interpretation of Highest and Best Practicable Treatment Technology.

b. To be consistent with other permit actions for pulp mill expansions, the Department believes some increase in permitted winter BOD discharge loads should be considered if the need can be demonstrated.

c. All other source expansions since 1968 have been accomplished without an increase in allocated summer BOD loads and haved stayed within the context of Highest and Best Practicable Treatment.

d. Although summertime (low flow season) water quality standards for dissolved oxygen are currently being met, the Department is unable to conclude,based on available information, that any significant load increases or new loads can be permitted and still maintain compliance with standards during low stream flow periods.

e. A detailed study of the Willamette River is needed. Prior to granting any increases in summer BOD loads, the Department needs to develop policies and criteria for the allocation of any reserve capacity for expansion of existing sources or proposed new sources.

Color Limit

Concern over color in effluent discharges is more subjective. Color in bleached kraft mill effluents consists of wood sugars, lignins, and tannins. Conventional biological wastewater treatment systems do not remove color.

One of the conditions for approval of the Pope & Talbot Pulp mill in 1967 was to limit the color to 1500 color units with a discharge of 18 million gallons per day. The color limitation was based on American Can's projection of what the color concentration would be in the treated effluent. American Can also estimated there would be no noticeable

increase in color in the Willamette River. This point was of particular importance because the City of Corvallis operated a potable water supply intake approximately 12 miles down-stream on the Willamette River. The water intake is still in use today. The City of Corvallis has not reported any problems to the Department regarding the Willamette River intake water due to Pope & Talbot's discharge.

The color limits in the Pope & Talbot Pulp mill permit have been met until the last few years. In 1982, the mill's pulp bleaching sequence was changed from that initially installed in the mill. The changes occurred due to Pope & Talbot Pulp's desire to supply specific market demands for bleached pulp. The bleach plant modifications resulted in reduced sodium hypochlorite usage, which in turn increased the color in the waste water effluent. The reduced sodium hypochlorite usage has been partially substituted with oxygen and hydrogen peroxide. Consequently, excess sodium hypochlorite has been added to the effluent sewer line from the bleach plant to control color. During the past few years, the mill has periodically operated without hypochlorite addition to the sewer (with the Department's approval) to gather data on uncontrolled color levels with various bleach sequences.

Since the bleach sequence was changed in 1982, sodium hypochlorite has been added to the bleach plant effluent sewer to oxidize color. Although the added chemical generally replaces the excess chemical that used to be lost in the bleaching process, sodium hypochlorite usage per ton of bleached pulp is less than what was originally used. However, oxygen and hydrogen peroxide are also used in the current bleach sequence. Effluent color is lowered with increased usage of hypochlorite. The quantity of sodium hypochlorite currently added to the bleach sewer to achieve an average effluent color concentration of 1500 units costs from $2,500 to $3,500 per day.

Compliance with a color limit of 1500 units does reduce the color effect, but it does not eliminate color in the river. During summer streamflow conditions, the effluent discharge can be highly visible at the outfall and, after mixing with the entire river, dissipates to a brownish tea color downstream. The color is more visible during bright sunny days. The color change in the river is noticeable when one compares areas up- and down-stream from the discharge. With adequate dilution downstream, the tea color is eventually not perceptible.

The Department occasionally receives complaints about the discoloration caused by the mill's waste water discharge. The complaints generally occur during the summer when more people are apt to be on the river for recreation. Complaints have been received during periods when the mill was complying with the existing color limits, and during periods when color exceeded the limits. However, more complaints were received during the summer of 1986 (during elevated color discharges) than for any previous summer.

Without color control and with higher production, the color load to the river could more than double. Pope & Talbot Pulp maintains, although this would cause a slight increase in river color, it would not be perceptible to the public without a standard for comparison. Pope & Talbot Pulp also maintains that natural sources of color cause more discoloration in the Willamette River immediately downstream of the mill than does the mill's discharge. This finding was not supported by the Department's 1986 river study. Pope & Talbot maintains the cost for color control, as displayed in Table 3, cannot be justified.

The Department concludes that practicable technology is available to allow Pope & Talbot to expand production and comply with the existing color limit. Therefore, the Department proposes that the existing permit limits for color of 1500 units be maintained from May 1 to October 31 of each year to protect the aesthetic qualities of the river. However, the Department also proposes to eliminate the permit color limit from November 1 to April 30 of each year to correspond with winter conditions of reduced recreational use and higher river flows. Any decisions as to the method for color control should be left for Pope & Talbot Pulp, Inc., unless the Department determines the control method has a detrimental effect on the environment.

## SUMMATION

1. Pope & Talbot Pulp, Inc., has requested an increase in BOD loading limitations in their NPDES permit. Approval of such a request requires the Commission to grant an exception to OAR 340-41-026(2) which requires that growth and development be accommodated within existing permitted waste discharge loads, unless otherwise approved by the Commission. Pope & Talbot has also requested that the present permit limit for effluent color be eliminated.

2. Pope & Talbot Pulp has presented their expansion plans which call for production to increase from 460 to about 600 tons per day over the life of the proposed NPDES permit.

3. Technology is available to allow Pope & Talbot to increase production and still maintain compliance with the present summer BOD limits. Some of the technology is utilized by other pulp mills in Oregon to achieve and maintain compliance with their permits. Higher winter BOD limits may be justified due to lower treatment efficiencies during the colder winter months.

4. Any increase in currently permitted summer BOD loadings for municipal and industrial dischargers to the Willamette River would be quite controversial. Other industrial and municipal dischargers that have experienced growth and development have been required to increase the efficiency of treatment and control to maintain compliance with existing permit loads. Some increases in permitted winter BOD loads

have been authorized for pulp and paper mills where there has been a demonstrated need.

5. Color in the Willamette appears to be solely an aesthetic issue. Since the mill became operational in 1969, it has been required to maintain compliance with color limits. Complaints regarding color in the river have increased during experimentation periods when the mill has been allowed to exceed present color limits. The Department does not believe there should be any increase in authorized color discharges during the summer season when recreational use is high and stream flows are low. Elimination of the color limit during the winter season when recreational uses are low and stream flows are high would not be expected to cause any problems.

6. The proposed permit has not been placed on Public Notice. A proposed increase in effluent limits for BOD or color could result in opposition from the public. Therefore, if the Commission approves the request for an increase in BOD waste loads or elimination of color limits, any comments generated during the Public Notice period in opposition to the change should be presented to the Commission prior to issuance of the permit.

# Figure 1. Dissolved Oxygen Trends

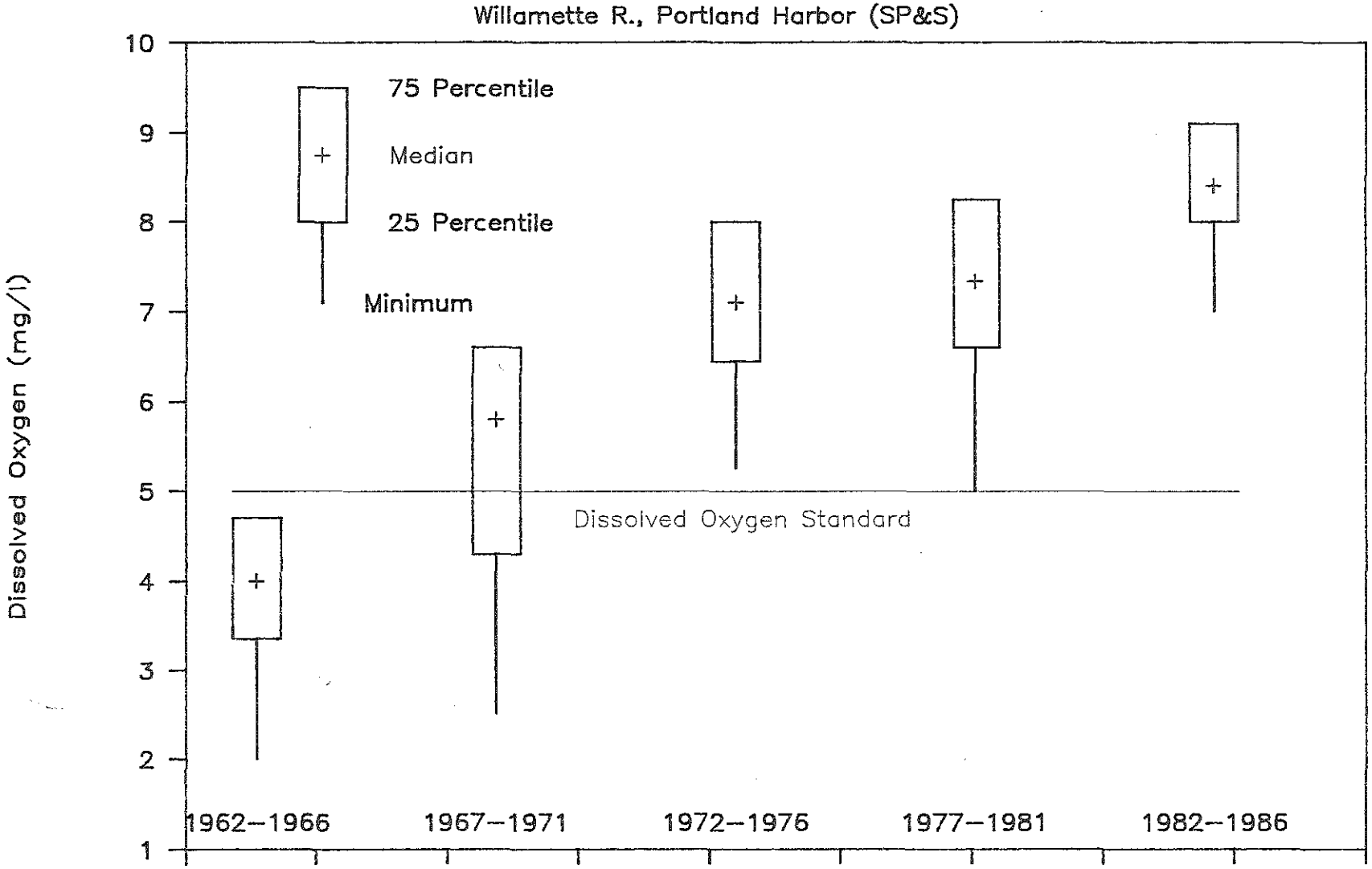

Figure 2. Historical Portland Harbor Summer Dissolved Oxygen Levels Under Different $BOD_5$ Loads

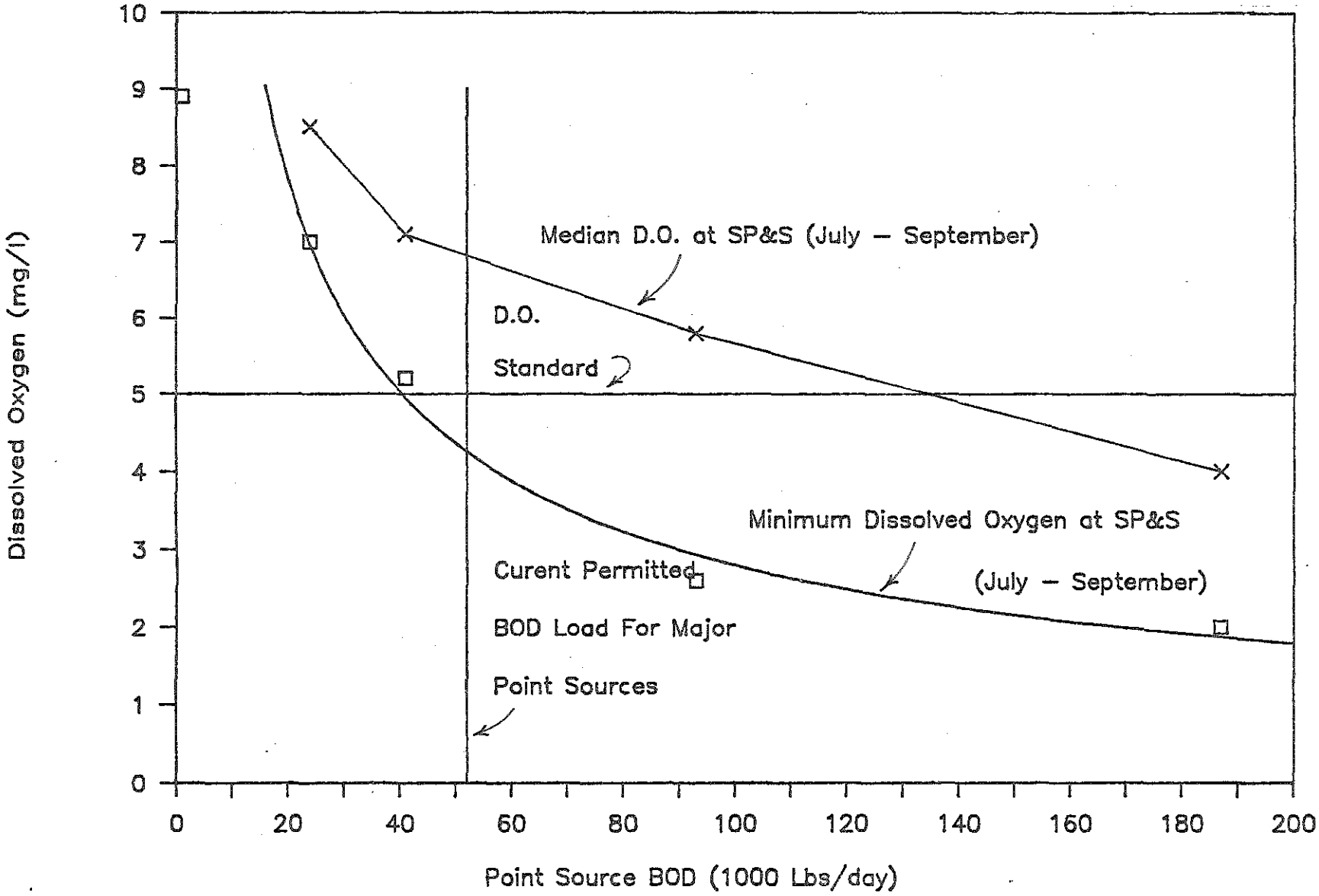

TABLE 3

IN-PLANT BOD CONTROL ALTERNATIVES
AND
COLOR CONTROL ALTERATIVES

PROJECTED IMPACTS OF
PROJECTS ON AVERAGE SUMMER DISCHARGES
BASED ON PRODUCTION OF 600 TONS PER DAY

| Project | Flow MGD | Average (BOD-5 Lb/Day) | | Color to River | Capital Cost ($K) | Annual Depreciation & O&M Cost ($K) | Comments |
|---|---|---|---|---|---|---|---|
| | | From Plant | To River | | | | |
| **(In-Plant BOD Control Alternatives)** | | | | | | | |
| 1. No In-Plant Control Projects | 18.0 | 32,400 | 2,000 | 2500 - 3000 | — | — | — |
| 2. Boiler Cooling Water Reuse | 17.3 | 32,400 | 1,800 | 2600 - 3100 | 30 | — | — |
| 3. Cooling Water Bypass | 17.0 | 32,400 | 1,700 | 2650 - 3180 | 200 | 15 | — |
| 4. Recycle Pulp Press Water | 17.7 | 32,400 | 1,900 | 2540 - 3050 | 35 | 30 | — |
| 5. Brown Stock Washer Upgrade | 18.0 | 30,200 | 1,700 | 2500 - 3000 | 1,000 | 250 | |
| 6. $O_2$ Delignification (Also Serves to Control Color) | 19.0 | 27,400 | 1,800 | 1500 | 10,000 - 15,000 | 1,500 | Effective control system for BOD and color. |
| 7. Vapor Steam Stripping of Condensates | 19.0 | 25,400 | 1,700 | 2370 - 2840 | 5,000 | 1,400 | Utilized by two mills in Oregon for control of BOD. |
| **(Color Control Alternatives)** | | | | | | | |
| 8. Effluent Bleaching (Hypochlorite) | 18.0 | 32,400 | 2,000 | 1500* | 30 | 1,200* | Current control method. |
| Effluent Bleaching (Chlorine) | 18.0 | 32,400 | 2,000 | 1500* | 30 | 900* | Current control method. |
| 9. Perioxide Addition | 18.0 | 32,400 | 2,000 | 1500* | 30 | 2,100 | Experimental only. |
| 10. Ozone Treatment | 18.0 | 32,400 | 2,000 | 1500* | 7,000 | 2,200 | Experimental only. |
| 11. Coagulation | 18.0 | 32,400 | 2,000 | 1500* | 3,000 - 10,000 | 1,000 - 2,500 | — |
| 12. (See Item 6 above.) | | | | | | | |

*** Color level and cost vary with the quantity of chemicals utilized.**

**This table does not reflect the decrease in effluent BOD due to the recent improvements to the waste water treatment system.**

L. Patterson:h
WH2095

ATTACHMENT B

POPE & TALBOT PULP, INC.



April 17, 1986

Mr. Larry Patterson
Department of Environmental Quality
522 SW Fifth Avenue
Portland, Oregon 97207

Reference: Pope & Talbot NPDES Permit #3509-J

Dear Mr. Patterson:

Production at the Halsey facility has been increased from 381 tons/day in 1981, when our existing permit was issued, to a current rate of 530 tons/day. It is projected that production rates during the life of our new permit will be at 610 tons/day.

At these production rates it appears we cannot meet the summer NPDES permit limitations for $BOD_5$ and TSS this summer nor in the future. Bryan Johnson of Seton, Johnson & Odell, Inc. has discussed this with our plant staff and he has prepared the attached document for your review.

This document was prepared as a revision of the Evaluation Report your agency wrote when reviewing our 1981 permit application. By using the guidelines for BCT and using the same ratios for winter and summer permitted discharges, the following revised limits were calculated:

PRESENT PERMIT (1981-86)

| | BOD | | TSS | |
|---|---|---|---|---|
| | Monthly Av. | Daily Max. | Monthly Av. | Daily Max. |
| | (lb/day) | (lbs) | (lb/day) | (lbs) |
| Summer | 2,500 | 3,700 | 7,000 | 10,500 |
| Winter | 4,000 | 5,000 | 7,000 | 10,500 |
| BPT | 5,311 | 10,210 | 9,649 | 17,952 |
| BCT | 3,366 | 5,610 | 4,937 | 8,078 |



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PERMIT REQUEST (JUNE 1-DEC 31, 1986)

| | BOD | | TSS | |
|---|---|---|---|---|
| | Monthly Av. (lb/day) | Daily Max. (lbs) | Monthly Av. (lb/day) | Daily Max. (lbs) |
| Summer | 3,500 | 5,200 | 9,900 | 14,800 |
| Winter | 5,600 | 7,000 | 9,900 | 14,800 |
| BPT | 7,526 | 14,469 | 13,674 | 25,440 |
| BCT | 4,770 | 7,950 | 6,996 | 11,448 |

PERMIT REQUEST (JAN 1, 1987 - DEC. 31, 1991)

| | BOD | | TSS | |
|---|---|---|---|---|
| | Monthly Av. (lb/day) | Daily Max. (lbs) | Monthly Av. (lb/day) | Daily Max. (lbs) |
| Summer | 4,000 | 6,000 | 11,000 | 16,800 |
| Winter | 6,400 | 8,000 | 11,000 | 16,800 |
| BPT | 8,662 | 16,653 | 15,738 | 29,280 |
| BCT | 5,490 | 9,150 | 8,052 | 13,176 |

This letter is our formal request that our current permit be revised to allow these increases, effective June 1, 1986, and that our new permit, effective January 1, 1987 be further revised. We are prepared to meet with you and your staff at your convenience to expedite this request.

Sincerely,

W.G. Frohnmayer
Vice President Fiber Products

cc: Larry Lowenkron - DEQ
Bob Hammond - Halsey

REVISED EVALUATION REPORT

Pope & Talbot Pulp Company
PO Box 215
Halsey, Oregon 97348

Pope and Talbot, Inc., operates a tissue, paper mill and bleached kraft pulp mill near Halsey. Halsey Pulp's permit will expire on December 31, 1986.

Halsey Pulp's annual average pulp production for 1980 (when the present permit was issued) was 381 ADT/D. The average annual paper production was 234 MDT/D with the remainder of the pulp being sold. Projected production is 310 ADT/day of market pulp and 300 MDT/day of paper. Total pulp production will be 535 ADT/day. An additional 75 T/d of purchased pulp will be used for paper production. The BPT effluent guidelines for the Board, Coarse, and Tissue Bleach Kraft subcategory are as follows:

| | Mon Ave | Daily Max |
|---|---|---|
| BOD lb/ADT of product | 14.2 | 27.3 |
| TSS | 25.8 | 48.0 |

| | Mon Ave | | Daily Max | |
|---|---|---|---|---|
| BOD | 310 MDT/D(14.2) = | 4,402 | 310(27.3) = | 8,463 |
| | 310 ADT/D(14.2) = | 4,260 | 300(27.3) = | 8,190 |
| | | 8,662 #/D | | 16,653 # |
| TSS | 310 MDT/D(25.8) = | 7,998 | 310(48.0) = | 14,880 |
| | 300 ADT/D(25.8) = | 7,740 | 300(48.0) = | 14,400 |
| | | 15,730 #/D | | 29,280 # |

Proposed BCT Limitations

| | Mon Ave | Daily Max |
|---|---|---|
| BOD lb/ton | 9.0 | 15.0 |
| TSS | 13.2 | 21.6 |

| | Mon Ave | | Daily Max | |
|---|---|---|---|---|
| BOD | 310 MDT/D(9.0) = | 2,790 | 310(15.0) = | 4,650 |
| | 300 ADT/D(9.0) = | 2,700 | 300(15.0) = | 4,500 |
| | | 5,490 #/D | | 9,150 # |
| TSS | 310 MDT/D(13.2)= | 4,092 | 310(21.6) = | 6,696 |
| | 300 ADT/D(13.2)= | 3,960 | 300(21.6) = | 6,480 |
| | | 8,052 #/D | | 13,176 # |

Comparison of current water quality based limitations, BPT, and proposed BCT limitations:

| | BOD | | | | TSS | | | |
|---|---|---|---|---|---|---|---|---|
| | Mon Ave (lb/day) | | Daily Max (#) | | Mon Ave (lb/day) | | Daily Max (#) | |
| | current | proposed | current | proposed | current | proposed | current | proposed |
| Current | | | | | | | | |
| (summer) | 2,500 | 4,000 | 3,700 | 6,000 | 7,000 | 11,000 | 10,500 | 16,800 |
| (winter) | 4,000 | 6,400 | 5,000 | 8,000 | 7,000 | 11,000 | 10,500 | 16,800 |
| BPT | 5,311 | 8,662 | 10,210 | 16,653 | 9,649 | 15,738 | 17,953 | 29,280 |
| BCT | 3,366 | 5,490 | 5,610 | 9,150 | 4,937 | 8,052 | 8,078 | 13,176 |

ATTACHMENT C

VICTOR ATIYEH
Governor

# Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-

JUN 02 1986

Pope & Talbot Pulp, Inc.
Attn: W. G. Frohnmayer
P. O. Box 8171
Portland, OR 97207

Re: Pope & Talbot Pulp, Inc.
Linn County

Gentlemen:

This is in response to your recent request to modify the NPDES Permit for your pulp and paper facility in Halsey, Oregon. Specifically, you have requested to increase the BOD and TSS discharge limitations due to increased production.

Oregon Administrative Rules 340-41-026(2) states, "In order to maintain the quality of waters in the state of Oregon, it is the policy of the EQC (Environmental Quality Commission) to require that growth and development be accommodated by increased efficiency and effectiveness of waste treatment and control such that sources do not exceed presently allowed discharged loads unless otherwise specifically approved by the EQC." Based on the concern for preservation of the water quality of the Willamette River, the Department cannot support your request for permit modification.

Other pulp and paper facilities which discharge to the Willamette River have gone through major expansions without increases in the permitted summer loadings. The waste water control facilities have been upgraded to accommodate the increased waste loads. During the winter months (November 1 - May 31) when the river flows are considerably higher, some increases could be considered provided the need could be substantiated.

During the next few years the Department does intend to reevaluate the waste load discharges into the Willamette Basin. Although it is very preliminary at this time, we do plan to review the low flow assimilative capacity of the basin waters to see if adjustments in the currently permitted discharges should be made.

Should you wish to discuss this in more detail, please feel free to contact Mr. Larry D. Patterson of our Water Quality Division at 229-5374.

Sincerely,

Original Signed By
Fred Hansen

MAY 27 1986

Fred Hansen
Director

FH:lo
WC534
cc: Willamette Valley Region, DEQ



DEQ-1

ATTACHMENT D

DEPARTMENT OF ENVIRONMENTAL QUALITY - Business Office
P. O. Box 1760
Portland, OR 97207

APPLICATION FOR RENEWAL OF A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
NPDES-R

Appl. 999467
File No. 36335
Received: 7-17-86

CQ 11436
$300.00
JUL 15 1986

A. REFERENCE INFORMATION: EPA REF # OR-000107-4

| Official Name and Address of Applicant (Owner) | Present Permit No. 3509-J<br>Date Expires 12-31-86 |
|---|---|
| Pope & Talbot, Inc.<br>P.O. Box 8171<br>Portland, OR 97207 | |
| **Responsible Official (Name, Title, Address, Phone)**<br>W. G. Frohnmayer, Vice-President<br>P.O. Box 8171<br>Portland, OR 97207 (503) 228-9161 | **Alternate Responsible Official or Chief Operator**<br>R. Hammond |

Description of activities requiring a permit from the Department: (Check all that apply)
___ Construct, install, or modify waste collection, treatment, or disposal facilities.
_X_ Operate waste collection, treatment, or disposal facilities.
_X_ Discharge treated waste waters into the waters of Willamette River
___ Other

B. GENERAL QUESTIONS:

1. Have the treatment or disposal methods employed, as indicated in previous applications, been altered in any way since the last application was submitted? ___ YES _X_ NO
If yes, explain.

2. Has the quantity or quality of wastes discharged, as indicated in previous applications, been significantly changed in any way since the last application was submitted?
_X_ YES ___ NO If yes, explain. With entry into the market pulp business in addition to the existing towel and tissue business the mill is being operated at it's designed capabilities. This has not changed the quality, but has increased the quanity to the treatment system.

C. SPECIAL QUESTIONS AND REQUESTED INFORMATION

1. If any changes in operations or waste quantity or quality are anticipated in the near future, please attach an explanation or proposal.

2. Please attach a brief report which indicates your progress in meeting the requirements and limitations of your present permit.

1. A copy of a report submitted to your department is attached.

RECEIVED
JUL 17 1986
Water Quality Division
Dept. of Environmental Quality

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief.

Signature of owner (or legally authorized representative) R. Hammond

Title Environmental Services Supervisor Date 7-11-86

MAJOR IW
NWR & EPA
7-11-86

ATTACHMENT E

VICTOR ATIYEH
Governor

# Department of Environmental Quality

~~522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 - PHONE (503) 229-5696~~
811 S.W. Sixth Avenue, Portland, OR 97204 Phone (503) 229-5696

December 17, 1986

Pope & Talbot Pulp, Inc.
P.O. Box 8171
Portland, OR 97207

Final Date for Submission
of Written Comments: JAN 02 1987

Re: Waste Disposal Permit
File No. 36335
Linn County

Your application for a National Pollutant Discharge Elimination System (NPDES) permit has been reviewed by the Department and a proposed NPDES permit has been drafted. You are invited to review the attached copy and submit any comments you may have in writing prior to the date indicated above.

Other information which will be distributed to the public is enclosed for your review. Comments on the content of this material will also be appreciated.

Please note the following changes in the draft permit:

1. Condition 1 of Schedule A contains interim color limits which expire on May 1, 1987. These are the same limits contained in Stipulation and Final Order No. WQ-WVR-86-118. After May 1, 1987, the permit would require control of color from May 1 to October 31 of each year.

2. The biomonitoring requirement in Schedule B has been changed from two acute tests per year to one acute and one chronic bioassay test per year.

3. The compliance schedule contained in Stipulation and Final Order No. WQ-WVR-86-118 to evaluate the feasibility and impacts of various color control alternatives has been included in Schedule C.

4. You recently submitted information regarding the impacts of adding a third digester. The information indicated that BOD discharges after installation would exceed current permit limitations. You also indicated you plan to obtain higher permit limits in accordance with a previous request dated April 17, 1986.



DEQ-2

The Department previously responded to your request by letter dated June 2, 1986. That letter specified the Department could not support your request for permit modification, and that any production growth would have to be accommodated by increased waste treatment to stay within presently allowed permit limitations. Therefore, the BOD limitations in Condition 1 of Schedule A have remained unchanged from your existing NPDES permit.

After your comments, if any, have been received, the public notice regarding your application will be circulated to interested individuals and organizations. The proposed permit will also be made available to those persons requesting it. After the public review and participation period is over, the final NPDES permit be issued.

If you have any comments or questions please contact this office.

Sincerely,

Charles K. Ashbaker, Manager
Industrial Waste Section
Water Quality Division

CKA:h
WH1448
Enclosure
cc: Willamette Valley Region, DEQ

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**WASTE DISCHARGE PERMIT**

Department of Environmental Quality
811 Southwest Sixth Avenue, Portland, OR 97204
Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

**ISSUED TO:**

Pope & Talbot Pulp, Inc.
P.O. Box 8171
Portland, OR 97207

**SOURCES COVERED BY THIS PERMIT:**

| Type of Waste | Outfall Number | Outfall Location |
|---|---|---|
| Bleached Kraft Pulp Waste and Domestic Waste | 001 | RM 148.4 |

**PLANT TYPE AND LOCATION:**

Pulp and Paper Mill
Halsey, OR

**RECEIVING SYSTEM INFORMATION:**

Major Basin: Willamette
Minor Basin: --
Receiving Stream: Willamette River
County: Linn
Applicable Standards: OAR 340-41-445

**EPA REFERENCE NO: OR-000107-4**

Issued in response to Application No. 999467 received July 17, 1986.

This permit is issued based on the land use findings in the permit record.

Fred Hansen, Director _____ Date _____

## PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:



Each other direct and indirect discharge to public waters is prohibited.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

## SCHEDULE A

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance Date.

Outfall Number 001 (Process and Domestic Waste Water).

| | Loadings | |
|---|---|---|
| | Monthly Ave. lb/day | Daily Max. lb/day |
| BOD (5-day): | | |
| June 1 to October 31 | 2500 | 3700 |
| November 1 to May 31 | 4000 | 5000 |
| Total Suspended Solids (TSS) | 7000 | 10500 |
| Color: | | |
| May 1 - October 31 | 1500 Units* | 2200 Units* |

| Other Parameters | Limitations |
|---|---|
| pH | Shall not be outside the range 6.0-9.0 |

The effluent from the sanitary sewage treatment plant shall receive disinfection sufficient to reduce fecal coliform bactria to a monthly average of less than 200/100 ml and a weekly average of less than 400/100 ml.

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340-41-445 except in the following defined mixing zone:

   The mixing zone shall not exceed a segment of the Willamette River extending 300 feet downstream from the diffuser and extending beyond each end of the diffuser by 30 feet.

3. Slimicides and biocides containing trichlorophenol and pentachlorophernol shall not be used at the pulp and paper mill.

---

* Effluent color shall be calculated using the following expression:

$$\text{Effluent Color} = \frac{\text{Actual Effluent Flow (MGD)}}{18 \text{ MGD}} \times \text{Actual Color}$$

## SCHEDULE B

Minimum Monitoring and Reporting Requirements
(unless otherwise approved in writing by the Department)

Outfall Number 001

| Item or Parameter | Minimum Frequency | Type of Sample |
|---|---|---|
| **Effluent:** | | |
| Flow | Daily | Continuous |
| BOD (5 day) | 3 per Week | 24-hour Composite |
| Suspended Solids | 3 per Week | 24-hour Composite |
| Color | 3 per Week | 24-hour Composite |
| pH | 3 per Week | Grab |
| Biossay* (within first 12 months of permit issuance) | 2 per Year, (about 6 Months Apart) | Acute Bioassay |
| (after first 12 months of permit issuance) | 2 per year, (about 6 months apart) | One Acute and One Chronic Bioassay Test Per Year |
| **Sanitary Sewage Treatment Plant Effluent:** | | |
| Chlorine Residual | Daily | Grab |
| Fecal Coliform | Weekly | Grab |
| **Sludge Monitoring** | | |
| Depth of Bottom Sludge in Aeration Basins | Two per Year (Approximately 6 Months Apart) | Measurement |
| **Production** | | |
| Pulp | Average** air-dry tons/day for reporting period. | |
| Paper | Average** machine-dry tons/day for reporting period. | |

Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

---

* Biossays shall be performed in accordance with procedures approved by the Department.

** Average is defined as the total production during the reporting period divided by the number of operating days during the reporting period.

## SCHEDULE C

Compliance Conditions and Schedules

1. No later than 12 months after permit issuance, the permittee shall submit proposed chronic bioassay procedures for the Department's review and approval. Within 12 months following agreement between the permittee and the Department on appropriate test procedures, the permittee shall initiate chronic bioassay testing on Outfall Number 001 in accordance with the approved test procedures. Any change in bioassay test procedures agreed to by the permittee and the Department must be approved by the Department.

2. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.

## SCHEDULE D

Special Conditions

1. The total discharge shall be controlled to maintain a reasonably constant flow rate throughout each 24-hour operating period.

2. Sanitary wastes shall be treated separately, adequately chlorinated, and discharged into the process waste water clarifier.

3. Filter backwash, solids, sludges, dirt, sand, silt, or other pollutants separated from or resulting from the treatment of intake or supply water shall not be discharged to state waters without first receiving adequate treatment (which has been approved by the Department) for removal of the pollutants.

4. An adequate contingency plan for prevention and handling of spills and unplanned discharges shall be in force at all times. A continuing program of employee orientation and education shall be maintained to ensure awareness of the necessity of good inplant control and quick and proper action in the event of a spill or accident.

5. Waste waters discharging to biological secondary treatment facilities shall contain adequate nutrients for optimum biological activity at all times. An automatic flow-regulated mechanical nutrient feeding facility is recommended.

6. A continuing program shall be initiated to reduce total fresh water consumption by increased utilization of soiled waters.

7. An environmental supervisor shall be designated to coordinate and carry out all necessary functions related to maintenance and operation of waste collection, treatment, and disposal facilities. This person must have access to all information pertaining to the generation of wastes in the various process ares.

8. Once BCT effluent limits have been finalized, this permit shall in accordance with procedures in OAR 340-45-055, be modified to include all applicable effluent limits not already in the permit or more stringent than those presently in the permit. A time schedule for achieving those limits within the time frames established by the Clean Water Act will also be added to the permit.

POPE & TALBOT PULP, INC.

January 8, 1986



Mr. Charles K. Ashbaker
Industrial Waste Section
Water Quality Division
Department of Environmental Quality
811 S.W. 6th Ave.
Portland, OR 97204

Dear Mr. Ashbaker:

We have reviewed the December 17, 1986 draft of the proposed NPDES permit and offer the following comments for your consideration:

Our existing permit was based on a production of 381 ADT per day of unbleached pulp sold as 234 MDT/day of paper and 140 ADT/day of bleached market pulp.

Between 1981 and today, pulp production at the mill has increased from 381 to 458 UBADT/day by expanded utilization of the facility. This unbleached production is converted to 408 ADT/day of bleached pulp, of which 220 tons are used by the James River paper mill for paper production and 188 tons are sold as market pulp. James River purchases 74 additional tons of pulp to produce 294 MDT of tissue paper. After completion of the new digester in 1987, pulp mill production is estimated to be 448 BADT/day. Further growth is planned in 1988 by additional modifications which will allow the plant to produce 552 BADT/day. The proposed water permit limitations should be revised to allow the mill to operate at the increased production without excessive and unnecessary costs to provide treatment that would produce little, if any, environmental improvement.

Our present discharge permit limitations were calculated by your department in an evaluation report. These calculations were as follows: (please note that the guidelines used were for board, coarse, tissue, and are more restrictive than the values for our product mix, which includes bleached market pulp.)

1981 EFFLUENT LIMITATION CALCULATIONS

| BPT Effluent Guidelines | Mon Ave | Daily Max |
|---|---|---|
| BOD lb/MDT of product | 14.2 | 27.3 |
| TSS lb/MDT of product | 25.8 | 48.0 |

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1981 EFFLUENT LIMITATION CALCULATIONS
(cont'd)

| | Monthly Ave. | Daily Max. |
|---|---|---|
| BOD | 310 ADT/D(14.2) = 4,402 | 310(27.3) = 8,463 |
| | 300 MDT/D(14.2) = 4,260 | 300(27.3) = 8,190 |
| TSS | 310 ADT/D(25.8) = 7,998 | 310(48.0) = 14,880 |
| | 300 MDT/D(25.8) = 7,740 | 300(48.0) = 14,400 |

Our 1981 permit for the summer period was issued as follows:

| | Monthly Ave | Daily Max | % of Guidelines Monthly Ave |
|---|---|---|---|
| $BOD_5$ (2500 lbs/day) | 8.3 lb/ton | 12.3 lb/T | 58 |
| TSS (7000 lbs/day) | 23.3 lb/ton | 35 lb/T | 90 |

Our calculations for revised limitations of the summer $BOD_5$ and TSS effluent limitations are presented in the attached table. This is based on future production using current EPA effluent limitation guidelines, and on the 58% reduction ratio for $BOD_5$ and the 90% reduction ratio for TSS you used to calculate our 1981 permit. The production tonnages used are specific to the limitations and to the uses of the pulp. The following table summarizes the distribution and use of production.

POPE AND TALBOT PRODUCTION/DISTRIBUTION
BLEACHED AIR DRIED PULP

| | |
|---|---|
| To Market: | |
| Existing Plant | 183 tons/day |
| Increase After Plant Modification | 144 tons/day |
| To James River: | |
| Existing Plant | 225 tons/day |
| TOTAL | 552 tons/day |

JAMES RIVER PAPER PRODUCTION
MACHINE-DRIED PAPERBOARD, COARSE, TISSUE

| | |
|---|---|
| From Pope & Talbot | 216 tons/day* |
| Outside Purchased Pulp | 88 tons/day |
| TOTAL | 304 tons/day |

* Note: This is reported as machine-dried and bleached. Market pulp is reported as air-dried.

Therefore, based on the above discussion and the calculations contained in Table 1, we feel that Condition 1 of Schedule A in the proposed permit should be modified to read as follows:

SCHEDULE A

Waste Discharge Limitations not to be Exceeded After Permit Issuance Date.

Outfall Number 001 (Process and Domestic Wastewater).

| | Loadings Monthly Ave lb/day | Daily Max lb/day |
|---|---|---|
| BOD (5-day): | | |
| - June 1 to October 31 | 5000 | 9600 |
| - November 1 to May 31 | 8100 | 15000 |
| Total Suspended Solids (TSS) | 14000 | 26000 |

| Other Parameters | Limitations |
|---|---|
| pH | Shall not be outside the range 6.0-9.0 |

The effluent from the sanitary sewage treatment plant shall receive disinfection sufficient to reduce fecal coliform bacteria to a monthly average of less then 200/100 ml and a weekly average of less than 400/100 ml.

The color limitation of 1500 color units contained in 18 MGD was proposed by American Can before the mill began operating. This was based on the pulp market at that time and a proposed production of 300 ADT/day. Company officials expressed the intention of increasing production to 600 ADT/day in the future. This color limit was met until increased production and a change in the pulp market required operational changes. These two actions, occuring over a several-year period, caused an increase in effluent color.

There has been no data produced, nor were we able to locate such data, that demonstrate that the difference between the color content in our effluent and the limit you propose has any adverse impact on the river. A review of DEQ records of complaints did not demonstrate that more complaints would be received if there were no color limit. A review of records for the City of Corvallis, Willamette River Water Treatment Plant has shown that there has been no impact on their operations.

Therefore, we feel that the color limits in Schedules A and C should be eliminated for the expanded mill. The expanded production facility cannot meet the 1970 color limit without use of bleaching chemicals. Currently, a review of alternate methods to achieve a color standard is being completed, subject to a consent order. Previous evaluations by the EPA of the cost and benefit of establishing an effluent color standard for pulp and paper effluents have concluded that color removal processes have not been proven to be effective at reasonable costs.

The biomonitoring requirement in Schedule B should not require one mill to become involved in an unproven and unreliable chronic bioassay test. The pulp and paper industry and James River are studying chronic bioassay procedures. A critical evaluation of chronic bioassay procedures will be submitted to DEQ by July 1987. We request that the chronic test be eliminated from the permit.

The James River Environmental Group has reviewed chronic toxicity testing of pulp mill effluents. Attached are the conclusions and recommendations from the ongoing study. The chronic bioassay test methods proposed are still in the research stage and do not belong in NPDES monitoring requirements.

Also attached is a summary of "NCASI" Experience With 7-day Ceriodaphnia Survival and Reproduction Test".

Pope and Talbot would not be requesting these modifications in the proposed permit if we believed that these requested increases would make a measurable difference in water quality in the river, harm any water uses, or violate any receiving water quality standards. With the shutdown and reduction of other pulp mill discharges to the Willamette River since 1981, we feel there is adequate river capacity to handle increased discharge levels. The expansion of pulp mill production at Halsey has been made to fulfill part of the pulp requirements of the paper mills served by permanently shut-down pulp facilities on the Willamette River.

We are currently working with a sophisticated EPA computer model that predicts river water quality changes as organic loadings are changed. The results of this work will be available for your review within the coming weeks.

As a long-standing major industrial operator on the Willamette River, we expect to be treated as fairly as any new industrial operation. In the economic market environment in which the Halsey Mill operates, it is essential we be in the position to continually expand our productive capacity to remain competitive with other world-wide pulp producers. The continued success and growth of the Halsey Pulp Mill obviously has significant impact on the economy of the region and the State of Oregon.

After you have had an opportunity to review our response, I would propose we schedule a joint meeting so we can better understand our respective positions and objectives prior to submission of the application to public review.

Sincerely,

W.G. Frohnmayer
Vice President Fiber Products

WGF:cla

cc: Dick Nichols, DEQ
Larry Patterson, DEQ
Charles Warren, Halsey

TABLE 1

CALCULATION OF FINAL DISCHARGE ALLOWANCES

| Effluent Subcategory | | | Limits Pounds/ 1000 lbs | Production tons/day (1) | Totals lbs/day | Pope & Talbot Proposed Limit |
|---|---|---|---|---|---|---|
| **Average BOD - 30 days** | | | | | | |
| H | Board Coarse Tissue | BCT | 7.1 | 216 | 3,067 | |
| S | Non-Integrated Tissue | BCT | 6.25 | 88 | 1,100 | |
| G | Bleach Market Kraft | BCT | 8.05 | 183 | 2,946 | |
| G | Bleach Market Kraft (4) | NSPS | 5.5 | 144 | 1,584 | |
| | Total | | | | 8,697 | 5,044 (2) |
| **Maximum Day BOD** | | | | | | |
| H | Board Coarse Tissue | BCT | 13.65 | 216 | 5,897 | |
| S | Non-Integrated Tissue | BCT | 16.4 | 88 | 2,006 | |
| G | Bleach Market Kraft | BCT | 15.45 | 183 | 5,655 | |
| G | Bleach Market Kraft (4) | NSPS | 10.3 | 144 | 2,966 | |
| | Total | | | | 16,524 | 9,584 (2) |
| **Average TSS - 30 day** | | | | | | |
| H | Board Coarse Tissue | BCT | 12.9 | 216 | 5,573 | |
| S | Non-Integrated Tissue | BCT | 5.0 | 88 | 880 | |
| G | Bleach Market Kraft | BCT | 16.4 | 183 | 6,002 | |
| G | Bleach Market Kraft (4) | NSPS | 9.5 | 144 | 2,736 | |
| | Total | | | | 15,191 | 13,672 (3) |
| **Maximum Day TSS** | | | | | | |
| H | Board Coarse Tissue | BCT | 24 | 216 | 10,368 | |
| S | Non-Integrated Tissue | BCT | 10.25 | 88 | 1,804 | |
| G | Bleach Market Kraft | BCT | 30.4 | 183 | 11,126 | |
| G | Bleach Market Kraft (4) | NSPS | 18.2 | 144 | 5,242 | |
| | Total | | | | 28,540 | 25,686 (3) |

(1) Categories H,S at off machine moisture, Category G at 10% moisture
(2) 58% of calculated allowance as used in 1981 permit
(3) 90% of calculated allowance as used in 1981 permit
(4) First phase (1987) NSPS tonnage will be 54 T/D

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Fred Hansen, Director

Subject: Agenda Item No. E , July 17, 1987, EQC Meeting

Request for Commission Approval of the FY88 Construction Grants Management System and Priority List for Fiscal Year 1988

Background

Section 106 of the Federal Clean Water Act requires each state to establish criteria for development and management of a sewerage works construction grants project priority list. By administrative rule, the Environmental Quality Commission has established the required priority criteria and management system (OAR Chapter 340, Division 53). An annual priority list must be approved to establish the ranking of potential projects for available funding before the start of the Federal Fiscal Year FY88 beginning on October 1, 1987.

On March 13, 1987 the Commission granted a request to hold a public hearing on the Draft Construction Grants Priority List and proposed Rule Amendments to OAR 340-53-025 and 340-53-027. A public notice of the hearing was mailed to all interested parties on March 17, 1987. The hearing was held on May 13, 1987, thirty days after distribution of the draft priority list to interested parties.

At the close of the hearing record on May 15, 1987 nineteen (19) statements were received. Sixteen (16) of these statements addressed individual project rankings or concerns on the draft priority list. One statement each was submitted concerning the Columbia Slough Outfalls, East Multnomah County projects connected with the "threat to drinking water" and the State Revolving Fund program. No comments were received concerning the Proposed Administrative Rule change or addition to OAR-340-53-025. The comment on the Columbia Slough Outfalls requested a change in the wording of the proposed Administrative Rule modification in OAR 340-53-027.

This agenda item has been presented to obtain Commission approval of the FY88 Final Construction Grants Priority List and Commission adoption of changes and additions to OAR 340-53-025 and OAR 340-53-027. Approval by the Commission at this time will enable the EPA to fully approve the list by the start of the FY88 grant period (October 1, 1987 to

September 30, 1988). Such action is required by federal regulation in order for EPA to disburse money to the state.

Discussion of Priority List/Management System

1. Status of the Program -- Reauthorization of the Federal Water Pollution Control Act (referred to as the Water Quality Act of 1987) occurred on February 5, 1987 by Congressional override of the President's veto. The new Water Quality Act provides for the capitalization of a state revolving fund and authorization of $18 billion in funds from 1986-94. It also establishes a Nonpoint Source Reserve. The Act phases out federal funding for sewage facilities by 1994. Construction grants will only be allowed through FY1990; thereafter, federal funds can only be used for capitalization of a state revolving fund program.

2. Final Priority List -- The priority list, Attachment H, is revised from the draft list distributed for public comment on April 10, 1987. The changes in the list were the result of public testimony and other additional information made available to the Department. These changes are listed in Attachment E, and are discussed in the response to testimony summary in Attachment A. Several new projects or project segments were added to the list and several projects were elevated in priority rank.

   Significant Changes and Issues

   There were several significant changes in the FY88 priority list as a result of public testimony. These changes are:

   a. **Athena Sewage Treatment Plant Improvements:**

      A mixing zone study by the Department documented that effluent discharged from the plant was adversely affecting the water quality in Wildhorse Creek. For this reason the letter class was changed from a C to a B. The estimated grant funds required for this project are $48,000.

   b. **Coos Bay Sewer Rehabilitation**

      This project was added to the FY88 priority list. Sewer rehabilitation was originally included on the FY87 priority list as a part of an infiltration and inflow project which carried a letter Class B. Due to the increase in cost and scope of the rehabilitation and inflow work, it is proposed to split the original project into two segments. The rehabilitation project will also carry the letter Class B and 90 regulatory points. The estimated grant funds required for the sewer rehabilitation project are $750,000 and the inflow and infiltration project grant fund costs are $110,000.

c. **Coos Bay Sewage Treatment Plant No. 2 Improvements**

The treatment plant has violated water quality standards and will continue to do so as more homes are connected to the system from the Charleston Sanitary District. Continued violations and water quality impairment of the bay waters is expected. Therefore, the letter class has been changed from a C to a B. The estimated grant funds required for this project are $727,000.

d. **Coos Bay No. 2 Inflow and Infiltration Improvements**

An inflow and infiltration project will be added. The project is required to reduce hydraulic overloading of the treatment plant. Inflow and infiltration correction will be tied to the Coos Bay sewage treatment plant No. 2 improvements as a letter class B with 90 regulatory points. At this time, there are no estimated costs for this project.

e. **Corvallis West Interceptor**

A health hazard annexation has been initiated by the Oregon State Health Division. The action was taken in response to a sanitary survey which showed a health hazard existed in the Philomath Boulevard area in West Corvallis. The letter Class D did not change (water quality problems were not documented). However, regulatory points were increased from 50 to 130. Estimated grant funds for this project are $165,000.

f. **Independence Interceptor**

By the City's request an interceptor project was added to the priority list. This project would alleviate some bypassing of sewage at manholes. The project received a letter class D and 50 regulatory points. Estimated grant funds required are $25,000.

g. **North Albany Area II-A Interceptor**

A change in the ranking on the priority list for this project was due to Environmental Quality Commission action on May 28, 1987. The area known as North Albany II-A was ordered to construct adequate sewer facilities to prevent water quality problems. The Order changes the project letter class to a B and the regulatory emphasis points to 130. Estimated grant funds required are $313,000.

h. **North Bend Sewage Treatment Plant Improvements**

North Bend has submitted documentation demonstrating a potential problem exists where the sewage treatment plant may be hydraulically overloaded. The letter class has been changed from

a D to a C. This change reflects the distinct possibility of the plant violating its permit limits. Estimated grant funds required are $784,000.

i. **Vernonia Inflow and Infiltration Project**

Vernonia's sewer system is hydraulically overloaded and is discharging raw sewage to the Nehalem River from the lagoons and bypass points. As a result of the discharges aquatic life is being affected downstream. The letter class has been changed from a C to a B. Estimated grant funds required are $1,104,000.

These changes caused subsequent changes in the ranking of projects located below them on the priority list.

Funding

The Department anticipates an allotment of $27.4 million for FY88. If this allotment is forthcoming, the funds can be obligated to grants or for loans through the State Revolving Fund. As discussed in the March 13, 1987 staff report to the Commission, up to 75 percent of the FY88 allotted funds could be set-aside for loans.

The Commission should be aware that the proposed FY88 Priority List will only be used for distribution of grants. Before the State Revolving Fund program can be initiated, the Department will have to develop necessary administrative rules including a revised priority list for Commission review and adoption. The Department will begin this process once EPA has provided necessary guidance and regulations for the program.

It should be noted that a project appearing on the priority list is not assured of receiving a grant. The facility planning process and predesign process that precedes grant award is expected to provide documentation for project need, extent of grant eligibility and eligible costs. Thus, the information shown on the priority list for a project may change during the year. Existing rules allow such changes to be made. If the changes do not significantly affect other projects, the changes are made administratively. If project priorities are significantly rearranged, additional public participation and the review and approval of the Commission may be warranted pursuant to OAR 340-53-035.

3. **Proposed Rule Amendments** The proposed rule amendments and additions are unchanged from those proposed at the March 13, 1987 Commission meeting. No comments were received regarding the proposed amendment and addition to OAR 340-53-025 (Attachment F). The rule amendment would authorize the Department to reserve from grant funds allotted to Oregon for fiscal years 1987-94, a percentage of allocations for capitalizing a State Revolving Fund. The percentage

allocations would be as follows: FY87 -- up to 50 percent; FY88 -- up to 75 percent; FY89-90 -- not less than 50 percent and up to 100 percent; and FY91-94 -- not less than 100 percent.

The rule addition would establish a nonpoint source planning reserve utilizing one percent of annually allotted funds but not less than $100,000. This is allowed by Section 205(j)(5) of the Water Quality Act of 1987. Use of these monies, of course, is subject to approval by the Legislative Emergency Board and the Governor.

One comment was received proposing additional changes to the proposed amendment OAR 340-53-027 (Attachment F). This rule amendment would authorize the Department to use up to 20 percent of the annual allotment for replacement or rehabilitation of major sewers and for elimination of combined sewer overflows for communities under Commission order as of December 31, 1986 to achieve compliance with the requirements of the national municipal policy.

The comment proposed extension of eligibility to include those projects recommended by Department sponsored task forces. The Department believes that major eligibility determinations establishing priority for construction grant funding should be made by the Commission and not by advisory committees.

Summation

1. The Commission needs to adopt the priority list for allocating federal construction grant funds for FY88.

2. The final recommended FY88 construction grants priority list was developed in accordance with OAR 340-53-005, et seq. Selection of projects are based on priority ranking, work schedules submitted by potential applicants and available funds.

3. Nineteen (19) respondents provided statements during the public hearing process. Reevaluation of priority ratings were considered where water quality and public health impact documentation was submitted by 5:00 p.m., May 15, 1987.

4. The Department anticipates an allotment of $ 27.4 million in FY 88. Up to 75 percent of the FY88 allotted funds could be set-aside for a State Revolving Fund program.

5. The FY88 Priority List can only be used for awarding grant funds. Prior to initiating the State Revolving Fund program, the Department will propose separate rules and develop a Priority List for allocating loan funds.

6. An administrative rule modification is proposed to allow reservation of capitalization grant funds for fiscal years 1987-94.

7. An administrative rule addition is proposed to allow reservation of funds for nonpoint source planning in fiscal years 1987-94.

8. An administrative rule modification is proposed to extend eligibility for major sewer replacement and rehabilitation and for elimination of combined sewer overflows to communities under Commission order as of December 31, 1986 to achieve compliance with the national municipal policy.

**Director's Recommendation**

Based on the summation, the Director recommends that the Commission adopt the FY88 Construction Grants Priority List as presented in Attachment H. The Director further recommends Commission adoption of a proposed amendment to OAR 340-53-025 regarding establishment of reserves to capitalize the State Revolving Fund, a proposed addition to OAR 340-53-025 to allow establishment of a nonpoint source management planning reserve, and a proposed amendment to OAR 340-53-027 to broaden eligibility for major sewer replacement or rehabilitation and for combined sewer overflows.

Fred Hansen

Attachments: (9)

A. Hearings Officer Report -- Record and Response to Oral and Written Testimony
B. Attendance List
C. List of Planing and Design Schedule Submittals
D. Priority System and Criteria Rules
E. Technical Corrections to the FY87 Priority List (update from Draft FY88 List)
F. Proposed Amendments to OAR 349-53-025 and OAR 340-53-027
G. FY88 Points Calculation List, as Revised
H. FY88 Proposed Priority List, as Revised
I. Staff Report for Agenda Item H, March 13, 1987, EQC Meeting

R. Kepler:hc
WH2097
229-6295
June 23, 1987

ATTACHMENT A

Hearing's Office Report

Record and Response to Oral and Written Testimony

NEIL GOLDSCHMIDT
GOVERNOR

# Department of Environmental Quality

811 S.W. SIXTH AVENUE, PORTLAND, OREGON 97204 PHONE: (503) 229-5696

**ATTACHMENT A**

**MEMORANDUM**

To: Environmental Quality Commission

From: Thomas J. Lucas, Hearings Officer

Subject: Public Hearing on the Draft FY88 Construction Grants Priority System and List -- Summary and Response to Testimony

A public hearing on the referenced subject was held at the Department of Environmental Quality offices in Portland beginning at 10:00 a.m. on May 13, 1987. The hearing was preceded by public notice distributed to all interested parties on March 17, 1987. Publication was made in the Secretary of State's Bulletin on April 1, 1987. The draft Construction Grants Priority list was distributed to all interested parties on April 10, 1987.

1. A summary of the issues was presented by the Hearing Officer.

2. The Hearing Officer reminded those present that the hearing record will close at 5:00 p.m., May 15, 1987, and that the priority system and list are scheduled for action by the Environmental Quality Commission at the July 17, 1987, meeting in Coos Bay.

Following, in the order received, are summaries of written and oral testimony, and the Department's response where appropriate. Copies of written testimony are available at the DEQ, Water Quality Division. A list of potential grantees who submitted planning and design schedules is provided as Attachment C.

## RESPONSES TO ORAL AND WRITTEN TESTIMONY - FY88 CONSTRUCTION GRANTS PRIORITY LIST

1. Jim Schuette, JMS Engineering, City of Independence (April 22, 1987)

The City of Independence submitted Written Testimony requesting placement of their 9th street relief sewer extension on the

construction grants priority list. The project would intercept winter highwater flows and route them to the treatment plant instead of bypassing the flows at manholes. The City of Independence would continue their inflow/infiltration reduction program.

**Response:** The City's relief sewer (IWT) will be included on the construction grants priority list as Project Class letter code D, with 50 Regulatory Emphasis points. Although bypasses at the manholes in the western area of Independence have the potential for affecting water quality, documentation submitted has been insufficient to demonstrate a water quality problem.

The City should conduct a flow analysis to determine if untreated wastes are being discharged to waters of the State. The study should also address whether it is more cost effective to remove extraneous inflow and infiltration versus intercept and treat.

2. Gregory DiLoreto, City Engineer, City of Gresham (April 24, 1987)

Gresham in written testimony urged the Department to consider funding of the Gresham Mid-County Collection System through the 20 percent discretionary funds. This funding would help to relieve the financial burden imposed by the Commission on Mid-County residents, and would allow Gresham to participate in the process to alleviate severe water quality problems in Mid-Multnomah County.

**Response:** Oregon Administrative rules only allow for funding of sewer rehabilitation and combined sewer outfall separation from the 20 percent discretionary fund, collection systems are not eligible at this time. Mid-County interceptors are eligible and now being considered for funding.

3. Lynn H. Heusinkveld, Charleston Sanitary District (May 7, 1987)

Mr. Heusinkveld in written testimony for the Sanitary District, supports the elevation of the Coos Bay sewage treatment plant No. 2 project in the 1988 priority list. He requests re-evaluation of the project and propose a B classification to further elevate the project on the priority list.

The following reasons are given for this request:

a. The Department conducted a field study in 1979 documenting a 55 percent septic tank failure rate in the Charleston area.

b. A shellfish study coordinated by the Department documented the effects of septic tank failures on the water of Coos Bay. The

Coos Bay area's most popular clamming beds as well as oyster cultivation are in closer proximity to the area of septic tank failures.

c. Coos County's public health officer has long been concerned about the impact of septic tank failures on shallow domestic wells in the area.

d. The Sanitary District has received grant and loan funds from Housing and Urban Development community block grants and the Farmers Home Loan program to sewer the area. The increase in sewage coming from the Charleston Sanitary District will put an additional load on the Coos Bay plant No. 2 which receives the waste from the district. Forty percent of the homes have never been connected and an additional 600 homes will be connected this year.

e. The district has received funds from the Farmers Home Administration to provide capital improvements at the treatment plant.

**Response:** (See No. 6 -- Response to Schwarm.)

4. Bud Fischer, Chief, Community and Business Loans, FmHA
(May 12, 1987)

Mr. Fischer submitted written testimony expressing Farmers Home Administration's support for elevating the Coos Bay Sewage treatment plant No. 2 project on the 1988 priority list. He indicated Farmers Home Administration obligated a total of $3,422,500 in loans and grants to sewer the area.

**Response:** (See No. 6 -- Response to Schwarm.)

5. Larry Nye, Counselor, Water and Sewer Department, City of Athena
(May 12, 1987)

Mr. Nye submitted writing testimony stating that in a meeting with the Department in April of 1987, the City officials were told that they would have three to five years to completely stop all discharges to Wildhorse Creek. Athena's treatment system experiences occasional permit violations, and a mixing zone study of the receiving stream suggests that Wildhorse Creek is not well-suited to receive summer effluent discharge. Because of this serious need, the City wishes to be placed higher on the priority list.

**Response:** The Department acknowledges that the City of Athena needs to initiate planning to improve their sewage treatment system and to stop summer discharges to Wildhorse Creek. A mixing zone study in 1985 indicated that the

aquatic biology was affected below the discharge point due to inadequate dilution of the effluent. Degradation of water quality below the outfall presents an impairment of beneficial uses of Wildhorse Creek. The Project Class will be elevated from letter Class C to a B.

6. Joe Schwarm, Director of Public Works, Coos Bay (May 13, 1987)

Mr. Schwarm stated that in response to a regulatory threat by both EPA and the Department the City of Coos Bay is requesting a change in priority status for Coos Bay sewage treatment plant No. 2. The City believes that an upgrade in plant No. 2 will provide for environmental enhancement to the Coos Bay area and an economic enticement for residential, business and industrial development.

In a 1983 DEQ report on water quality in the Coos Bay Drainage Basin, sources of contamination interfering with year-round shellfish harvesting, were identified. This industry has a potential of 10 million dollars per year. Plant No. 2 was identified as one of three main sources of contamination, and because of its current problems year-round opening of the bay could be delayed. In addition, plant No. 2 is probably affecting recreational and clamming areas south of the STP.

STP No. 2 could also have an effect on residential growth in the service area of the Charleston Sanitary District. This area has a history of failing septic tanks, and future sewage connections represent the elimination of documented health and environmental problems. The District will have a total of 900 plus homes connected in the near future, which will subtantially increase loading to Coos Bay sewage treatment plant No. 2.

The plant occassionally violates its NPDES permit. Violations are primarily due to hydraulic overload, a chronic, long-term problem inherent in its hydraulic design. There have been other problems, namely equipment failure and overloading by industry. If major construction is required to correct hydraulic problems, a total of $1.3 million is needed for construction of improvements to plant No. 2. Farmers Home Administration has provided $225,000 for Charleston Sanitary District share of capital improvements to Coos Bay's sewage treatment plant No. 2. The City of Coos Bay will provide an additional $225,000. In order to complete the project, Coos Bay needs $727,000 in funding from federal construction grants.

**Response:** The City of Coos Bay has two sewage treatment plants. Plant No. 1 discharges into the upper part of the Bay. It is on the EPA National Municipal Policy list as a non-complying treatment facility and is under Commission order to improve treatment performance and eliminate infiltration/inflow and resulting bypassing of raw sewage.

Coos Bay No. 1 projects are rated as letter Class B. Coos Bay plant No. 2 services the Empire District in the City of Coos Bay and the Charleston Sanitary District, and discharges into the lower part of the Bay. A proposed project for sewage treatment plant improvements is currently rated as letter Class C.

The Department concurs with the testimony pertaining to plant No. 2, requesting a change in the letter Class rating from C to B. There are several reasons for this concurrence. First, the 1983 DEQ Shellfish Management Plan identified Coos Bay Plant No. 2, along with plant No. 1 and North Bend, as being the primary sources of pollution to the Bay. Coos Bay No. 1 and two North Bend projects subsequently received letter Class B ratings. Second, the Department has strongly supported a sewering program for Charleston to eliminate septic tanks and fecal contamination to the Bay. The Charleston project was funded by Farmers Home Administration and Housing and Urban Development funds (DEQ regulations prohibit construction grant funds for collector sewers). Charleston is now being sewered and the sewage is transported to Coos Bay plant No. 2. This additional loading contributes to hydraulic overloading at plant No. 2. Without the improvements required at Coos Bay No. 2, the water quality problems associated with the Charleston Sanitary District will be transferred to the treatment plant which discharges further down the bay. Third, Coos Bay plant No. 2 has experienced violations of its NPDES permit resulting from the hydraulic overloading. As loadings increase, the situation will undoubtedly worsen.

For the above reasons, the letter Class for Coos Bay No. 2 sewage treatment plant improvements is changed from C to B. The regulatory emphasis points were increased to 90 because of effluent violations.

7. Ron Stillmaker, City of North Bend. (May 13, 1987)

In oral testimony, Mr. Stillmaker requested that the North Bend sewage treatment plant expansion project be upgraded to a class B rank and placed as high as possible on the Department's priority list for the following reasons:

a. Raw sewage overflows have been documented as a potential health hazard.

b. Raw sewage overflows or partially treated waste flows affect all shellfish harvesting areas in the Coos Bay estuary.

c. The existing plant will violate permit conditions at flows exceeding 3.4 mgd or those flows would be needed to be bypassed to limit the violations (based on 1986-87 waste flows and EPA computer model).

d. Infrequent permit violations due to the plant's limited backup facilities or no means of maintenance will increase in frequency with increased flows.

In 1985, the City completed a wastewater facilities plan that outlined the problems existing in the collection system and treatment plant. The plan was conditionally accepted by DEQ because it lacked accurate flow data due to a combined sewer system with several overflows that could not be measured. Since that time, the city has performed sewer separation and some rehabilitation, and flows have been monitored. In addition, a grant was received to upgrade pump station No. 5 which carries about 84 percent of the City's wastewater. With the present information on flows and an expected increase in flows to the plant resulting from upcoming improvements to pump station No. 5, it is anticipated that the plant will not be able to meet permit requirements.

**Response:** North Bend sewage treatment plant discharges into Coos Bay where two other treatment plants also have their discharges, these plants are Coos Bay No. 1 and 2. The Coos Bay study and management plan identified the Bay as being seasonally impaired by fecal waste discharges. North Bend discharges to the central Bay, midway between Coos Bay Nos. 1 and 2.

North Bend has a history of bypassing raw sewage to the Bay. The City has been attempting to alleviate this problem by separating its combined sewer outfalls and increasing the capacities of their pump stations, to enable the remaining flows to be delivered to the treatment plant. The treatment plant has not had an effluent violation, mainly because, the total flow of the sewer system could not be delivered to the plant. After the installation of the larger capacity pump stations, total flow will be delivered to the plant.

Several simulation models of the plant have been run to determine if the plant can accommodate the additional flows. The simulation models indicate that at high water flow rates, the plant may not be able to accommodate the flows and will have to bypass raw sewage to the bay.

Because of the possibility of effluent violations, and potential bypassing of raw sewage in the winter months the letter class of the project will be elevated from a D to a C. Several of the North Bend projects in the past have been

rated at a B. The B letter class was assigned to those projects for demonstrated water quality impairment problems resulting from the large amount of raw sewage bypass occurring. The treatment plant project has not demonstrated a water quality impairment problem, only the potential for a problem, and, therefore cannot be ranked as a letter class B project at this time.

8. Wallace Vaughn, Mayor of Vernonia (May 13, 1987)

Mr. Vaughn stated that The City has received letters of complaint regarding raw sewage in the Nehalem River. The stream has many beneficial uses which must be protected.

**Response:** (See No. 11 -- Response to Shewey)

9. Michael Smith, Superintendent of Public Works, City of Vernonia (May 13, 1987) -- Submitted Photos: Attached with Descriptions

Photos are of overflows to Nehalem River and a temporary line installed because of infiltration problems. The line runs above ground near the school grounds. There have been many breaks in the line, posing a major health hazard.

**Response:** (See No. 11 -- Response to Shewey)

10. Glen Higgins, State Representative for Oregon's Rural Community Assistance Program speaking for Vernonia (May 13, 1987)

Mr. Higgins stated that the City is committed to resolve their sewer system problems and needs to be assured of a position high on the priority list to proceed with planning. Vernonia has received a Community Development Technical Assistance Grant from Housing and Urban Development (HUD) in the amount of $7,500 to study its sewer system problems. That grant amount will only allow study of a small portion of the collection system.

**Response:** (See No. 11 -- Response to Shewey.)

11. Allen Shewey, HGE Engineers Speaking for Vernonia (May 13, 1987)

Mr. Shewey stated there is substantial documentation to show that Vernonia's sewage treatment system is experiencing an ever-increasing incidence of bypassing of raw and partially treated wastewater flows to the Nehalem River. A large portion of the collection system was installed in the 1920's and 1940's, and is experiencing severe infiltration/inflow problems. Bypass locations and durations include:

a. The pump station, which serves the downtown and Corey Hill (westside) areas. This station pumps at capacity from October to May and still bypasses flow continuously into the Nehalem River.

b. The sewage treatment lagoon was expanded from two cells to three in 1985. At this date, the lagoon system continues to bypass both untreated and partially treated wastewater.

c. The standpipe at the bottom of O-A Hill (central East Vernonia), in January 1987, overflowed and drained into Vernonia Lake. The City has installed a bypass on top of the ground to route all of the flows from O-A Hill into the sewage treatment lagoon, further complicating overflow problems from the lagoon.

**Response:** Vernonia's proposed infiltration and inflow project is needed to eliminate bypassing to the Nehalem River. The Oregon Department of Fish and Wildlife has indicated that bypassing from Vernonia's sewer system is causing adverse impacts on fish and fish habitats in the river. Fisheries are a designated beneficial use of the Nehalem River. Based upon this information, the Vernonia I/I a Project Class letter code is elevated from a C to a B.

Vernonia's sewage treatment plant improvements project will be tied to the I/I project. Because of winter discharge from the lagoons to the river, the City is in violation of their Water Pollution Control Facilities (WPCF) permit. Once the I/I problems are resolved, the sewage treatment lagoons may require improvements to preclude seepage of sewage to the Nehalem River.

12. Mark Spangler, Director of Lincoln County Department of Planning and Development, representing the Carmel-Foulweather Sanitary District (May 13, 1987)

Mr. Spangler in oral testimony requested that the Department consider findings of a recently completed sanitary survey in evaluating the District's status on the priority list. He discussed background information and recent efforts on the part of the District to address sewage disposal problems.

In 1972, a sanitary survey conducted by DEQ showed that a potential public health problem existed in the area. In 1974 the District was formed, and a facilities plan was completed in 1976. Funding was not secured, and the situation has remained unabated. In 1983, District board members expressed concern to the County over a worsening situation -- surfacing sewage and pollution of public waters. The County agreed to undertake an update of the original Sanitary Survey

and to assist the District in seeking funding for a facilities plan update. An Oregon Community Development Technical Assistance Grant was secured for an update of the facilities plan which will be completed December of 1987. The sanitary survey results clearly demonstrate the magnitude of the problem.

**Response:** (See No. 13 -- Response to Zekan)

13. Bill Zekan, Lincoln County Environmental Manager and Project Manager of the Carmel-Foul Weather Sanitary Survey (May 13, 1987)

Mr. Zekan discussed findings of the sanitary survey. The study was conducted January through April of 1987 by the Lincoln County Department of Planning & Development with the assistance of DEQ. Of 200 systems examined, 54% were failing or marginal. Bacterological examination of surface waters and outfalls discharging to the beach in the area showed that the public is currently being exposed to inadequately treated sewage and, hence, a risk of communicable disease.

**Response:** The sanitary survey conducted in 1987 demonstrated some potential health problems in the area. However, as the Department's letter of May 21, 1987, indicated, the survey failed to demonstrate any water quality problems. To obtain a higher project class letter code ranking, evidence of water quality problems must be documented. At present, there is no regulatory action or documentation to justify a change in priority classification.

13. Norma House, City Manager of Port Orford (May 13, 1987)

Ms. House expressed "appreciation and a feeling of cooperation" in response to the priority listing granted to the City.

She stated the future growth of Port Orford depends on Garrison Lake as the primary water source for the community and for recreation opportunities. Since 1962, there has been increased housing development along its borders, a portion being serviced by septic systems. A sewage treatment plant (STP) was built in 1967, which discharges treated effluent into Garrison Lake. The nutrient level of the water continues to rise, causing growth of nuisance algae and weeds, and taste and odor problems in the drinking water supply.

In order to improve water quality, the City must make improvements to the STP, both in the maintenance and operation of the plant, and relocation of the sewer outfall. A 1985 study was undertaken with the assistance of the Department to further analyze and identify the degree of water quality degradation of the Lake. As a result, a realistic planning and design schedule has been submitted; however,

without financial assistance the City will not be able to make the necessary improvement in the near future. The community is willing to undertake the task of independently monitoring the lake, and any other tasks required.

**Response:** Ms. House indicated approval of Port Orford's proposed ranking on the priority list. The Southwest Region, Coos Bay Office staff will develop a schedule of compliance to remove the sewage effluent outfall from Garrison Lake. The Department's 1986 Garrison Lake Study showed an impact on beneficial uses from sewer discharges to the Lake. The relationship between the on-site systems and the lake were not as well defined in the study, therefore, the interceptor will maintain the letter class C to recognize the need to reduce discharge to the Lake.

15. B.J. Smith, League of Oregon Cities (May 13, 1987)

Ms. Smith stated that the League of Oregon Cities supports Senate Bill 117 authorizing the capitalization of a State Revolving Loan Fund. However, the League of Oregon Cities does have some concerns about establishing the revolving loan fund, as follows.

Local governments are facing a devolution in federal and state programs for infrastructure financing.

Ms. Smith cited changes in the Clean Water Act, Public Works Infrastructure Fund, the Community Development Block Grant Fund, and the elimination of the General Revenue Sharing Program. These changes will require local governments to adjust their financing options.

The Commission has the responsibility to balance the capitalization of the loan fund with the correction of those facilities that do not comply with the requirements of the Clean Water Act (in the most expedient and equitable way possible).

Ms. Smith presented a policy statement developed by the League of Oregon Cities addressing the issue of the trade-offs between capitalization of the loan program and awarding additional grants.

If allowed by the Clean Water Act, the League will support state authority to establish a revolving loan fund with proceeds from the EPA construction grants fund. However, it is believed that the Department should preserve, to the extent possible, the opportunity to award grants to those communities where no grants have been received previously or where a compliance order has been negotiated. The capitalization of the loan program from general fund or pollution control bond fund revenue is a necessary step to self sufficiency. Ms. Smith stated she urged the Commmission to consider the above policy when they determine the status of financing during these

interim years. The Commission must ensure grant opportunities are provided those communities facing sanctions under the National Municipal Policy Act, or compliance requirements with a deadline of July 1, 1988. The League understands there would be an order establishing clearly which communities are facing sanctions and compliance requirements.

Many smaller communities have waited for grant funds for years, while supporting the state policy of allocating a large proportion of grant funds to larger projects. The Commission should preserve the opportunity for small communities to receive grant funds.

The League also requests the Commission to make sure there is an effective public involvement process in making recommendations on the administration of the loan program.

**Response:** The Department is encouraged by the League of Oregon Cities' support of the capitalization of the state revolving fund. The Construction Grants Priority List has been developed in accordance with OAR 340 Chapter 53 and, therefore, reflects the current goals and objectives for funding sewer facilities in Oregon. The Department intends to establish an advisory committee to help formulate the direction and structure of the state revolving fund rules and guidelines. The League will be invited, along with other state and local groups, to send a representative to participate in this process.

16. Michael Jones, North Portland Citizen's Council (May 13, 1987)

Mr. Jones expressed interest in separating the fourteen combined storm and sanitary sewer outfalls to the Columbia Slough. He stated the Slough is of high scenic and recreational value with a large fishery. Because of overflows from the combined sewers, the Slough is routinely out of compliance for almost every water quality measurement. He believes the Department has failed in its commitment to separate the combined sewer outfalls by 1985, and the City of Portland has made a policy decision to do nothing about the Slough.

In 1972, the Columbia Slough Environmental Improvement Task Force recommended that the City of Portland plan to complete separation of sewers discharging to the Slough by 1985 or provide alternate means for controlling or treating the wastewaters. In addition, the city was to correct dry weather overflows immediately. At that time, the twelve combined sewers (now fourteen) overflowed an average of 19 and 20 times during the wet and dry periods respectively. In the fifteen years since the task force made these recommendations, not one sewer has been separated, in fact all sewers have A, B and C components, so now there are as many as fifty sewer outfalls in the Columbia Slough.

A 1986 study of the Slough by Fishman Environmental Services shows the water to be out of compliance in almost every measurement of water quality, including temperature, pH, dissolved oxygen, total solids, turbidity, dissolved iron, dissolved manganese, lead, mercury, copper and fecal coliform. Bacterial readings at outfalls have consistently been measured as too numerous to count; in 1975, EPA prepared a written statement that fecal coliform readings in the Columbia Slough were believed to be pathogenic.

Mr. Jones would like to accomplish four goals in the interest of correcting problems that exist in the Columbia Slough:

a. To amend agenda item H of the March 13, 1987, Commission meeting to read, "An administrative rule modification is proposed to extend eligibility for major sewer replacement and rehabilitation and for combined sewer outfalls to communities under Commission order or recommended by DEQ sponsored task forces as of December 31, 1986, to achieve compliance with the national municipal policy which states that, by 1988, sewer separation will be achieved with or without federal assistance. (Mr. Jones proposed amendment is underlined.)

b. To be provided by the Department with a written policy decision on whether or not money will be provided for the Columbia Slough.

c. To be provided by the Department with established rules for stream segment priority classification. It is Mr. Jones' belief that the Slough should be number one on the list of stream segments based on the fact that within two miles of the fourteen sewer outfalls there are over 120,000 people, and there is a large fishery in the Slough.

d. To ask the Department to establish beneficial uses for the Slough.

**Response:** The Department recognizes the task forces recommendations to improve the quality of the Columbia Sloughs water quality and has initiated action to determine the extent of the problem.

Permit modifications are being made to the city of Portland's discharge permits to require the City to characterize the discharge from the combined sewer outfalls. Once this information is obtained further actions will be considered.

The Department will also be evaluating the Columbia Slough when the water quality planning staff undertakes the nonpoint source assessments and develops a process for evaluating and ranking stream segments. As assessments of

stream segments are completed, changes in the beneficial uses for those segments may be considered. As was indicated in a letter to Mr. Jones on April 30, 1987 separation of combined sewers in the City of Portland is not eligible at this time.

17. Dan Meinert, Utility & Transportation Services, City of Corvallis (May 14, 1987)

Mr. Meinert submitted written testimony requesting a project letter class upgrade to B and a priority point increase to 130 for its Corvallis West Interceptor project. The mandatory health hazard annexation process, pursuant to ORS 222.850 to 222.915, is currently in progress for the area the interceptor will serve. A sanitary survey of the area was conducted by the Benton County Health Department in conjunction with the Department of Environmental Quality (DEQ) and Oregon State Health Division (OSHD). Mr. Meinert's testimony stated that findings of the survey show:

a. The project will minimize or eliminate surface and groundwater pollution where existing water uses are being impaired through direct and indirect discharges.

b. A hazard to public health presently exists.

**Response:** A Notice of Issuance of Findings and Recommendations has been provided by the Administrator of the Health Division, indicating that the Corvallis West Interceptor project is necessary for the correction of a public health hazard, and that immediate annexation of the area is required. Therefore, the Regulatory Emphasis points will be increased to 130, as requested. However, documentation of surface or groundwater pollution resulting from failing subsurface sewage disposal systems has not been demonstrated, and no direct discharges were identified. Project Class ranking D is appropriate and consistent with other problem areas of this type.

18. Kay Wilcox, Intergovernmental Relations Division, Executive Department State of Oregon (May 14, 1987)

Ms. Wilcox submitted testimony to support the Charleston Sanitary District's request to move the Coos Bay No. 2 project up on the priority list.

She stated that about a million dollars in Oregon Community Development money has been used to assist the District in resolving the health threat in the area.

**Response:** (See No. 6 -- Response to Schwarm.)

19. Written testimony submitted by Jeanne Orcutt, 4201 N.W. Third Street, Gresham, OR 97030 (May 15, 1987) before 5:00 p.m. regarding the priority list for FY 88 Sewer Construction Grants.*

"I hereby request that my written testimony be included in its entirety in the public hearing record on the adoption of the Oregon FY 88 Priority List for sewerage works construction grants and in any reports sent to EPA requesting grants for the Mid-Multnomah County sewer project mandated by the Environmental Quality Commission.

In 1981 the State of Oregon adopted a threat to drinking water act that was applicable statewide. However, in 1983 the state legislature altered the threat to drinking water act and, as a result, it now applies to one county only -- (Multnomah)!

Prior to the change, a 'threat to drinking water' had to be based on four criteria. The change allowed the EQC to declare a threat to drinking water in Mid-Multnomah County based on any three of the four criteria established initially. Therefore, on April 25, 1986 the Environmental Quality Commission determined that a 'threat to drinking water' existed in Mid-Multnomah County by selecting the three criteria which did not require a test of the water from wells in the area or proof that cesspools were the source of the alleged contamination. What we have is a "legislative threat" -- not an actual, genuine threat to the drinking water.

I believe that sewering Mid-Multnomah County will not alleviate the threat to groundwater. Many sources of degradation have been ignored, such as stormwater runoff, old landfills, industrial development and agriculture activities.

Mr. Bledsoe, an engineer with the City of Portland, wrote a chapter on storm-water runoff for the threat to drinking water findings, but Portland refused to include it. Although Mr. Bledsoe had worked for the City for 12 or 13 years, he was subsequently discharged after he testified at the public hearing on the Mid-Multnomah County Sewer Implementation Plan.

Recently we learned that Portland is opposed to legislation that would grant financial relief to property owners by allowing connection deferrals. The reason given -- this would signal EPA that the project may not be urgent or needed.

Never in the history of Oregon has a financial burden of this magnitude been imposed on the people to protect the state's natural

* By request of Ms. Orcutt, her testimony is presented in full for the Commission review.

resources (groundwater) for future generations. Even James Peterson, Chair of the Environmental Quality Commission, realized there was no present threat. His statement can be found in the transcript of the EQC meeting on October 18, 1985.

The sewer mandate was fraud perpetrated on the people in Mid-Multnomah County by our state and local governments. The Sewer Implementation Plan did not address all the impacts on affected property owners, and the impacts on commercial property were totally ignored. Therefore, I am concerned because our local governments are requesting and receiving federal grants based on FONSI. A finding of no significant impact. Why hasn't a financial impact statement been prepared?

The Environmental Quality Commission should reconsider the sewer mandate, and the EPA should take into consideration that there is no actual, genuine threat to drinking water in Mid-Multnomah County.

Recent water quality tests on Portland's back up wells in east Multnomah County show that there are no fecal coliforms or the nitrate levels are all 0.44 mg/L or below, well within the Federal Safe Drinking Water Standard of 10 mg/L."

**Response:** The threat to drinking water was declared by the Environmental Quality Commission on April 25, 1986, in accordance with rules established by state law. Construction grants for projects in the Mid-Multnomah County area are and have been awarded in accordance with state and federal rules and guidelines. Those Mid-Multnomah County projects eligible for funding have been included on the FY88 priority list and prioritized to reflect the declared "threat to drinking water" and elimination of groundwater pollution.

Testimony Received after Close of Hearing Record

20. G.R. Bassett, M.D., Health Officer, Coos County Health Dept. (May 28, 1987)

Dr. Bassett supports the Charleston Sanitary District plans to improve their system. There is evidence of contamination of creeks in the area due to I/I problems and periodic bypassing of untreated sewage. The contamination represent a health hazard.

**Response:** (See No. 6 -- Response to Schwarm.)

RJK:hc
WH2098

ATTACHMENT B

Attendance List

ATTACHMENT B

# ATTENDANCE LIST

## FY88 CONSTRUCTION GRANTS PRIORITY LIST HEARING

FOURTH FLOOR CONFERENCE ROOM
811 SW 6TH AVENUE, PORTLAND, OREGON
MAY 13, 1987

| | |
|---|---|
| Joe A. Schwarm | City of Coos Bay |
| Glen Higgins | City of Vernonia (Oregon Community Action Team) |
| Wally Vaughn | City of Vernonia |
| Mike Smith | City of Vernonia |
| Allen Shewey | City of Vernonia (HGE Engineers) |
| Ron Stillmaker | City of North Bend |
| Bob Dillard | City of North Bend |
| Ralph Dunham | City of North Bend |
| Matt Spangler | Lincoln County |
| Bill Zekan | Lincoln County |
| M.D. Rollins | The Oregonian |
| Floyd Tanner | City of Coos Bay |
| Norma House | City of Port Orford |
| Mary Fujii | EPA Oregon Operations Office |
| Bill Sobolewski | EPA Oregon Operations Office |
| B.J. Smith | League of Oregon Cities |
| Mark Laswell | Century West/Carollo (City of North Bend) |
| Wm. Michael Jones | North Portland Citizens Council |

RJK:h
WH2100

**ATTACHMENT C**

List of Planning and Design Schedule Submittals

ATTACHMENT C

## LIST OF PLANNING AND DESIGN SCHEDULE SUBMITTALS

In accordance with OAR 340-53-015(2)(g) and (h), these schedules were used, along with priority ranking, to establish the FY 88 list of fundable projects. Not all projects supplying a schedule are expected to qualify for a FY88 grant, due to the limited amount of funds available.

1. Brookings/STP Improvement

2. Brooks Hopmere Sewer District/System

3. Carlton
   - II Correction
   - STP Improvement

4. Corvallis/West Interceptor

5. Dufur/STP Improvement

6. Eagle Point/Interceptor

7. Elgin/STP Improvement

8. Florence/STP Improvement

9. Grants Pass
   - "A" Street Interceptor
   - Bridge Street Interceptor
   - "F" and Booth Interceptor
   - North Seventh Interceptor
   - Pine and Rogue Interceptor
   - Rogue and Lee Interceptor
   - Second Street Interceptor
   - South Seventh Interceptor
   - STP Improvement

10. Halsey
    - II Correction
    - STP Improvement

11. Keizer/Clear Lake Interceptor

12. Mill City/System

13. Milton Freewater/STP Improvement

14. Monmouth/Relief Sewer

15. Neskowin Sanitary Authority/System

16. North Bend/STP Improvement

17. Port Orford/STP Improvement

18. Portland
    - Adventist Collection System
    - Berrydale Collection System
    - Bloomington Collection System
    - Boyles Collection System
    - Brentwood Collection System
    - Burnside Central Collection System
    - Burnside East Collection System
    - Burnside West Collection System
    - Cliffgate Collection System
    - Darlington Collection System
    - Eastmont Collection System
    - Englewood Collection System
    - Essex Collection System
    - Fairfield Collection System
    - Flavel Park Collection System
    - Floyd Light Collection System
    - Gilbert Collection System
    - Hayden Island Pump Station and Pressure Line
    - Irvington Collection System
    - Knott Park Collection System
    - Lincoln Park Collection System
    - Linn Park Collection System
    - Luby Collection System
    - Lymann Park Collection System
    - Madison Collection System
    - Marshal Collection System
    - Maywood Park Collection System
    - Mill Park Collection System
    - Montavilla Collection System
    - Parklane Collection System
    - Parkrose Collection System
    - Powell Village Collection System
    - Richardson Collection System
    - Robinbrook Collection System
    - Robin Wood Collection System
    - Rose Collection System
    - Royal Highlands Interceptor
    - Sacajawea Collection System
    - Strathmore Collection System
    - Sumner Collection System
    - Sumner Place Collection System
    - Wellington Collection System
    - Windmere Collection System
    - Woodland Collection System
    - Woodmere Collection System

19. Roseburg Urban Sanitary Authority/Sewer Rehab

20. Salem/Pringle Creek Interceptor

21. Siletz/STP Improvement

22. St. Helens
    - II Correction
    - STP Improvement

23. Unified Sewerage Agency of Washington County
    - Aloha #3 Pump Station
    - Beaverton Pump Station
    - Cooper Mountain Interceptor
    - Cornelius Interceptor
    - Council Creek Pump Station
    - Dawson Creek Interceptor
    - Forest Grove Interceptor
    - Gaston Interceptor
    - Hillsboro East Interceptor
    - Hillsboro West Interceptor
    - Hiteon/217 Interceptor
    - Interceptor South
    - Lower Tualatin Interceptor
    - Metzger/Progress Interceptor
    - Reedeville/Butternut Interceptor
    - Sherwood Pump Station
    - SW Forest Grove Interceptor
    - Tektronix Interceptor
    - Tigard Interceptor
    - Weir
    - West Beaverton Interceptor
    - Willow Creek/Sunset Interceptor

24. Vernonia
    - II Correction
    - STP Improvement

RJK:h
WH2101

ATTACHMENT D

Priority System and Criteria Rules

# MUNICIPAL WASTE WATER TREATMENT WORKS CONSTRUCTION GRANTS PROGRAM

## DIVISION 53

## DEVELOPMENT AND MANAGEMENT OF THE STATEWIDE SEWERAGE WORKS CONSTRUCTION GRANTS PRIORITY LIST

**Purpose**

**340-53-005** The purpose of these rules is to prescribe procedures and priority criteria to be used by the Department for development and management of a statewide priority list of sewerage works construction projects potentially eligible for financial assistance from U.S. Environmental Protection Agency's Municipal Waste Water Treatment Works Construction Grants Program, Section 201, Public Law 95-217.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80

**Definitions**

**340-53-010** As used in these regulations unless otherwise required by context:

(1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.

(2) "Commission" means Environmental Quality Commission.

(3) "Director" means Director of the Department of Environmental Quality or his authorized representatives.

(4) "Municipality" means any county, city, special service district, or other governmental entity having authority to dispose of sewage, industrial waste, or other wastes, any Indian tribe or authorized Indian Tribal Organization or any combination of two or more of the foregoing.

(5) "EPA" means U.S. Environmental Protection Agency.

(6) "Treatment Works" means any facility for the purpose of treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment or disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

(7) "Grant" means financial assistance from the U.S. Environmental Protection Agency Municipal Waste Water Treatment Works Construction Grants Programs as authorized by Section 201, Public Law 95-217 and subsequent amendments.

(8) "Advance" means an advance of funds for a Step 1 or Step 2 project. The advance is equal to the estimated allowance which is expected to be included in a future Step 3 grant award. An advance is made from funds granted to Oregon by EPA; it is not a direct grant by EPA to a municipality.

(9) "Project" means a potentially fundable entry on the priority list consisting of Step 3 or Step 2 plus 3 treatment works or components or segments of treatment works as further described in OAR 340-53-015(4).

(10) "Treatment Works Component" means a portion of an operable treatment works described in an approved facility plan including but not limited to:

(a) Sewage treatment plant;

(b) Interceptors;

(c) Sludge disposal or management;

(d) Rehabilitation;

(e) Other identified facilities.

(f) A treatment works component may but need not result in an operable treatment works.

(11) "Treatment Works Segment" means a portion of a treatment works component which can be identified in a contract or discrete sub-item of a contract and may but need not result in operable treatment works.

(12) "Priority List" means all projects in the state potentially eligible for grants listed in rank order.

(13) "Fundable Portion of the List" means those projects on the priority list which are planned for a grant during the current funding year. The fundable portion of the list shall not exceed the total funds expected to be available during the current funding year less applicable reserves.

(14) "Facilities Planning" means necessary plans and studies which directly relate to the construction of treatment works. Facilities planning will demonstrate the need for the proposed facilities and that they are cost-effective and environmentally acceptable.

(15) "Step 1 Project" means any project for development of a facilities plan for treatment works.

(16) "Step 2 Project" means any project for engineering design of all or a portion of treatment works.

(17) "Step 3 Project" means any project for construction or rehabilitation of all or a portion of treatment works.

(18) "Eligible Project Costs" means those costs which could be eligible for a grant according to EPA regulations and certified by the Department and awarded by EPA. These costs may include an estimated allowance for a Step 1 and/or Step 2 project.

(19) "Innovative Technology" means treatment works utilizing conventional or alternative technology not fully proven under conditions contemplated but offering cost or energy savings or other advantages as recognized by federal regulations.

(20) "Alternative Technology" means treatment work or components or segments thereof which reclaim or reuse water, recycle waste water constituents, eliminate discharge of pollutants, or recover energy.

(21) "Alternative System for Small Communities" means treatment works for municipalities or portions of municipalities having a population of less than 3,500 and utilizing alternative technology as described above.

(22) "Funding Year" means a federal fiscal year commencing October 1st and ending September 30th.

(23) "Current Funding Year" means the funding year for which the priority list is adopted.

(24) "State Certification" means assurance by the Department that the project is acceptable to the state and that funds are available from the state's allocation to make a grant award.

(25) "Small Community" means, for the purposes of an advance of allowance for Step 1 or Step 2, a municipality having less than 25,000 population.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Priority List Development

340-53-015 The Department will develop a statewide priority list of projects potentially eligible for a grant:

(1) The statewide priority list will be developed prior to the beginning of each funding year utilizing the following procedures:

(a) The Department will determine and maintain sufficient information concerning potential projects to develop the statewide priority list.

(b) The Department will develop a proposed priority list utilizing criteria and procedures set forth in this section.

(c)(A) A public hearing will be held concerning the proposed priority list prior to Commission adoption. Public notice and a draft priority list will be provided to all interested parties at least thirty (30) days prior to the hearing. Interested parties include, but are not limited to, the following:

(i) Municipalities having projects on the priority list;

(ii) Engineering consultants involved in projects on the priority list;

(iii) Interested state and federal agencies;

(iv) Any other persons who have requested to be on the mailing list.

(B) Interested parties will have an opportunity to present oral or written testimony at or prior to the hearing.

(d) The Department will summarize and evaluate the testimony and provide recommendations to the Commission.

(e) The Commission will adopt the priority list at a regularly scheduled meeting.

(2)(a) The priority list will consist of a listing of all projects in the state potentially eligible for grants listed in ranking order based on criteria set forth in Table 1. Table 1 describes five (5) categories used for scoring purposes as follows:

(A) Project Class,
(B) Regulatory Emphasis,
(C) Stream Segment Rank,
(D) Population Emphasis,
(E) Type of Treatment Component or Components.

(b) The score used in ranking a project consists of the project class identified by letter code plus the sum of the points from the remaining four categories. Projects are ranked by the letter code of the project class with "A" being highest and within the project class by total points from highest to lowest.

(3) The priority list entry for each project will include the following:

(a) Priority rank consisting of the project's sequential rank on the priority list. The project having the highest priority is ranked number one (1).

(b) EPA project identification number.

(c) Name and type of municipality.

(d) Description of project component.

(e) Project step.

(f) Grant application number.

(g) Ready to proceed date consisting of the expected date when the project application will be complete and ready for certification by the Department. For the current funding year the ready to proceed date will be based upon planning and design schedules submitted by potential applicants. For later funding years, the ready to proceed date may be based upon information available to the Department.

(h) Target certification date consisting of the earliest estimated date on which the project could be certified based on readiness to proceed and on the Department's estimate of federal grant funds expected to be available. The target certification date for the current funding year will be assigned based on a ready to proceed date. In the event actual funds made available differ from the Department's estimate when the list was adopted the Department may modify this date without public hearing to reflect actual funds available and revised future funding estimates.

(i) Estimated grant amount based on that portion of project cost which is potentially eligible for a grant as set forth in OAR 340-53-020.

(j) The priority point score used in ranking the projects.

(4) The Department will determine the scope of work to be included in each project prior to its placement on the priority list. Such scope of work may include the following:

(a) Design (Step 2) and construction of complete treatment works, (Step 2 plus 3); or

(b) Construction of one or more complete waste treatment systems; or

(c) Construction of one or more treatment works components; or

(d) Construction of one or more treatment works segments of a treatment works component.

(5)(a) When determining the treatment works components or segments to be included in a single project, the Department will consider:

(A) The specific treatment works components or segments that will be ready to proceed during a funding year; and

(B) The operational dependency of other components or segments on the components or segment being considered; and

(C) The cost of the components or segments relative to allowable project grant. In no case will the project included on the priority list, as defined by OAR 340-53-010(9) exceed ten (10) million dollars in any given funding year. Where a proposed project would exceed this amount the scope of work will be reduced by limiting the number of components or dividing the components into segments. The total grant for treatment works to a single applicant is not however limited by this subsection.

(b) The Department shall have final discretion relative to scope of work or treatment works components or segments which constitute a project.

(6) Components or segment not included in a project for a particular funding year will be assigned a target certification date in a subsequent funding year. Within constraints of available and anticipated funds, projects will be scheduled so as to establish a rate of progress for construction while assuming a timely and equitable obligation of funds statewide.

(7) A project may consist of an amendment to a previously funded project which would change the scope of work significantly and thus constitute a new project.

(8) The Director may delete any project from the priority list if:

(a) It has received full funding;

(b) It is no longer entitled to funding under the approved system;

(c) EPA has determined that the project is not needed to comply with the enforceable requirements of the Clean Water Act or the project is otherwise ineligible.

(9) If the priority assessment of a project within a regional 208 areawide waste treatment management planning area conflicts with the priority list, the priority list has precedence. The Director will, upon request from a 208 planning agency, meet to discuss the project providing the request for such a meeting is submitted to the Director prior to Commission approval of the priority list.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 28-1981(Temp), f. & ef. 10-19-81; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Eligible Costs and Limitations

340-53-020 For each project included on the priority list the Department will estimate the costs potentially eligible for a grant and the estimated federal share:

(1) Where state certification requirements differ from EPA eligibility requirement the more restrictive shall apply.

(2) Except as provided for in section (3) of this rule, eligible costs shall generally include Step 1, Step 2, and Step 3 costs related to an eligible treatment works, treatment works components or treatment works segments as defined in federal regulations.

(3) The following will not be eligible for state certification:

(a) The cost of collection systems except for those which serve an area where a mandatory health hazard annexation is required pursuant to ORS 222.850 to 222.915 or where elimination of waste disposal wells is required by OAR 340-44-019 to 340-44-044. In either case, a Step 1 grant for the project must have been certified prior to September 30, 1979.

(b) Step 2 or Step 3 costs associated with advanced treatment components.

(c) The cost of treatment components not considered by the Department to be cost effective and environmentally sound.

(4) The estimated grant amount shall be based on a percentage of the estimated eligible cost. The percentage is seventy-five (75) percent of the estimated eligible cost until FY 1985, when it is reduced to fifty-five (55) percent of the estimated eligible cost for new projects. The Commission may reduce the percentage to fifty (50) percent as allowed by federal law or regulation. The Department shall also examine other alternatives for reducing the extent of grant participation in individual projects for possible implementation beginning in FY 1982. The intent is to spread available funds to address more of the high priority needs in the state.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Establishment of Special Reserves

340-53-025 From the total funds allocated to the state the following reserves will be established for each funding year:

(1) Reserve for grant increases of five (5) percent.

(2) Reserve for Step 1 and Step 2 grant advances of up to ten (10) percent. This reserve shall not exceed the amount estimated to provide advances for eligible small communities projected to apply for a Step 3 or Step 2 plus 3 grant in the current funding year and one funding year thereafter.

(3) Reserve for alternative components of projects for small communities utilizing alternative systems of four (4) percent.

(4) Reserve for additional funding of projects involving innovative or alternative technology of four (4) percent.

(5) Reserve for water quality management planning of not more than one percent of the state's allotment nor less than $100,000.

(6) Reserve for state management assistance of up to four percent of the total funds authorized for the state's allotment.

(7) The balance of the state's allocation will be the general allotment.

(8) The Director may at his discretion utilize funds recovered from prior year allotments for the purpose of:

(a) Grant increases; or

(b) Conventional components of small community projects utilizing alternative systems; or

(c) The general allotment.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

Use of Discretionary Authority

340-53-027 The Director may at the Director's discretion utilize up to twenty (20) percent of the annual allotment for replacement or major rehabilitation of existing sewer systems or elimination of combined sewer overflows provided:

(1) The project is on the fundable portion of the state's current year priority list; and

(2) The project meets the enforceable requirements of the Clean Water Act; and

(3) Planning for the proposed project was complete or substantially complete on December 29, 1981.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 20-1984, f. & ef. 11-8-84

Priority List Management

340-53-030 The Department will select projects to be funded from the priority list as follows:

(1) After Commission adoption and EPA acceptance of the priority list, allocation of funds to the state and determination of the funds available in each of the reserves, final determination of the fundable portion of the priority list will be made. The fundable portion of the list will include the following:

(a) Sufficient projects selected according to priority rank to utilize funds identified as the state's general allotment; and

(b) Additional projects involving alternative systems for small communities as necessary to utilize funds available in that reserve.

(2) Projects to be funded from the Step 1 and 2 grant advance reserve will be selected based on their priority point scores and whether they are projected to apply for Step 3 or Step 2 plus 3 grant in the current funding year or one funding year thereafter.

(3) Projects included on the priority list but not included within the fundable portion of the list will constitute the planning portion of the list.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82

Priority List Modification and Bypass Procedure

340-53-035 The Department may modify the priority list or bypass projects as follows:

(1) The Department may add to or rerank projects on the priority list after the adoption of the priority list but prior to the approval of the priority list for the next year providing:

(a) Notice of the proposed action is provided to all affected lower priority projects.

(b) Any affected project may within 20 days of receiving adequate notice request a hearing before the Commission provided that such hearing can be arranged before the end of the current funding year.

(2) The Department will initiate bypass procedures when any project on the fundable portion of the list is not ready to proceed during the funding year.

(a) The determination will be based on quarterly progress reports.

(b) Written notice will be provided to the applicant of intent to bypass the project.

(c) An applicant may request a hearing on the proposed bypass within 20 days of adequate notice. If requested the Director will schedule a hearing before the Commission within 60 days of the request, provided that such hearing can be arranged before the end of the current funding year.

(d) If a project is bypassed it will maintain its priority point rating for consideration in future years. If a project is bypassed for two consecutive years the Commission may remove it from the priority list.

(e) Department failure to certify a project not on the fundable portion of the list or for which funds are otherwise unavailable will not constitute a "bypass".

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 24-1980, f. 9-29-80, ef. 10-1-80; DEQ 15-1982, f. & ef. 7-27-82; DEQ 14-1983, f. & ef. 8-26-83

TABLE 1
(340-53-015)

CONSTRUCTION GRANTS PRIORITY CRITERIA
PROJECT CLASS

Letter Code — Description

A. Project will minimize or eliminate surface or underground water pollution where:

1. Water quality standards are violated repeatedly or
2. Beneficial uses are impaired or may be damaged irreparably.

In addition:

1. The EQC by rule OAR 340-41-005 to 340-040, had mandated elimination of discharge or inadequately treated waste to disposal wells or

2. The Administrator of the Health Division or the EQC has certified findings of fact which conclude that

(a) Water pollution or beneficial use impairment exists and
(b) Hazard to public health exists.

Documentation required includes:

1. Field investigations, and
2. Public Notice and hearing and
3. Written findings of fact.

B. Project will minimize or eliminate surface or underground water pollution where:

1. Water quality standards are violated repeatedly or
2. Beneficial uses are impaired or may be damaged irreparably.

Documentation required includes:

1. Actual written documentation of existing water use impairment or
2. Actual written documentation of repeated violation of standards.

C. Project is required to insure treatment capability to comply with water quality standards including:

1. Minimum federal effluent guidelines established by rule pursuant to PL 95-217 or
2. Effluent standards established in an issued NPCF or NPDES permit or
3. Treatment levels or effluent standards that would be placed in a permit to comply with state or federal regulation (for a source not presently under permit).

Letter Code — Description

Documentation required includes:

Actual written documentation of the applicable guideline, standard, permit condition, or other regulatory requirement.

D. Project is necessary to minimize or eliminate pollution of surface or underground waters from:

1. Nonpoint sources where malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor or
2. Point sources where infrequent discharges above permitted levels are a contributing factor.

Documentation required includes:

1. Sufficient information to suggest a problem, but
2. Insufficient data to conclusively demonstrate the problem. Facility planning is expected to provide additional documentation.

E. Project is desirable for prevention of potential water pollution problem.

Documentation required includes:

1. Recognization that a problem could develop in the future, but
2. Lack of information to suggest a present water quality problem.

Regulatory Emphasis
Points — Description

150 Project received a limited time extension to meet the 1977 secondary treatment goals of the Clean Water Act.

Documentation required includes:

1. Addendum to the NPDES permit extending the compliance date, or
2. Stipulated consent agreement indicating noncompliance. Finding must have been made prior to January 1, 1978.

130 Project is necessary for immediate correction of a public health hazard through extraordinary measures such as:

1. Annexation, or
2. Service district formation.

Documentation required includes:

1. EQC order, or
2. Certification of public health hazard by the Administrator of the Health Division pursuant to ORS 431.705 et.seq. or 222.850 et.seq.

| Points | Descripti... |
|---|---|
| 120 | Project is necessary to eliminate a voluntary or involuntary moratorium, including: |
| | 1. Involuntary connection limitation to a centralized facility, or<br>2. EQC rule that restricts issuance of subsurface disposal permits for a specific geographic area or<br>3. Voluntary limitations on connection to a centralized facility or construction of subsurface disposal systems. Voluntary moratorium must meet the following conditions: |
| | a. The moratorium was formally enacted prior to August 1, 1979, and<br>b. It attempts to limit flow to a central facility which is at or beyond 90 percent capacity, and<br>c. The jurisdiction has a medium to high growth rate and therefore requires preventive pollution control action. |
| | Documentation required includes: |
| | 1. Rule or order establishing involuntary moratorium, or<br>2. Order, ordinance, or other documentation of voluntary moratorium. |
| 90 | Project is necessary because of the potential for regulatory action identified by: |
| | 1. NPDES permit limitations or conditions which would be included in a permit when issued or amended, or<br>2. DEQ approval of a facility plan including a determination of such potential, or<br>3. A sanitary survey conducted by the Health Division or the DEQ. |
| | Documentation required includes: |
| | DEQ written concurrence based on the above. |
| 50 | Project is needed because of probable water quality problems identified through preliminary screening of problem and water quality concerns. |
| | Documentation required includes: |
| | Written suggestion by DEQ. |
| 0 | No immediate need for the project has been identified. Background information is either insufficient or unavailable to document the existence of present water quality problems. |

STREAM SEGMENT RANK

Stream Segment ranking points shall be assigned based on the formula:

$$\text{Segment Points} = 100 - 2(BR) - \frac{1}{n}(SR)(50)$$

where:

BR = Basin Rank (1 to 19) based on the total population within the Oregon portion of the river basin. The basin having the greatest population is ranked number 1.

n = Number of stream segments in the particular basin.

SR = Segment rank within basin as indicated in the statewide water quality management plan.

Following is a listing of basin ranks, stream segment ranks, and computed stream segment ranking points:

Basin Rank

| Basin | 1978 Population | No. of Stream Segments | Basin Rank |
|---|---|---|---|
| Willamette | 1,672,000 | 23 | 1 |
| Rogue | 180,100 | 8 | 2 |
| Umpqua | 89,700 | 3 | 3 |
| Deschutes | 75,600 | 8 | 4 |
| South Coast | 76,300 | 5 | 5 |
| North Coast/Lower Columbia | 66,440 | 18 | 6 |
| Klamath | 58,200 | 5 | 7 |
| Umatilla | 50,000 | 3 | 8 |
| Mid Coast | 48,630 | 10 | 9 |
| Hood River | 39,200 | 6 | 10 |
| Grande Ronde | 30,100 | 3 | 11 |
| Malheur River | 22,480 | 1 | 12 |
| Sandy | 18,530 | 3 | 13 |
| Powder | 17,200 | 6 | 14 |
| John Day | 12,250 | 2 | 15 |
| Walla Walla | 10,300 | 2 | 16 |
| Malheur | 7,650 | 3 | 17 |
| Goose and Summer Lakes | 6,900 | 2 | 18 |
| Owyhee | 3,429 | 2 | 19 |

Stream Segment Ranking

| Segment | Segment Rank | Points |
|---|---|---|
| **No. 1, Willamette Basin** | | |
| Tualatin | 1 | 95.73 |
| Willamette (River Mile | 2 | 93.45 |
| Willamette (River Mile 84-186) | 3 | 91.18 |
| South Yamhill River | 4 | 88.91 |
| North Yamhill River | 5 | 86.64 |
| Yamhill River | 6 | 84.36 |
| Pudding River | 7 | 82.09 |
| Molalla River | 8 | 79.82 |
| S. Santiam River | 9 | 77.55 |
| Santiam River & N. Santiam | 10 | 75.27 |
| Coast Fork Willamette River | 11 | 73.00 |
| Middle Fork Willamette River | 12 | 70.73 |
| Clackamas River | 13 | 68.45 |
| McKenzie River | 14 | 66.18 |
| Dickerell Creek | 15 | 63.91 |
| Luckiamute River | 16 | 61.64 |
| Marys River | 17 | 59.36 |
| Calapooia River | 18 | 57.09 |
| Long Tom River | 19 | 54.82 |
| Columbia Slough | 20 | 52.55 |
| Thomas Creek | 21 | 50.27 |
| Remaining Willamette Basin Streams | 22 | 48.00 |
| **No. 2, Rogue Basin** | | |
| Bear Creek and Tributaries | 1 | 83.50 |
| Applegate River | 2 | 71.00 |
| Middle Rogue | 3 | 58.50 |
| Remaining Rogue Basin Streams | 4 | 46.00 |
| **No. 3, Umpqua Basin** | | |
| South Umpqua River | 1 | 77.33 |
| Cow Creek | 2 | 60.67 |
| Remaining Umpqua Basin Streams | 3 | 44.00 |
| **No. 4, Deschutes Basin** | | |
| Crooked River | 1 | 79.50 |
| Deschutes River (River Mile 120-166) | 2 | 67.00 |
| Deschutes River (River Mile 0-120) | 3 | 54.50 |
| Remaining Deschutes Basin Streams | 4 | 42.00 |

| Segment | Segment Rank | Points |
|---|---|---|
| **No. 5, South Coast Basin** | | |
| Coos Bay | 1 | 80.00 |
| Coos River | 2 | 70.00 |
| Coquille River (River Mile 0-35) | 3 | 60.00 |
| Coquille River (River Mile 35-Source) | 4 | 50.00 |
| Remaining South Coast Basin Streams | 5 | 40.00 |
| **No. 6, North Coast/Lower Columbia Basin** | | |
| Lewis and Clark River | 1 | 85.22 |
| Klaskanine River | 2 | 82.44 |
| Wilson River (River Mile 0-7) | 3 | 79.66 |
| Trask River (River Mile 0-6) | 4 | 76.88 |
| Skipanon River | 5 | 74.10 |
| Nestucca River (River Mile 0-15) | 6 | 71.32 |
| Nehalem River | 7 | 68.54 |
| Wilson River (River Mile 7 +) | 8 | 65.76 |
| Trask River (River Mile 6 +) | 9 | 62.98 |
| Nestucca River (River Mile 15 +) | 10 | 60.20 |
| Nehalem Bay | 11 | 57.42 |
| Tillamook Bay | 12 | 54.64 |
| Tillamook River (River Mile 0-15) | 13 | 51.86 |
| Nestucca Bay | 14 | 49.08 |
| Necanicum River | 15 | 46.30 |
| Tillamook River (River Mile 15+) | 16 | 43.54 |
| Netarts Bay | 17 | 40.74 |
| Remaining North Coast/ Lower Columbia Basin Streams | 18 | 38.00 |
| **No. 7, Klamath Basin** | | |
| Lost River | 1 | 76.00 |
| Klamath River (River Mile 210-250) | 2 | 66.00 |
| Williamson | 3 | 56.00 |
| Sprague | 4 | 46.00 |
| Remaining Klamath Basin Streams | 5 | 36.00 |
| **No. 8, Umatilla Basin** | | |
| Umatilla River | 1 | 67.33 |
| Columbia River (Umatilla Basin) | 2 | 50.67 |
| Remaining Umatilla Basin Streams | 3 | 34.00 |
| **No. 9, Mid Coast Basin** | | |
| Siuslaw Bay | 1 | 77.00 |
| Yaquina Bay | 2 | 72.00 |
| Siletz River | 3 | 67.00 |
| Yaquina River | 4 | 62.00 |
| Alsea River | 5 | 57.00 |

| Segment | Segment Rank | Points |
|---|---|---|
| Siuslaw River | 6 | 52.00 |
| Alsea Bay | 7 | 47.00 |
| Salmon River | 8 | 42.00 |
| Siletz Bay | 9 | 37.00 |
| Remaining Mid Coast Basin Streams | 10 | 32.00 |
| **No. 10, Hood Basin** | | |
| Hood River Main Stem | 1 | 67.50 |
| Columbia River (Hood Basin) | 2 | 55.00 |
| Hood River East, (Middle and West Forks | 3 | 42.50 |
| Remaining Hood Basin Streams | 4 | 30.00 |
| **No. 11, Grande Ronde Basin** | | |
| Grande Ronde River | 1 | 61.33 |
| Wallowa River | 2 | 44.67 |
| Remaining Grande Ronde Basin Streams | 3 | 28.00 |
| **No. 12, Malheur Basin** | | |
| Malheur River | 1 | 26.00 |
| **No. 13, Powder Basin** | | |
| Snake River (Powder Basin) | 1 | 61.50 |
| Powder River | 2 | 49.00 |
| Burnt River | 3 | 36.50 |
| Remaining Power Basin Streams | 4 | 24.00 |
| **No. 14, Sandy Basin** | | |
| Columbia River (Sandy Basin) | 1 | 55.33 |
| Sandy River | 2 | 38.67 |
| Remaining Sandy Basin Streams | 3 | 22.00 |
| **No. 15, John Day Basin** | | |
| John Day River | 1 | 45.00 |
| Remaining John Day Basin Streams | 2 | 20.00 |
| **No. 16, Walla Walla Basin** | | |
| Walla Walla River | 1 | 43.00 |
| Remaining Walla Walla Basin Streams | 2 | 18.00 |
| **No. 17, Malheur Lake Basin** | | |
| Silvies River | 1 | 49.33 |
| Donner & Blitzen River | 2 | 32.67 |
| Remaining Malheur Lake Basin Streams | 3 | 16.00 |

| Segment | Segment Rank | Points |
|---|---|---|
| **No. 18, Goose and Summer Lakes Basin** | | |
| Chewaucan River | 1 | 39.00 |
| Remaining Goose and Summer Lakes Basin Streams | 2 | 13.00 |
| **No. 19, Owyhee Basin** | | |
| Owyhee River | 1 | 17.00 |
| Remaining Owyhee Basin Streams | 2 | 12.00 |

**Population Emphasis**

Population emphasis points shall be assigned on the basis of the formula:

Points = Population Served $^{2}$ log 10

where:

Population Served represents the existing Oregon population that would be initially served by the project if it were in operation.

**PROJECT TYPE**

| Description | Points |
|---|---|
| Secondary Treatment and BPWTT | 10 |
| Major Sewer System Rehabilitation | 9 |
| Interception of Existing Discharge | 8 |
| Infiltration/Inflow Correction | 7 |
| Interceptor to Serve Existing Development | 6 |
| Treatment More Stringent than Secondary | 5 |
| Correction of Combined Sewer Overflows | 3 |
| Interceptor to Serve New Development | 2 |
| New Collectors | 1 |

ATTACHMENT E

Technical Corrections to the FY87 Priority List

(Update From Draft FY88 List)

ATTACHMENT E

# TECHNICAL CORRECTIONS TO THE FY87 PRIORITY LIST
## (Update from Draft FY88 List)

## A. Project Cost Changes

Costs amendments have been submitted for those projects listed below. The FY88 construction grants priority list has been adjusted to reflect the changes in estimated cost. Final determination on eligible cost will be made at the time a grant application is submitted.

| Community | Project Area | Component | Change in Amount in ($000) From | To |
|---|---|---|---|---|
| Brookings | City | STP Imp. | 358 | 880 |
| Coos Bay No. 1 | City | STP Imp. | 4,500 | 5,170 |
| | | II Correct. | 750 | 110 |
| | | Sewer Rehab. | 0 | 250 |
| Estacada | City | STP Imp. | 880 | 564 |
| Gresham | City | Glisan Int. | 147 | 136 |
| | | Johnson Creek Int. | 145 | 147 |
| | | Linneman Int. | 486 | 615 |
| | | Solids Handling | 938 | 1,907 |
| | | STP Imp. | 417 | 1,974 |
| | Johnson Creek | Interceptor | 145 | 55 |
| Happy Valley | City | Int. | 635 | 330 |
| Klamath Falls | Pelican City | Int. | 464 | 100 |
| Lowell | City | STP Imp. | 71,500 | 715 |
| Neskowin S.A. | District | System: General | 394 | 417 |
| | | Small | 1,218 | 600 |
| | | Alternative | 443 | 109 |
| Portland | Columbia Basin | Broadway PS/FM | 585 | 450 |
| | | Lombard Ints. | 1,139 | 705 |
| | Inverness | Burnside Int. | 230 | 140 |
| | | Cully Ints. | 1,794 | 1,200 |
| | | N.E. Knott Int. | 113 | 100 |
| | Johnson Creek | Flavel Int. | 351 | 135 |
| | | 103rd Int. | 281 | 200 |
| | | S. Mid-County Int. | 6,473 | 6,859 |
| | Southeast | RLVG Int. P4 | 3,200 | 4,164 |

| | | | | |
|---|---|---|---|---|
| Roseburg USA | Roseburg City | Sewer Rehab. | 1,234 | 1,934 |
| Salem | Pringle Creek | Int. | 1,375 | 810 |

B. **Project Letter Class Changes**

| | Change | Comment |
|---|---|---|
| Athena/STP Imp. | C to B | Discharge is affecting Wildhorse Creek |
| Coos Bay No. 2/STP Imp. | C to B | Continued degradation of water quality in Coos Bay |
| North Albany Area II-A/ Interseptor | C to B | EQC Order |
| North Bend/STP Imp. | D to C | Water Quality Impacts on Bay |
| Vernonia I/I | C to B | Bypassing affecting Nehalem River |

C. **Project Regulatory Emphasis Changes**

| | Change | Comment |
|---|---|---|
| Corvallis West/Int. | 50 to 130 | Health Hazard Annexation |
| North Albany Area II-A/Int. | 90 to 130 | EQC Order |

D. **Project Additions to the List**

Coos Bay/No. 1 Sewer Rehabilitation at B 187.32

Coos Bay/No. 2 I/I Correction at B 184.82

Independence/Interceptor at D154.42

RJK:h
WH2103

ATTACHMENT F

Proposed Amendments to OAR 349-53-025 and OAR 340-53-027

ATTACHMENT F

PROPOSED ADMINISTRATIVE RULE

Note: Bracketed lined through [~~---~~] material is deleted.
Underlined ____ material is new.

340-53-025 From the total funds allocated to the state the following reserves will be established for each funding year:

(1) Reserve for grant increases of five (5) percent.

(2) Reserve for Step 1 and Step 2 grant advances of up to ten (10) percent. This reserve shall not exceed the amount estimated to provide advances for eligible small communities projected to apply for a Step 3 or Step 2 plus 3 grant in the current funding year and one funding year thereafter.

(3) Reserve for alternative components of projects for small communities utilizing alternative systems of four (4) percent.

(4) Reserve for additional funding of projects involving innovative or alternative technology of four (4) percent.

(5) Reserve for water quality management planning of not more than one percent of the state's allotment nor less than $100,000.

(6) Reserve for state management assistance of up to four percent of the total funds authorized for the state's allotment.

(7) Reserve for capitalization of state revolving fund [~~of up to twenty (20) percent~~] in accordance with the following:

| | |
|---|---|
| (a) FY87 | up to fifty (50) percent. |
| (b) FY88 | up to seventy-five (75) percent. |
| (c) FY89-90 | not less than fifty (50) percent and up to one hundred (100) percent. |
| (d) FY91-94 | one hundred (100) percent. |

(8) Reserve for nonpoint source management planning of not more than 1 percent of the state's allotment nor less than $100,000.

(9) [8] The balance of the state's allocation will be the general allotment.

(10) [9] The Director may at his discretion utilize funds recovered from prior year allotments for the purpose of:

(a) Grant increases; or

(b) Conventional components of small community projects utilizing alternative systems; or

(c) The general allotment.

340-53-027 The Director may at the Director's discretion utilize up to twenty (20) percent of the annual allotment for replacement or major rehabilitation of existing sewer systems or elimination of combined sewer overflows provided:

(1) The project is on the fundable portion of the state's current year priority list; and

(2) The project meets the enforceable requirements of the Clean Water Act; and

(3) Planning for the proposed project was complete or substantially complete on December 29, 1981[.]; or the project is necessary for a community that is under a Commission order as December 31, 1986 to achieve compliance with the requirements of the national municipal policy.

TJL:h
WH2099

ATTACHMENT G

FY88 Points Calculation List, As Revised

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

REPORT OPTIONS: FINAL REPORT OF ALL PROJECTS ORDERED BY PROJECT NAME

| | PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| E | 067602 | ADAIR VILLAGE | CITY | II CORRECTION | 3 | D | 50 | 5.54 | 91.18 | 7 | D 153.72 |
| E | 067601 | ADAIR VILLAGE | CITY | STP IMP | 3 | D | 90 | 5.54 | 91.18 | 10 | D 196.72 |
| I | 066404 | ALBANY | CITY | CSO | 3 | C | 90 | 8.90 | 91.18 | 3 | C 193.08 |
| I | 046001 | ALBANY | N.E. KNOXBUTTE | INTERCEPTOR | 3 | E | 0 | 5.08 | 91.18 | 6 | E 102.26 |
| E | 050804 | AMITY | CITY | OUTFALL | 3 | C | 90 | 6.04 | 48.00 | 10 | C 154.04 |
| I | 061903 | ASTORIA | ALDERBROOK | COLLECTION | 3 | D | 90 | 4.00 | 38.00 | 1 | D 133.00 |
| E | 061903 | ASTORIA | ALDERBROOK | PS/FM | 3 | D | 90 | 4.00 | 38.00 | 6 | D 138.00 |
| E | 063502 | ATHENA | CITY | II CORRECTION | 3 | C | 50 | 5.98 | 34.00 | 7 | C 96.98 |
| E | 063501 | ATHENA | CITY | STP IMP | 3 | B | 90 | 5.98 | 34.00 | 10 | B 139.98 |
| I | 043102 | BAKER | CITY | STP IMP | 3 | E | 0 | 7.96 | 49.00 | 10 | E 66.96 |
| I | 071801 | BENTON CO | FIRVIEW | COLLECTION | 3 | D | 50 | 4.60 | 48.00 | 1 | D 103.60 |
| E | 070601 | BENTON CO. | ALPINE | SYSTEM | 3 | D | 50 | 4.00 | 48.00 | 10 | D 112.00 |
| E | 063701 | BRKS HOPMERE SD | DISTRICT | SYSTEM | 3 | D | 50 | 5.76 | 91.18 | 10 | D 156.94 |
| E | 067202 | BROOKINGS | CITY | II CORRECTION | 3 | C | 90 | 7.08 | 40.00 | 7 | C 144.08 |
| E | 067201 | BROOKINGS | CITY | STP IMP | 3 | B | 90 | 7.08 | 40.00 | 10 | B 147.08 |
| E | 065001 | BURNS | CITY | II CORRECTION | 3 | D | 50 | 6.90 | 49.33 | 7 | D 113.23 |
| I | 071701 | CANYONVILLE | NORTH AREA | COLLECTION | 3 | D | 50 | 4.60 | 77.33 | 1 | D 132.93 |
| E | 071701 | CANYONVILLE | NORTH AREA | INTERCEPTOR | 3 | D | 90 | 4.60 | 77.33 | 6 | D 177.93 |
| E | 061503 | CARLTON | CITY | II CORRECTION | 3 | C | 90 | 6.22 | 86.64 | 7 | C 189.86 |
| E | 061502 | CARLTON | CITY | STP IMP | 3 | C | 120 | 6.22 | 86.64 | 10 | C 222.86 |
| E | 054202 | CARMEL-FOUL. SD | DISTRICT | SYSTEM | 3 | D | 50 | 4.60 | 38.00 | 10 | D 102.60 |
| I | 069101 | CHARLESTON | SAN DISTRICT | COLLECTION | 3 | D | 90 | 5.56 | 80.00 | 1 | D 176.56 |
| I | 070801 | COLUMBIA CITY | EAST SIDE | COLLECTION | 3 | E | 50 | 4.60 | 38.00 | 1 | E 93.60 |
| I | 070801 | COLUMBIA CITY | EAST SIDE | INT/PS/FM | 3 | E | 50 | 4.60 | 38.00 | 1 | E 93.60 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 070401 | CONDON | CITY | STP IMP | 3 | C | 90 | 5.76 | 20.00 | 10 | C 125.76 |
| E 072922 | COOS BAY NO. 1 | CITY | SEWER REHAB | 3 | B | 90 | 8.32 | 80.00 | 9 | B 187.32 |
| E 062802 | COOS BAY NO.1 | CITY | II CORRECTION | 3 | B | 90 | 7.90 | 80.00 | 7 | B 184.90 |
| E 062801 | COOS BAY NO.1 | CITY | STP IMP | 3 | B | 90 | 7.90 | 80.00 | 10 | B 187.90 |
| E 062804 | COOS BAY NO.2 | CITY | I/I CORRECTION | 3 | B | 90 | 7.82 | 80.00 | 7 | B 184.82 |
| E 062803 | COOS BAY NO.2 | CITY | STP IMP | 3 | B | 90 | 7.82 | 80.00 | 10 | B 187.82 |
| E 069901 | CORNELIUS | CITY | INTERCEPTOR | 3 | D | 0 | 7.38 | 48.00 | 8 | D 63.38 |
| E 045801 | CORVALLIS | AIRPORT | INTERCEPTOR | 3 | D | 50 | 4.60 | 48.00 | 8 | D 110.60 |
| I 066802 | CORVALLIS | CITY | CSO | 3 | C | 90 | 9.24 | 91.18 | 3 | C 193.42 |
| E 066801 | CORVALLIS | WEST | INTERCEPTOR | 3 | D | 130 | 4.96 | 91.18 | 6 | D 232.14 |
| I 054601 | CRESCENT S.D. | DISTRICT | COLL | 3 | D | 50 | 5.44 | 42.00 | 1 | D 98.44 |
| E 054601 | CRESCENT S.D. | DISTRICT | SYSTEM | 3 | D | 50 | 5.44 | 42.00 | 10 | D 107.44 |
| I 051303 | CRESWELL | CITY | STP IMP | 3 | E | 90 | 6.56 | 91.18 | 10 | E 197.74 |
| E 051302 | CRESWELL | NIBLOCK RD | INTERCEPTOR | 3 | D | 50 | 4.46 | 91.18 | 6 | D 151.64 |
| I 070501 | CURRY CO. | HARBOR-WINCHUCK | INTERCEPTOR | 3 | E | 0 | 6.48 | 40.00 | 6 | E 52.48 |
| E 059202 | DALLAS | CITY | II CORRECTION | 3 | C | 90 | 7.88 | 63.91 | 7 | C 168.79 |
| I 059204 | DALLAS | CITY | STP EXPANSION | 3 | E | 90 | 7.90 | 63.91 | 10 | E 171.81 |
| I 059203 | DALLAS | NORTHEAST | INTERCEPTOR | 3 | C | 130 | 3.90 | 63.91 | 6 | C 203.81 |
| I 059205 | DALLAS | NORTHEAST AREA | COLLECTION | 3 | C | 130 | 3.90 | 63.91 | 6 | C 203.81 |
| I 047701 | DETROIT | CITY | SYSTEM | 3 | E | 0 | 5.20 | 75.27 | 10 | E 90.47 |
| E 066601 | DOUGLAS CO | CAMAS VALLEY | SYSTEM | 3 | D | 90 | 4.36 | 44.00 | 10 | D 148.36 |
| I 062902 | DRAIN | PASS CREEK | INTERCEPTOR | 3 | E | 0 | 3.70 | 44.00 | 6 | E 53.70 |
| E 047302 | DUFUR | CITY | STP IMP | 3 | C | 90 | 5.50 | 30.00 | 10 | C 135.50 |
| E 042902 | EAGLE POINT | CITY | INTERCEPTOR | 3 | C | 90 | 6.90 | 46.00 | 8 | C 150.90 |
| E 047202 | ELGIN | CITY | II CORRECTION | 3 | C | 90 | 6.48 | 61.33 | 7 | C 164.81 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 047203 | ELGIN | CITY | PS | 3 | C | 90 | 6.48 | 61.33 | 8 | C 165.81 |
| I 047202 | ELGIN | CITY | SEWER REHAB | 3 | C | 90 | 6.48 | 61.33 | 9 | C 166.81 |
| E 047202 | ELGIN | CITY | STP IMP | 3 | B | 90 | 6.48 | 61.33 | 10 | B 167.81 |
| E 071901 | ELKTON | CITY | SYSTEM | 3 | D | 90 | 4.40 | 44.00 | 10 | D 148.40 |
| E 055402 | ENTERPRISE | CITY | STP IMP | 3 | D | 90 | 6.62 | 44.67 | 10 | D 151.29 |
| E 059402 | ESTACADA | CITY | STP IMP | 3 | C | 90 | 6.16 | 68.45 | 10 | C 174.61 |
| I 068903 | EUGENE | AIRPORT | STP EXP | 3 | E | 90 | 4.00 | 91.18 | 10 | E 195.18 |
| I 068902 | EUGENE | RVR R-SANTA CLA | RR COLL. | 3 | B | 120 | 8.04 | 91.18 | 1 | B 220.22 |
| I 068901 | EUGENE | RVR R-SANTA CLA | SC COLL. | 3 | B | 120 | 8.30 | 91.18 | 1 | B 220.48 |
| E 053303 | FLORENCE | CITY | II CORRECTION | 3 | C | 90 | 7.32 | 52.00 | 7 | C 156.32 |
| I 053304 | FLORENCE | CITY | SEWER REHAB | 3 | C | 90 | 7.48 | 52.00 | 9 | C 158.48 |
| E 053302 | FLORENCE | CITY | STP IMP | 3 | D | 90 | 7.32 | 52.00 | 10 | D 159.32 |
| E 053306 | FLORENCE | HECETA BEACH | ALT. COLLECTION | 3 | D | 90 | 5.30 | 52.00 | 1 | D 148.30 |
| E 053305 | FLORENCE | HECETA BEACH | INTERCEPTOR | 3 | D | 50 | 5.30 | 52.00 | 6 | D 113.30 |
| E 065101 | FOSSIL | CITY | STP IMP | 3 | C | 90 | 5.40 | 20.00 | 10 | C 125.40 |
| I 068001 | GATES | CITY | SYSTEM | 3 | E | 0 | 5.36 | 75.27 | 10 | E 90.63 |
| E 069801 | GOLD BEACH | MYRTLE ACRES | INTERCEPTOR | 3 | D | 130 | 3.56 | 40.00 | 6 | D 179.56 |
| I 071001 | GRANITE | CITY | COLLECTION | 3 | D | 0 | 2.60 | 20.00 | 1 | D 23.60 |
| E 071001 | GRANITE | CITY | SYSTEM | 3 | D | 0 | 2.60 | 20.00 | 10 | D 32.60 |
| E 066108 | GRANTS PASS | A STREET | INTERCEPTOR | 3 | D | 50 | 7.08 | 58.50 | 8 | D 123.58 |
| E 066110 | GRANTS PASS | BRIDGE ST. | INTERCEPTOR | 3 | D | 50 | 6.10 | 58.50 | 8 | D 122.60 |
| E 066101 | GRANTS PASS | CITY | SOLIDS HANDLING | 3 | D | 90 | 8.64 | 58.50 | 10 | D 167.14 |
| E 066102 | GRANTS PASS | CITY | STP EXP | 3 | D | 50 | 8.64 | 58.50 | 10 | D 127.14 |
| E 066105 | GRANTS PASS | F AND BOOTH ST. | INTERCEPTOR | 3 | D | 50 | 7.22 | 58.50 | 8 | D 123.72 |
| I 066111 | GRANTS PASS | MILL ST. | SEWER REHAB | 3 | D | 50 | 6.10 | 58.50 | 9 | D 123.60 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 066109 | GRANTS PASS | N. SEVENTH ST. | INTERCEPTOR | 3 | D | 50 | 7.08 | 58.50 | 8 | D 123.58 |
| E 066106 | GRANTS PASS | PINE AND ROGUE | INTERCEPTOR | 3 | D | 50 | 7.22 | 58.50 | 8 | D 123.72 |
| E 066107 | GRANTS PASS | ROGUE AND LEE | INTERCEPTOR | 3 | D | 50 | 7.22 | 58.50 | 8 | D 123.72 |
| E 066103 | GRANTS PASS | S. SEVENTH | INTERCEPTOR | 3 | D | 50 | 7.36 | 58.50 | 8 | D 123.86 |
| E 066104 | GRANTS PASS | SECOND ST. | INTERCEPTOR | 3 | D | 50 | 7.22 | 58.50 | 8 | D 123.72 |
| E 069504 | GRESHAM | CITY | GLISAN INT | 3 | B | 90 | 7.54 | 48.00 | 6 | B 151.54 |
| I 069506 | GRESHAM | CITY | GLISAN INT(R) | 3 | B | 90 | 7.54 | 48.00 | 6 | B 151.54 |
| E 069505 | GRESHAM | CITY | SANDY PS/FM(R) | 3 | B | 90 | 5.82 | 48.00 | 6 | B 149.82 |
| E 069502 | GRESHAM | CITY | SOLIDS HANDLING | 3 | C | 90 | 9.24 | 48.00 | 10 | C 157.24 |
| E 069501 | GRESHAM | CITY | STP IMP | 3 | C | 90 | 9.24 | 48.00 | 10 | C 157.24 |
| I 069501 | GRESHAM | CITY | STP IMP(R) | 3 | C | 90 | 9.24 | 48.00 | 10 | C 157.24 |
| E 069508 | GRESHAM | JOHNSON CR. | INTERCEPTOR | 3 | B | 90 | 4.00 | 48.00 | 6 | B 148.00 |
| E 069503 | GRESHAM | LINNEMAN | INTERCEPTOR | 3 | B | 90 | 6.40 | 48.00 | 6 | B 150.40 |
| I 069503 | GRESHAM | LINNEMAN | INTERCEPTOR(R) | 3 | B | 90 | 6.40 | 48.00 | 6 | B 150.40 |
| I 069503 | GRESHAM | MID. CO. | COLLECTION | 3 | B | 90 | 8.90 | 48.00 | 1 | B 147.90 |
| E 059502 | HALSEY | CITY | II CORRECTION | 3 | C | 50 | 5.66 | 48.00 | 7 | C 110.66 |
| E 059501 | HALSEY | CITY | STP IMP | 3 | C | 90 | 5.66 | 48.00 | 10 | C 153.66 |
| E 056702 | HAPPY VALLEY | CITY | INTERCEPTOR | 3 | B | 90 | 6.32 | 48.00 | 6 | B 150.32 |
| E 072702 | HARRISBURG | CITY | I/I CORR | 3 | C | 90 | 6.52 | 91.18 | 7 | C 194.70 |
| E 072701 | HARRISBURG | CITY | STP IMP | 3 | C | 90 | 6.52 | 91.18 | 10 | C 197.70 |
| E 064801 | HEPPNER | CITY | STP IMP | 3 | C | 90 | 6.28 | 34.00 | 10 | C 140.28 |
| E 057702 | HOOD RIVER | WESTSIDE | INT/PS | 3 | C | 90 | 5.40 | 55.00 | 6 | C 156.40 |
| I 069603 | HUNTINGTON | CITY | CSO | 3 | C | 50 | 5.48 | 36.50 | 3 | C 94.98 |
| I 069602 | HUNTINGTON | OLD TOWN | SEWER REHAB | 3 | C | 50 | 5.48 | 36.50 | 9 | C 100.98 |
| I 067901 | IDANHA | CITY | SYSTEM | 3 | E | 0 | 5.08 | 75.27 | 10 | E 90.35 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 071101 | IMBLER | CITY | SYSTEM | 3 | D | 50 | 4.92 | 61.33 | 10 | D 126.25 |
| E 072921 | INDEPENDENCE | WEST | 9TH ST. INTER | 3 | D | 50 | 7.24 | 91.18 | 6 | D 154.42 |
| E 058302 | IONE | CORE AREA | SYSTEM | 3 | C | 90 | 4.00 | 20.00 | 10 | C 124.00 |
| E 051902 | JOSEPH | CITY | STP IMP | 3 | D | 90 | 6.12 | 28.00 | 10 | D 134.12 |
| I 045601 | JOSEPHINE CO | MERLIN/COL. V. | SYSTEM | 3 | E | 0 | 4.00 | 58.50 | 10 | E 72.50 |
| E 049602 | JUNCTION CITY | CITY | II CORRECTION | 3 | C | 90 | 6.96 | 91.18 | 7 | C 195.14 |
| E 070101 | KEIZER | CLEAR LAKE | INTERCEPTOR | 3 | C | 90 | 5.58 | 48.00 | 6 | C 149.58 |
| E 070101 | KEIZER | MIDDLE LABISH | INTERCEPTORS | 3 | E | 0 | 4.00 | 48.00 | 6 | E 58.00 |
| I 070102 | KEIZER | NORTH | INTERCEPTORS | 3 | E | 0 | 4.00 | 93.45 | 6 | E 103.45 |
| I 070105 | KEIZER | WHEATLAND RD | INTERCEPTORS | 3 | E | 0 | 5.40 | 93.45 | 6 | E 104.85 |
| I 051604 | KLAMATH FALLS | PELICAN CITY | COLLECTION SYS | 3 | C | 130 | 5.54 | 66.00 | 1 | C 202.54 |
| E 051604 | KLAMATH FALLS | PELICAN CITY | INTERCEPTOR | 3 | C | 130 | 5.54 | 66.00 | 6 | C 207.54 |
| E 051605 | KLAMATH FALLS | REGIONAL | II CORRECTION | 3 | D | 90 | 8.52 | 66.00 | 7 | D 171.52 |
| E 051606 | KLAMATH FALLS | REGIONAL | STP EXPANSION | 3 | D | 50 | 8.52 | 66.00 | 10 | D 134.52 |
| E 044201 | LANE CO | MAPLETON AREA | SYSTEM | 3 | D | 90 | 4.00 | 52.00 | 10 | D 156.00 |
| I 070901 | LANE COUNTY | COLLARD LAKE | SYSTEM | 3 | E | 120 | 4.22 | 48.00 | 10 | E 182.22 |
| E 055904 | LINCOLN CITY | CITY | INTERCEPTOR P2 | 3 | C | 90 | 7.14 | 37.00 | 8 | C 142.14 |
| I 053701 | LINCOLN CO. | S.W. AREA | COLLECTION | 3 | D | 90 | 6.86 | 32.00 | 1 | D 129.86 |
| E 053701 | LINCOLN CO. | S.W. AREA | SYSTEM | 3 | D | 90 | 6.86 | 32.00 | 10 | D 138.86 |
| E 057303 | LOWELL | CITY | II CORRECTION | 3 | C | 90 | 5.62 | 70.73 | 7 | C 173.35 |
| E 057304 | LOWELL | CITY | RELIEF SEWER | 3 | C | 90 | 5.62 | 70.73 | 8 | C 174.35 |
| I 057305 | LOWELL | CITY | SEWER REHAB | 3 | C | 90 | 5.62 | 70.73 | 9 | C 175.35 |
| E 057302 | LOWELL | CITY | STP IMP | 3 | C | 90 | 5.62 | 70.73 | 10 | C 176.35 |
| I 067801 | LYONS-MEHAMA | REGIONAL | SYSTEM | 3 | E | 0 | 6.20 | 75.27 | 10 | E 91.47 |
| I 057903 | MADRAS | FRINGE AREA | COLLECTION | 3 | C | 90 | 6.06 | 67.00 | 1 | C 164.06 |

STATE OF OREGON
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POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 057902 | MADRAS | FRINGE AREA | INTERCEPTORS | 3 | C | 90 | 6.06 | 67.00 | 6 | C 169.06 |
| E 044701 | MILL CITY | CITY | SYSTEM | 3 | C | 90 | 6.38 | 75.27 | 10 | C 181.65 |
| E 058902 | MILTON-FREEWATE | CITY | SOLIDS HANDLING | 3 | C | 90 | 7.32 | 18.00 | 10 | C 125.32 |
| E 058903 | MILTON-FREEWATE | CITY | STP IMP | 3 | C | 90 | 7.32 | 18.00 | 10 | C 125.32 |
| E 046901 | MODOC POINT | SAN DIST | SYSTEM | 3 | C | 90 | 3.20 | 36.00 | 10 | C 139.20 |
| I 044403 | MOLALLA | CITY | II CORRECTION | 3 | C | 90 | 6.98 | 82.09 | 7 | C 186.07 |
| E 062503 | MONMOUTH | CITY | RELIEF SEWER | 3 | C | 90 | 7.46 | 91.18 | 8 | C 196.64 |
| E 056904 | MONROE | CITY | STP IMP | 3 | C | 90 | 6.56 | 54.82 | 10 | C 161.38 |
| I 056903 | MONROE | FRINGE | COLLECTION | 3 | D | 0 | 2.60 | 54.82 | 1 | D 58.42 |
| E 058803 | MT ANGEL | CITY | II CORRECTION | 3 | C | 90 | 6.92 | 82.09 | 7 | C 186.01 |
| E 058802 | MT ANGEL | CITY | STP IMP | 3 | C | 90 | 6.92 | 82.09 | 10 | C 189.01 |
| E 069403 | N. ALBANY C.S.D | AREA 1,2 &4 | SP. HILL DR INT | 3 | D | 120 | 7.04 | 91.18 | 6 | D 224.22 |
| E 069402 | N. ALBANY C.S.D | AREA 1,2,3 &4 | HICKORY PS/FM | 3 | D | 120 | 7.24 | 91.18 | 6 | D 224.42 |
| E 069401 | N. ALBANY C.S.D | AREA 2A | INTERCEPTOR | 3 | B | 130 | 5.96 | 91.18 | 6 | B 233.14 |
| E 069404 | N. ALBANY C.S.D | AREA 3 | N. ALB. RD INT | 3 | D | 90 | 5.82 | 91.18 | 6 | D 193.00 |
| E 060201 | NESKOWIN S.A. | DISTRICT | SYSTEM | 3 | B | 90 | 4.80 | 38.00 | 10 | B 142.80 |
| E 049406 | NEWBERG | CITY | 6TH ST REL SEW | 3 | D | 90 | 6.96 | 93.45 | 8 | D 198.41 |
| E 049407 | NEWBERG | CITY | HANCOCK REL SEW | 3 | D | 90 | 5.48 | 93.45 | 8 | D 196.93 |
| E 049405 | NEWBERG | CITY | RIVER RD INT | 3 | D | 90 | 7.74 | 93.45 | 8 | D 199.19 |
| E 061802 | NEWPORT | CITY | OUTFALL | 3 | C | 90 | 7.82 | 32.00 | 10 | C 139.82 |
| E 061803 | NEWPORT | CITY | SLUDGE | 3 | C | 90 | 7.82 | 32.00 | 10 | C 139.82 |
| I 061804 | NEWPORT | CITY | STP EXP | 3 | E | 0 | 7.82 | 32.00 | 10 | E 49.82 |
| I 061805 | NEWPORT | SOUTH BEACH | COLLECTION | 3 | D | 50 | 4.64 | 32.00 | 1 | D 87.64 |
| E 061805 | NEWPORT | SOUTH BEACH | PS/FM | 3 | D | 50 | 4.64 | 32.00 | 6 | D 92.64 |
| E 052004 | NORTH BEND | CITY | II/CORRECTION | 3 | B | 90 | 7.98 | 80.00 | 7 | B 184.98 |

STATE OF OREGON
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POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 052005 | NORTH BEND | CITY | STP IMP | 3 | C | 90 | 7.98 | 80.00 | 10 | C 187.98 |
| E 056402 | NORTH POWDER | CITY | STP IMP | 3 | D | 50 | 5.28 | 49.00 | 10 | D 114.28 |
| E 072402 | NYSSA | CITY | PS | 3 | C | 90 | 6.88 | 20.00 | 8 | C 124.88 |
| E 072401 | NYSSA | CITY | STP IMP | 3 | C | 90 | 6.88 | 20.00 | 10 | C 126.88 |
| E 061702 | OAKLAND | CITY | STP IMP | 3 | C | 90 | 5.86 | 44.00 | 10 | C 149.86 |
| I 061704 | OAKLAND | DRIVERS VALLEY | INTERCEPTOR | 3 | E | 0 | 3.80 | 44.00 | 6 | E 53.80 |
| E 051403 | OAKRIDGE | CITY | II CORRECTION | 3 | C | 90 | 7.08 | 70.73 | 7 | C 174.81 |
| I 051404 | OAKRIDGE | CITY | REHAB | 3 | C | 90 | 7.08 | 70.73 | 9 | C 176.81 |
| E 051402 | OAKRIDGE | CITY | STP IMP | 3 | D | 50 | 7.08 | 70.73 | 10 | D 137.81 |
| E 051801 | ONTARIO | CITY | II CORR | 3 | D | 50 | 7.94 | 26.00 | 7 | D 90.94 |
| E 067101 | PILOT ROCK | CITY | STP IMP | 3 | D | 50 | 6.42 | 34.00 | 10 | D 100.42 |
| I 071201 | PORT ORFORD | GARISON LAKE | COLLECTION | 3 | D | 90 | 4.56 | 40.00 | 1 | D 135.56 |
| E 071201 | PORT ORFORD | GARISON LAKE | INT/PS/FM | 3 | C | 90 | 4.56 | 40.00 | 8 | C 142.56 |
| E 071202 | PORT ORFORD | GARISON LAKE | STP IMP | 3 | B | 90 | 6.04 | 40.00 | 10 | B 146.04 |
| I 072810 | PORTLAND | ADVENTIST | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072815 | PORTLAND | BERRYDALE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072825 | PORTLAND | BLOOMINGTON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072805 | PORTLAND | BOYLES | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072841 | PORTLAND | BRENTWOODACE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072834 | PORTLAND | BURNSIDE CENTRL | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072819 | PORTLAND | BURNSIDE EAST | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072816 | PORTLAND | BURNSIDE WEST | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072838 | PORTLAND | CLIFFGATE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E 072003 | PORTLAND | COLUMBIA BASIN | ALTAMEAD | 3 | B | 90 | 5.38 | 48.00 | 6 | B 149.38 |
| I 072003 | PORTLAND | COLUMBIA BASIN | AREA C PS/FM(R) | 3 | B | 90 | 5.38 | 48.00 | 6 | B 149.38 |

STATE OF OREGON
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POINTS LIST

| | PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| I | 072002 | PORTLAND | COLUMBIA BASIN | BRDWAY PS/FM(R) | 3 | B | 90 | 7.56 | 48.00 | 6 | B 151.56 |
| E | 072002 | PORTLAND | COLUMBIA BASIN | BROADWAY PS/FM | 3 | B | 90 | 7.56 | 48.00 | 6 | B 151.56 |
| I | 072001 | PORTLAND | COLUMBIA BASIN | COLLECTION | 3 | B | 90 | 8.80 | 48.00 | 1 | B 147.80 |
| I | 072004 | PORTLAND | COLUMBIA BASIN | COLLECTION SYST | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E | 072001 | PORTLAND | COLUMBIA BASIN | LOMBARD INTS | 3 | B | 90 | 7.60 | 48.00 | 6 | B 151.60 |
| I | 072001 | PORTLAND | COLUMBIA BASIN | LOMBARD INTS(R) | 3 | B | 90 | 7.60 | 48.00 | 6 | B 151.60 |
| I | 072842 | PORTLAND | DARLINGTON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072843 | PORTLAND | EASTMONT | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072806 | PORTLAND | ENGLEWOOD | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072828 | PORTLAND | ESSEX | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072829 | PORTLAND | FAIRFIELD | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072839 | PORTLAND | FLAVEL PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072807 | PORTLAND | FLOYD LIGHT | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I | 072832 | PORTLAND | GILBERT | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E | 072844 | PORTLAND | HYDEN ISLAND | PS/INT | 3 | C | 50 | .00 | 48.00 | 6 | C 104.00 |
| E | 042603 | PORTLAND | INVERNESS | BURNSIDE INT | 3 | B | 120 | 7.08 | 48.00 | 6 | B 181.08 |
| I | 042603 | PORTLAND | INVERNESS | BURNSIDE INT(R) | 3 | B | 120 | 7.08 | 48.00 | 6 | B 181.08 |
| I | 042602 | PORTLAND | INVERNESS | CHERRY PK COLL | 3 | B | 120 | 7.26 | 48.00 | 6 | B 181.26 |
| I | 042602 | PORTLAND | INVERNESS | CHERRY PK INT(R | 3 | B | 120 | 7.26 | 48.00 | 6 | B 181.26 |
| I | 042601 | PORTLAND | INVERNESS | COLLECTION | 3 | B | 120 | 9.02 | 48.00 | 1 | B 178.02 |
| E | 042604 | PORTLAND | INVERNESS | CULLY INTS | 3 | B | 120 | 7.48 | 48.00 | 6 | B 181.48 |
| I | 042604 | PORTLAND | INVERNESS | CULLY INTS(R) | 3 | B | 120 | 7.48 | 48.00 | 6 | B 181.48 |
| I | 042601 | PORTLAND | INVERNESS | N.E. 122 COLL | 3 | B | 120 | 8.00 | 48.00 | 6 | B 182.00 |
| I | 042601 | PORTLAND | INVERNESS | N.E. 122 INT(R) | 3 | B | 120 | 8.00 | 48.00 | 6 | B 182.00 |
| E | 042605 | PORTLAND | INVERNESS | N.E. KNOTT INT | 3 | B | 120 | .00 | 48.00 | 6 | B 174.00 |

STATE OF OREGON
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| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| I 072813 | PORTLAND | IRVINGTON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E 034207 | PORTLAND | JOHNSON CREEK | 103RD INT | 3 | B | 90 | 8.00 | 48.00 | 6 | B 152.00 |
| I 034205 | PORTLAND | JOHNSON CREEK | AREA D PS/FM(R) | 3 | B | 90 | 6.22 | 48.00 | 6 | B 150.22 |
| E 034205 | PORTLAND | JOHNSON CREEK | BROOKLAND | 3 | B | 90 | 6.22 | 48.00 | 6 | B 150.22 |
| I 034204 | PORTLAND | JOHNSON CREEK | COLLECTION | 3 | B | 90 | 9.64 | 48.00 | 1 | B 148.64 |
| E 034206 | PORTLAND | JOHNSON CREEK | FLAVEL INT | 3 | B | 90 | .00 | 48.00 | 6 | B 144.00 |
| E 034204 | PORTLAND | JOHNSON CREEK | S.MID CNTY INT | 3 | B | 90 | 8.66 | 48.00 | 6 | B 152.66 |
| I 034204 | PORTLAND | JOHNSON CREEK | SE 111TH INT(R) | 3 | B | 90 | 8.66 | 48.00 | 6 | B 152.66 |
| I 072802 | PORTLAND | KNOTT PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072835 | PORTLAND | LINCOLN PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072811 | PORTLAND | LINN PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072804 | PORTLAND | LUBY | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072837 | PORTLAND | LYMANN PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072801 | PORTLAND | MADISON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072817 | PORTLAND | MARSHAL | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072833 | PORTLAND | MAYWOOD PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072814 | PORTLAND | MILL PARK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072809 | PORTLAND | MONTAVILLA | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072818 | PORTLAND | PARKLANE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072836 | PORTLAND | PARKROSE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072822 | PORTLAND | POWELL VILLAGE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072808 | PORTLAND | RICHARDSON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072826 | PORTLAND | ROBIN WOOD | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072821 | PORTLAND | ROBINBROOK | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072823 | PORTLAND | ROSE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 072101 | PORTLAND | ROYAL HIGHLANDS | INTERCEPTOR | 3 | C | 90 | 4.60 | 48.00 | 6 | C 148.60 |
| I 072830 | PORTLAND | SACAJAWEA | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E 034203 | PORTLAND | SOUTHEAST RLVG | INTERCEPTOR P4 | 3 | C | 90 | 9.84 | 93.45 | 8 | C 201.29 |
| I 072803 | PORTLAND | STRATHMORE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072827 | PORTLAND | SUMNER | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072840 | PORTLAND | SUMNER PLACE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072820 | PORTLAND | WELLINGTON | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072824 | PORTLAND | WINDMERE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072812 | PORTLAND | WOODLAND | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| I 072831 | PORTLAND | WOODMERE | COLL SYSTEM | 3 | B | 120 | .00 | 48.00 | 1 | B 169.00 |
| E 070201 | POWERS | CITY | II CORRECTION | 3 | B | 90 | 5.78 | 50.00 | 7 | B 152.78 |
| E 070203 | POWERS | CITY | PUMP STATION | 3 | B | 90 | 5.40 | 50.00 | 8 | B 153.40 |
| I 070201 | POWERS | CITY | SEWER REHAB | 3 | C | 90 | 5.78 | 50.00 | 9 | C 154.78 |
| E 070202 | POWERS | CITY | STP IMP | 3 | C | 90 | 5.78 | 50.00 | 10 | C 155.78 |
| E 064501 | PRINEVILLE | CITY | STP IMP | 3 | C | 90 | 7.44 | 79.50 | 10 | C 186.94 |
| E 058602 | RAINIER | CITY | SEWER REHAB | 3 | C | 90 | 6.44 | 38.00 | 9 | C 143.44 |
| I 072202 | REDMOND | CITY | STP EXP | 3 | E | 0 | 5.40 | 54.50 | 10 | E 69.90 |
| E 072201 | REDMOND | HIGHSCHOOL | INTERCEPTOR | 3 | D | 90 | 3.40 | 54.50 | 6 | D 153.90 |
| E 071301 | ROGUE RIVER | S W AREA | INTERCEPTOR | 3 | D | 50 | 4.00 | 58.50 | 8 | D 120.50 |
| E 069302 | ROSEBURG U.S.A. | ROSEBURG CITY | SEWER REHAB | 3 | B | 90 | 8.40 | 77.33 | 9 | B 184.73 |
| E 064601 | SALEM | PRINGLE CREEK | INTERCEPTOR | 3 | B | 90 | 8.26 | 93.45 | 8 | B 199.71 |
| I 055101 | SANDY | CITY | STP EXPANSION | 3 | E | 0 | 6.90 | 68.45 | 10 | E 85.35 |
| I 066301 | SCAPPOOSE | CITY | STP EXPANSION | 3 | E | 0 | 7.04 | 48.00 | 10 | E 65.04 |
| E 051503 | SCIO | CITY | II CORRECTION | 3 | C | 50 | 5.52 | 50.27 | 7 | C 112.79 |
| E 051504 | SCIO | N. W. AREA | INTERCEPTOR | 3 | D | 50 | 4.00 | 48.00 | 6 | D 108.00 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 068105 | SEASIDE | CITY | P.S. IMP | 3 | D | 90 | 7.40 | 46.30 | 2 | D 145.70 |
| I 068104 | SEASIDE | N WAHENA RD | FORCE MAIN | 3 | E | 90 | 5.08 | 46.30 | 2 | E 143.38 |
| I 068103 | SEASIDE | S WAHENA RD | FORCE MAIN | 3 | E | 90 | 4.90 | 46.30 | 2 | E 143.20 |
| E 050604 | SHERIDAN | SOUTH SIDE | II CORRECTION | 3 | C | 90 | 6.00 | 88.91 | 7 | C 191.91 |
| E 050603 | SHERIDAN | SOUTH SIDE | SEWER REHAB | 3 | C | 90 | 6.00 | 88.91 | 9 | C 193.91 |
| E 070701 | SILETZ | CITY | STP IMP | 3 | D | 50 | 6.00 | 67.00 | 10 | D 133.00 |
| I 054102 | SISTERS | CITY | COLLECTION | 3 | D | 50 | 5.72 | 42.00 | 1 | D 98.72 |
| E 054102 | SISTERS | CITY | SYSTEM | 3 | D | 50 | 5.72 | 42.00 | 10 | D 107.72 |
| E 066201 | SODAVILLE | CITY | SYSTEM | 3 | D | 50 | 4.52 | 57.09 | 10 | D 121.61 |
| E 066701 | SOUTH SUB. S.D. | DISTRICT | STP IMP | 3 | C | 90 | 8.52 | 66.00 | 10 | C 174.52 |
| I 053908 | ST HELENS | CITY | CSO | 3 | C | 90 | 7.72 | 38.00 | 3 | C 138.72 |
| E 053902 | ST HELENS | CITY | II CORRECTION | 3 | C | 90 | 7.72 | 38.00 | 7 | C 142.72 |
| I 053905 | ST HELENS | CITY | INT P1 | 3 | E | 90 | 3.40 | 38.00 | 2 | E 133.40 |
| I 053906 | ST HELENS | CITY | INT P2 | 3 | E | 90 | 3.40 | 38.00 | 2 | E 133.40 |
| E 053903 | ST HELENS | CITY | PS NO. 1 | 3 | C | 90 | 6.00 | 38.00 | 8 | C 142.00 |
| I 053904 | ST HELENS | CITY | STP IMP | 3 | E | 90 | 7.72 | 38.00 | 10 | E 145.72 |
| I 053907 | ST HELENS | N. VERNONIA RD | COLL SYSTEM | 3 | C | 130 | 3.80 | 38.00 | 1 | C 172.80 |
| E 056502 | STANFIELD | CITY | LIFT STATION | 3 | D | 50 | 6.42 | 67.33 | 8 | D 131.75 |
| I 071401 | SUMPTER | CITY | COLLECTION | 3 | D | 50 | 4.30 | 49.00 | 1 | D 104.30 |
| E 071401 | SUMPTER | CITY | SYSTEM | 3 | D | 50 | 4.30 | 49.00 | 10 | D 113.30 |
| E 043203 | SWEET HOME | CITY | II CORRECTION | 3 | C | 90 | 7.68 | 77.55 | 7 | C 182.23 |
| E 072601 | TOLEDO | CITY | I/I CORR | 3 | B | 90 | 7.02 | 72.00 | 7 | B 176.02 |
| E 040802 | TOLEDO | CITY | PUMP STATION | 3 | B | 90 | 7.02 | 72.00 | 10 | B 179.02 |
| E 067002 | TRI CITY S.D. | MYRTLE CREEK | II CORRECTION | 3 | D | 90 | 7.56 | 77.33 | 7 | D 181.89 |
| E 067001 | TRI CITY S.D. | MYRTLE CREEK | SLUDGE DISP | 3 | D | 90 | 7.56 | 77.33 | 10 | D 184.89 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| I 044302 | TURNER | CITY | INTERCEPTOR | 3 | E | 0 | 6.12 | 91.18 | 6 | E 103.30 |
| E 064701 | TWIN ROCKS | SAN DISTRICT | PS | 3 | D | 50 | 4.00 | 38.00 | 8 | D 100.00 |
| E 061703 | UNION GAP S.D. | DISTRICT | INTERCEPTOR | 3 | D | 50 | 4.22 | 44.00 | 6 | D 104.22 |
| E 072909 | USA | ALOHA #3 | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072909 | USA | ALOHA #3 | PS | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 057602 | USA | BANKS | INTERCEPTOR | 3 | D | 90 | 5.38 | 48.00 | 8 | D 151.38 |
| E 072902 | USA | BEAVERTON | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072902 | USA | BEAVERTON | PS | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072911 | USA | COOPER MTN | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072911 | USA | COOPER MTN | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| I 072918 | USA | CORNELIUS | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 072916 | USA | CORNELIUS | PS | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 072917 | USA | COUNCIL CREEK | PS | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 037103 | USA | DURHAM | ADVANCED TREAT. | 3 | D | 50 | 5.68 | 95.73 | 5 | D 156.41 |
| E 037102 | USA | DURHAM | SLUDGE | 3 | D | 50 | 10.16 | 95.73 | 10 | D 165.89 |
| E 072920 | USA | FOREST GROVE | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| E 057502 | USA | GASTON | INTERCEPTOR | 3 | C | 90 | 5.48 | 95.73 | 8 | C 199.21 |
| I 057505 | USA | GASTON SOUTH | INTERCEPTOR | 3 | E | 0 | 3.40 | 95.73 | 6 | E 105.13 |
| E 057503 | USA | GASTON WEST | INTERCEPTOR | 3 | D | 0 | 3.40 | 95.73 | 6 | D 105.13 |
| I 072906 | USA | HILEON/217 | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 068202 | USA | HILLSBORO | CORNELIUS INT. | 3 | E | 0 | 4.00 | 95.73 | 2 | E 101.73 |
| I 068201 | USA | HILLSBORO | EFF DISPOSAL | 3 | E | 0 | 8.00 | 95.73 | 10 | E 113.73 |
| I 068203 | USA | HILLSBORO | II CORRECTION | 3 | B | 90 | 8.00 | 95.73 | 7 | B 200.73 |
| E 072914 | USA | HILLSBORO EAST | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072914 | USA | HILLSBORO EAST | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| I 072915 | USA | HILLSBORO WEST | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| E 072904 | USA | INTERCEP SOUTH | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072904 | USA | INTERCEP SOUTH | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072903 | USA | LOWER TUALATIN | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072903 | USA | LOWER TUALATIN | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| I 072907 | USA | METZGER/PROGRES | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| E 072910 | USA | REEDVILLE/BUTTE | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072910 | USA | REEDVILLE/BUTTE | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| I 072301 | USA | ROCK CR. | ADVANCED TREAT. | 3 | D | 50 | 6.60 | 95.73 | 5 | D 157.33 |
| I 072901 | USA | SHERWOOD | PS | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| E 072919 | USA | SW FOREST GROVE | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072919 | USA | SW FOREST GROVE | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072905 | USA | TEKTRONIX | I/I CORR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| E 072905 | USA | TEKTRONIX | INTERCEPTOR | 3 | D | 50 | .00 | 95.73 | 6 | D 151.73 |
| I 072908 | USA | TIGARD | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 072912 | USA | WEST BEAVERTON | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 072913 | USA | WILLOW CR/SUNSE | INTERCEPTOR | 3 | E | 0 | .00 | 95.73 | 6 | E 101.73 |
| I 071501 | VALE | A STREET | SEWER REHAB | 3 | D | 90 | 6.40 | 26.00 | 8 | D 130.40 |
| E 066001 | VENETA | CITY | II CORRECTION | 3 | D | 50 | 6.76 | 54.82 | 7 | D 118.58 |
| I 066002 | VENETA | CITY | STP EXPANSION | 3 | E | 90 | 6.60 | 54.82 | 10 | E 161.42 |
| E 063102 | VERNONIA | CITY | I/I CORR | 3 | B | 90 | 6.48 | 68.54 | 7 | B 172.02 |
| E 063101 | VERNONIA | CITY | STP IMP | 3 | C | 90 | 6.48 | 68.54 | 10 | C 175.02 |
| E 067502 | WALLOWA | CITY | II CORRECTION | 3 | D | 50 | 5.82 | 44.67 | 7 | D 107.49 |
| E 067501 | WALLOWA | CITY | STP IMP | 3 | D | 90 | 5.82 | 44.67 | 10 | D 150.49 |
| I 060101 | WALLOWA COUNTY | WALLOWA LAKE | COLL SYSTEM | 3 | D | 0 | 6.00 | 44.67 | 1 | D 51.67 |

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
POINTS LIST

| PROJECT NUMBER | COMMUNITY | AREA | COMPONENT | STEP | CLASS | REG. EMPH. | POP. EMPH. | STREAM RANK | PROJECT TYPE | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|---|
| E 060101 | WALLOWA COUNTY | WALLOWA LAKE | INTS | 3 | D | 0 | 6.00 | 44.67 | 1 | D 51.67 |
| E 069201 | WARRENTON | CITY | II CORRECTION | 3 | D | 90 | 6.96 | 38.00 | 7 | D 141.96 |
| I 069202 | WARRENTON | CITY | STP EXPANSION | 3 | E | 90 | 6.94 | 38.00 | 10 | E 144.94 |
| I 069203 | WARRENTON | HARBOR & ENSIGN | PS/FM | 3 | E | 90 | 5.06 | 38.00 | 2 | E 135.06 |
| I 069204 | WARRENTON | MERLIN & SECOND | FORCE MAIN | 3 | E | 90 | 4.86 | 38.00 | 2 | E 134.86 |
| E 069701 | WESTFIR | CITY | II CORRECTION | 3 | C | 90 | 4.96 | 70.73 | 7 | C 172.69 |
| E 069702 | WESTFIR | CITY | STP IMP | 3 | C | 90 | 4.96 | 70.73 | 10 | C 175.69 |
| I 069703 | WESTFIR | NORTH | INTERCEPTOR | 3 | E | 0 | 3.40 | 70.73 | 6 | E 80.13 |
| E 071601 | WESTON | CITY | II CORRECTION | 3 | D | 50 | 5.72 | 34.00 | 7 | D 96.72 |
| E 059703 | YONCALLA | CITY | II CORRECTION | 3 | C | 90 | 5.86 | 44.00 | 7 | C 146.86 |
| I 059702 | YONCALLA | CITY | SEWER REHAB | 3 | C | 90 | 5.86 | 44.00 | 9 | C 148.86 |
| E 059701 | YONCALLA | CITY | STP IMP | 3 | C | 90 | 5.86 | 44.00 | 10 | C 149.86 |

ATTACHMENT H

FY88 Proposed Priority List, As Revised

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST FOR FY88

| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | N. ALBANY C.S.D | AREA 2A | INTERCEPTOR | 069401 | 3 | | / | 313 | | | | B 233.14 |
| 2 | PORTLAND | JOHNSON CREEK | S.MID CNTY INT | 034204 | 3 | FY 87 | 08/87 | 6,859 | | | | B 152.66 |
| | | SOUTHEAST RLVG | INTERCEPTOR P4 | 034203 | 3 | FY 87 | 08/87 | 4,164* | | | | C 201.29 |
| 3 | SALEM | PRINGLE CREEK | INTERCEPTOR | 064601 | 3 | FY 87 | 07/87 | 810 | | | | B 199.71 |
| 4 | COOS BAY NO.1 | CITY | STP IMP | 062801 | 3 | FY 87 | 08/87 | 5,170 | | | | B 187.90 |
| 5 | COOS BAY NO.2 | CITY | STP IMP | 062803 | 3 | | / | 727 | | | | B 187.82 |
| | | | I/I CORRECTION | 062804 | 3 | | / | | | | | B 184.82 |
| 6 | COOS BAY NO. 1 | CITY | SEWER REHAB | 072922 | 3 | | / | 750 | | | | B 187.32 |
| 7 | NORTH BEND | CITY | II/CORRECTION | 052004 | 3 | FY 87 | 06/87 | 28 | | | | B 184.98 |
| 8 | COOS BAY NO.1 | CITY | II CORRECTION | 062802 | 3 | FY 87 | 08/87 | 110 | | | | B 184.90 |
| 9 | ROSEBURG U.S.A. | ROSEBURG CITY | SEWER REHAB | 069302 | 3 | FY 87 | 06/87 | 1,934 | | | | B 184.73 |
| 10 | PORTLAND | INVERNESS | CULLY INTS | 042604 | 3 | FY 87 | 08/87 | 1,200 | | | | B 181.48 |
| 11 | PORTLAND | INVERNESS | BURNSIDE INT | 042603 | 3 | FY 87 | 08/87 | 140 | | | | B 181.08 |
| 12 | TOLEDO | CITY | PUMP STATION | 040802 | 3 | FY 88 | 04/88 | 83 | | | | B 179.02 |
| | | | I/I CORR | 072601 | 3 | FY 88 | 04/88 | | | | | B 176.02 |
| 13 | PORTLAND | INVERNESS | N.E. KNOTT INT | 042605 | 3 | FY 87 | 08/87 | 100 | | | | B 174.00 |
| 14 | VERNONIA | CITY | I/I CORR | 063102 | 3 | FY 88 | / | 1,104 | | | | B 172.02 |
| | | | STP IMP | 063101 | 3 | FY 88 | 08/88 | 121 | | | | C 175.02 |
| 15 | ELGIN | CITY | STP IMP | 047202 | 3 | FY 87 | 12/87 | 259 | | | | B 167.81 |
| | | | II CORRECTION | 047202 | 3 | FY 87 | 12/87 | 43 | | | | C 164.81 |

NOTE: 1) AN ASTERISK AFTER THE FUND AMOUNT INDICATES 75% FUNDING 2) ALL DOLLAR AMOUNTS ARE IN THOUSANDS OF DOLLARS

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST FOR FY88

| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16 | POWERS | CITY | PUMP STATION | 070203 | 3 | FY 88 | / | 28 | | | | B 153.40 |
| 17 | POWERS | CITY | II CORRECTION | 070201 | 3 | FY 88 | / | 110 | | | | B 152.78 |
| 18 | PORTLAND | JOHNSON CREEK | 103RD INT | 034207 | 3 | FY 87 | 08/87 | 200 | | | | B 152.00 |
| 19 | PORTLAND | COLUMBIA BASIN | LOMBARD INTS | 072001 | 3 | FY 87 | 08/87 | 705 | | | | B 151.60 |
| 20 | PORTLAND | COLUMBIA BASIN | BROADWAY PS/FM | 072002 | 3 | FY 87 | 08/87 | 450 | | | | B 151.56 |
| 21 | GRESHAM | CITY | GLISAN INT | 069504 | 3 | FY 87 | 08/87 | 136 | | | | B 151.54 |
| | | | STP IMP | 069501 | 3 | FY 87 | 08/87 | 1,974 | | | | C 157.24 |
| | | | SOLIDS HANDLING | 069502 | 3 | FY 87 | 08/87 | 1,907 | | 300 | | C 157.24 |
| 22 | GRESHAM | LINNEMAN | INTERCEPTOR | 069503 | 3 | FY 87 | 08/87 | 615 | | | | B 150.40 |
| 23 | HAPPY VALLEY | CITY | INTERCEPTOR | 056702 | 3 | FY 87 | 06/87 | 330 | | | | B 150.32 |
| 24 | PORTLAND | JOHNSON CREEK | BROOKLAND | 034205 | 3 | FY 87 | 08/87 | 147 | | | | B 150.22 |
| 25 | GRESHAM | CITY | SANDY PS/FM(R) | 069505 | 3 | FY 87 | 09/87 | 289 | | | | B 149.82 |
| 26 | PORTLAND | COLUMBIA BASIN | ALTAMEAD | 072003 | 3 | FY 87 | 08/87 | 147 | | | | B 149.38 |
| 27 | GRESHAM | JOHNSON CR. | INTERCEPTOR | 069508 | 3 | FY 87 | 08/87 | 55 | | | | B 148.00 |
| 28 | BROOKINGS | CITY | STP IMP | 067201 | 3 | FY 87 | 06/87 | 880 | | | | B 147.08 |
| 29 | PORT ORFORD | GARISON LAKE | STP IMP | 071202 | 3 | FY 88 | 10/87 | | | | | B 146.04 |
| 30 | PORTLAND | JOHNSON CREEK | FLAVEL INT | 034206 | 3 | FY 87 | 08/87 | 135 | | | | B 144.00 |

NOTE: 1) AN ASTERISK AFTER THE FUND AMOUNT INDICATES 75% FUNDING 2) ALL DOLLAR AMOUNTS ARE IN THOUSANDS OF DOLLARS

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST FOR FY88

| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 31 | NESKOWIN S.A. | DISTRICT | SYSTEM | 060201 | 3 | FY 88 | 02/88 | 417 | 600 | 109 | | B 142.80 |
| 32 | ATHENA | CITY | STP IMP | 063501 | 3 | | / | 48 | | | | B 139.98 |
| 33 | CARLTON | CITY | STP IMP | 061502 | 3 | FY 88 | 07/88 | 466 | | | | C 222.86 |
| 34 | KLAMATH FALLS | PELICAN CITY | INTERCEPTOR | 051604 | 3 | FY 87 | 06/87 | 299 | | | | C 207.54 |
| 35 | USA | GASTON | INTERCEPTOR | 057502 | 3 | FY 87 | 05/87 | 667 | | | | C 199.21 |
| 36 | HARRISBURG | CITY | STP IMP<br>I/I CORR | 072701<br>072702 | 3<br>3 | | /<br>/ | | | | | C 197.70<br>C 194.70 |
| 37 | MONMOUTH | CITY | RELIEF SEWER | 062503 | 3 | FY 87 | / | 70 | | | | C 196.64 |
| 38 | JUNCTION CITY | CITY | II CORRECTION | 049602 | 3 | FY 88 | / | 52 | | | | C 195.14 |
| 39 | SHERIDAN | SOUTH SIDE | SEWER REHAB | 050603 | 3 | FY 88 | / | 35 | | | | C 193.91 |
| 40 | SHERIDAN | SOUTH SIDE | II CORRECTION | 050604 | 3 | FY 88 | / | 84 | | | | C 191.91 |
| 41 | CARLTON | CITY | II CORRECTION | 061503 | 3 | FY 88 | 07/88 | 46 | | | | C 189.86 |
| 42 | MT ANGEL | CITY | STP IMP | 058802 | 3 | FY 87 | / | 133 | | | | C 189.01 |
| 43 | NORTH BEND | CITY | STP IMP | 052005 | 3 | FY 87 | / | 784 | | | | C 187.98 |
| 44 | PRINEVILLE | CITY | STP IMP | 064501 | 3 | | / | 413 | | | | C 186.94 |
| 45 | MT ANGEL | CITY | II CORRECTION | 058803 | 3 | FY 87 | / | 107 | | | | C 186.01 |
| 46 | SWEET HOME | CITY | II CORRECTION | 043203 | 3 | | / | 55 | | | | C 182.23 |

NOTE: 1) AN ASTERISK AFTER THE FUND AMOUNT INDICATES 75% FUNDING 2) ALL DOLLAR AMOUNTS ARE IN THOUSANDS OF DOLLARS

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
CONSTRUCTION GRANTS FINAL PRIORITY LIST FOR FY88

| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 47 | MILL CITY | CITY | SYSTEM | 044701 | 3 | | / | 880 | | | | C 181.65 |
| 48 | LOWELL | CITY | STP IMP | 057302 | 3 | FY 87 | / | 715 | | 21 | | C 176.35 |
| 49 | WESTFIR | CITY | STP IMP | 069702 | 3 | FY 87 | / | 165 | | | | C 175.69 |
| 50 | OAKRIDGE | CITY | II CORRECTION | 051403 | 3 | | / | 272 | | | | C 174.81 |
| 51 | ESTACADA | CITY | STP IMP | 059402 | 3 | FY 88 | 10/87 | 564 | | | | C 174.61 |
| 52 | SOUTH SUB. S.D. | DISTRICT | STP IMP | 066701 | 3 | | / | 470 | | | | C 174.52 |
| 53 | LOWELL | CITY | RELIEF SEWER | 057304 | 3 | FY 87 | / | 6 | | | | C 174.35 |
| | | | II CORRECTION | 057303 | 3 | FY 87 | / | 105 | | | | C 173.35 |
| 54 | WESTFIR | CITY | II CORRECTION | 069701 | 3 | FY 87 | / | 35 | | | | C 172.69 |
| 55 | MADRAS | FRINGE AREA | INTERCEPTORS | 057902 | 3 | | / | 297 | | | | C 169.06 |
| 56 | DALLAS | CITY | II CORRECTION | 059202 | 3 | FY 89 | / | 89 | | | | C 168.79 |
| 57 | ELGIN | CITY | PS | 047203 | 3 | FY 87 | 12/87 | 5 | | | | C 165.81 |
| 58 | MONROE | CITY | STP IMP | 056904 | 3 | FY 87 | / | 66 | | | | C 161.38 |
| 59 | HOOD RIVER | WESTSIDE | INT/PS | 057702 | 3 | | / | 100 | | | | C 156.40 |
| 60 | FLORENCE | CITY | II CORRECTION | 053303 | 3 | FY 87 | / | 142 | | | | C 156.32 |
| 61 | POWERS | CITY | STP IMP | 070202 | 3 | | / | 275 | | | | C 155.78 |
| 62 | AMITY | CITY | OUTFALL | 050804 | 3 | | / | 9 | | | | C 154.04 |

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| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 63 | HALSEY | CITY | STP IMP | 059501 | 3 | FY 88 | / | 123 | | | | C 153.66 |
| 64 | EAGLE POINT | CITY | INTERCEPTOR | 042902 | 3 | FY 88 | / | 413 | | | | C 150.90 |
| 65 | OAKLAND | CITY | STP IMP | 061702 | 3 | | / | 222 | | | | C 149.86 |
| 66 | YONCALLA | CITY | STP IMP | 059701 | 3 | | / | 421 | | | | C 149.86 |
| 67 | KEIZER | CLEAR LAKE | INTERCEPTOR | 070101 | 3 | FY 87 | / | 357 | | | | C 149.58 |
| | | MIDDLE LABISH | INTERCEPTORS | 070101 | 3 | FY 87 | / | 268 | | | | E 58.00 |
| 68 | PORTLAND | ROYAL HIGHLANDS | INTERCEPTOR | 072101 | 3 | FY 87 | / | 501 | | | | C 148.60 |
| 69 | YONCALLA | CITY | II CORRECTION | 059703 | 3 | | / | 17 | | | | C 146.86 |
| 70 | BROOKINGS | CITY | II CORRECTION | 067202 | 3 | FY 87 | / | 200 | | | | C 144.08 |
| 71 | RAINIER | CITY | SEWER REHAB | 058602 | 3 | | / | 439 | | | | C 143.44 |
| 72 | ST HELENS | CITY | II CORRECTION | 053902 | 3 | FY 88 | / | 282 | | | | C 142.72 |
| 73 | PORT ORFORD | GARISON LAKE | INT/PS/FM | 071201 | 3 | FY 88 | / | 135 | | | | C 142.56 |
| 74 | LINCOLN CITY | CITY | INTERCEPTOR P2 | 055904 | 3 | | / | 250* | | | | C 142.14 |
| 75 | ST HELENS | CITY | PS NO. 1 | 053903 | 3 | FY 88 | / | 84 | | | | C 142.00 |
| 76 | HEPPNER | CITY | STP IMP | 064801 | 3 | | / | 737 | | | | C 140.28 |
| 77 | NEWPORT | CITY | OUTFALL | 061802 | 3 | | / | 722 | | | | C 139.82 |
| 78 | NEWPORT | CITY | SLUDGE | 061803 | 3 | | / | 331 | | | | C 139.82 |

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CONSTRUCTION GRANTS FINAL PRIORITY LIST FOR FY88

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 79 | MODOC POINT | SAN DIST | SYSTEM | 046901 | 3 | | / | 314 | | 114 | | C 139.20 |
| 80 | DUFUR | CITY | STP IMP | 047302 | 3 | FY 88 | / | 183 | | | | C 135.50 |
| 81 | NYSSA | CITY | STP IMP | 072401 | 3 | | / | 237 | | | | C 126.88 |
| 82 | CONDON | CITY | STP IMP | 070401 | 3 | | / | 83 | | | | C 125.76 |
| 83 | FOSSIL | CITY | STP IMP | 065101 | 3 | | / | 693 | | | | C 125.40 |
| 84 | MILTON-FREEWATE | CITY | SOLIDS HANDLING | 058902 | 3 | FY 88 | / | 84 | | | | C 125.32 |
| | | | STP IMP | 058903 | 3 | FY 88 | / | 275 | | | | C 125.32 |
| 85 | NYSSA | CITY | PS | 072402 | 3 | | / | 46 | | | | C 124.88 |
| 86 | IONE | CORE AREA | SYSTEM | 058302 | 3 | | 10/88 | 33 | 22 | 8 | | C 124.00 |
| 87 | SCIO | CITY | II CORRECTION | 051503 | 3 | | / | 28 | | | | C 112.79 |
| 88 | HALSEY | CITY | II CORRECTION | 059502 | 3 | FY 88 | / | 55 | | | | C 110.66 |
| 89 | PORTLAND | HYDEN ISLAND | PS/INT | 072844 | 3 | FY 88 | / | 688 | | | | C 104.00 |
| 90 | ATHENA | CITY | II CORRECTION | 063502 | 3 | | / | 36 | | | | C 96.98 |
| 91 | CORVALLIS | WEST | INTERCEPTOR | 066801 | 3 | FY 87 | / | 165 | | | | D 232.14 |
| 92 | N. ALBANY C.S.D | AREA 1,2,3 &4 | HICKORY PS/FM | 069402 | 3 | | / | 237 | | | | D 224.42 |
| 93 | N. ALBANY C.S.D | AREA 1,2 &4 | SP. HILL DR INT | 069403 | 3 | | / | 842 | | | | D 224.22 |
| 94 | NEWBERG | CITY | RIVER RD INT | 049405 | 3 | FY 87 | / | 55 | | | | D 199.19 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 95 | NEWBERG | CITY | 6TH ST REL SEW | 049406 | 3 | FY 87 | / | 55 | | | | D 198.41 |
| 96 | NEWBERG | CITY | HANCOCK REL SEW | 049407 | 3 | FY 87 | / | 55 | | | | D 196.93 |
| 97 | ADAIR VILLAGE | CITY | STP IMP | 067601 | 3 | | / | 138 | | | | D 196.72 |
| 98 | N. ALBANY C.S.D | AREA 3 | N. ALB. RD INT | 069404 | 3 | | / | 215 | | | | D 193.00 |
| 99 | TRI CITY S.D. | MYRTLE CREEK | SLUDGE DISP | 067001 | 3 | FY 87 | / | 490 | | | | D 184.89 |
| 100 | TRI CITY S.D. | MYRTLE CREEK | II CORRECTION | 067002 | 3 | FY 87 | / | 73 | | | | D 181.89 |
| 101 | GOLD BEACH | MYRTLE ACRES | INTERCEPTOR | 069801 | 3 | FY 87 | / | 125 | | | | D 179.56 |
| 102 | CANYONVILLE | NORTH AREA | INTERCEPTOR | 071701 | 3 | | / | 55 | | | | D 177.93 |
| 103 | KLAMATH FALLS | REGIONAL | II CORRECTION | 051605 | 3 | | / | 264 | | | | D 171.52 |
| 104 | GRANTS PASS | CITY | SOLIDS HANDLING | 066101 | 3 | FY 87 | / | 2,126 | | | | D 167.14 |
| 105 | USA | DURHAM | SLUDGE | 037102 | 3 | FY 88 | / | 4,620 | | | | D 165.89 |
| 106 | FLORENCE | CITY | STP IMP | 053302 | 3 | FY 87 | / | 1,488 | | | | D 159.32 |
| 107 | BRKS HOPMERE SD | DISTRICT | SYSTEM | 063701 | 3 | FY 88 | / | 746 | | | | D 156.94 |
| 108 | LANE CO | MAPLETON AREA | SYSTEM | 044201 | 3 | FY 87 | 10/86 | | 156 | 57 | | D 156.00 |
| 109 | INDEPENDENCE | WEST | 9TH ST. INTER | 072921 | 3 | | / | 25 | | | | D 154.42 |
| 110 | REDMOND | HIGHSCHOOL | INTERCEPTOR | 072201 | 3 | FY 92 | / | 28 | | | | D 153.90 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 111 | ADAIR VILLAGE | CITY | II CORRECTION | 067602 | 3 | | / | 138 | | | | D 153.72 |
| 112 | USA | BEAVERTON | PS | 072902 | 3 | FY 87 | / | 364 | | | | D 151.73 |
| | | | I/I CORR | 072902 | 3 | FY 87 | / | | | | | D 151.73 |
| 113 | USA | LOWER TUALATIN | INTERCEPTOR | 072903 | 3 | FY 87 | / | 551 | | | | D 151.73 |
| | | | I/I CORR | 072903 | 3 | FY 87 | / | | | | | D 151.73 |
| 114 | USA | INTERCEP SOUTH | INTERCEPTOR | 072904 | 3 | FY 87 | / | 342 | | | | D 151.73 |
| | | | I/I CORR | 072904 | 3 | FY 87 | / | | | | | D 151.73 |
| 115 | USA | TEKTRONIX | INTERCEPTOR | 072905 | 3 | FY 87 | / | 216 | | | | D 151.73 |
| | | | I/I CORR | 072905 | 3 | FY 87 | / | | | | | D 151.73 |
| 116 | USA | ALOHA #3 | PS | 072909 | 3 | FY 87 | / | 951 | | | | D 151.73 |
| | | | I/I CORR | 072909 | 3 | FY 87 | / | | | | | D 151.73 |
| 117 | USA | REEDVILLE/BUTTE | INTERCEPTOR | 072910 | 3 | FY 87 | / | 388 | | | | D 151.73 |
| | | | I/I CORR | 072910 | 3 | FY 87 | / | | | | | D 151.73 |
| 118 | USA | COOPER MTN | INTERCEPTOR | 072911 | 3 | FY 87 | / | 430 | | | | D 151.73 |
| | | | I/I CORR | 072911 | 3 | FY 87 | / | | | | | D 151.73 |
| 119 | USA | HILLSBORO EAST | INTERCEPTOR | 072914 | 3 | FY 87 | / | 606 | | | | D 151.73 |
| | | | I/I CORR | 072914 | 3 | FY 87 | / | | | | | D 151.73 |
| 120 | USA | SW FOREST GROVE | INTERCEPTOR | 072919 | 3 | FY 87 | / | 128 | | | | D 151.73 |
| | | | I/I CORR | 072919 | 3 | FY 87 | / | | | | | D 151.73 |
| 121 | CRESWELL | NIBLOCK RD | INTERCEPTOR | 051302 | 3 | FY 88 | / | 176 | | | | D 151.64 |
| 122 | USA | BANKS | INTERCEPTOR | 057602 | 3 | | / | 986 | | | | D 151.38 |
| 123 | ENTERPRISE | CITY | STP IMP | 055402 | 3 | | / | 96 | | | | D 151.29 |

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| RANK | COMMUNITY | AREA | COMPONENT | PROJECT NUMBER | STEP | READY TO PROCEED | TARGET CERT. | GENERAL FUND | SMALL COMM. FUND | ALT. TECH. FUND | INNOV TECH. FUND | PRIORITY POINTS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 124 | WALLOWA | CITY | STP IMP | 067501 | 3 | | / | 330 | | | | D 150.49 |
| 125 | ELKTON | CITY | SYSTEM | 071901 | 3 | FY 88 | 10/87 | | 240 | 87 | | D 148.40 |
| 126 | DOUGLAS CO | CAMAS VALLEY | SYSTEM | 066601 | 3 | | / | 440 | | | | D 148.36 |
| 127 | FLORENCE | HECETA BEACH | ALT. COLLECTION | 053306 | 3 | FY 87 | 10/87 | | 382 | 139 | | D 148.30 |
| | | | INTERCEPTOR | 053305 | 3 | FY 87 | / | 182 | | | | D 113.30 |
| 128 | SEASIDE | CITY | P.S. IMP | 068105 | 3 | | / | 113 | | | | D 145.70 |
| 129 | WARRENTON | CITY | II CORRECTION | 069201 | 3 | | / | 127 | | | | D 141.96 |
| 130 | LINCOLN CO. | S.W. AREA | SYSTEM | 053701 | 3 | | / | 708 | | 204 | | D 138.86 |
| 131 | ASTORIA | ALDERBROOK | PS/FM | 061903 | 3 | FY 87 | / | 17 | | | | D 138.00 |
| 132 | OAKRIDGE | CITY | STP IMP | 051402 | 3 | | / | 560 | | | | D 137.81 |
| 133 | KLAMATH FALLS | REGIONAL | STP EXPANSION | 051606 | 3 | | / | 411 | | | | D 134.52 |
| 134 | JOSEPH | CITY | STP IMP | 051902 | 3 | | / | 371 | | | | D 134.12 |
| 135 | SILETZ | CITY | STP IMP | 070701 | 3 | FY 88 | / | 28 | | | | D 133.00 |
| 136 | STANFIELD | CITY | LIFT STATION | 056502 | 3 | | / | 28 | | | | D 131.75 |
| 137 | GRANTS PASS | CITY | STP EXP | 066102 | 3 | FY 87 | / | 1,017 | | | | D 127.14 |
| 138 | IMBLER | CITY | SYSTEM | 071101 | 3 | | / | 825 | | | | D 126.25 |
| 139 | GRANTS PASS | S. SEVENTH | INTERCEPTOR | 066103 | 3 | FY 87 | / | 62 | | | | D 123.86 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 140 | GRANTS PASS | SECOND ST. | INTERCEPTOR | 066104 | 3 | FY 87 | / | 32 | | | | D 123.72 |
| 141 | GRANTS PASS | F AND BOOTH ST. | INTERCEPTOR | 066105 | 3 | FY 87 | / | 20 | | | | D 123.72 |
| 142 | GRANTS PASS | PINE AND ROGUE | INTERCEPTOR | 066106 | 3 | FY 87 | / | 127 | | | | D 123.72 |
| 143 | GRANTS PASS | ROGUE AND LEE | INTERCEPTOR | 066107 | 3 | FY 87 | / | 24 | | | | D 123.72 |
| 144 | GRANTS PASS | A STREET | INTERCEPTOR | 066108 | 3 | FY 87 | / | 54 | | | | D 123.58 |
| 145 | GRANTS PASS | N. SEVENTH ST. | INTERCEPTOR | 066109 | 3 | FY 87 | / | 149 | | | | D 123.58 |
| 146 | GRANTS PASS | BRIDGE ST. | INTERCEPTOR | 066110 | 3 | FY 87 | / | 121 | | | | D 122.60 |
| 147 | SODAVILLE | CITY | SYSTEM | 066201 | 3 | | / | 371 | | | | D 121.61 |
| 148 | ROGUE RIVER | S W AREA | INTERCEPTOR | 071301 | 3 | | / | 55 | | | | D 120.50 |
| 149 | VENETA | CITY | II CORRECTION | 066001 | 3 | | / | 3 | | | | D 118.58 |
| 150 | NORTH POWDER | CITY | STP IMP | 056402 | 3 | | / | 105 | | | | D 114.28 |
| 151 | SUMPTER | CITY | SYSTEM | 071401 | 3 | | / | 406 | | | | D 113.30 |
| 152 | BURNS | CITY | II CORRECTION | 065001 | 3 | | / | 220 | | | | D 113.23 |
| 153 | BENTON CO. | ALPINE | SYSTEM | 070601 | 3 | FY 89 | / | 275 | | | | D 112.00 |
| 154 | CORVALLIS | AIRPORT | INTERCEPTOR | 045801 | 3 | | / | 330 | | | | D 110.60 |
| 155 | SCIO | N. W. AREA | INTERCEPTOR | 051504 | 3 | | / | 28 | | | | D 108.00 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 156 | SISTERS | CITY | SYSTEM | 054102 | 3 | FY 87 | / | 160 | 310 | 113 | | D 107.72 |
| 157 | WALLOWA | CITY | II CORRECTION | 067502 | 3 | | / | 55 | | | | D 107.49 |
| 158 | CRESCENT S.D. | DISTRICT | SYSTEM | 054601 | 3 | | / | 82 | 152 | 55 | | D 107.44 |
| 159 | USA | GASTON WEST | INTERCEPTOR | 057503 | 3 | | / | 106 | | | | D 105.13 |
| 160 | UNION GAP S.D. | DISTRICT | INTERCEPTOR | 061703 | 3 | FY 88 | / | 124 | | | | D 104.22 |
| 161 | CARMEL-FOUL. SD | DISTRICT | SYSTEM | 054202 | 3 | | / | 440 | | | | D 102.60 |
| 162 | PILOT ROCK | CITY | STP IMP | 067101 | 3 | | / | 660 | | | | D 100.42 |
| 163 | TWIN ROCKS | SAN DISTRICT | PS | 064701 | 3 | | / | 17 | | | | D 100.00 |
| 164 | WESTON | CITY | II CORRECTION | 071601 | 3 | | / | 55 | | | | D 96.72 |
| 165 | NEWPORT | SOUTH BEACH | PS/FM | 061805 | 3 | | / | 105 | | | | D 92.64 |
| 166 | ONTARIO | CITY | II CORR | 051801 | 3 | | / | 110 | | | | D 90.94 |
| 167 | CORNELIUS | CITY | INTERCEPTOR | 069901 | 3 | | / | 220 | | | | D 63.38 |
| 168 | WALLOWA COUNTY | WALLOWA LAKE | INTS | 060101 | 3 | | / | 435 | | | | D 51.67 |
| 169 | GRANITE | CITY | SYSTEM | 071001 | 3 | | / | 28 | 8 | 3 | | D 32.60 |
| 170 | USA | FOREST GROVE | INTERCEPTOR | 072920 | 3 | FY 87 | / | 79 | | | | E 101.73 |

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ATTACHMENT I

Staff Report For Agenda Item H

March 13, 1987, EQC Meeting

*Oregon Department of Environmental Quality*

# A CHANCE TO COMMENT ON...

## FY87 CONSTRUCTION GRANTS PRIORITY SYSTEM AND PRIORITY LIST NOTICE OF PUBLIC HEARING

Notice Issued On: March 17, 1987
Hearing Date: May 13, 1987, 10:00 a.m.
Comment Period Closes: May 15, 1987, 5:00 p.m.

**WHO IS AFFECTED:** Cities, counties, and special districts seeking U.S. Environmental Protection Agency grants for sewerage projects are directly affected.

**WHAT IS PROPOSED:** The adoption of the FY88 Priority List for Sewerage Works Construction Grants is proposed by the Environmental Quality Commission. No change in the priority criteria used to establish priority ratings is proposed; one modification to rules governing capitalization of a state revolving fund is proposed; one rule modification to broaden eligibility for major sewer replacement and rehabilitation, and for elimination of combined sewer overflows is proposed; one rule addition to allow reservation of funds for nonpoint source planning is proposed.

**WHAT ARE THE HIGHLIGHTS:** The Water Quality Act of 1987 authorizes $18 billion for construction grants and state revolving fund provisions. For FY88 a national appropriation of $2.4 billion is expected with an allotment to Oregon of $27.4 million. Legislation is being proposed to allow Oregon to implement a state revolving fund program. If legislation is passed and proposed rules adopted, up to 75 percent of the FY88 allotment to Oregon could be used to capitalize the fund.

**HOW TO COMMENT:** Public Hearing — Wednesday, May 13, 1987 - 10:00 a.m.
DEQ Offices, Fourth Floor Conference Room
811 S.W. Sixth Avenue
Portland, Oregon

The proposed Priority List will be mailed to all cities, counties, and sanitary or sewer districts, and interested persons about April 10, 1987. Written comments should be sent to DEQ Construction Grants Section, 811 S.W. Sixth Avenue, Portland, Oregon, 97204. The comment period will close at 5:00 p.m., May 15, 1987.

811 S.W. 6th Avenue
Portland, OR 97204

*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.

11/1/86

FISCAL AND ECONOMIC IMPACT: The Priority List and the management rules set forth a framework for distribution of a limited amount of federal funds to assist in financing sewerage system improvements for selected, high priority communities.

LAND USE CONSISTENCY: These rules do not directly affect development of local land use programs. Relative project priorities are established on the basis of existing needs for improvements to water quality. After priorities for funding are determined, site specific facilities plans which demonstrate consistency with local comprehensive plans and appropriate statewide goals are developed by applicants.

WH1665

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 H, March 13, 1987, EQC Meeting

Request For Authorization To Hold a Public Hearing On The Construction Grants Management System And Priority List For FY88.

Background

The federal Clean Water Act requires each state to establish criteria for development and management of a sewerage works construction grant project priority list. By administrative rule, the Environmental Quality Commission has established the required priority criteria and management system (OAR Chapter 340, Division 53).

The priority list for FY 88 (October 1, 1987 through September 30, 1988) must be approved by EPA prior to the start of the federal fiscal year on October 1, 1987. To meet this schedule, comply with applicable federal rules, and be consistent with the current agreement between DEQ and EPA, the following must be accomplished:

March 17, 1987 -- Issue Notice of public hearing on priority list. (Federal rules require notice 45 days prior to the hearing.)

April 10, 1986 -- Distribute draft priority list. (Federal rules require distribution of materials 30 days before the hearing.)

May 13, 1987 -- Hold public hearing.

May 15, 1987 -- Close hearing record.

July 10, 1987 -- EQC adoption of priority list. Submit adopted list to EPA for review and approval prior to October 1, 1987.

The purpose of this agenda item is to request authorization for hearing on the FY88 priority list. It is also proposed to simultaneously consider any amendments to the administrative rules that may be necessary to comply with new federal grant program requirements.

Discussion of Current Priority List/Management System Concerns and Issues

Following are several concerns and issues that should be considered during the priority list adoption process.

A. Water Quality Act of 1987

After a long struggle, the Federal Water Pollution Control Act as amended (commonly referred to as the Clean Water Act) was re-authorized. The Act, now known as the Water Quality Act of 1987, was initially passed by Congress in October 1986, and vetoed by President Reagan in November 1986. Identical legislation was re-introduced in Congress in January 1987, again passed and vetoed, and finally adopted by Congressional override of the veto on February 5, 1987.

Passage of the new Water Quality Act removes uncertainties regarding funding. However, the Act contains provisions which will have a significant impact on financing the construction of wastewater treatment facilities in Oregon.

Nationally, $18 billion is authorized for financing of facilities for federal fiscal years 1986-1994. Federal financing is then terminated. The new legislation contains provisions for federal capitalization grants to states for establishing state revolving fund programs. Federal funding for construction grants will only be allowed through 1990. Federal funds provided during fiscal years 1991-1994 must be for capitalization grants to state revolving funds. In effect, construction grants can be made available through 1990 for financing needed wastewater treatment facilities in Oregon; after 1990 loans will be the only financing mechanism available.

B. Availability of funds

For the years 1981-85, Oregon received $27.6 million each year from a national appropriation of $2.4 billion per year. In FY86 the allotment to Oregon was reduced to $20.7 million. The reduced amount, allotted by Congressional Continuing Resolutions, was a result of delays in passage of new legislation.

From FY81-86 the allotment formula used for determining Oregon's share of national appropriations was 1.1515 percent. The allotment formula contained in the new Act is 1.1425 percent. The allotment formula is based on national sewerage needs surveys and demographics.

At this time, Oregon has approximately $20.6 million available for grants in this present fiscal year (FY87). This includes carryover FY86 funds, reallocated funds from prior years, and current FY87 allotment of $11.2 million. Due to the recent reauthorization, Oregon may receive additional FY87 funds amounting to approximately $13.3

million. Overall, Oregon could expect about $34.1 million in federal construction grants funds for commitment to projects in FY87, if the total funds are allotted.

Funding for future years will depend on annual appropriations and the allotment formula. If the entire authorized $18 billion is actually appropriated and if the current allotment formula (1.1425 percent) is sustained, Oregon can expect to receive approximately $150.2 million in FY88-94 for construction grants and for capitalization grants to a state revolving fund.

C. State Revolving Fund (SRF)

As previously noted, the new Water Quality Act allows for capitalization grants to states for the purpose of establishing revolving fund programs. Some of the more important requirements of the Act are as follows:

1. Oregon must enter into an agreement with EPA to ensure that it is capable of administering the SRF.

2. The SRF must be administered by a state agency or department having the process and limitations necessary for fund operation.

3. The SRF may be used solely for providing financial assistance to public agencies for construction of publicly owned treatment works; for implementation of a management program for non-point sources of pollution; and for development and implementation of a management plan for the national estuary program.

4. Of the annual appropriations to Oregon, up to 50 percent in FY87, 75 percent in FY88, and 100 percent in FY89-90 may be used to capitalize the SRF (however, a minimum of 50 percent of the FY89-90 allotment must be used to capitalize the SRF). A full 100 percent of appropriations in FY91-94 can only be used to capitalize the SRF.

5. Oregon will be required to provide at least a 20 percent match to any federal amounts deposited in the SRF. Sources for this match must come from non-federal revenues.

6. All loan repayments (principal and interest) must be deposited in the SRF and the fund balance shall be available in perpetuity for providing assistance to programs noted in item 3 above.

7. Loans made from the SRF can be set at or below market interest rates (including 0 percent) for any term to a maximum term of 20 years.

To enable Oregon to take advantage of the federal funds that will be made available to establish and administer a state revolving fund, proposed legislation (Senate Bill 117) has been prepared to:

1. Establish a revolving fund in the state treasury which is continuously appropriated for the established purpose.

2. Authorize the Environmental Quality Commission to adopt rules for administration of the fund consistent with federal requirements, including policies for loan terms and interest rates.

3. Authorize the Department to administer the fund.

4. Establish financial assistance uses including construction of treatment works.

5. Establish public agency requirements for securing loans.

6. Seek funding to provide for the required 20 percent state match necessitated by the Water Quality Act for capitalization of the fund.

It should be noted that the Commission, on June 13, 1986, modified OAR 340-53-025 to allow the Director to set aside up to 20 percent of the FY87 grant allotment to help capitalize a state revolving fund. The Department is recommending that additional changes be made in the rules to allow reservation of grant funds for fiscal years 1987-94 in accordance with percentage allocations described in the Water Quality Act of 1987. The percentage allocations would be as follows: FY87 -- up to 50 percent; FY88 -- up to 75 percent; FY89-90 -- not less than 50 percent and up to 100 percent; FY91-94 -- not less than 100 percent.

The Department is not recommending further rule changes pertaining to the SRF at this time. If the 1987 Legislature passes enabling legislation to establish and administer a state revolving fund, the Department will request the authorization to prepare rules and conduct public hearings on rules necessary for administration of the state revolving fund.

D. Nonpoint Source Reserve

The new Water Quality Act encourages the development and implementation of nonpoint source pollution control programs. The Act allows reservation of up to one percent of annually allotted funds to the construction grant program for this purpose. The Department believes that nonpoint source pollution is a serious threat to water quality in Oregon. Water quality assessment reports indicate approximately 60 percent of identified pollution to surface streams is attributable to

nonpoint source pollution. The Department is recommending additions to OAR 340-53-025 to establish a nonpoint source planning reserve utilizing one percent of annually allotted funds.

E. National Municipal Policy

Federal law requires all municipalities to comply with federal secondary treatment requirements by July 1, 1988 -- with or without federal grant assistance. This requirement affects a number of projects in Oregon. Although all currently have secondary type facilities, they are unable to meet EPA's current performance definitions. Efforts are being made to achieve compliance by improved operation and maintenance where possible. However, some projects may require construction of facilities to replace older, worn out equipment and achieve compliance. The new federal law emphasizes that use of funds received for a capitalization grant must first be used to assist municipalities to meet the 1988 federal secondary treatment requirements. The EPA has not yet adopted regulations to implement the new Act. After EPA regulation adoption, the Department may propose rule modifications pertaining to priority list development and management as needed to comply with the national municipal policy.

F. Discretionary Authority .

OAR 340-53-027 allows the Department to use up to 20 percent of the annual allotment for replacement or rehabilitation of major sewers and elimination of combined sewer overflows but restricts this authority to projects for which planning was substantially complete by December 29, 1981. The Department believes this date restriction should be eliminated for some project needs. The Department is recommending an amendment to OAR 340-53-027 to extend grant eligibility to communities with demonstrated need for replacement or rehabilitation of major sewers or for elimination of combined sewer overflows, and who are under Commission order as of December 31, 1986 to achieve compliance with the national municipal policy. It is further proposed that the rule amendment apply to projects on the FY87 and subsequent years priority lists.

G. Priority List

As in past years, a draft priority list is not attached to this report. Data for compiling a draft priority list is still being assembled. The draft list will be available and distributed April 10, 1987 -- 33 days before the hearing. The draft list will reflect current project needs and priority assessment, submitted project schedules, and best estimates of eligible project costs.

It should be noted that a project appearing on the priority list is not assured of receiving a grant. The facility planning process and predesign process that precedes grant award is expected to provide documentation for project need, extent of grant eligibility, and

eligible costs. Thus, the information shown on the priority list for a project may change during the year.

Existing rules allow such changes to be made. If the changes do not significantly affect other projects, the changes are made administratively. If project priorities are significantly rearranged, additional public participation and the review and approval of the Commission may be warranted.

H. Public Hearing

A public hearing is scheduled for May 13, 1987 at 10:00 a.m. at the DEQ Offices, 4th Floor Conference Room, 811 S.W. Sixth Avenue, Portland, Oregon. Informational materials, including a draft priority list, will be distributed April 10, 1987.

The purpose will be to receive testimony on the draft priority list, and the proposed rule amendment and rule addition to permit allotted funds to be reserved for capitalization of a revolving fund. Public comment on other grant program related issues will also be received.

Summation

1. The Commission must compile and adopt the state priority list for allocating federal construction grant funds for FY88.

2. The Water Quality Act of 1987 was passed which removes uncertainties regarding federal funding, changes Oregon's allotment formula, and enables Oregon to establish a state revolving fund.

3. Approximately $34.1 million in construction grant funds will be available for commitment to projects in FY87.

4. Legislation has been introduced to establish a state revolving fund and allow Oregon to receive federal capitalization grants.

5. An administrative rule modification is proposed to allow reservation of capitalization grant funds for fiscal years 1987-94.

6. An administrative rule addition is proposed to allow reservation of funds for nonpoint source planning in fiscal years 1987-94.

7. An administrative rule modification is proposed to extend eligibility for major sewer replacement and rehabilitation and for elimination of combined sewer overflows to communities under Commission order as of December 31, 1986 to achieve compliance with the national municipal policy.

8. No change in state priority rating criteria is proposed. Changes may be proposed at a future date to assist communities in complying with federal requirements on secondary treatment.

9. A hearing on a proposed priority list and the proposed rule modification has been tentatively scheduled for May 13, 1987.

10. The draft FY87 priority list is scheduled for public distribution April 10, 1987.

Director's Recommendation

Based on the Summation, the director recommends that the Commission authorize a public hearing to solicit public comment on the FY88 priority list, a proposed rule amendment regarding the establishment of a reserve to aid in capitalizing a state revolving fund, a rule addition to allow the establishment of a nonpoint source management planning reserve, and a proposed rule amendment to broaden eligibility for major sewer replacement or rehabilitation and for combined sewer overflows. The hearing will be held May 13, 1987. All testimony entered into the record by 5:00 p.m., on May 15, 1987, will be considered by the Commission.

Fred Hansen

Attachments:
A. Proposed Administrative Rule
B. Notice of Public Hearing
C. Statement of Need for Rulemaking

T.J. Lucas:h
WH1663
229-5415
February 17, 1987

ATTACHMENT A

PROPOSED ADMINISTRATIVE RULE

Note: Bracketed lined through [~~---~~] material is deleted.
Underlined _____ material is new.

340-53-025 From the total funds allocated to the state the following reserves will be established for each funding year:

(1) Reserve for grant increases of five (5) percent.

(2) Reserve for Step 1 and Step 2 grant advances of up to ten (10) percent. This reserve shall not exceed the amount estimated to provide advances for eligible small communities projected to apply for a Step 3 or Step 2 plus 3 grant in the current funding year and one funding year thereafter.

(3) Reserve for alternative components of projects for small communities utilizing alternative systems of four (4) percent.

(4) Reserve for additional funding of projects involving innovative or alternative technology of four (4) percent.

(5) Reserve for water quality management planning of not more than one percent of the state's allotment nor less than $100,000.

(6) Reserve for state management assistance of up to four percent of the total funds authorized for the state's allotment.

(7) Reserve for capitalization of state revolving fund [~~of up to twenty (20) percent~~] in accordance with the following:

| | |
|---|---|
| (a) FY87 | up to fifty (50) percent. |
| (b) FY88 | up to seventy-five (75) percent. |
| (c) FY89-90 | not less than fifty (50) percent and up to one hundred (100) percent. |
| (d) FY91-94 | one hundred (100) percent. |

(8) Reserve for nonpoint source management planning of not more than 1 percent of the state's allotment nor less than $100,000.

(9) [~~8~~] The balance of the state's allocation will be the general allotment.

(10) [~~9~~] The Director may at his discretion utilize funds recovered from prior year allotments for the purpose of:

(a) Grant increases; or

(b) Conventional components of small community projects utilizing alternative systems; or

(c) The general allotment.

340-53-027 The Director may at the Director's discretion utilize up to twenty (20) percent of the annual allotment for replacement or major rehabilitation of existing sewer systems or elimination of combined sewer overflows provided:

(1) The project is on the fundable portion of the state's current year priority list; and

(2) The project meets the enforceable requirements of the Clean Water Act; and

(3) Planning for the proposed project was complete or substantially complete on December 29, 1981 [.]; or the project is necessary for a community that is under a Commission order as of December 31, 1986 to achieve compliance with the requirements of the national municipal policy.

TJL:h
WH1664

ATTACHMENT C

# STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended actions to consider revisions to OAR Chapter 340, Division 53 rules.

(1) Legal Authority

ORS 468.020 authorizes the Environmental Quality Commission to adopt rules and standards in accordance with ORS Chapter 183.

(2) Need for the Rule

Rule modifications are necessary to allow the Department to respond to changes in federal law affecting use of Federal Construction Grant Funds and to broaden project eligibility. The new rule is necessary to allow for essential planning studies to control nonpoint sources of pollution.

(3) Principal documents Relied Upon in this Rulemaking

(a) Public Law 92-500, as amended.
(b) OAR 340 Division 53

(4) Fiscal and Economic Impact of Rulemaking

One fiscal impact of this rulemaking is upon municipalities and special districts seeking financial assistance for sewerage projects. The rules affect the distribution of these funds. The proposed rule change pertaining to capitalizing a state revolving fund could have the effect of reducing grant funds available. However, more projects could benefit in the long run from low interest loans being available after federal grant funding is terminated. The proposed rule addition will allow for planning studies necessary to control nonpoint sources of pollution. The proposed rule amendment concerning use of discretionary authority will broaden project eligibility.

There is no anticipated direct impact on small businesses. However, small businesses could indirectly benefit in the future from lower sewer user costs as a result of lower cost financing of construction.

(5) Land Use Consistency

The proposed new rule and rule amendments do not affect land use as defined in the Department's coordination program approved by the Land Conservation and Development Commission.

WH1666

NEIL GOLDSCHMIDT
GOVERNOR

# Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. F, July 17, 1987, EQC Meeting

Proposed Adoption of Amendments of Rules Related to Standards of Performance for New Stationary Sources of Air Contaminants, OAR 340-25-505 to -553.

Background and Problem Statement

The U.S. Environmental Protection Agency (EPA) has been adopting New Source Performance Standards (NSPS) for major sources of air pollution since 1971. To acquire delegation to administer these standards, the Commission adopted Oregon Administrative Rules (OAR) 340-25-505 to -705 in September 1975, and amended them in response to new EPA Rules in each of the last 6 years. The Department has received delegation from EPA for those NSPS requested.

EPA regularly adopts and amends New Source Performance Standards (40 CFR 60 of Federal Protection of Environment Rules). The Department of Environmental Quality (DEQ) has historically committed to bring its rules up to date with EPA rules on a once a year basis when the Department believes those rules are reasonable and applicable in Oregon. By generally maintaining delegation to administer these federal rules in Oregon, the Department believes it can provide a more efficient implementation of the rules and reduce the confusion of industry having to deal with two agencies (DEQ and EPA).

One new and three amended rules published by EPA in the last year could require new DEQ rule adoptions. For summaries of the final federal rules, see Attachment 1. The rules are listed below:

NSPS New (N) or (A) Amended

| Subpart, Section | Rule | Subject of Rule Change | Federal Register Date |
|---|---|---|---|
| D, 60.44(a) | A | Relaxes $NO_X$ standard for Large Boilers. | 11/25/86 |
| Db, 60.40b to 60.49b | N | Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units | 11/25/86 |
| TT, 60.466(c) | A | Testing made more stringent for Coil Coating | 06/24/86 |
| Appendix A, Methods 5A, 5D, 6A, 6B, 20 | A | Amended Test Methods | 09/12/86 |

Authority for the Commission to act is given in Oregon Revised Statutes (ORS) 468.020 and 468.295(3) where the Commission is authorized to establish emission standards for sources of air contaminants.

Alternatives and Evaluation

The Department has agreed, in the Fiscal Year 1987 State and EPA Agreement, to bring its rules up-to-date annually with EPA's NSPS rule changes, where appropriate and applicable.

Alternatives are:

1. The Commission could take NO ACTION.

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

2. The Commission could adopt all the past year's new and amended federal New Source Performance Standards (in Oregon rule form).

   This would further EPA-Department cooperation to achieve single, state jurisdiction and review of certain new and modified sources. This would also fulfill DEQ's commitment to EPA that DEQ would adopt federal NSPS rule changes once each year (when reasonable and applicable) by the beginning of the first quarter of the federal fiscal year.

Rule Development Process

The Department has assembled a complete list of amendments to the federal standards, and the Federal Registers describing those rule changes, and has made appropriate changes in wording to fit these rules into the OAR format (see Attachment 2 for the proposed rule language).

The Commission authorized a public hearing on this matter during the March 13, 1987 Commission meeting. Public notice requirements were met by a Notice of Public Hearing in the Secretary of State's Administrative Rules Bulletin of April 1, 1987 and in the April 1, 1987 edition of The Oregonian newspaper. Hearing notices were also sent to Department mailing lists and copies of the proposed rules were sent to the State Clearinghouse, Intergovermental Relations Division.

The public hearing was held in the DEQ Air Quality Division Office in Portland, Oregon on May 1, 1987. Comments were accepted until May 4, 1987. No comments were received by that date.

Subsequent to the public comment period closing date, the Department received confirmation from D.R. Johnson Lumber Company and Blue Mountain Forest Products that they have constructed steam generating facilities that could be subject to the Industrial-Commercial-Institutional Steam Generating Unit NSPS. Upon promulgation, all NSPS's are retroactive to their date of proposal. In this case the NSPS was proposed on June 20, 1984. Therefore, any steam generating unit constructed after June 19, 1984, is subject to the NSPS. However, if construction commenced prior to June 20, 1984, then the facility would be exempt from the NSPS.

The D.R. Johnson Company strongly feels that the rule should not be retroactive and that if it is, they may be placed in the very tenuous position of not being able to afford to upgrade controls. They feel the rules will discourage construction of new cogeneration facilities. (See Attachment 3.) Documentation recently submitted by D.R. Johnson Lumber Company showed that its new facility at Riddle and its Prairie Wood Products plant had both entered into contractual agreements prior to June 19, 1984 and so are exempt from the NSPS. Blue Mountain Forest Products also has submitted documentation which appears to the Department to verify that their company would also be exempt from the NSPS because they, too, had entered into agreements to construct prior to June 19, 1984. This information is currently being confirmed.

The EQC could adopt the Industrial-Commercial-Institutional Steam Generating Unit NSPS without a retroactive effective date. This action would not exempt facilities which started construction after June 19, 1984, because the federal NSPS would still apply. Under this alternative the Environmental Protection Agency would be responsible for enforcing the NSPS for facilities that commenced construction between June 20, 1984, and the effective date of the DEQ rule.

Since the NSPS will be enforced in either case (either by DEQ or by EPA), the Department believes there would be some advantage to potentially affected sources to have the Department administer the rule from June 20, 1984, forward. The Department would then be in a position to negotiate reasonable compliance schedules if they are needed and mediate issues with EPA regarding applicability of specific rule components.

PROPOSED RULE CHANGES AND ADDITIONS

Standards of Performance for New Stationary Sources (NSPS)

Fossil-Fuel-Fired Steam Generators, Subpart D of Title 40 Code of Federal Regulations, parts 60.44(a)(1) and (2) (40 CFR 60.44) was amended by Volume 51, Federal Register page 42796 (51FR42796) on November 25, 1986 to relax the $NO_x$ standard to equal the newly promulgated standard in Subpart Db. This change is proposed for OAR 340-25-550(3).

Industrial-Commercial-Institutional Steam Generating Units, Subpart Db, 40CFR 60.40b to 60.49b was added by 51FR42768 on November 25, 1986. Large boilers, with capacity of more than 100 million Btu/hour, have their particulate and $NO_x$ limits set by this standard. $SO_x$ limits will be added later. New or modified large boilers in the state which commenced construction after June 19, 1984, will be subject to rule. There are about 20 existing units in Oregon of this size which would be affected if they are modified. Larger boilers of the utility size, greater than 250 million Btu/hour, come under existing rules 340-25-550 and -610 (federal subparts D and Da).

The test requirements for Subpart TT, Metal Coil Surface Coating, were made more stringent by requiring three, rather than one, test runs of 60 minutes each. This change was made by 51FR22938 on June 24, 1986 to 40 CFR 60.466(c). However, no change is necessary to the summary rule 340-25-670, and the change of effective dates in 340-25-535 will cover this change.

Quality assurance and quality control procedures were added to test Methods 5A, 5D, 6A, 6B, and 20 of Appendix A, by 51 FR 32454 on September 12, 1986. However, merely changing the effective date in 340-25-535 will incorporate these test method changes into Oregon Administrative Rules. Rulemaking Statements for these proposed rule changes are included as Attachment 4.

Summation

1. EPA adopted the first New Stationary Source Performance Standards (NSPS) in 1971.

2. To acquire delegation to administer federal New Source Performance Standards in Oregon, the Commission adopted equivalent administrative rules in 1975.

3. The Commission has adopted many subsequent amendments to the NSPS rules to bring them up to date with EPA rules.

4. Historically, the Department has committed to bring its rules up to date with EPA rules on a once a year basis for those rules which the Department believes are reasonable and applicable in Oregon.

5. The proposed rule changes (Attachment 2) would bring the State rules up to date with the current federal rules.

6. The source categories affected by this proposed action are the following:

   a. Large Steam Generating Facilities.
   b. Coil coating (test procedures only).

7. The Federal Industrial-Commercial-Institutional Steam Generating Unit NSPS is retroactive to June 20, 1984. If DEQ does not make its rule retroactive to that same date the EPA will be obligated to enforce their rule.

8. Two companies that have constructed steam generating units in recent years are concerned about the retroactive requirement of the proposed steam generating unit rule. It appears that both companies would be exempt from the NSPS. The Department believes there are advantages to having DEQ administer the retroactive provision. The Department would then be in a position to negotiate compliance schedules and mediate issues with EPA. If DEQ does not adopt the retroactive requirement EPA will be obligated to do so.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed attached amendments to OAR 340-25-505 to 340-25-553, rules on National Standards of Performance for New Stationary Sources.

Fred Hansen

Attachments 1. Summaries of Final Federal Rules.
2. Proposed Rules 340-25-505 to 340-25-553.
3. June 9, 1987, letter from D.R. Johnson Lumber Company.
4. Rulemaking Statements

D.M. Wolgamott:a
AA6393
(503) 229-6278
June 5, 1987

2. 40 CFR Part 60, Subpart A, § 60.16 is amended by revising item 11 as follows:

§ 60.16 Priority list.

* * * * *

11. Industrial-Commercial-Institutional Steam Generating Units.

* * * * *

[FR Doc. 86-25586 Filed 11-24-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL-3109-2]

## Standards of Performance for New Stationary Sources; Fossil Fuel-Fired Steam Generating Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Standards of performance limiting nitrogen oxides ($NO_x$) emissions from steam generating units firing mixtures of natural gas and wood were promulgated under Subpart D of 40 CFR Part 60 in the Federal Register on November 22, 1976 (41 FR 51397). This action amends the $NO_x$ emission limit for steam generating units firing mixtures of natural gas and wood to make it consistent with the $NO_x$ emission limit for this same fuel mixture under Subpart Db of 40 CFR Part 60 which is being promulgated in a separate document in today's Federal Register. The amended emission limit of 129 ng/J (0.30 lb/million Btu) heat input for units firing mixtures of natural gas and wood replaces the $NO_x$ emission limit of 86 ng/J (0.20 lb/million Btu) heat input which was adopted in 1976 (41 FR 51397). The amended emission limit applies to all Subpart D steam generating units firing mixtures of natural gas and wood that commenced construction after August 17, 1971.

**EFFECTIVE DATE:** November 25, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available only by the filing of a petition for review in the U. S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**ADDRESSES:** Background information documents may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, (919) 541-2777.

Docket number A-79-02 is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460.

See **"SUPPLEMENTARY INFORMATION"** for further details.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Porter or Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

**SUPPLEMENTARY INFORMATION:**

### The Standards

Under 40 CFR Part 60 Subpart D, particulate matter, $NO_x$ and sulfur dioxide emission limits are established for fossil fuel-fired steam generating units having heat input capacities greater than 73 MW (250 million Btu/hour) that commenced construction after August 17, 1971. The standards under Subpart D apply to units firing fossil fuel alone or firing mixtures of fossil fuel and wood. Today's action would amend the $NO_x$ emission standard for units firing mixtures of natural gas and wood. Prior to today's amendment, $NO_x$ emissions from steam generating units firing mixtures of natural gas and wood were limited to 86 ng/J (0.20 lb/million Btu) heat input. Since promulgation of 40 CFR Part 60 Subpart D in 1976 (41 FR 51397), a number of steam generating units firing mixtures of natural gas and wood have been constructed. Results from extensive emission tests indicate a $NO_x$ emission limit of 86 ng/J (0.20 lb/million Btu) heat input is not achievable on a continuous basis for units firing mixtures of natural gas and wood.

Therefore, this action amends the $NO_x$ standard for steam generating units subject to 40 CFR Part 60 Subpart D, which fire mixtures of natural gas and wood to 129 ng/J (0.30 lb/million Btu) heat input. The technical database supporting this emission limit is discussed in 40 CFR Part 60 Subpart Db (which is being promulgated in a separate document in today's Federal Register).

This amendment applies to all steam generating units firing mixtures of natural gas and wood that are larger than 73 MW (250 million Btu/hour) heat input capacity and that commenced construction after August 17, 1971. Without such a change, natural gas- and wood-fired steam generating units constructed after June 19, 1984 would be subject to a 129 ng/J (0.30 lb/million Btu) heat input $NO_x$ emission limit under 40 CFR Part 60 Subpart Db, while older units constructed between August 17, 1971 and June 19, 1984 (Subpart D) would be subject to a more restrictive $NO_x$ emission limit of 86 ng/J (0.20 lb/million Btu) heat input. The amended $NO_x$ standard being promulgated today corrects that inconsistency.

### Environmental, Energy, and Economic Impacts

The environmental, energy, and economic impacts associated with the promulgated standard are discussed in the preamble to Subpart Db (standards of performance for industrial-commercial-institutional steam generating units) which is printed separately in today's Federal Register.

### Public Participation

This amendment to Subpart D was proposed and published in the Federal Register on December 2, 1985 (50 FR 49422). Public comments were solicited at the time of proposal. Notice of a public hearing was also given to provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standard. No requests to present oral testimony were received.

The public comment period was from December 2, 1985 to February 18, 1986. Four comment letters were received and were given consideration.

### Significant Comments and Changes to the Proposed Standard

Comments on the proposed standard were received from industry and industrial trade associations. All of the comments endorsed the adoption of the proposed amendment. Consequently, the $NO_x$ emission limit being amended today is the same as the proposed amendment [129 ng/J (0.30 lb/million Btu) heat input] for affected facilities firing mixtures of natural gas and wood.

*Background Information Document.* The background information documents (BID) for the promulgated standards under Subpart Db that contain background information related to this action may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to EPA-450/3-82-006a "Fossil Fuel-Fired Industrial Boilers—Background Information Volume 1: Chapters 1-9," EPA-450/3-82-006b "Fossil Fuel-Fired Industrial Boilers—Background Information Volume 2: Appendices," EPA-450/3-82-007 "Nonfossil Fuel-Fired Industrial Boilers—Background Information," and EPA-450/3-86-003 "Fossil and Nonfossil Fuel-Fired

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3074-5]

## Standards of Performance for New Stationary Sources; Industrial-Commercial-Institutional Steam Generating Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Standards of performance limiting emissions of particulate matter and nitrogen oxides ($NO_x$) from industrial-commercial-institutional steam generating units were proposed in the Federal Register on June 19, 1984 (49 FR 25102). Today's action promulgates these standards. The standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that industrial-commercial-institutional steam generating units cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is require all new, modified, and reconstructed industrial-commercial-institutional steam generating units to reduce emissions of particulate matter and ($NO_x$) to the levels achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

**DATE:** Effective November 25, 1986.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later during civil or criminal proceedings to enforce these requirements.

*Incorporation by Reference:* The incorporation by reference of certain publications in these standards is approved by the Director of the Office of the Federal Register as of November 25, 1986.

**ADDRESSES:** Background information documents may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, (919) 541-2777.

Docket number A-79-02 is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M. Street, SW., Washington, DC 20460.

See **"SUPPLEMENTARY INFORMATION"** for further details.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Porter on Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

**SUPPLEMENTARY INFORMATION:**

### *Summary of Standards*

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)(C)].

For convenience, this will be referred to as "best demonstrated technology."

### *Applicability*

These new source performance standards (NSPS) apply to all new, modified, or reconstructed steam generating units with a heat input capacity greater than 29 MW (100 million Btu/hour) for which construction is commenced after June 19, 1984, except for electric utility steam generating units covered by 40 CFR Part 60 Subpart Da. The definition of "steam generating unit" includes all devices that combust fuel and produce steam, hot water, or heat other fluids which are used as heat transfer media. Fuel combustion units which function as process heaters are not covered if their primary purpose is to heat a fluid in order to initiate or promote a chemical reaction in which the fluid itself is a reactant or catalyst.

The owner or operator of any steam generating unit with a heat input capacity for any fuel or fuels greater than 29 MW (100 milion Btu/hour) must submit certain information as required by the General Provisions (§ 60.11), including notification of the date of initial unit startup, and must maintain certain fuel use records.

Particulate matter emission limits are established for coal-, wood-, and municipal solid waste-fired steam generating units and for steam generating units which fire fuel mixtures including these fuels. The $NO_x$ emission limits are established for coal-, oil-, and gas-fired steam generating units and for steam generating units which fire fuel mixtures including these fuels. Steam generating units that fire fuels other than coal, wood, municipal-type solid waste, oil, or natural gas are not subject to the particulate matter or $NO_x$ standards, as applicable, unless they fire mixtures containing significant amounts of coal, wood, municipal-type solid waste, oil, or natural gas on an annual basis, as defined in the standards.

The standards being adopted today do not revise the sulfur dioxide ($SO_2$) standards for coal- or oil-fired units or the particulate matter standards for oil-fired units under 40 CFR Part 60 Subpart D. Steam generating units having heat input capacities greater than 73 MW (250 million Btu/hour) constructed after August 18, 1971 remain subject to the $SO_2$ standard for coal- and oil-fired units and the particulate matter standards for oil-fired units under 40 CFR Part 60 Subpart D. When the $SO_2$ standards for coal- and oil-fired units and the particulate matter standard for oil-fired units proposed on June 19, 1986 under 40 CFR Part 60 Subpart Db are promulgated, all steam generating units larger than 29 MW (100 million Btu/hour) heat input capacity constructed after June 19, 1986 will become subject to the new $SO_2$ and particulate matter standards, as well as to the applicable particulate matter and $NO_x$ standards promulgated today. As previously mentioned, all new electric utility steam generating units constructed after September 18, 1978, with heat input capacities greater than 73 MW (250 million Btu/hour) are subject to the particulate matter, $NO_x$, and $SO_2$ standards under Subpart Da of 40 CFR Part 60.

New steam generating units meeting the applicability requirements under this subpart and the applicability requirements under Subpart J (Standards of performance for petroleum refineries, § 60 100) are subject to the $NO_x$ and particulate matter standards under this subpart and the $SO_2$ standards under Subpart J (§ 60.104).

New steam generating units meeting the applicability requirements under this subpart and the applicability requirements under Subpart E (Standards of performance for incinerators; § 60.50) are subject to the $NO_x$ and particulate matter standards under this subpart.

### *Particulate Matter Standards*

The particulate matter standards apply to coal-, wood-, and municipal type solid waste-fired steam generating units, as well as to steam generating units firing mixtures which include these fuels. For coal-fired steam generating

below in paragraphs (h)(1) and (h)(2) of this section is required to submit excess emission reports for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the owner or operator shall submit a report semiannually stating that no excess emissions occurred during the semiannual reporting period.

(1) Any affected facility subject to the opacity standards under § 60.43b(e) or to the operating parameter monitoring requirements under § 60.13(i)(1).

(2) Any affected facility which is subject to the nitrogen oxides standard of § 60.44b; fires natural gas, distillate oil, or residual oil with a nitrogen content of 0.3 percent or less; and has a heat input capacity of 73 MW (250 million Btu/hour) or less, and is required to monitor nitrogen oxides emissions on a continuous basis pursuant to § 60.48b(g)(1) or steam generating unit operating conditions pursuant to § 60.48b(g)(2).

(3) For the purpose of § 60.43b, excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under § 60.43b(f).

(4) For purposes of § 60.48b(g)(1), excess emissions are defined as any calculated 30-day rolling average nitrogen oxides emission rate, as determined pursuant to § 60.46b(e), which exceeds the applicable emission limits in § 60.44b.

(i) The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides pursuant to § 60.48(b) shall submit a quarterly report containing the information recorded pursuant to paragraph (b) of this section.

(j) [Reserved]

(k) [Reserved]

(l) [Reserved]

(m) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of 2 years following the date of such record.

(Approved by the Office of Management and Budget under control number 2060-0072)

3. Section 60.17 is amended by revising paragraphs (a)(1) and (a)(10) and adding paragraph (a)(47), as follows:

**§ 60.17 Incorporation by reference.**

* * * * *

(a) * * *

(1) ASTM D388-77, Standard Specification for Classification of Coals by Rank, incorporation by reference (IBR) approved for §§ 60.41(f), 60.45(f)(4)(i), (ii), (vi), 60.41a, 60.251 (b), (c), 60.41b.

* * * * *

(10) ASTM D396-78, Standard Specification for Fuel Oils, IBR approved for §§ 60.111(b), 60.111a(b), 60.41b.

* * * * *

(47) ASTM D3431-80, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (microcoulometric method), IBR approved for § 60.49(e).

[FR Doc. 86-25585 Filed 11-24-86; 8:45 am]
BILLING CODE 6560-50-M

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**40 CFR Part 60**

**[AD-FRL-3109-1]**

## Standards of Performance for New Stationary Sources; Industrial-Commercial-Institutional Steam Generating Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action amends the priority list for regulation under section 111 of the Clean Air Act by expanding the source category of industrial fossil fuel-fired steam generators to cover all steam generators, including both fossil and nonfossil fuel-fired steam generators, as well as steam generators used in industrial, commercial, and institutional applications. This amendment is based on the Administrator's determination that industrial-commercial-institutional steam generating units contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of this action is to include nonfossil fuel-fired and commercial/institutional steam generatingunits in the source category for which standards of performance are beingpublished elsewhere in today's Federal Register.

**DATE:** Effective November 25, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of theactions taken by this notice is available only by the filing of a petition for review in the U.S Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**ADDRESSES:** The background information documents may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, (919) 541-2777.

Docket number A-79-02 is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC.

See **"SUPPLEMENTARY INFORMATION"** for further details.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Porter or Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act establishes a program under section 111 to develop standards of performance for new sources within categories of stationary sources which the Administrator determines may contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. Such source categories are referred to as "significant contributors." Section 111(f) of the Clean Air Act, added by the 1977 Clean Air Act Amendments, requires that the Administrator publish a list of categories of major stationary sources which are significant contributors and for which standards of performance for new sources are to be promulgated.

This list, which identifies major source categories in order of priority for development of regulations, was proposed in the **Federal Register** on August 31, 1978, and promulgated on August 21, 1979 (40 CFR 60.16, 44 FR 49222). Of the 59 source categories on the list, the category "Industrial Fossil Fuel-Fired Steam Generators: Industrial Boilers" is listed as number **11.**

Today's action amends the priority list by revising the title of this source category to "Industrial-Commercial-Institutional Steam Generating Units." This change deletes the references to the type of fuel combusted, to the distinction between steam generating unit application, and to the type of steam generator.

As amended, this source category includes any device or system which combusts fuel which results in the production of steam (or hot water), including incinerators with heat recovery, combined cycle steam generators, cogeneration systems and small electric utility steam generating units. All of these types of steam generators exhibit emission characteristics which are similar in

Particulate matter, Hydrocarbons, Carbon monoxide, Incorporation by reference.

Dated: June 16, 1986.

**Lee M. Thomas,**

*Administrator.*

## PART 52—[AMENDED]

Part 52, Chapter 1 of Title 40, Code of Federal Regulations, is amended as follows:

### Subpart LL—Oklahoma

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

2. Section 52.1933 is added to read as follows:

**§ 52.1933 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new sources review. The provisions of §§ 52.26, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of Oklahoma.

[FR Doc. 86–14176 Filed 6–23–86; 8:45 am]

BILLING CODE 6560–50–M

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## 40 CFR Part 60

[AD-FRL-3035-8]

## Standards of Performance for New Stationary Sources; Metal Coil Surface Coating

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document corrects language in the final standards for metal coil surface coating to clarify the number of test runs required for the performance test. Recently it was brought to the Agency's attention by a State agency that they had encountered difficulty in determining the number of test runs required by the standards. It has been determined that a phrase specifying the required number of test runs was omitted from the standards by mistake. As originally written, the language in the standards could have been interpreted to require only one test run during the performance test. This revision changes the language to prevent misinterpretation and to clarify that three test runs are required for the performance test. The language appeared on page 49617 in the Federal Register on Monday, November 1, 1982 (47 FR 49617).

**FOR FURTHER INFORMATION CONTACT:** Mr. Sims Roy, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–5578.

Dated: June 13, 1986.

**Don R. Clay,**

*Deputy Assistant Administrator for Air and Radiation.*

## PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7616, 7601).

2. In § 60.466, paragraph (c) is revised to read as follows:

**§ 60.466 Test methods and procedures.**

* * * * *

(c) For Method 25, the sampling time for each of three runs is to be at least 60 minutes, and the minimum sampling volume is to be at least 0.003 dry standard cubic meter (DSCM); however, shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

* * * * *

[FR Doc. 86–14084 Filed 6–23–86; 8:45 am]

BILLING CODE 6560–50–M

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## NATIONAL SCIENCE FOUNDATION

## 45 CFR Part 611

## Nondiscrimination; Compliance; Change in Procedure

**AGENCY:** National Science Foundation.

**ACTION:** Final rule.

**SUMMARY:** This amendment simplifies the internal NSF procedure for final agency approval of an order suspending, terminating, or refusing to grant Federal financial assistance under Title VI of the Civil Rights Act of 1964. Final internal agency approval of an order will henceforth be made by the Director of the National Science Foundation.

**EFFECTIVE DATE:** June 24, 1986.

**ADDRESS:** Any comments should be addressed to: Paralegal, Office of the General Counsel, Room 501, National Science Foundation, Washington, DC 20550.

**FOR FURTHER INFORMATION CONTACT:** Sukari S. Smith, Paralegal, Office of the General Counsel, National Science Foundation, Washington, DC 20550, 202–357–9580 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The preexisting regulation had called for approval by the Director and the National Science Board.

### Explanation of the Change

The statute calls for approval by the "head of the agency". In the case of the National Science Foundation, the National Science Board establishes the policies of the Foundation [42 U.S.C. 1863(a)], but all executive and management functions (with exceptions not relevant here) are assigned by the statute or the Board to the Director [42 U.S.C. 1864(b)]. Thus, the Director is generally regarded as the head of the agency for purposes of various statutes that use the term. It is therefore appropriate that the Director approve any specific action required under Title VI, in keeping with any policy on the subject prescribed by the Board.

### Executive Order 12291

The Foundation has determined that this action is not a major rule as defined in Executive Order 12291 of February 17, 1983 (3 CFR 1981 Comp., p. 127).

This change involves an internal rule of agency organization, procedure, or practice. Therefore, the Foundation finds public comment on it unnecessary.

### List of Subjects in 45 CFR Part 611

Civil rights, Government procurement, Grant programs—science and technology, Nondiscrimination.

**Sukari S. Smith,**

*Federal Register Liaison Officer.*

June 6, 1986.

Accordingly, Title 45 of the Code of Federal Regulations is amended as provided below:

## PART 611—(AMENDED)

45 CFR, Part 611 is amended as follows:

1. The authority citation for Part 611 is revised to read:

Authority: Sec. 11(a) of the National Science Foundation Act of 1950, as amended, 42 U.S.C. 1870(a); 42 U.S.C. 2000d–1.

2. Section 611.8(c) is revised to read as follows:

**§ 611.8 Procedure for effecting compliance.**

* * * * *

certification of completion of developmental steps for Connecticut's Public Employee Only State Plan. Paragraph (g) was inadvertently omitted from the codification section. This notice will correct that error by adding paragraph (g). For the purpose of clarity, the codification section of the August 21, 1986, Federal Register notice is contained in this notice.

**EFFECTIVE DATE:** August 19, 1986.

**FOR FURTHER INFORMATION CONTACT:** James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-8148.

List of Subjects in 29 CFR Part 1956

Intergovernmental relations, Law enforcement, Occupational safety and health.

Signed at Washington, DC, this 8th day of September 1986.

John A. Pendergrass,

*Assistant Secretary of Labor.*

## PART 1956—[AMENDED]

In accordance with this certification, 29 CFR Part 1956 is hereby amended as follows:

1. The authority citation for Part 1956 continues to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 667); Secretary of Labor's Order No. 12-71, (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

2. 29 CFR 1956.44 is amended to reflect successful completion of the developmental steps by adding new paragraph (g) as follows. The heading and paragraph (h) are republished.

**§ 1956.44 Completion of developmental steps and certification.**

* * * * *

(g) In accordance with 29 CFR 1956.10(g), a State is required to have a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan. The Connecticut Public Employee Only State plan provides for three (3) safety compliance officers and one (1) health compliance officer as set forth in the Connecticut Fiscal Year 1986 grant. This staffing level meets the "fully effective" benchmarks established for Connecticut for both safety and health.

(h) In accordance with § 1956.23 of this chapter, the Connecticut occupational safety and health public employee only plan was certified effective August 19, 1986 as having completed all developmental steps specified in the plan as approved October 2, 1978, on or before October 2, 1979. This certification attests to the structured completeness of the plan, but does not render judgment on adequacy of performance.

[FR Doc. 86-20514 Filed 9-11-86; 8:45 am]

BILLING CODE 4510-26-M

## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 3059-8]

## Standards of Performance for New Stationary Sources; Additions of Quality Assurance and Quality Control Procedures to Methods 5A, 5D, 6A, 6B, and 20

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Revisions and additions to Methods 5A, 5D, 6A, 6B, and 20 to add quality control (QC) and quality assurance (QA) procedures were proposed in the Federal Register on October 2, 1985 (50 FR 40280). This action promulgates these revisions and additions. The QC and QA procedural revisions and additions include field calibration checks of sample volume meters for Methods 5A and 5D, relocation of a temperature monitor for Method 5A, analytical audits for Methods 6A and 6B, and addition of the option to measure carbon dioxide ($CO_2$) and other procedural clarifications in Method 20.

The QC and QA revisions and additions incorporate changes made to other methods in 40 CFR Part 60 in earlier Federal Register notices (49 FR 26522 and 48 FR 55670). The intended effect is to provide procedures for verifying and improving the reliability of data produced by these test methods.

The additions to Method 20 to allow $CO_2$ measurements, in lieu of oxygen ($O_2$) measurements, include specifications for instrumental measurements and calculations for correcting pollutant measurements to specific $O_2$ conditions using $CO_2$ data. The intended effect of this procedural change is to increase the flexibility of the method.

**EFFECTIVE DATE:** September 12, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**ADDRESSES:** *Docket.* A docket, number A-84-50, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter R. Westlin or Mr. Roger T. Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

**SUPPLEMENTARY INFORMATION:**

### I. The Rulemaking

The amendments to Methods 5A and 5D incorporate QC procedures that allow the tester to check the calibration of the dry gas volume meter on the test site. An additional change to Method 5A specifies that the filter temperature sensor be located in the sample gas stream immediately downstream of the filter.

Amendments to Methods 6A and 6B specify the completion of QC analytical audits when the methods are used for compliance determinations. The audits are applied for each use of Method 6A and periodically for successive uses of Method 6B.

Amendments to Method 20 describe a procedure for substituting measurement of $CO_2$ for measurement of $O_2$. Some clarifications and minor corrections to Method 20 are also included.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Rather, this rulemaking provides usable alternative procedures and valid QA and QC measures for several methods.

### II. Public Participation

A public hearing was scheduled for October 23, 1985, at 10:00 a.m., but was not held because no one requested to speak. The public comment period was from October 2 to December 13, 1985. The comments have been carefully considered and, where determined to be

# Standards of Performance for New Stationary Sources

## Statement of Purpose

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

## Definitions

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

(2) "Federal Regulation" means **Title 40, Code of Federal Regulations, Part 60,** as promulgated prior to [May 21, 1986.] January 15, 1987.

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

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

## Statement of Policy

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

## Delegation

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

## Applicability

340-25-525 This rule shall be applicable to stationary sources identified in rules 340-25-550 through 340-25-715 for which construction, reconstruction, or modification has been commenced, as defined in **Title 40, Code of Federal Regulations, 40 CFR 60.**

General Provisions

340-25-530 Title 40, CFR, Part 60, Subpart A as promulgated prior to [May 21, 1986] January 15, 1987 is by this reference adopted and incorporated herein. Subpart A includes paragraphs 60.1 to 60.18 which address, among other things, definitions, performance tests, monitoring requirements, and modifications.

Performance Standards

Federal Regulations Adopted by Reference

340-25-535 Title 40, CFR, Parts 60.40 through 60.154, and 60.250 through 60.648, and 60.680 through 60.685 as established as final rules prior to [May 21, 1986] January 15, 1987, is by this reference adopted and incorporated herein, with the exception of the December 27, 1985 federal register revision to 40 CFR 60.11(b). As of [May 21, 1986] January 15, 1987, the Federal Regulations adopted by reference set the emission standards for the new stationary source categories set out in rules 340-25-550 through 340-25-715 (these are summarized for easy screening, but testing conditions, the actual standards, and other details will be found in the Code of Federal Regulations).

Standards of Performance for Fossil Fuel-Fired Steam Generators

340-25-550 The pertinent federal rules are 40 CFR 60.40 to 60.46, also known as Subpart D. The following emission standards, summarizing the federal standards set forth in Subpart D, apply to each fossil fuel-fired and to each combination wood-residue fossil-fuel fired steam generating unit or more than 73 megawatts (250 million BTU/hr) heat input:

(1) Standards for Particulate Matter. No owner or operator subject to the provision of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 43 nanograms per joule heat input (0.10 lb. per million BTU) derived from fossil fuel or fossil fuel and wood residue.

(B) Exhibit greater than 20 percent opacity except for one six-minute period per hour of not more than 27 percent opacity.

(2) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(a) 340 nanograms per joule heat input (0.80 lb. per million BTU) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(b) 520 nanograms per joule heat input (1.2 lb. per million BTU) derived from solid fossil fuel or solid fossil fuel and wood residue.

(c) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$SO_2 = \frac{y(340) + z(520)}{y + z}$$

where:

(A) y is the percentage of total heat input derived from liquid fossil fuel; and

(B) z is the percentage of total heat input derived from solid fosil fuel; and

(C) $SO_2$ is the prorated standard for sulfur diozxide when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired.

(d) Compliance shall be based on the total heat input from all fossil burned, including gaseous fuels.

(3) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as $NO_2$ in excess of:

(a) 86 nanograms per joule heat input (0.20 lb. per million BTU) derived from gaseous fossil fuel [or gaseous fossil fuel and wood residue].

(b) 129 [130] nanograms per joule heat input (0.30 lb. per million BTUI) derived from solid fossil fuel, [or] liquid fossil fuel and wood residue, or gaseous fossil fuel and wood residue.

(c) 300 nanograms per joule heat input (0.70 lb. per million BTU) derived from solid fossil fuel or solid fossil fuel and wood residue (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

(D) When different fossil fuels are burned simultaneously in any combination the applicable standarad shall be determined by proration using the following formula:

$$PNO_x = \frac{w(260) + x(86) + y(130) = z(300)}{w + x + y + z}$$

where:

(A) $PNO_x$ is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired; and

(B) w is the percentage of total heat input derived from lignite; and

(C) x is the percentage of total heat input derived from gaseous fossil fuel; and

(D) y is the percentage of total heat input derived from liquid fossil fuel; and

(E) z is the percentage of total heat input derived from solid fossil fuel (except lignite).

(e) When fossil fuel containing at least 25 percent, by weight, of coal refuse is burned in combination with gaseous, liquid, or other solid fossil fuel or wood residue, section (3) of this rule does not apply.

(f) This rule does not apply to Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978. These units must comply with more stringent rule 340-25-610.

Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

340-25-553 The pertinent federal rules are 40 CFR 60.40b to 60.49b, also known as Subpart Db. The following emission standards, summarizing the federal standards set forth in Subpart Db, apply to each steam generating unit of more than 29 MW (100 million BTU/hr) heat input capacity, which commenced construction, modification, or reconstruction after June 19, 1984:

(1) Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 22 to 86 nanograms per joule (0.05 to 0.20 lb/million BTU) heat input from firing the fuels as specified in 40 CFR 60.43b.

(b) Exhibit opacity greater than 20 percent (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

(2) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides in excess of 43 to 340 nanograms per joule (0.10 to 0.80 lb/million BTU) heat input, as specified in the table in 40 CFR 60.44b(a).

AS3200.B

Attachment 3
Agenda Item No. F
July 17, 1987 EQC Meeting

DRJ OHNSON LUMBER COMPANY

June 9, 1987

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 12 1987
OFFICE OF THE DIRECTOR

Fred Hanson
Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, Oregon 97204

Dear Mr. Hanson:

A recent conversation with your staff revealed the Department is preparing to adopt the federal rules and amendments relative to "Standard of Performance for New Stationary Sources, Industrial - Commercial - Institutional steam generating units". While we appear to have missed the cut-off date for written comments, we would appreciate your receiving this letter into the record for consideration.

What is particularly alarming to us is the retroactive application of these new standards. Our two co-generation facilities were built and financed utilizing the existing standards. Our first facility at Prairie Wood Products passed the emission standards without any trouble. Our new plant at Riddle is a twin of the first and we do not anticipate any trouble passing the emission tests with this facility. Unfortunately, while the plants were designed to meet the existing standards they were not designed to pass the new standards and they can not meet this standard. The retroactive nature of the standard is in effect an ex post facto law. To avoid hardships like ours the rules should be amended to be only prospective and not retroactive in nature.

If we are required to retrofit our facilities at this stage, the cost would be phenomenal compared to the original cost of the facility. Our consultants have informed us the cost of retrofiting would be roughly 16% of the cost of the boiler and fuel system. This cost is far in excess of what EPA projected would be the cost impact. In the Federal Register Vol 51, No. 227, p. 42771 the agency predicted the new standards would increase the capital costs for new steam generating units by less than one per cent. With this large increase in cost it is doubtful our cogeneration facilities would have been built if we had known prior to construction

of this requirement. We will be placed in a very tenuous position if the standards are now changed "in-midstream".

With this increase in costs it is doubtful other cogeneration facilities will ever be built. This is an unfortunate result in that cogeneration not only provides an economical alternative energy supply, it also solves a solid waste disposal problem. In our case, without the Prairie City cogeneration facility we would be facing the potential of closing the mill. Prior to construction, we faced a closure situation since we were unable to use the wigwam burners and were unable to develop a solid waste disposal site large enough to handle the wastes produced at the mill. The cogeneration facility not only solved these problems it has provided new jobs and a desperately needed boost to the economy of the John Day - Prairie City area.

In our case, we entered into contracts obligating us to construct these two facilities by December, 1986 and December 1987. These contracts were executed prior to the June 19, 1984 cut off date. We believe the dates of these contracts exclude us from being covered by the new standards. However, the standards will create a significant deterent to any future cogeneration facilities. This impact would be counter to the Legislative Policy Statements calling for the creation of an environment encouraging cogeneration.

Prior to adoption of these rules they should be clarified to ensure they do not include our facility or the other similarly situated cogeneration facilities, and a study should be conducted to ensure they don't counteract the legislative policy encouraging cogeneration.

Sincerely,

Ronald S. Yockim
Corporate Counsel

RSY/sb

Attachement 4
Agenda Item No. F
July 17, 1987, EQC Meeting

RULEMAKING STATEMENTS

for
New Federal Rules to be
Made Into State Standards

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

STATEMENT OF NEED:

Legal Authority

This proposal amends Oregon Administrative Rules 340-25-505 to 340-25-553. It is proposed under authority of Oregon Revised Statutes 468.020(1) and 468.295(3) where the Environmental Quality Commission is authorized to establish different rules for different sources of air pollution.

Need for the Rule

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

Principal Documents Relied Upon

1. Title 40 Code of Federal Regulations, as amended in recent Federal Registers.

| 40 CFR Subpart | New (N) or (A) Amended Rule | Subject of Rule Change | Register Date |
|---|---|---|---|
| D, 60.44(a) | A | Relaxes $NO_x$ Standard for Large Boilers | 11/25/86 |
| Db, 60.40b to 60.49b | N | Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units | 11/25/86 |
| TT, 60.466(c) | A | Testing made more stringent for Coil Coating | 06/24/86 |
| Appendix A, Methods 5A, 5D, 6A, 6B, 20 | A | Test Methods Revised | 09/12/86 |

FISCAL AND ECONOMIC IMPACT STATEMENT:

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

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

LAND USE CONSISTENCY STATEMENT:

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

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

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

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

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

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

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item G, July 17, 1987, EQC Meeting

Proposed Adoption of Amendments to the Water Quality Standards Regulation, OAR 340, Chapter 41: Mixing Zone Policy, Toxic Substances Standards, and Total Dissolved Solids Standards

## Background

ORS 468.735 provides that the Environmental Quality Commission, by rule, may establish standards of quality and purity for waters of the state. Present water quality standards contained in Oregon Administrative Rules (OAR Chapter 340, Division 41) were adopted in December 1976. The Commission adopted revisions to these standards in September 1979, July 1985, and added the nuisance aquatic growth rule in March 1986.

On July 19, 1985, the Environmental Quality Commission considered Agenda Item I: Proposed Adoption of Amendments to Water Quality Standards Regulation. The Department had received specific proposals from the public requesting changes to the water quality standards for antidegradation, mixing zones, dissolved chemical substances, and pesticides and organic toxic substances. The Commission directed the Department to review these standards, develop issue papers, and prepare amendments to the rules.

On June 13, 1986, the Environmental Quality Commission considered Agenda Item H: Request for authorization to conduct public hearings on proposed amendments to the Water Quality Standards Regulation, OAR 340, Chapter 41: Antidegradation Policy, Mixing Zone Policy, and Toxic Substances Standards. The toxic substances standards essentially combined the rules for Pesticides and for Dissolved Chemical Substances. However, the standards for Total Dissolved Solids, which were described in the Dissolved Chemical Substances Rule, were retained as a separate section. The Department prepared issue papers on the rules and requested authority to conduct hearings on proposed amendments to these rules. The Commission approved the hearings, which were then held in Portland, Eugene, Medford, Bend and La Grande during July 21-24, 1986. Thirty-two respondents provided oral and written testimony on the proposed amendments.

During the past year, Department staff met several times to review and discuss the testimony in detail and evaluate the issues presented. In addition, staff attended state, regional, and national workshops to develop final rule language and to construct a framework for implementation. Final rule language for Mixing Zones and Toxic Substances was drafted to address public testimony concerns and to incorporate staff recommendations. Revision of the Antidegradation Policy will be discussed at a later date.

Final rule language is presented in Attachments A for Mixing Zones, B for Toxic Substances, and C for Total Dissolved Solids. Attachment D includes the Hearing Officer's Report and Summary of Testimony. The Department then divided the testimony for each proposed rule into separate sections and responded in detail to issues raised during the hearings process. Staff evaluations and responses to testimony are presented in Attachments E for Mixing Zones, and F for Toxic Substances. Attachment G includes the June 13, 1986 EQC Staff Report and Issue Papers.

In general, respondents supported the proposed rule revisions. However, questions were raised regarding implementation of the proposed rules and the potential economic impacts involved from rule revision. Respondents also suggested additional language changes for further clarification. The following summary outlines the purpose and goals for each of the standards, the major issues raised in the testimony regarding the proposed rule revisions, and a response to the issues.

## A. Mixing Zones

### Introduction

A mixing zone is defined as a portion of a stream that serves as a zone of initial dilution where wastewater and receiving waters mix, and where numeric water quality may be legally exceeded. However, aesthetics and beneficial uses should be protected within the mixing zone, and water quality standards must be met at the mixing zone boundary.

The Department proposed revisions to the current mixing zone policy (OAR 340-41-*__(4)) to provide clarification of the intent and the procedures used to designate mixing zones. (*Specific basin rule references are included in Attachment A.) The goal of the proposed rule language was to:

1. Define how mixing zones are designated;

2. Outline the information an applicant should provide in requesting a proposed discharge;

3. Define when biomonitoring may be required;

4. Define when mixing zone designations may be changed; and

5. Define chronic and acute toxicity restrictions within the mixing zone.

Major Issues from Hearings

During the hearings process, several respondents expressed concerns about the following issues:

1. The reliability and appropriateness of using chronic toxicity tests to measure toxicity within the mixing zone;

2. The requirement to preserve aesthetic conditions within the mixing zone; and

3. The frequency of bioassay tests required by the Department.

Response to Testimony

The Department evaluated the concerns raised in the testimony, and determined appropriate language changes to provide clarification yet retain consistency with the intent of the rule. Specifically, changes were made to prohibit chronic toxicity at the boundary of the mixing zone rather than within the mixing zone, but acute toxicity would continue to be prohibited within the mixing zone to protect aquatic life. Language to preserve aesthetics was revised. The final rule language is presented in Attachment A, and a detailed response to the testimony is presented in Attachment E. A list of rule references for each basin is included in Attachment A.

B. Toxic Substances

Introduction

The control of toxic substances is crucial to maintain water quality standards and to protect the public and the environment from unreasonable risks resulting from exposure to toxic substances. The Department revised the current toxic substances standards to incorporate the most up-to-date information and references available for controlling these substances.

The toxics standards are currently addressed in two rules, Pesticides and Other Toxic Substances (OAR 340-41-*__(2)(p)) and Dissolved Chemical Substances (OAR 340-41-*__(2)(o)) for each basin. (*Specific basin rule references are included in Attachment C.) The Department combined the two rules and created one rule (OAR 340-41-*__(2)(p)) that addresses all toxic substances since the same EPA regulatory documents applied to both rules.

The proposed rule for Toxic Substances (OAR 340-41-*__(2)(p)) for each basin included the following provisions:

1. Discharge of any toxic substance would be prohibited in any quantity that may be harmful to aquatic life or human health;

2. The most recent criteria published by EPA would serve as the numeric standards to control priority pollutants; and

3. Biomonitoring would be utilized to determine the toxicity of complex effluents, substances without published criteria, or when a chemical specific approach may not be appropriate.

Major Issues from Hearing

Respondents supported the proposed rule language, but suggested a few changes. Specifically, they requested:

1. A list or chart of the priority pollutants and criteria values.

2. A definition of "scientifically valid" studies, application for defining criteria values, and who would provide that information.

3. A provision for control of nonpoint sources as well as point sources of toxic substances.

Response to Testimony

The Department evaluated the testimony and incorporated the requested changes in the final rule language. The Department will include a chart of the criteria values provided by EPA in the Quality of Criteria (1986) as part of the rule (Table 20). As EPA updates the list and includes new information, the rule will need to be amended to incorporate these changes. The final rule language also addresses toxic substances from nonpoint sources, as respondents requested. The final rule language and rule reference changes for each basin are included in Attachment B, and a detailed response to the testimony is presented in Attachment F.

To fulfill the requirements for the new Clean Water Act of 1987 amendments, the Department will be preparing a "Toxic Implementation Plan" during 1987-1988. If the final language is adopted, it will provide a solid foundation for the implementation plan, and will fulfill the CWA 1987 requirements for a state review of toxics standards.

C. Total Dissolved Solids

Introduction

Since Quality Criteria for Water (1986) included criteria that applied to both Pesticides and Other Organic Toxic Substances, and Dissolved Chemical Substances, the two rules were combined into one rule for Toxic Substances, so one reference could be cited. However, the standards for Total Dissolved Solids which are currently part of the Dissolved Chemical Substance rule are not included in Quality Criteria for Water (1986) and must be addressed separately.

The Department has renamed the "Dissolved Chemical Substances" rule (OAR 340-41-#__(2)(o)) to "Total Dissolved Solids", but retained the rule references and current guidance values for each basin. The language for the rule and rule references for each basin is presented in Attachment C.

No comments were received on total dissolved solids guidance values during the public hearing process.

Alternatives and Evaluation

The alternatives are as follows:

1. Adopt the Department's proposed amendments to the water quality standards as final rules.

2. Do not adopt the proposed amendments to the water quality standards as final rules.

The Department believes that the final rule language incorporates many of the suggestions offered by the public in testimony, and from critical evaluation by Department staff. The final language clarifies the intent of each of the standards and is consistent with the goals of the Clean Water Act and with state water quality statutes.

Summation

1. During the 1984 public hearing process, several proposals for standards revisions were received from the public.

2. The Commission requested that the Department prepare issue papers for public review on the mixing zone policy and the toxic substances standards.

3. Issue papers and proposed amendments to the rules were presented at the June 13, 1986 Commission meeting. The Commission authorized the

Department to conduct public hearings on the proposed amendments to the rules. Public hearings were held in July 1986 in five locations around the state.

4. Final rule language was drafted to be consistent with federal and state laws, and to incorporate comments received during public hearings. The language is presented in Attachments A through C.

Director's Recommendation

Based on the summation, it is recommended that the Commission adopt the final rule language as presented in:

1. Attachment A for the Mixing Zone Policy.

2. Attachment B for the Toxic Substances Standards.

3. Attachment C for the Total Dissolved Solids Standards.

Fred Hansen

Attachments: (7)

A. Final Rule Language for Mixing Zone Policy
B. Final Rule Language for Toxic Substances
C. Final Rule Language for Total Dissolved Solids
D. Hearing Officers Report and Summary of Testimony
E. Response to Testimony on Mixing Zone Issues
F. Response to Testimony on Toxic Substances Issues
G. June 13, 1986 EQC Staff Report and Issue Papers

K.U. Wolniakowski:h
WH2096
229-6018
June 22, 1987

ATTACHMENT A

# FINAL RULES LANGUAGE

# FOR

# THE MIXING ZONE POLICY

ATTACHMENT A

# FINAL RULES LANGUAGE FOR THE MIXING ZONE POLICY

**Current Mixing Zone Policy to be deleted. Rule references for each basin appear as a footnote (*) at the end of the final rule.**

340-41-*__

(4) Mixing Zones:

[(a) The Department may suspend the applicability of all or part of the water quality standards set forth in this rule, except those standards relating to aesthetic conditions, within a defined immediate mixing zone of specified and appropriately limited size adjacent to or surrounding the point of waste water discharge.

(b) The sole method of establishing such mixing zones shall be by the Department defining same in a waste discharge permit.

(c) In establishing mixing zones in a waste discharge permit, the Department:

(A) May define the limits of the mixing zone in terms of distance from the point of the waste water discharge or the area or volume of the receiving water or any combination thereof;

(B) May set other less restrictive water quality standards to be applicable in the mixing zone in lieu of the suspended standards;

(C) Shall limit the mixing zone to that which in all probability will:

(i) Not interfere with any biological community or population of any important species to a degree which is damaging to the ecosystem; and

(ii) Not adversely affect other beneficial uses disproportionately.]

Final Mixing Zone policy to be adopted as rule OAR 340-41-*__(4). Specific rule references for each basin are included as a footnote (*) at the end of the final rule.

340-41-*__

(4) Mixing Zones

(a) The Department may allow a defined portion of a receiving water to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix.

(b) The Department may suspend all or part of the water quality standards, or set less restrictive standards in the defined mixing zone, except those standards relating to aesthetic conditions. Water quality standards must be met at the mixing zone boundary under normal annual low flow conditions. The mixing zone shall be free of:

(A) Materials in concentrations that will cause acute (96HLC50) toxicity to aquatic life within the mixing zone. Acute toxicity is measured as the lethal concentration that causes 50 percent mortality of organisms within a 96-hour test period.

(B) Materials in concentrations that will cause chronic (sublethal) toxicity at the boundary of the mixing zone. Chronic toxicity is measured as the concentration that causes long-term sublethal effects, such as significantly impaired growth or reproduction in aquatic organisms, during a testing period based on test species life cycle. Procedures and end points will be specified by the Department in waste water discharge permits.

(C) Materials that will settle to form objectionable deposits.

(D) Floating debris, oil, scum, or other materials that cause nuisance conditions.

(E) Substances in concentrations that produce deleterious amounts of fungal or bacterial growths.

(c) The limits of the mixing zone shall be described in the waste water discharge permit. In determining the location, surface area, and volume of a mixing zone area, the Department may use appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters, and effluent, and the most appropriate placement of the outfall, to

protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall define a mixing zone in the immediate area of a waste water discharge to:

(A) be as small as feasible;

(B) not overlap with any other mixing zones and be less than the total stream width as necessary to allow passage of fish and other aquatic organisms;

(C) not significantly affect the indigenous biological community especially when important species are present;

(D) not threaten public health;

(E) not adversely affect other designated beneficial uses outside the mixing zone disproportionately.

(d) The Department may request the applicant of a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

(A) type of operation to be conducted;

(B) characteristics of effluent flow rates and composition;

(C) characteristics of low flows of receiving waters;

(D) description of potential environmental effects;

(E) proposed design for outfall structures.

(e) The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary.

(f) The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone adversely affects any existing beneficial uses in the receiving waters.

---

* Rule References by Basin:

| Basin | Mixing Zone Rules |
|---|---|
| North Coast | 340-41-205(4) |
| Mid Coast | 340-41-245(4) |
| Umpqua | 340-41-285(4) |

| Basin | Mixing Zone Rules |
|---|---|
| South Coast | 340-41-325(4) |
| Rogue | 340-41-365(4) |
| Willamette | 340-41-445(4) |
| Sandy | 340-41-485(4) |
| Hood | 340-41-525(4) |
| Deschutes | 340-41-565(4) |
| John Day | 340-41-605(4) |
| Umatilla | 340-41-645(4) |
| Walla Walla | 340-41-685(4) |
| Grande Ronde | 340-41-725(4) |
| Powder | 340-41-765(4) |
| Malheur River | 340-41-805(4) |
| Owyhee | 340-41-845(4) |
| Malheur Lake | 340-41-885(4) |
| Goose and Summer Lakes | 340-41-925(4) |
| Klamath | 340-41-965(4) |

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ATTACHMENT B

# FINAL RULE LANGUAGE

# FOR

# TOXIC SUBSTANCES STANDARDS

ATTACHMENT B

## FINAL RULE LANGUAGE FOR TOXIC SUBSTANCES STANDARDS

The Current Pesticides and Other Organic Toxic Substances rule to be deleted: Rule references for each basin appear as a footnote (*) at the end of the final rule.

OAR 340-41-*__(2)(p)

["Pesticides and other organic toxic substances shall not exceed those criteria contained in the 1976 edition of the EPA publication "Quality Criteria for Water". These criteria shall apply unless supporting data shows conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more stringent criterion is warranted to protect beneficial uses."]

Final toxic substances standards to be adopted as rule OAR 340-41-*__(2)(p). Specific rule reference for each basin are included as a footnote (*) at the end of the final rule.

OAR 340-41-__*(2)(p) Toxic Substances

(A) Toxic substances shall not be introduced above natural background levels in the waters of the state in amounts, concentrations, or combinations which may be harmful, may chemically change to harmful forms in the environment, or may bioaccumulate to levels that adversely affect public health, safety, or welfare; aquatic life; or other designated beneficial uses.

(B) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1986). List of the criteria are presented in Table 20.

(C) The criteria in (B) shall apply unless data from scientifically valid studies demonstrate that the most sensitive designated beneficial uses will not be adversely affected by exceeding a criterion as evaluated by the Department on a site specific basis, or that a more restrictive criterion is warranted to protect beneficial uses. Where no published EPA criteria exist for a toxic substance, public health advisories and other published scientific literature may be considered and used, if appropriate, to set guidance values.

(D) Bio-assessment studies such as laboratory bioassays or instream measurements of indigenous biological communities, shall be conducted, as the Department deems necessary, to monitor the toxicity of complex effluents, other suspected discharges or chemical substances without numeric criteria, to aquatic life. These studies, properly conducted in accordance with standard testing procedures, may be considered as scientifically valid data for the purposes of (C). If toxicity occurs, the Department

shall evaluate and implement measures necessary to reduce toxicity on a case-by-case basis.

* Rule References by Basin:

| Basin | Toxic Substances |
|---|---|
| North Coast | 340-41-205(p) |
| Mid Coast | 340-41-245(p) |
| Umpqua | 340-41-285(p) |
| South Coast | 340-41-325(p) |
| Rogue | 340-41-365(p) |
| Willamette | 340-41-445(p) |
| Sandy | 340-41-485(p) |
| Hood | 340-41-525(p) |
| Deschutes | 340-41-565(p) |
| John Day | 340-41-605(p) |
| Umatilla | 340-41-645(p) |
| Walla Walla | 340-41-685(p) |
| Grande Ronde | 340-41-725(p) |
| Powder | 340-41-765(p) |
| Malheur River | 340-41-805(p) |
| Owyhee | 340-41-845(p) |
| Malheur Lake | 340-41-885(p) |
| Goose and Summer Lakes | 340-41-925(p) |
| Klamath | 340-41-965(p) |

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TABLE 20
340-41-__(2)(p)
(Applicable to all basins)

## WATER QUALITY CRITERIA SUMMARY

The concentration for each compound listed in this chart is a criteria or guidance value not to be exceeded for the protection of aquatic life and human health. Specific descriptions of each compound and an explanation of criteria values are included in Quality Criteria for Water 1986.

| COMPOUND NAME (OR CLASS) | PRIORITY POLLUTANT | CARCINOGEN | FRESH ACUTE CRITERIA | FRESH CHRONIC CRITERIA | MARINE ACUTE CRITERIA | MARINE CHRONIC CRITERIA | WATER AND FISH INGESTION | FISH CONSUMPTION ONLY | DRINKING WATER M.C.L. |
|---|---|---|---|---|---|---|---|---|---|
| ACENAPTHENE | Y | N | *1,700. | *520. | *970. | *710. | | | |
| ACROLEIN | Y | N | *68. | *21. | *55. | | 320.ug | 780.ug | |
| ACRYLONITRILE | Y | Y | *7,550. | *2,600. | | | 0.058ug** | 0.65ug** | |
| ALDRIN | Y | Y | 3.0 | | 1.3 | | 0.074ng** | 0.079ng** | |
| ALKALINITY | N | N | | 20,000. | | | | | |
| AMMONIA | N | N | CRITERIA ARE pH AND TEMPERATURE DEPENDENT--SEE DOCUMENT | | | | | | |
| ANTIMONY | Y | N | *9,000. | *1,600. | | | 146.ug | 45,000.ug | |
| ARSENIC | Y | Y | | | | | 2.2ng** | 17.5ng** | 0.05mg |
| ARSENIC (PENT) | Y | Y | *850. | *48. | *2,319. | *13. | | | |
| ARSENIC (TRI) | Y | Y | 360. | 190. | 69. | 36. | | | |
| ASBESTOS | Y | Y | | | | | 30Kf/L** | | |
| BACTERIA | N | N | FOR PRIMARY RECREATION AND SHELLFISH USES --SEE DOCUMENT | | | | | | 1/100ml |
| BARIUM | N | N | | | | | 1.mg | | 1.0mg |
| BENZENE | Y | Y | *5,300. | | *5,100. | *700. | 0.66ug** | 40.ug** | |
| BENZIDINE | Y | Y | *2,500. | | | | 0.12ng** | 0.53ng** | |
| BERYLLIUM | Y | Y | *130. | *5.3 | | | 6.8ng** | 117.ng** | |
| BHC | Y | N | *100. | | *0.34 | | | | |
| CADMIUM | Y | N | 3.9+ | 1.1+ | 43. | 9.3 | 10.ug | | 0.010mg |
| CARBON TETRACHLORIDE | Y | Y | *35,200. | | *50,000. | | 0.4ug** | 6.94ug** | |
| CHLORDANE | Y | Y | 2.4 | 0.0043 | 0.09 | 0.004 | 0.46ng** | 0.48ng** | |
| CHLORINATED BENZENES | Y | Y | *250. | *50. | *160. | *129. | 488.ug | | |
| CHLORINATED NAPHTHALENES | Y | N | *1,600. | | *7.5 | | | | |
| CHLORINE | N | N | 19. | 11. | 13. | 7.5 | | | |
| CHLOROALKYL ETHERS | Y | N | *238,000. | | | | | | |
| CHLOROETHYL ETHER (BIS-2) | Y | Y | | | | | 0.03ug** | 1.36ug** | |
| CHLOROFORM | Y | Y | *28,900. | *1,240. | | | 0.19ug** | 15.7ug** | |
| CHLOROISOPROPYL ETHNER (BIS-2) | Y | N | | | | | 34.7ug | 4.36mg | |
| CHLOROMETHYL ETHER (BIS) | Y | N | | | | | 0.00000376ng** | 0.00184ug** | |
| CHLOROPHENOL 2 | Y | N | *4,380. | *2,000. | | | | | |
| CHLOROPHENOL 4 | N | N | | | *29,700. | | | | |
| CHLOROPHENOXY HERBICIDES (2,4,5,-TP) | N | N | | | | | 10.ug | | |
| CHLOROPHENOXY HERBICIDES (2,4-D) | N | N | | | | | 100.ug | | |
| CHLORPYRIFOS | N | N | 0.083 | 0.041 | 0.011 | 0.0056 | | | |
| CHLORO-4 METHYL-3 PHENOL | N | N | *30. | | | | | | |
| CHROMIUM (HEX) | Y | N | 16. | 11. | 1.100 | 50. | 50.ug | | 0.05mg |
| CHROMIUM (TRI) | N | N | 1,700.+ | 210.+ | *10,300. | | 179.mg | 3,433.mg | 0.05mg |
| COLOR | N | N | NARRATIVE STATEMENT -- SEE DOCUMENT | | | | | | |
| COPPER | Y | N | 18.+ | 12.+ | 2.9 | 2.9 | | | |
| CYANIDE | Y | N | 22. | 5.2 | 1. | 1. | 200.ug | | |

TABLE 20

WATER QUALITY CRITERIA SUMMARY (continued)

| COMPOUND NAME (OR CLASS) | PRIORITY POLLUTANT | CARCINOGEN | FRESH ACUTE CRITERIA | FRESH CHRONIC CRITERIA | MARINE ACUTE CRITERIA | MARINE CHRONIC CRITERIA | WATER AND FISH INGESTION | FISH CONSUMPTION ONLY | DRINKING WATER M.C.L. |
|---|---|---|---|---|---|---|---|---|---|
| DDT | Y | Y | 1.1 | 0.001 | 0.13 | 0.001 | 0.024ng** | 0.024ng** | |
| DDT METABOLITE (DDE) | Y | Y | *1,050. | | *14. | | | | |
| DDT METABOLITE (TDE) | Y | Y | *0.06 | | *3.6 | | | | |
| DEMETON | Y | N | | 0.1 | | 0.1 | | | |
| DIBUTYLPHTHALATE | Y | N | | | | | 35.mg | 154.mg | |
| DICHLOROBENZENES | Y | N | *1,120. | *763. | *1,970. | | 400.ug | 2.6mg | |
| DICHLOROBENZIDINE | Y | Y | | | | | 0.01ug** | 0.020ug** | |
| DICHLOROETHANE 1,2 | Y | Y | *118,000. | *20,000. | *113,000. | | 0.94ug** | 243.ug** | |
| DICHLOROETHYLENES | Y | Y | *11,600. | | *224,000. | | 0.033ug** | 1.85ug** | |
| DICHLOROPHENOL 2,4 | N | N | *2,020. | *365. | | | 3.09mg | | |
| DICHLOROPROPANE | Y | N | *23,000. | *5,700. | *10,300. | *3,040. | | | |
| DICHLOROPROPENE | Y | N | *6,060. | *244. | *790. | | 87.ug | 14.1mg | |
| DIELDRIN | Y | Y | 2.5 | 0.0019 | 0.71 | .0019 | 0.071ng** | 0.076ng** | |
| DIETHYLPHTHALATE | Y | N | | | | | 350.mg | 1.8g | |
| DIMETHYLPHENOL 2,4 | Y | N | *2,120. | | | | | | |
| DIMETHYLPHTHALATE | Y | N | | | | | 313.mg | 2.9g | |
| DINITROTOLUENE 2,4 | N | Y | | | | | 0.11ug** | 9.1ug** | |
| DINITROTOLUENE | Y | N | | | | | 70.ug | 14.3mg | |
| DINITROTOLUENE | N | Y | *330. | *230. | *590. | *370. | | | |
| DINITRO-O-CRESOL 2,4 | Y | N | | | | | 13.4g | 765.ug | |
| DIOXIN (2,3,7,8-TCDD) | Y | Y | *0.01 | *0.00001 | | | 0.000013ng** | 0.000014ng** | |
| DIPHENYLHYDRAZINE | Y | N | | | | | 42.ng** | 0.56ug** | |
| DIPHENYLHYDRAZINE 1,2 | Y | N | *270. | | | | | | |
| DI-2-ETHYLHEXYLPHTHALATE | Y | N | | | | | 15.mg | 50.mg | |
| ENDOSULFAN | Y | N | 0.22 | 0.056 | 0.034 | 0.0087 | 74.ug | 159.ug | |
| ENDRIN | Y | N | 0.18 | 0.0023 | 0.037 | 0.0023 | 1.ug | | 0.0002mg |
| ETHYLBENZENE | Y | N | *32,000. | | *430. | | 1.4mg | 3.28mg | |
| FLUORANTHENE | Y | N | *3,980. | | *40. | *16. | 42.ug | 54.ug | |
| GASSES, TOTAL DISSOLVED | N | N | NARRATIVE STATEMENT — SEE DOCUMENT | | | | | | |
| GUTHION | N | N | | 0.01 | | 0.01 | | | |
| HALOETHERS | Y | N | *360. | *122. | | | | | |
| HALOMETHANES | Y | Y | *11,000. | | *12,000. | *6,400. | 0.19ug** | 15.7ug** | |
| HEPTACHLOR | Y | Y | 0.52 | 0.0038 | 0.053 | 0.0036 | 0.28ng** | 0.29ng** | |
| HEXACHLOROETHANE | N | Y | *980. | *540. | *940. | | 1.9ug | 8.74ug | |
| HEXACHLOROBENZENE | Y | N | | | | | 0.72ng** | 0.74ng** | |
| HEXACHLOROBUTADIENE | Y | Y | *90. | *9.3 | *32. | | 0.45ug** | 50.ug** | |
| HEXACHLOROCYCLOHEXANE (LINDANE) | Y | Y | 2.0 | 0.08 | 0.16 | | | | 0.004mg |
| HEXACHLOROCYCLOHEXANE-ALPHA | Y | Y | | | | | 9.2ng** | 31.ng** | |
| HEXACHLOROCYCLOHEXANE-BETA | Y | Y | | | | | 16.3ng** | 54.7ng** | |
| HEXACHLOROCYCLOHEXANE-GAMA | Y | Y | | | | | 18.6ng** | 62.5ng** | |
| HEXACHLOROCYCLOHEXANE-TECHNICAL | Y | Y | | | | | 12.3ng** | 41.4ng** | |
| HEXACHLOROCYCLOPENTADIENE | Y | N | *7. | *5.2 | *7. | | 206.ug | | |
| IRON | N | N | | 1,000. | | | 0.3mg | | |
| ISOPHORONE | Y | N | *117,000. | | *12,900. | | 5.2mg | 520.mg | |
| LEAD | Y | N | 82.+ | 3.2+ | 140. | 5.6 | 50.ug | | 0.05mg |
| MALATHION | N | N | | 0.1 | | 0.1 | | | |
| MANGANESE | N | N | | | | | 50.ug | 100.ug | |
| MERCURY | Y | N | 2.4 | 0.012 | 2.1 | 0.025 | 144.ng | 146.ng | 0.002mg |

TABLE 20
WATER QUALITY CRITERIA SUMMARY (continued)

| COMPOUND NAME (OR CLASS) | PRIORITY POLLUTANT | CARCINOGEN | FRESH ACUTE CRITERIA | FRESH CHRONIC CRITERIA | MARINE ACUTE CRITERIA | MARINE CHRONIC CRITERIA | WATER AND FISH INGESTION | FISH CONSUMPTION ONLY | DRINKING WATER M.C.L. |
|---|---|---|---|---|---|---|---|---|---|
| METHOXYCHLOR | N | N | | 0.03 | | 0.03 | 100.ug | | 0.1mg |
| MIREX | N | N | | 0.001 | | 0.001 | | | |
| MONOCHLOROBENZENE | Y | N | | | | | 488.ug | | |
| NAPHTHALENE | Y | N | *2,300. | *620. | *2,350. | | | | |
| NICKEL | Y | N | 1,400.+ | 160+ | 75 | 8.3 | 13.4ug | 100.ug | |
| NITRATES | N | N | | | | | 10.mg | | 10.mg |
| NITROBENZENE | Y | N | *27,000. | | *6,680. | | 19.8mg | | |
| NITROPHENOLS | Y | N | *230. | *150. | *4,850. | | | | |
| NITROSAMINES | Y | Y | *5,850. | | *3,300,000 | | 0.8ng** | 1240.ng** | |
| NITROSODIBUTYLAMINE N | Y | Y | | | | | 6.4ng** | 587.ng** | |
| NITROSODIETHYLAMINE N | Y | Y | | | | | 0.8ng** | 1,240.ng** | |
| NITROSODIMETHYLAMINE N | Y | Y | | | | | 1.4ng** | 16,000.ng** | |
| NITROSODIPHENYLAMINE N | Y | Y | | | | | 4,900.ng** | 16,100.ng** | |
| NITROSOPHYRROLIDINE N | Y | Y | | | | | 16.ng** | 91,900.ng** | |
| OIL AND GREASE | N | N | NARRATIVE STATEMENT — SEE DOCUMENT | | | | | | |
| OXYGEN DISSOLVED | N | N | WARMWATER AND COLDWATER CRITERIA MATRIX — SEE DOCUMENT | | | | | | |
| PARATHION | N | N | 0.065 | 0.013 | | | | | |
| PCB's | Y | Y | 2.0 | 0.014 | 10. | 0.03 | 0.079ng** | 0.079ng** | |
| PENTACHLORINATED ETHANES | N | N | *7,240. | *1,100. | *390. | *281. | | | |
| PENTACHLOROBENZENE | N | N | | | | | 74.ug | 85.ug | |
| PENTACHLOROPHENOL | Y | N | ***20. | ***13. | 13. | *7.9 | 1.01mg | | |
| pH | N | N | | 6.5-9 | | 6.5-8.5 | | | |
| PHENOL | Y | N | *10,200. | *2,560. | *5,800. | | 3.5mg | | |
| PHOSPHORUS ELEMENTAL | N | N | | | | 0.1 | | | |
| PHTHALATE ESTERS | Y | N | *940. | *3. | *2,944. | *3.4 | | | |
| POLYNUCLEAR AROMATIC HYDROCARBONS | Y | Y | | | *300. | | 2.8ng** | 31.1ng** | |
| SELENIUM | Y | N | 260. | 35. | 410. | 54. | 10.ug | | 0.01mg |
| SILVER | Y | N | 4.1+ | 0.12 | 2.3 | | 50.ug | | 0.05mg |
| SOLIDS DISSOLVED AND SALINITY | N | N | | | | | 250.mg | | |
| SOLIDS DISSOLVED AND TURBIDITY | N | N | NARRATIVE STATEMENT — SEE DOCUMENT | | | | | | |
| SULFIDE-HYDROGENSULFIDE | N | N | | 2.0 | | 2.0 | | | |
| TEMPERATURE | N | N | SPECIES DEPENDENT CRITERIA — SEE DOCUMENT | | | | | | |
| TETRACHLORINATED ETHANES | Y | N | *9,320. | | | | | | |
| TETRACHLOROBENZENE 1,2,4,5 | Y | N | | | | | 38.ug | 48.ug | |
| TETRACHLOROETHANE 1,1,2,2 | Y | Y | | *2,400. | *9,020. | | 0.17ug** | 10.7ug** | |
| TETRACHLOROETHANES | Y | N | *9,320. | | | | | | |
| TETRACHLOROETHYLENE | Y | Y | *5,280. | *840. | *10,200. | *450. | 0.8ug** | 8.85ug** | |
| TETRACHLOROPHENOL 2,3,5,6 | Y | N | | | | *440. | | | |
| THALLIUM | Y | N | *1,400. | *40. | *2,130. | | 13.ug | 48.ug | |
| TOLUENE | Y | N | *17,500. | | *6,300. | *5,000. | 14.3mg | 424.ug | |
| TOXAPHENE | Y | Y | 0.73 | 0.0002 | 0.21 | 0.0002 | 0.71ng** | 0.73ng** | 0.0005mg |
| TRICHLORINATED ETHANES | Y | Y | *18,000. | | | | | | |
| TRICHLOROETHANE 1,1,1 | Y | N | | | *31,200. | | 18.4mg | 1.03g | |
| TRICHLOROETHANE 1,1,2 | Y | Y | | *9,400. | | | 0.6ug** | 41.8ug** | |
| TRICHLOROETHYLENE | Y | Y | *45,000. | *21,900. | *2,000. | | 2.7ug** | 80.7ug** | |

TABLE 20
WATER QUALITY CRITERIA SUMMARY (continued)

| COMPOUND NAME (OR CLASS) | PRIORITY POLLUTANT | CARCINOGEN | FRESH ACUTE CRITERIA | FRESH CHRONIC CRITERIA | MARINE ACUTE CRITERIA | MARINE CHRONIC CRITERIA | WATER AND FISH INGESTION | FISH CONSUMPTION ONLY | DRINKING WATER M.C.L. |
|---|---|---|---|---|---|---|---|---|---|
| TRICHLOROPHENOL 2,4,5 | N | N | | | | | 2,600.ug | | |
| TRICHLOROPHENOL 2,4,6 | Y | Y | | *970. | | | 1.2ug** | 3.6ug** | |
| VINYL CHLORIDE | Y | Y | | | | | 2.ug** | 525.ug** | |
| ZINC | Y | N | 120.+ | 110+ | 95 | 86 | | | |

g = grams
mg = milligrams
ug = micrograms
ng = nanograms
f = fibers

Y = YES
N = NO

M.C.L. = MAXIMUM CONTAMINANT LEVEL

\+ = Hardness Dependent Criteria (100 mg/L used)
* = Insufficient Data to Develop Criteria
Value Presented is the L.O.E.L. -- Lowest Observed Effect Level
** = Human Health Criteria for Carcinogens Reported for Three Risk Levels. Value Presented is the 10-6 Risk Level.
*** = pH Dependent Criteria (7.8 pH used)

ATTACHMENT C

# FINAL RULE LANGUAGE

# FOR

# TOTAL DISSOLVED SOLIDS

ATTACHMENT C

## FINAL RULE LANGUAGE FOR TOTAL DISSOLVED SOLIDS

Current Dissolved Chemical Substances Guide Concentration to be deleted:
Rule references for each basin appear as a footnote (*) at the end of the final rule.

OAR 340-41-__*__(2)(o)

["Dissolved Chemical Substances:] Guide concentrations listed below shall not be exceeded unless otherwise specifically authorized by DEQ upon such conditions as it may deem necessary to carry out the general intent of this plan to protect the beneficial uses set forth in rule: 340-41-__: (mg/1)

| | | |
|---|---|---|
| [(A) | Arsenic(As) | 0.01 |
| (B) | Barium(Ba) | 1.0 |
| (C) | Boron(Bo) | 0.5 |
| (D) | Cadmium(Cd) | 0.003 |
| (E) | Chromium(Cr) | 0.02 |
| (F) | Copper(Cu) | 0.005 |
| (G) | Cyanide(Cr) | 0.005 |
| (H) | Fluoride(F) | 1.0 |
| (I) | Iron(Fe) | 0.1 |
| (J) | Lead(Pb) | 0.05 |
| (K) | Manganese(Mn) | 0.05 |
| (L) | Phenols(total) | 0.001 |
| (M) | Total Dissolved Solids-Columbia River | |
| (N) | Total Dissolved Solids - other | |
| (O) | Zinc(Zn) | 0.01"] |

Final rule to be adopted for Total Dissolved Solids by basin.

Total Dissolved Solids: Guide concentrations listed below shall not be exceeded unless otherwise specifically authorized by DEQ upon such conditions as it may deem necessary to carry out the general intent of this plan to protect the beneficial uses set forth in rule 340-41-__:

| | | |
|---|---|---|
| 340-41-205(2)(o) | (A) | Columbia River -- 500.0 mg/L |
| | (B) | All Other Freshwaters and Tributaries -- 100.0 mg/L |
| 340-41-245(2)(o) | (A) | 100.0 mg/L |
| 340-41-285(2)(o) | (A) | 500.0 mg/L |
| 340-41-325(2)(o) | (A) | 100.0 mg/L |
| 340-41-365(2)(o) | (A) | 500.0 mg/L |
| 340-41-445(2)(o) | (A) | Columbia River -- 500.0 mg/L |
| | (B) | Willamette River and Tributaries -- 100.0 mg/L |
| 340-41-485(2)(o) | (A) | Main Stem Columbia River (River Miles 120 to 147) -- 200.0 mg/L |
| | (B) | All Other Basin Waters -- 100.0 mg/L |
| 340-41-525(2)(o) | (A) | 200.0 mg/L |
| 340-41-565(2)(o) | (A) | 500.0 mg/L |

| | | |
|---|---|---|
| 340-41-605(2)(o) | (A) | Columbia River -- 200.0 mg/L |
| | (B) | John Day River and Tributaries -- 500.0 mg/L |
| 340-41-645(2)(o) | (A) | Columbia River -- 200.0 mg/L |
| 340-41-685(2)(o) | (A) | 200.0 mg/L |
| 340-41-725(2)(o) | (A) | Main Stem Grande Ronde River -- 200.0 mg/L |
| | (B) | Main Stem Snake River -- 750.0 mg/L |
| 340-41-765(2)(o) | (A) | Main Stem Snake River -- 750.0 mg/L |
| 340-41-805(2)(o) | (A) | Snake River -- 750.0 mg/L |
| 340-41-845(2)(o) | (A) | Snake River -- 750.0 mg/L |

* Rule References by Basin:

| Basin | Dissolved Chemical Substances Rule |
|---|---|
| North Coast | 340-41-205(o) |
| Mid Coast | 340-41-245(o) |
| Umpqua | 340-41-285(o) |
| South Coast | 340-41-325(o) |
| Rogue | 340-41-365(o) |
| Willamette | 340-41-445(o) |
| Sandy | 340-41-485(o) |
| Hood | 340-41-525(o) |
| Deschutes | 340-41-565(o) |
| John Day | 340-41-605(o) |
| Umatilla | 340-41-645(o) |
| Walla Walla | 340-41-685(o) |
| Grande Ronde | 340-41-725(o) |
| Powder | 340-41-765(o) |
| Malheur River | 340-41-805(o) |
| Owyhee | 340-41-845(o) |
| Malheur Lake | 340-41-885(o) |
| Goose and Summer Lakes | 340-41-925(o) |
| Klamath | 340-41-965(o) |

KUW:h
WH2110

ATTACHMENT D

# HEARING OFFICER'S REPORT

# AND

# SUMMARY OF ORAL

# AND

# WRITTEN TESTIMONY

ATTACHMENT D

# HEARING OFFICER'S REPORT

## Hearing Officer's Report for Public Hearings on the Proposed Revisions to the Water Quality Standards, Held July 21 to July 24, 1986, in Portland, Eugene, Medford, Bend, and La Grande

The Department held five public hearings around the state between July 21 and 24, on proposed amendments to water quality standards. The Department sent public notices of the hearing on June 18, 1986 and over 500 copies of the issue papers to those individuals on the DEQ water quality standards mailing list, local and state government agencies, as well as other persons who expressed an interest in the issues. In addition, the public hearing notice was published in the Secretary of States Bulletin on June 15, 1986, and in local and state newspapers prior to the hearing.

The first hearing was held in Portland at DEQ, 522 SW 5th Ave. The hearing convened at 9:00 a.m. on July 21, 1986. Mr. Tom Lucas, Water Quality Planning Manager, served as the Hearings Officer. Prior to receipt of testimony, Ms. Krystyna Wolniakowski, author of the water quality standards report, presented an overview of the water quality standards revision process and discussed the proposed amendments.

Following the presentation and brief question and answer period, the Hearings Officer opened the record to receive oral and written testimony. Mr. Lucas reminded everyone to fill out the witness registration sheets if they wished to speak, and announced that the record would be open until August 8, 1986. Eight people provided oral testimony. The hearing was adjourned at 10:15 a.m.

The remaining hearings followed the same format as the Portland hearing, with Mr. Lucas serving as the Hearing's Officer, and Ms. Wolniakowski presenting the proposed rules, with a question and answer period prior to conveneing the hearing. The second hearing was held in Eugene at the Lane County Courthouse, South Harris Hall, Public Service Building, 125 E. 8th Ave. at 7:00 p.m. on July 21, 1986. The majority of time was spent on questions and answers regarding DEQ water quality permit processes, and whether the Willamette River was polluted with toxic substances. One person provided oral testimony. The hearing was adjourned at 7:45 p.m.

The third hearing was held in Medford at the Jackson County Courthouse Auditorium, 10 S. Oaksdale, at 1:00 p.m. on July 22, 1986. Six people provided oral testimony. The hearing was adjourned at 2:15 p.m.

The fourth hearing was held in Bend at the City Council Chambers in City Hall, 710 N.W. Wall St., at 1:00 on July 23, 1986. Three people attended to ask questions, but no one testified. The hearing was adjourned at 1:20 p.m.

The final hearing was held in La Grande at Eastern Oregon State College, Room 309, Hoke Hall, 8th and K St., at 7:30 p.m. on July 24, 1986. No one attended. The hearing was adjourned at 8:00 p.m.

## RESPONDENTS

| Testimony No. | Organization | Oral | Written |
|---|---|---|---|
| 1. | COLUMBIA RIVER YACHTING ASSO.<br>Don Church | x | |
| 2. | NW MARINE TRADE ASSOC.<br>Rey Young | x | |
| 3. | OREGON FEDERATION OF BOATERS<br>A.F. "Al" Gwinner, President | x | x |
| 4. | CITY OF PORTLAND<br>Bill Gaffi | x | |
| 5. | CITY OF PORTLAND<br>Brown and Caldwell Consultants<br>Dan P. Norris | x | x |
| 6. | OREGON ENVIRONMENTAL COUNCIL<br>John Charles, Executive Director | x | x |
| 7. | ASSOCIATED OREGON INDUSTRIES<br>Tom Donaca, General Counsel | x | x |
| 8. | NW PULP AND PAPER ASSOCIATION<br>Terry Boner<br>Energy and Environmental Analyst | x | x |
| 9. | 1000 FRIENDS OF OREGON<br>Paul Ketcham, Senior Land Use Planner | | x |
| 10. | UNIFIED SEWERAGE AGENCY<br>Stanton LeSieur<br>Assistant General Manager | | x |
| 11. | U.S. FOREST SERVICE<br>John F. Butruille<br>Deputy Region Forester | | x |
| 12. | OREGON STATE UNIVERSITY<br>Dr. Robert G. Anthony, Professor | | x |
| 13. | PORTLAND GENERAL ELECTRIC<br>Dr. Lolita Carter<br>Environmental Scientist | | x |
| 14. | OREGON STATE SENATE<br>Dr. John Kitzhaber, Senate President | | x |

| Testimony No. | Organization | Oral | Written |
|---|---|---|---|
| 15. | STATE PARKS AND RECREATION DIVISION<br>John E. Lilly, Assistant Administrator | | x |
| 16. | SIERRA CLUB -- OREGON CHAPTER<br>Carol Lieberman, Issues Coordinator | | x |
| 17. | EPA RESEARCH LABORATORY<br>Dr. D. Phil Larsen<br>Team Leader for Aquatic Ecology | | x |
| 18. | NORTHRUP SERVICES<br>Bob Hughes, Environmental Scientist | | x |
| 19. | COLUMBIA RIVER INTER-TRIBAL FISH COM.<br>S. Timothy Wapato, Executive Director | | x |
| 20. | Thomas B. Habecker | | x |
| 21. | EPA, REGION 10<br>Rick Albright<br>Water Quality Standards Coordinator | | x |
| 22. | TIMBER AND WOOD PRODUCTS GROUP<br>Victor J. Kollock<br>Environmental Engineer | | x |
| 23. | WILDERNESS SOCIATY<br>Jean C. Durning, Regional Director | | x |
| 24. | NATIONAL MARINE FISHERIES SERVICE<br>Dale R. Evans, Division Chief | | x |
| 25. | CITY OF EUGENE<br>Christine Andersen, Public Works Director | | x |
| 26. | EUGENE WATER AND ELECTRIC BOARD<br>Douglas Wise, Water Supply Supervisor | | x |
| 27. | OREGON STATE SENATE<br>Lenn Hannon, State Senator<br>Jackson County District 26 | x | x |
| 28. | CITY OF ASHLAND<br>Brian Almquist, City Administrator | x | x |
| 29. | ROGUE VALLEY COUNCIL OF GOVERNMENTS<br>Bob Johnson, Medford Councilman<br>Eric Dittmer, Water Qualtiy Coordinator | x<br>x | x<br>x |

| Testimony No. | Organization | Oral | Written |
|---|---|---|---|
| 30. | CITY OF MEDFORD<br>Don Walker, City Engineer | x | |
| 31. | Myra Irwin | x | |
| 32. | CITY OF ASHLAND<br>L. Gordon Medaris, Mayor | | x |

## SUMMARY OF ORAL AND WRITTEN TESTIMONY

1. Don Church, Executive Vice President, Columbia River Yachting Association (Oral Testimony)

   Mr. Church wanted to go on record stating that a minimal amount of restrictions should be placed on boaters in relation to discharge of sewage from boats, since there were an inadequate amount of pump out stations located around the state in recreational boating areas.

2. Rey Young, Northwest Marine Trade Association (Oral Testimony)

   Mr. Young is representing over 900 members that sale and service over 15,000 boats under 65 feet in length. He expressed that the four pumping stations nearby are not adequate to service all the boats, so regulations should not be enforced unless more pumping stations are installed.

3. A.F. "Al" Gwinner, President and Executive Committeeman, Oregon Federal of Boaters, 7515 SW Miller Hill Road, Beaverton, OR 97007; 7/31/86 (Oral and Written Testimony)

   Requested a waiver from Coast Guard regulations enforcing marine sanitation device pumping. Since there are only 17 pump stations for 22,000 boats in the state, the enforcement of MSD regulations is unfair.

4. Bill Gaffi, City of Portland (Oral Testimony)

   Mr. Gaffi questioned whether a fiscal and economic analysis had been conducted on the proposed rules. The City of Portland retained Brown and Caldwell to evaluate the fiscal impact of the proposed rules.

5. Dan P. Norris, Executive Vice President, Brown and Caldwell Consulting Engineers, PO Box 11680, Eugene, OR 97440; 7/18/86 (Oral and Written Testimony)

   Mr. Norris provided suggestions for all three proposed rule amendments:

   Antidegradation: Mr. Norris supported the current policy and expressed concern that the proposed language eliminates flexibility in balancing inordinant economic effects on a community against the basic policy of maintaining surface water quality at present levels. He stated that a non-degradation policy for outstanding waters could be used to prohibit, for all time, any development either within, or upstream of any area that the state elects to designate as "exceptional waters of ecological or recreational significance."

   Mixing Zones: Mr. Norris supported the current rule for the mixing zone policy, but also expressed support of Version B over Version A if

a choice had to be made, since Version A appeared more lengthy and confusing. He offered the following language changes for 340-41-*__(4):

- Section (a) Delete "a stream" and insert "receiving water".

- Section (d) Delete D,E,F since these factors are controlled in the permit, and should not be readdressed in policy.

- Section (f) Delete "as necessary" and "at any time" and substitute "not more frequently than once every five years".

- Section (g) Delete "existing or potential" and insert "designated" so a discharger would not be subject to hypothetical future conditions.

Toxics:

- Section (A) Was appropriate;

- Section (B) Drinking water standards should only be applied where drinking water is a designated beneficial use;

- Section (C) Replace "show conclusively" with "indicate";

- Section (D) Bioassessments are expensive so if dischargers are to conduct the tests, the results should be acknowledged and discharge permits modified so the following sentence should be included "These studies, properly conducted, will be accepted as scientifically valid for the purposes of (C)."

6. John Charles, Executive Director, Oregon Environmental Council, 2637 SW Water Avenue, Portland, OR 97201; 8/8/86 (Oral and Written Testimony)

Mr. Charles provided comments on all three proposed rules:

Antidegradation: Mr. Charles supports the proposed language if a non-degradation standard is included for outstanding waters. However, he expressed concerns that the policy language did not adequately address nonpoint sources, nor does DEQ have the program in place to plan and implement nonpoint source controls. If the EQC wants to have a means of enforcing the antidegradation policy, the the Department must devise a way of implementing a nonpoint source program that requires rigorous source control by nonpoint sources, and not just best management practices. OEC offered their assistance to DEQ to draft

such a program. Mr. Charles also suggested that the criteria used as guidelines to allow water quality degradation in high quality waters should be formalized as part of the rule, rather than to serve as "in-house guidelines" to provide the public with a clear understanding of the decision process.

Mixing Zones: Mr. Charles suggested that Section (g) be changed to "The Department shall change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone adversely affects any existing or potential beneficial uses in the receiving water". This language preserves both regulatory flexibility and environmental quality, and makes the mixing zone policy more consistent with the proposed language in the antidegradation policy. He pointed out that the antidegradation policy establishes an absolute floor below which water quality will not be allowed to drop and all beneficial uses must be protected, but the proposed mixing zone policy contradicts this by using language such as no "significant or disproportionate" effects on beneficial uses in the mixing zone. Mr. Charles supports Version A of the mixing zone policy.

Toxic Substances: Mr. Charles stated that OEC supports adoption of sections (A)-(C), but recommends the following changes to (D): "Bioassessment studies which include instream monitoring and laboratory bioassays shall be conducted, as the Department deems necessary, to monitor the toxic effects of complex effluents or other suspected discharges. If toxicity occurs, the Department shall [consider] undertake measures necessary to reduce or eliminate toxicity. [through permit modification]." This change will make measures mandatory, not discretionary. Adding "or eliminate" puts dischargers on notice that corrective measures will be required. Eliminating "through permit modification" is necessary to indicate that the policy will apply to both point and nonpoint sources.

7. Tom Donaca, General Counsel, Associated Oregon Industries, PO Box 12519, Salem, OR 97309; 7/21/86 **(Oral and Written Testimony)**

Mr. Donaca commented on the three proposed rules. In general, he was concerned that revising the current rules was not necessary, except to satisfy EPA, and any changes would only bring uncertainty to the regulatory process.

Antidegradation: Mr. Donaca thought adding the word "important" was unnecessary. He was uncertain about the inclusion of "(F) other state designated exceptional waters of ecological or recreational significance". He asked what is meant by the this statement, who designates these waters, what is the public involvement process, can an open ended provision be part of the policy, and if so, is that an unauthorized use of legislative power by an administrative agency? He

suggested that the words "and permanently" be added after "cumulatively" in the last paragraph.

Mixing Zones: Mr. Donaca suggested that subsection (D) through (F) be deleted from the proposed rules because those requirements prevent any degradation of water quality in the mixing zone, making mixing zone water quality meet water quality standards, which then defeats the purposes of a "mixing zone". A definition of "chronic toxicity" should be included in the rules and that "available and appropriate" test organisms be used to assure that the test species is representative of the receiving water rather than a species selected for its availability. Mr. Donaca also added that the language should clarify what is meant by "lowest flow conditions". He suggested that a distinction be made betwen normal annual low flows and those low flows that occur during droughts.

Toxic Substances: Mr. Donaca suggested that in the first line after "present" the phrase"above natural levels" be inserted. He also recommended that "or may become" be deleted. In section (B) the actual substances included in the Federal Register should be included in the rule. In section (C) "scientifically valid" should be defined, or delete it and replace with more information on what kind of studies would be appropriate to make the required showing.

Mr. Donaca concluded his testimony with concerns about the fiscal impact of the proposed rules and suggested that an economic impact analysis be completed.

8. Terry Boner, Energy and Environmental Analyst, Northwest Pulp and Paper Association, 1300 114th Avenue Southeast, Suite 110, Bellvue, WA 98004; 8/6/87 (Oral and Written Testimony)

Ms. Boner provided comments on the proposed rules for mixing zones and toxic substances:

Mixing Zones:

- Language in (d)(F) would result in a de facto elimination of the mixing zone, since this section requires water quality standards to be met within that zone. By deleting (d) altogether or revising it to read "be free of sufficient to cause", water quality conditions would be preserved but not require that rigorous effluent water quality standards be met.

- Chronic toxicity bioassays should not be required within the mixing zone because EPA does not require it, testing methods are not sufficiently developed to provide consistent results, chronic tests are too expensive ($6000 per test), and too many questions remain as to what species to use, what timeframe is appropriate, what are the endpoints? Ms. Boner stated that dischargers already

conduct acute bioassays as part of the NPDES permits since lethal pollutant levels are prohibited at the pipe, or a short distance of the discharge. A chronic bioassay requirement is therefore, inappropriate.

- Language in (f) should be changed to read "The Department may [as necessary] require mixing zone monitoring...to be conducted [at any time]...within [and outside] the mixing zone boundary if the Department can demonstrate that conditions within the mixing zone unreasonably affect any existing beneficial uses in the receiving waters." This would prevent the Department from requiring bioassays at whim.

- Language in (g) should be revised to read " The Department may change a mixing zone designation... within a mixing zone if it unreasonably and measurably affects any existing [or potential] beneficial uses in the receiving waters, and an economically feasible alternative exists." The environmental benefit as well as the economic cost can be taken into account in any decision to relocate or redesign outfalls.

- Ms. Boner emphasized the need for a public hearing process for any major modifications to the policy, once adopted.

Toxic Substances: Ms. Boner requested that the bioassessment requirement be removed from the language, and recommended the following revisions:

- "Bioassessment studies shall be conducted, as the Department deems necessary , to monitor the toxicity of complex effluents or other suspected toxic discharges to aquatic life. If the effluent meets the toxic substances criteria the cost of any bioassay shall be borne by the Department. If toxicity occurs, the Department shall consider measures necessary to reduce toxicity through permit modification."

- Section (A) "Toxic substances shall not be [present] introduced above background levels in the waters of the state at levels which are [or may become] injurious to public health, safety, or welfare..." This language would account for naturally high levels of toxics, and would eliminate trying to define what may be injurious in the future.

9. Paul Ketchcham, Senior Land Use Planner, 1000 Friends of Oregon, 300 Willamette Building, 534 SW Third Avenue, Portland, OR 97204; 7/24/86 (Written Testimony)

Mr. Ketcham submitted testimony that outlined his concerns about the need to include the biological integrity mandate of the Federal Water Pollution Control Act in water quality standards. He stated that the

biological integrity mandate encompasses more than just the chemical and physical aspects of water quality, and includes aspects of habitat quality (substrate quality), stream structure, and pool volume. It was his observation that while water may be clear, the biological integrity of many streams appear to be significantly impaired for beneficial uses. Mr. Ketcham recommended that the Department strengthen the antidegradation policy by integrating the biological integrity mandate through appropriate amendments to the nonpoint source pollution program.

10. Stanton LeSieur, Assistant General Manager, Unified Sewerage Agency of Washington County, 150 N. First Avenue, Hillsboro, OR 97124; 7/31/86 (Written Testimony)

Mr. Lesieur commented on the three proposed rules:

Antidegradation: Mr. Lesieur supports the present policy and opposes any revisions because he believes that the proposed language would prevent the Department from evaluating discharges based on sound technical studies and adjusting discharges based upon correct water quality designations.

Mixing Zones: Mr. Lesieur supports Version B if (d)D-F are deleted. He also suggested changing "as necessary" and "at any time" to "no more frequently than one test during the life of the NPDES permit", to prevent arbitrary requests for expensive monitoring studies related to environmental effects of a mixing zone.

Toxic Substances: Mr. LeSieur recommended that "above natural background levels" be added after "present". He suggested that we review the standard for total dissolved chemical levels and believed that 100 mg/L may not be appropriate. He also requested that "scientifically valid studies" be defined. Mr. Lesieur concluded his testimony with a request that the Department conduct a more thorough economic impact analysis of the proposed rules.

11. John Butruille, Deputy Regional Forester, Forest Service, Pacific Northwest Region, 319 SW Pine, PO Box 3623, Portland, OR 97208; 7/24/86 (Written Testimony)

Mr. Butruille provided comments on the antidegradation policy. He supports the basic intent of the policy but was concerned about how it would be implemented. Specifically, how would the policy be applied to short term nonpoint sources in forested watersheds where the quality was consistently higher than existing standards, how would timber sale contracts which might temporarily change existing water quality be administered, and how would a series of temporary cumulative effects be measured to determine if a threshold had been exceeded? He expressed concern that with 73,000 miles of stream in the state and 1000 timber sales annually, predicting threshold levels

and tracking them without an extensive monitoring effort would be difficult.

12. Robert Anthony, Professor, Oregon State University, Department of Fisheries and Wildlife, Corvallis, OR 97331; 8/1/86 (Written Testimony)

Dr. Anthony supported the proposed revisions and stated that these standards would ultimately improve the quality of life and protect habitat for many fish and wildlife species. He recommended that a list of all the toxic substances be included from the EPA list with concentrations not to be exceeded. He also recommended adding selenium and mercury to the list since these heavy metals have a severe effect on wildlife.

13. Lolita Carter, Environmental Scientist, Portland General Electric, 121 SW Salmon Street, Portland, OR 97204; 8/5/86 (Written Testimony)

Dr. Carter expressed support for the standards review process but had concerns about specific requirements:

Antidegradation: Dr. Carter stated that several construction type activities that occur in waters of the state may cause cumulative effects but these effects are usually temporary.

Mixing Zones: Dr. Carter requested that acute bioassays should be:

- Conducted on a limited basis, such that if effluent has met the rules, then no further bioassays would be required unless concentrations of substances in the effluent have increased.
- Conducted only within the mixing zone.

Furthermore, she states that chronic bioassay methodolgy is too uncertain and would not be a valid regulatory requirement. She asked about what species would be used, test duration, testing variables, methodology, and whether the Department had the capability to establish chronic bioassay regulations that were equitable and not controversial.

Toxic Substances: Dr. Carter requested that a list of the toxics and maximum permissible concentrations be incorporated into the rule. She also stated that bioassays were not appropriate for basin standards regulation, and if the Department required them, then the Department should bear the costs.

14. John Kitzhaber, M.D., Senate President, Oregon State Senate, State Capitol, Salem 97310-1347; 8/6/86 (Written Testimony)

Dr. Kitzhaber provided comments on the Antidegradation Policy. Dr. Kitzhaber supports including State Scenic Waterways in order to

protect the water quality and maintain beneficial uses of these waters. He strongly encouraged expansion of the exceptional waters category to include Oregon river segments listed in Nationwide Rivers Inventory conducted by the Heritage Conservation and Recreation Service to aid in the protection of waters determined through comparative scientific evaluation to be of "exceptional recreational or ecological significance". He also supports inclusion of ODFW designated rivers for "wild fish" management to strengthen protection of instream fish habitat. Dr. Kitzhaber recommended that section (F) include federally designated waters, and that the word "exceptional" be changed to "outstanding" to include waters of both exceptional water quality, and those that are not of particularly high quality but deserving of protection. Dr. Kitzaber concluded by urging adoption of the proposed standards to preserve and protect water quality in Oregon's vitally important watersheds.

15. John E. Lilly, Assistant Administrator, Parks and Recreation Division, Department of Transportation, 525 Trade Street SE, Salem, OR 97310; 8/5/86 (Written Testimony)

Mr. Lilly supported the proposed revisions to the antidegradation policy, especially as it affects state scenic waterways and other outstanding natural resource waters.

16. Carol Lieberman, Issues Coordinator, Sierra Club, Oregon Chapter, 2506 NE Halsey, Portland, OR 97212; 8/7/86 (Written Testimony)

Ms. Lieberman expressed support and appreciation for the detailed issues analysis and proposed rules. She offered comments on all three proposed rules.

Antidegradation: Ms. Lieberman requested clarification of what level of water quality degradation triggers the antidegradation policy. She also requested that the criteria for allowing degradation be incorporated into the rule, and that a public evidentiary hearing based on a record be part of the decision process, where the burden of proof for justifying degradation lies with the proponent of the discharge or activity. In addition, she requested that the list of waters to which the more restricted degradation standard applies should be expanded to include those Oregon River segments included in the Nationwide Rivers Inventory by the Heritage Conservation and Recreation Service, and ODFW designated waters for wild trout management to protect productivity. Section (f) should be revised so that "designated" is repalced with "recognized", and such recognitions may be made by agencies as well as by legislative bodies. The section would then read "other high quality waters recognized by state, federal or local agencies for their exceptional ecological or recreational significance."

Mixing Zones: Ms. Lieberman expressed support for Version A since it clearly outlines the factors to be considered in defining a mixing zone, and supports provisions for monitoring and modification.

Toxic Substances: Ms. Lieberman generally supports the proposed standards but requested that advance publication of standards be published for the public in reviewing proposed toxic discharges.

17. D. Phil Larsen, EPA Laboratory, 200 SW 35th Street, Corvallis, OR 97333; 8/8/86 (Written Testimony)

Dr. Larsen provided comments on the antidegradation policy and toxic substances. Dr. Larsen supports the revisions but asked how anti-degradation applies to temporary disturbances in streams, and how high quality waters are defined. He also supported the provision for bioassessments and field monitoring for toxics, and requested that "EPA Health Advisories" for chemicals with insufficient data, be recognized as part of the standards.

18. Robert Hughes, Environmental Scientist, Northrup Services, 200 SW 35th Street, Corvallis, OR 97333; 8/12/86 (Written Testimony)

Mr. Hughes stated that he was impressed with how clearly the complex standards issues were covered and offered comments on the anti-degradation and mixing zone rules.

Antidegradation: Mr. Hughes suggested that the Department consider regional patterns and regional reference sites to develop objective measures for evaluating degradation or non-degradation of high quality waters. Specifically, he asked for definitions of terms such as "permanent", "high quality and outstanding resource waters", "necessary and justifiable economic and social development", "public", and " significant development". He asked if use designations were clear enough to determine if uses are fully protected. He also suggested adding National and State Forests and Rangelands to the list of outstanding waters.

Mixing Zones: Mr. Hughes supports adoption of Version A and described the James River discharge at Halsey in the Willamette as curently violating aesthetic and chronic toxicity standards by producing objectionable color and turbidity. He suggested that (f) read "The Department will require annual summer mixing zone monitoring studies and bioassays to be conducted to evaluate water quality or biological status within and outside the mixing zone boundary. Such monitoring studies will follow DEQ approved protocols and quality assurance procedures for site selection, sampling gear, collection methods, species ID and enumeration, data analysis, and reporting. Bioassays will be conducted on species native to the waters in question preferrably with species that are relatively common but sensitive to the discharge in question."

19. S. Timothy Wapato, Executive Director, Columbia River Inter-Tribal Fish Commision, 975 SE Sandy Boulevard, Suite 202, Portland, OR 97214; 8/8/86 **(Written Testimony)**

Mr. Wapato commented on the antidegradation policy. Mr. Wapato endorses the proposed rules to fully protect existing uses in all state waters, expand the exceptional waters category, and limit temporary disturbances that would result in adverse cumulative effects on beneficial uses. He commented that the proposed policy properly places the burden of proving the necessity of a reduction in water quality on the moving party, and mandates a cost/benefit analysis which provides a safeguard to the hazard of allowing cost/benefit analysis to undermine environmental protection. The CRITFC believes that instream monitoring, monitoring of point and nonpoint sources, and development of sedimentation and large organic debris criteria will be necesary to implement the policy.

Mr. Wapato asked for clarifications on what triggers the public involvement process required to permit reduction in water quality, and for definitions of "temporary disturbances". In order to prevent cumulative impacts, Mr. Wapato maintains that DEQ must have knowledge of, or be able to predict when and where activities will take place, which may require filing pre-activity plans so DEQ could stagger the timing and location of temporary disturbances. Mr. Wapato also described what the tribes consider full protection of existing uses in terms of their treaty rights to take fish. Their treaty right is a property right that entitles them to to that number of fish needed to satisfy their moderate living needs. Thus, full protection means that there must be no measureable impact on spawning, rearing, and passage capability of fish subject to treaty allocation. He concluded by emphasizing that the antidegradation policy must maintain a separation between the biological needs of fish and the economic needs of Oregon's communities.

20. Thomas B. Habecker, Route 3, Box 440, Cornelius, OR 97113; 8/6/86 **(Written Testimony)**

Mr Habecker commented on the antidegradation and mixing zone rules.

Antidegradation: Mr. Habecker reuested that the antidegradation policy include the following additional components: groundwater protection, hydraulic coupling between groundwater and surface water, hydraulic coupling between wastewater and ground water, and retaining control of closed impoundments.

Mixing Zones: Mr. Habecker requested that the Department consider control of water quality where mixing zones have hydraulic coupling with groundwater.

21. Rick Albright, Water Quality Standards Coordinator, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101; 8/11/86 (Written Testimony)

Mr. Albright strongly supported the proposed revisions and provided comments on all three proposed rules.

Antidegradation: The proposed language is consistent with EPA's national policy.

Mixing zones: Both versions are acceptable, and with either one, implementation guidelines need to be established. The Department needs to include a provision for prohibiting against multiple mixing zones overlapping or interacting to block migration of fish or other aquatic organisms.

Toxic Substances: Mr. Albright recommended that we add a provision to use published reports for toxic substances that do not have established criteria. He also requested that the wording for bioassessments be changed to include nonpoint sources.

22. Victor Kollock, Environmental Engineer, Timber and Wood Products Group, PO Box 8328, Boise, Idaho 83707; 8/7/86 (Written Testimony)

Mr. Kollock provided comments on the antidegradation policy. He requested clarification on who designates waters for special protection, what authority enables them to do so, how is the public involved in the designation process, and how will the state determine cumulative impacts of numerous short term disturbances. He also stated that a non-degradation clause for specially designated waters goes far beyond the federal policy and is inappropriate.

23. Jean Durning, Regional Director, Wilderness Society, 1424 Fourth Avenue, Room 822, Seattle, WA 98101; 8/8/86 (Written Testimony)

Ms. Durning offered comments on the antidegradation policy. She stated that the proposed rules should be amended to include verbatim the federal antidegradation policy. This would require the addition of the following sentence "Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best mangement practices for nonpoint source control." She also recommended including a provision that if a Director needs to lower water quality for emergency purposes, that water quality will be adequate to maintain and protect existing beneficial uses fully. Ms. Durning commended the Department for considering the effects of cumulative impacts, but recommended that the provision be amended to include all surface water of the state. She also urged the adoption of a classification system to designate outstanding waters of the

state. Finally, she recommended that the Department address the issue of watershed restoration.

24. Dale R. Evans, Division Chief, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 847 NE 19th Street, Suite 350, Portland, OR 97232-2279; 8/8/86 (Written Testimony)

Mr. Evans supports the proposed revisions to the rules.

25. Christine Andersen, City of Eugene Public Works Director; William Pye, Metropolitan Wastewater Manager; Dan Brown, City of Springfield Public Works Director, Eugene-Springfield Metro Water Pollution Control Facility, 410 River Avenue, Eugene, OR 97404; 8/1/86 (Written Testimony)

Comments were received on the mixing zone and toxic substances rules:

Mixing Zones: The requested clarifications on the status of emergency outfalls at wastewater treatment plants and stormwater outfalls, whether they would violate the provision against exposed outfalls. They support both versions of the policy if a provision was included on public notification if any changes to the policy would occur.

Toxic Substances: They requested clarification on acceptable bioassay procedures and when they will be required, as well as the steps that would be required if an effluent was found to be toxic.

26. Douglas Wise, Water Supply and Treatment Supervisor, Eugene Water and Electric Board, 500 E. 4th Avenue, Eugene, OR 97401; 7/23/86 (Written Testimony)

Mr. Wise supports the intent and language of the proposed amendments, but requested clarification on how to obtain information on what toxic substances are included in the standards, and how they are currently enforced using current DEQ methods and procedures.

27. Lenn Hannon, State Senator, Jackson County, District 26, Oregon State Senate, State Capitol, Salem, OR, 97310-1347; 7/21/86 (Oral and Written Testimony)

Senator Hannon expressed concern about how the antidegradation policy will apply to the cleaning out of drinking water impoundments that may cause residue to flow from a secondary stream into a major waterway designated for special protection. He urged the Department to work closely with local governments that may be adversely impacted by the proposed rules.

28. Brian Almquist, City Administrator, City of Ashalnd City Hall, Ashland, OR, 97520; 7/22/86 (Oral and Written Testimony)

Mr. Almquist commented on the antidegradation policy. Mr. Almquist described the drinking water reservoir situation in Ashland and requested clarification on how the proposed rule would impact Ashlands maintenance and operations on Ashland Creek since it eventually flows into the Rogue River, classified as a Wild and Scenic River. He stated that he would oppose the proposed rule if it prohibited or restricted Ashlands water supply operation.

29. Bob Johnson, Medford Councilman, and Eric Dittmer, Water Quality Coordinator, Rogue Valley Council of Governments, 155 S. Second Street, P.O. Box 3275, Central Point, OR, 97502; 7/25/86 (Oral and Written Testimony)

The RVCOG requested clarifications on the following issues:

- How will the policy be implemented?
- How is Bear Creek classified for water quality?
- Which beneficial uses receive priority?
- Since Bear Creek does not meet standards, can it be degraded?
- Can activities be grandfathered?
- Do all streamside residents have equal opinion rights?

The RVCOG strongly urged the Department to consider the fiscal impacts of the proposed rule, and to work closely with the local governments in implenting policies adopted.

30. Don Walker, City Engineer, City of Medford (Oral Testimony)

Antidegradation: Requested that the present antidegradation policy be retained until all the questions are answered that were brought up by the previous witnesses. Mr. Walker also requested that another meeting be held after the testimony is reviewed to give the City a chance to comment based on knowledge of how the antidegradation policy will be implemented.

Mixing Zones: Prefers Version B with the following deletions, change "measurably" and insert "significantly", in Section (C) because part (b) expressly states that water quality standards in the mixing zone may be suspended. If there is a long term water quality reduction in the mixing zone, then it is reasonable to assume that some biological impacts may occur. This provision is in direct conflict with the

mixing zone parameters. He also recommended that sections (D)-(F) be deleted because these are adequately addressed in the discharge permit and should not be part of the policy itself. In (f), Mr. Walker stated that conducting biomonitoring tests was very expensive. If DEQ requires these tests, then DEQ should bear all costs associated with these tests as part of the policy. In (g), he requested that the word "potential" be deleted because it places the discharger in the position of trying to meet some future unknown hypothetical use which is an undue hardship.

Toxic Substances: Recommended adopting the proposed language with the following changes: In (C), change "show conclusively" to "indicate" because it is nearly impossible to show impacts conclusively. In (D), include language that places the cost of biomonitoring on the DEQ, if they require it.

31. Myra Erwin, Resident, City of Ashland (Oral Testimony)

Antidegradation: Ms. Erwin requested that DEQ specify whether employment growth be temporary or permanent.

32. L. Gordon Medaris, Mayor, City of Ashland City Hall, Ashland, OR 97520; 8/6/86 (Written Testimony).

Mr. Medaris urged the Department to delay adoption of any rule-making until all the questions have been resolved on how the proposed antidegradation policy would affect the operation and maintenance of Reeder Reservoir, Ashlands drinking water reservoir.

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ATTACHMENT E

# MIXING ZONE POLICY:

# OVERVIEW AND RESPONSE TO TESTIMONY

A. Introduction

B. Proposed Rule

C. Major Issues

D. Response to Issues Raised during Public Testimony

E. Rule Revisions by Section

ATTACHMENT E

# MIXING ZONE POLICY

## Overview and Response to Testimony

### A. INTRODUCTION

A mixing zone is defined as a portion of a stream or waterbody that serves as a zone of initial dilution where wastewater and receiving waters mix, and where numeric water quality may be legally exceed. However, aesthetics and beneficial uses should be protected within the mixing zone, and water quality standards must be met at the mixing zone boundary.

The Department modified the mixing zone policy to address:

1. How mixing zones are defined (Version A incorporates guidelines used to establish mixing zones, whereas Version B refers only to the criteria that should be considered, as necessary, to establish mixing zones. See Attachment G for detailed explanation).

2. What information an applicant with a proposed discharge must provide.

3. When biomonitoring may be required.

4. Under what conditions would a mixing zone designation be changes. Although the current policy prohibits acute toxicity in the mixing zone, the proposed rule amendment went one step further to also prohibit chronic toxicity in the mixing zone.

Acute toxicity is defined as the concentration of toxic substance that causes 50 percent mortality of test organisms within 96 hours. Chronic toxicity involves long-term sublethal effects where reproductive failure occurs or where growth and development are significantly impaired, over a given testing period (based on test organism life cycle).

The Department proposed these revisions to update the rules, and clarify both the intent and the procedures used for mixing zone designations.

### B. PROPOSED RULE

The proposed rule that went to hearing is as follows:

340-41-*__(4) Mixing Zones:

(4) Mixing Zones

(a) The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix.

(b) The Department may suspend all or part of the water quality standards, or set less restrictive standards in the defined mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and must not adversely impair any designated beneficial uses. Water quality standards must be met at the mixing zone boundary even under the lowest flow conditions.

(c) In determining the location, surface area, and volume of a mixing zone area, the Department may refer to appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters and effluent and the placement of the outfall, whenever necessary to protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall assign a mixing zone in the immediate area of waste water discharge on a case-by-case basis in the waste water discharge permit.

(d) The mixing zone shall:

(A) be as small as feasible;

(B) be less than the total stream width as necessary to allow passage of fish and other aquatic organisms;

(C) not measureably affect the indigenous biological community especially when important species are present;

(D) not threaten public health;

(E) not adversely affect other designated beneficial uses;

(F) and be free of:

(i) materials in concentrations that will cause acute (96HLC50) or chronic toxicity to aquatic life

(ii) materials that will settle to form objectionable deposits

(iii) floating debris, oil, scum, or other materials that cause nuisance conditions

(iv) substances in concentrations that produce objectionable color, odor, taste, or turbidity

(v) substances in concentrations that produce nuisance aquatic growth

(e) The Department may request the applicant of a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

(A) type of operation to be conducted;

(B) characteristics of effluent flow rates and composition;

(3) characteristics of low flows of receiving waters;

(4) description of potential environmental effects;

(5) proposed design for outfall structures.

(f) The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary.

(g) The Department may change a mixing zone deignation or outfall location if it determines that the water quality within the mixing zone unreasonably and measureably affect any existing or potential beneficial uses in the receiving waters.

## C. MAJOR ISSUES

The major issues raised during the hearing process by several respondents were as follows:

1. The uncertainty of chronic toxicity testing methods and whether the results would be reliable for regulatory purposes;

2. The requirement to preserve aesthetic conditions within the mixing zone; and

3. The frequency of bioassay tests required by the Department.

## D. RESPONSE TO ISSUES RAISED DURING PUBLIC TESTIMONY

### 1. Chronic Toxicity

The discharge of substances that may be acutely toxic to aquatic life is strictly prohibited even within the mixing zone. Acute toxicity is defined as the concentration of a substance that causes 50 percent mortality in 96 hours of exposure. Toxicity is measured by bioassaying representative aquatic organisms and observing their survival. However, toxicity effects may be chronic, where mortality does not occur, but reproductive failure, or abnormal growth does occur. The Department has been concerned about potential chronic toxicity effects within and outside the mixing zone, and included language to regulate it in the proposed rule.

Based on public testimony, an evaluation of the effluent discharged into public waters, and the developmental stage for chronic toxicity testing, the Department will retain the provision prohibiting acute toxicity in the mixing zone, but revise chronic toxicity requirement to prohibit chronic toxicity at the boundary of the mixing zone in the rule. The Department will continue to conduct chronic toxicity tests on effluents and refine standardized testing procedures, if a problem is suspected. If a chronic toxicity problem exists outside the mixing zone, the Department will evaluate and address it on a case-by-case basis, and work with the discharger to determine if the chronic toxicity can be reduced through changes in threatment processes.

### 2. Aesthetic Quality

The current mixing zone policy states that standards for aesthetic conditions cannot be suspended in the mixing zone. The Department retained this provision in the proposed rule, but provided a more explicit definition of aesthetic quality conditions in section (F).

Several respondents expressed concern about "preserving" aesthetic quality conditions in the mixing zone and requested that aesthetics be entirely deleted from the policy. The Department believes that the purpose of the mixing zone is to dilute wastewater. It is not a zone of total degradation littered with debris or scum deposits. Debris, oils, and insoluable deposits cannot be diluted, and should not be present in receiving waters, within or outside the mixing zone, because beneficial uses outside the mixing zone may be disproportionately

affected by the presence of these substances. However, the mixing zone may, on occasion, contain some acceptable levels of color or turbidity, so reference to regulating these aesthetic conditions within the mixing zone was deleted. It is desirable, though, to minimize the occurance of these conditions to protect beneficial uses outside the mixing zone.

3. Frequency of Biomonitoring

Several respondents were uncertain how often mixing zone studies or bioassays would be required under the proposed rules, and what the economic impact would be to the dischargers. For major dischargers, the Department requires bioassays to be conducted twice a year as part of the NPDES permit conditions. If a complaint is registered, or if a treatment process has changed during the permit period, the Department may require the tests more frequently. However, the Department conducts the tests, or requires the discharger to conduct the tests, only as often as is necessary for the purposes of aquatic life protection. A chemical composition analysis is not always indicative of toxicity potential, so bioassays assist in screening the effluents to assure that toxic conditions are not present in the mixing zone. If toxicity tests demonstrate acute mortality, or reproductive failure in chronic tests, the Department conducts as evaluation of the effluent to determine the cause, and confers with the discharger to reduce or eliminate the toxicity.

Although bioassays can be expensive, the requirement already in place for semi-annual testing is within reason for most major dischargers. It is unlikely that the final rules will significantly increase the fiscal impact to dischargers, based on review of the current requirements.

## E. RULE REVISIONS BY SECTION

The following discussions compare the proposed rule language that went to hearing, with the final recommended rule language. The final recommended rule language is based on staff evaluation of testimony and requirements to be consistent with federal and state laws and Department policies. The [bracketed] phrases are those that will be eliminated from the proposed rule language, and the underlined phrases are those added, based on testimony. Explanations for the changes follow each section.

When the mixing zone policy went to hearing, two versions were proposed. Version A (see Attachment G) included a large list of factors to be considered in designating mixing zones. Based on

testimony, and Department staff review, Version A will not be considered. The factors included in Version A are best used in a guidance manual rather than in a rule. Version B will be incorporated into the standard and serve to guide the Department, while still retaining flexibility in designating mixing zones.

## VERSION B

### Section (a)

Proposed Rule Language:

(a) The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix.

Final Rule:

(a) The Department may allow a defined portion of a [stream] receiving water to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix.

Discussion:

The Department agrees that deleting "stream" and inserting "receiving water" recognizes that not all receiving waters are streams.

### Section (b)

Proposed Rule Language:

(b) The Department may suspend all or part of the water quality standards, or set less restrictive standards in the defined mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and must not adversely impair any designated beneficial uses. Water quality standards must be met at the mixing zone boundary even under the lowest flow conditions.

Final Rule:

(b) The Department may suspend all or part of the water quality standards, or set less restrictive standards in the defined mixing zone [. However, the water quality in this zone must

preserve aesthetic conditions at all times and must not adversely impair any designated beneficial uses.], except those standards relating to aesthetic conditions. However, water quality standards must be met at the mixing zone boundary [even] under [the lowest] normal annual low flow conditions.

The mixing zone shall be free of:

[i] (A) materials in concentrations that will cause acute (96HLC50) toxicity to aquatic life within the mixing zone. Acute toxicity is measured as the lethal concentration that causes 50 percent mortality of organisms within a 96-hour test period.

(B) materials in concentrations that will cause chronic (sublethal) toxicity at the boundary of the mixing zone. Chronic toxicity is measured as the concentration that causes long-term sublethal effects such as significantly impaired growth or reproduction of aquatic organisms during a testing period based on test species life cycle. Procedures and end points will be specified by the Department in the waste water discharge permits.

[ii](C) materials that will settle to form objectionable deposits;

[iii](D) floating debris, oil, scum, or other materials that cause nuisance conditons;

[iv substances in concentrations tht produce objectionable color, odor, taste, or turbidity]

[v] (E) substances in concentrations that produce [nuisance aquatic growth] deleterious amounts of fungal or bacterial growths.

Discussion:

"Lowest flow conditions" implied that standards must be met even under occasional drought conditions, several respondents stated. The intent of the language was to emphasize that standards should be met during the critical times of the year when flows are normally low (usually defined as 7Q10) due to out of stream uses and weather conditions. The revised language more accurately reflects the intent of this requirement.

In addition, reference to aesthetic conditions and other conditions within the mixing zone was revised. A part of Section (d) was inserted in Section (b) to better define conditons to be met within the mixing zone.

Many respondents agreed that acute toxicity should be prohibited within the mixing zone, but several questioned whether chronic

toxicity should be prohibited within the mixing zone, given the limited methodologies available for conducting and evaluating chronic toxicity bioassays. The Department believes that a provision for prohibiting chronic toxicity at the mixing zone boundary would be adequate to protect downstream aquatic life, while realistically allowing the mixing zone to serve as a zone of dilution. If chronic toxicity within or outside a mixing zone does occur, the Department will evaluate whether the impacts to the indigenous biological community are significant, and if so, what site-specific follow-up measures might be necessary. Any bioassay tests, acute or chronic, need to utilize the most appropriate representative organisms to measure site-specific conditions. Definitions for acute and chronic tests are included in the rule.

Several comments were received that requested deletion of subsections to aesthetics since they believed these sections were too restrictive and defeated the purposes of a mixing zone. It is the policy of the Department to allow less restrictive standards in the mixing zone, but aesthetics and public health should be protected as best as possible, to avoid total degradation of an area, and not adversely affect beneficial uses outside the mixing zone. However, reference to regulating color, taste, odor, or turbidity in the mixing zone was deleted. These conditions must be acceptable at the boundary of the mixing zone to meet standards.

"Important species" are defined as those that could be either economically important or ecologically vital to a biological community. It could be an organism that is present with"endangered status", or a species, such as anadromous fish, that are protected by Indian Treaty Rights for their religious and economic significance.

Section (c)

Proposed Rule Language:

(c) In determining the location, surface area, and volume of a mixing zone, the Department may refer to appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters, effluent, and the placement of the outfall, whenever necessary to protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall assign a mixing zone in the immediate area of waste water discharge on a case-by-case basis in the waste water discharge permit.

Final Rule:

(c) The limits of the mixing zone shall be described in the waste water discharge permit. In determining the location, surface area, and volume of a mixing zone area, the Department may [refer

to] use appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters, and effluent, and the most appropriate placement of the outfall [whenever necessary] to protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall [assign] define a mixing zone in the immediate area of a waste water discharge [on a case-bycase basis in the waste water discharge permit.] to:

(A) be as small as feasible;

(B) not overlap with any other mixing zones and be less than the total stream width as necessary to allow passage of fish and other aquatic organisms;

(C) not [measurably] significantly affect the indigenous biological community especially when important species are present;

(D) not threathen public health;

(E) not adversely affect other designated beneficial uses[;] outside the mixing zone disproportionately.

Discussion:

(A) through (E) in Section (d) were inserted into section (c) for clarification in defining mixing zone. Respondents and Department staff believed that this section adequately indicates what factors should be considered in designating a mixing zone without specifically stating them in the standards. This language would enable the Department to make necessary updates, revisions, or modifications in the factors to be considered without Commission approval for each technical change. A more comprehensive guide to establishing mixing zones would be appropriate as a guidance document, and is currently being developed by the Department to serve as a tool to design and designate appropriate mixing zones. In addition, a provision for prohibiting multiple, overlapping mixing zones in Subsection (B) was included, as was requested in the testimony.

Section (d)

Proposed Rule Langauge:

(d) The mixing zone shall:

(A) be as small as feasible;

(B) be less than the total stream width as necessary to allow passage of fish and other aquatic organisms;

(C) not measurably affect the indigenous biological community especially when important species are present;

(D) not threaten public health;

(E) not adversely affect other designated beneficial uses;

(F) and be free of:

(i) materials in concentrations that will cause acute (96HLC50) or chronic toxicity to aquatic life;

(ii) materials that will settle to form objectionable deposits;

(iii) floating debris, oil, scum, or other materials that cause nuisance conditions;

(iv) substances in concentrations that produce objectionable color, odor, taste, or turbidity; and

(v) substances in concentrations that produce nuisance aquatic growth.

Final Rule:

(d) This section was revised with (A) through (E) inserted in Section (c), and (F)(i) through (v) inserted in Section (b) for clarification and better organization.

Section (e)

Proposed Rule Language:

(e) The Department may request the applicant of a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

(A) type of operation to be conducted;

(B) characteristics of effluent flow rates and composition;

(C) characteristics of low flows of receiving waters;

(D) description of potential environmental effects;

(E) proposed design for outfall structures.

Final Rule:

(d) Same as proposed rule language.

Discussion:

Since no comments were received on this section, the language will be retained as proposed, but Section (e) was changed to (d).

Section (f)

Proposed Rule Language:

(f) The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary.

Final Rule:

(e) Same as proposed rule language.

Discussion:

The language will remain the same based on evaluation of the testimony received. One respondent requested that the Department place a time line on how often bioassays will be required (i.e., once every five years), and objected to studies conducted outside the mixing zone. The Department usually requires bioassays to be conducted twice a year for major dischargers, and less often for minor dischargers, to assure protection of aquatic life. If a toxicity problem is suspected, the Department may request bioassays to be conducted more often.

To conduct mixing zone studies, sampling outside of the mixing zone boundaries is necessary to determine background conditions, and compare with conditions within the mixing zone.

One respondent requested that the Department include very specific language on the protocol of monitoring and bioassay activities as part of the mixing zone rule. The Department believes that such specific language in the rule is not necessary, and is more appropriate within lab and field monitoring guidelines.

Section (f) was changed to (e) to reflect new numbering system.

Section (g)

Proposed Rule Language:

(g) The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone unreasonably and measurably affect any existing or potential beneficial uses in the receiving waters.

Final Rule:

(f) The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone [unreasonably and measurably] adversely affects any existing [or potential] beneficial uses in the receiving waters.

Discussion:

The language was changed to provide more consistent terms with other parts of the rule, and to eliminate addressing hypothetical beneficial uses potentially designated in the future. Section (g) was changed to (f) to reflect new numbering system.

WUK:h
WH2114

ATTACHMENT F

# TOXIC SUBSTANCES STANDARD:

# OVERVIEW AND RESPONSE TO TESTIMONY

A. Introduction

B. Proposed Rule

C. Major Issues

D. Response to Issues Raised during Public Testimony

E. Rule Revisions by Section

ATTACHMENT F

# TOXIC SUBSTANCES STANDARDS

## Overview and Response to Testimony

## A. INTRODUCTION

The following overview describes the proposed rule amendments to the toxic substances standards, the major issues raised during the public hearing process, and a response to those issues. A comparison will be made between the proposed language, and the final recommended language that incorporates comments from the public and Department staff.

The control of toxic substances is crucial to maintain water quality standards and to protect the public and the environmental from unreasonable risks resulting from exposure to toxic substances. The Department revised the current toxic substances standards to incorporate the most up-to-date information and references available for controlling toxic substances.

The current toxics standards are addressed in two rules, Pesticides and other Toxic Substances (340-41-___(2)(p)) and Dissolved Chemical Substances (340-41-___(2)(o)). The Department combined the two rules and created one rule that addressed all toxic substances since the same EPA regulatory document applied to both. Quality Criteria for Water (1986) summarzies the aquatic life and human health toxicity limits, and establishes criteria or guidance values for pollutants.

## B. PROPOSED RULE

The proposed rule that went to hearing is as follows:

340-41-__(2)(p) Toxic Substances

(A) Toxic substances shall not be present in the waters of the state at levels which are or may become injurious to public health, safety, or welfare; aquatic life; or other designated beneficial uses.

(B) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1976), 40 CFR Parts 141-143 (1985) for drinking water; and the Federal Registers November 28, 1980, 45 FR 79318 for sixty-four pollutants, February 15, 1984, 49 FR 5831 for dioxin, and July 29, 1985, 50 FR 30784 for nine pollutants.

(C) These criteria shall apply unless data from scientifically valid studies show conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount

or that a more restrictive criterion is warrented to protect beneficial uses.

(D) Bio-assessment studies shall be conducted, as the Department deems necessary, to monitor the toxicity of complex effluents or other suspected discharges to aquatic life. If toxicity occurs, the Department shall consider measures necessary to reduce toxicity through permit modification.

## C. MAJOR ISSUES

Respondents supported the proposed rule language, with a few suggested wording changes. Specifically, they requested:

1. A list of chart of the priority pollutants and criteria or guidance values.

2. A definition of "scientifically valid" studies, how they would be applied in defining criteria values, and who would be responsible for providing that information.

3. A provision for control of nonpoint sources of toxic substances as well as point sources.

4. A provision to undertake measures to reduce or eliminate toxicity, rather than just "consider" toxicity controls.

## D. RESPONSE TO ISSUES RAISED DURING PUBLIC TESTIMONY

### 1. Criteria Values

When the proposed rules went to hearing, the EPA criteria lists were published in several Federal Register Notices and these were referenced in section (B) of the proposed language. Since the public hearings, EPA has summarized and consolidated the information from these publications into one document, Quality Criteria for Water (1986). In the final language, Quality Criteria for Water (1986) replaces the list of Federal Register publications.

The criteria values included in Quality Criteria for Water (1986) can be divided into two categories. The first category consists of priority pollutants for which EPA has published numeric criteria. EPA has published 26 aquatic life criteria and 123 human health criteria for the 126 priority pollutants on the list. These criteria are based on results from rigorous tests conducted on many sensitive species, and are considered to be the best available scientific information. EPA requires that the

states adopt these criteria as standards not to be exceeded in order to protect aquatic life and human health.

The second category consists of priority pollutants for which EPA has published recommended guidance values. These guidance values are based on fewer tests, rather than values derived based on a series of rigorous tests with many organisms. These values are meant to serve as guidelines, and should be evaluated on a site specific basis in conjunction with bio-assessment techniques, if they are used as standards.

2. Scientifically Valid Studies

If no numeric criteria or guidance values exist for a toxic substance of concern, the Department consults the EPA Water Quality Advisories for human health and aquatic life, and any site-specific "scientifically valid" studies, if available. These guidances values from these sources, in combination with biomonitoring, are used to establish appropriate limits for specific toxicants, as well as for whole effluent toxicity. The Department defines "scientifically valid" as those studies where data have been systematically collected and statistically analyzed, and the results are reproducible, defensible, and statistically significant.

If a numerical criteria value is challenged by a discharger as inappropriate for a permit based on site specific conditions, it is their responsibility to submit the necessary supporting evidence to the Department for review and evaluation. If the Department concurs, the criteria value may be adjusted conditional upon follow-up biomonitoring studies to assure full protection of beneficial uses.

3. Nonpoint Sources of Toxics

Several respondents expressed concern that the reduction or elimination of toxic substances should apply to both point and nonpoint sources. The proposed language stated that the Department would consider measures necessary to reduce toxicity through "permit modification", which implied point source control strategies. The Department has modified the language in the final rule by deleting the reference to permit modification, and inserting that toxicity reduction would be evaluated on a case-by-case basis. This revision would apply to both point and nonpoint sources.

4. Toxicity Evaluation and Reduction

The new Clean Water Act of 1987 passed by Congress mandates implementation of programs to control the discharges of certain toxic pollutants to surface waters where water quality is now

impaired. In carrying out the requirements of the toxics control provisions in the CWA, the Department will be developing and implementing a progressive program to inventory waterbodies that may require controls for toxic pollutants, to determine the specific point sources suspected of impairing water quality by discharging toxics, to determine the amount of each toxic pollutant discharged by each of these point sources, and to develop control strategies for toxic pollutant load reduction that focuses on high priority areas where improvements will result in the greatest environmental benefit. In addition, the Department needs to assess where additional water quality information is necessary to determine the contribution of toxics from nonpoint sources as well as point sources. During 1987-1988, the Department will complete a Toxic Control Implementation Plan.

## E. RULE REVISIONS BY SECTION

The following discussions compare the proposed rule language that went to hearing, with the final recommended rule language. The final recommended rule language is based on staff evaluation of testimony and requirements for consistency with federal and state laws and Department policies. The [bracketed] phrases are those that will be eliminated from the proposed rule language, and the underlined phrases are those added, based on testimony. Explanations for the changes follow each section.

### Section (a)

Proposed Rule Language:

340-41-__(2)(p)

(a) Toxic substances shall not be present in the waters of the state at levels which are or may become injurious to public health, safety, or welfare; aquatic life; or other designated beneficial uses.

Final Rule:

(A) Toxic substances shall not be [present] introduced above natural background levels in the waters of the state [at levels] in amounts, concentrations or combinations, which [are or may become injurious to] may be harmful, may chemically change to harmful forms in the environment, or may bioaccumulate to levels that adversely affect public health, safety, or welfare; aquatic life; or other designated beneficial uses.

Discussion:

These changes were made to recognize that certain toxic substances may be present under natural conditions, and the intent is to prevent introduction above background concentrations. The phrase "or may become" was unclear in terms of whether it meant a chemical may be toxic in the future, or whether a chemical may degrade to a more toxic form. This language was clarified by explaining that toxic substances that may chemically change to more harmful forms, or may bioaccumulate would be prohibited. The section (a) was changed to (A) to be consistent with rule nomenclature.

Section (b)

Proposed Rule Language:

(b) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1976), 40 CFR Parts 141-143 (1985) for drinking water; and the Federal Registers November 28, 1980, 45 FR 79318 for sixty-four pollutants, February 15, 1984, 49 FR 5831 for dioxin, and July 29, 1985, 50 FR 30784 for nine pollutants.

Final Rule:

(B) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (19[7]86).[40 CFR Parts 141-143 (1985) for drinking water; and the Federal Registers November 28, 1980, 45 FR 79318 for sixty-four pollutants, February 15, 1984, 49 FR 5831 for dioxin, and July 29, 1985, 50 FR 30784 for nine pollutants.] List of the criteria values are presented in Table 20.

Discussion:

The Quality Criteria for Water (1986) document includes summaries of all the contaminants for which EPA has developed human health and aquatic life criteria recommendations, so all the references for the Federal Registers and CFR are no longer necessary. The list of contaminants included in the Quality Criteria for Water (1986) will be added to the rule. Section (b) was changed to (B) for correct rule nomenclature.

Section (c)

Proposed Rule Language:

(c) These criteria shall apply unless data from scientifically valid studies show conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more restrictive criterion is warrented to protect beneficial uses.

Final Rule:

(C) These criteria shall apply unless data from scientifically valid studies [show conclusively] demonstrate that the most sensitive designated beneficial uses will not be adversely affected by exceeding a criterion, as evaluated by the Department on a site specific basis [by a specific amount] or that a more restrictive criterion is warrented to protect beneficial uses. Where no published EPA criteria exist for a toxic substance, public health advisories and other published scientific literature may be considered and used, if appropriate, to set guidance values.

Discussion:

As was mentioned in previously, scientifically valid studies can be defined as those studies where data was statistically significant, reproducible, and defensible. The Department retained the language from the proposed rule to the final rule to assure that information considered in any regulatory decision is of the highest quality and credible. The Department chose to change "show conclusively" to"demonstrate" since this indicates a more realistic and appropriate term.

Respondents also suggested that health advisories and published reports be included as part of the rule to address substances where no published EPA criteria exists. Since the Department considers health advisories as "scientifically valid" information, these documents will be consulted prior to any decisions regulating toxic substances in the absence of criteria. Section (c) was changed to (C) to be consistent with rule nomenclature.

Section (d)

Proposed Rule Language:

(d) Bio-assessment studies shall be conducted, as the Department deems necessary, to monitor the toxicity of complex effluents or other suspected discharges to aquatic life. If toxicity occurs,

the Department shall consider measures necessary to reduce toxicity through permit modification.

Final Rule:

(D) Bio-assessment studies such as laboratory bioassays or instream measurements of indigenous biological communities, shall be conducted, as the Department deems necessary, to monitor the toxicity of complex effluents [or], other suspected discharges, or chemical substances without numeric criteria, to aquatic life. These studies, properly conducted in accordance with standard testing procedures, will be considered as scientifically valid for the purposes of (C). If toxicity occurs, the Department shall [consider] evaluate and implement measures necessary to reduce toxicity [through permit modification] on a case-by-case basis.

Discussion:

The Department agrees that toxicity studies could be used as scientific evidence in evaluating whether a permit limit or best management practices should be modified to protect beneficial uses. By adding "evaluate and implement", the Department demonstrates a commitment to action to reduce toxicity in the most feasible and practical manner, on a case-by-case basis. Deleting "permit modification"is necessary to indicate that the policy will apply to both point and nonpoint sources of toxic substances.

Section (d) was changed to (D) for correct rule nomenclature.

KUW:h
WH2115

ATTACHMENT G

June 13, 1987

EQC STAFF REPORT

ATTACHMENT G

Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. H, June 13, 1986 EQC Meeting,

Request for authorization to conduct public hearings on proposed amendments to the Water Quality Standards Regulation, OAR 340, Chapter 41: Antidegradation Policy, Mixing Zone Policy, and Toxic Substance Standards

Background

OR 468.735 provides that the Environmental Quality Commission, by rule, may establish standards of quality and purity for waters of the state. Present water quality standards contained in Oregon Administrative Rules (OAR Chapter 340 Division 41) were adopted in December 1976. The Commission adopted revisions to these standards in September 1979, July 1985, and added nuisance aquatic growth standards in March 1986.

The Clean Water Act (Public Law 92-500, as amended) requires the state to hold public hearings, at least once each three years, to review applicable water quality standards. To comply with provisions of the Act, the Department conducted statewide hearings in Spring 1984 to solicit comments on a concept to modify the fecal coliform standard from year-round application to a seasonal application. In addition, the Department solicited suggestions for proposing amendments or modifications to the present standards.

At the July 19, 1985 Environmental Quality Commission meeting Agenda Item I, Proposed Adoption of Amendments to Water Quality Standards Regulation, was considered by the Commission. The report presented the public testimony from the 1984 public hearings. The Department received specific proposals from the public on changes to the water quality standards including mixing zones, antidegradation, dissolved chemical substances, pesticides and organic toxics, and nutrients.

While the public hearings were in progress to discuss whether the fecal coliform standard should apply year-round or just during the water contact recreation season, the Department received a microbiological criteria document from EPA discussing two bacterial indicator species that better relate human fecal contamination to bathing water quality. Based on that information, the Department chose to postpone consideration of specific changes to the fecal coliform standard. Instead, the Department will measure E.Coli or enterococci on a trial basis in addition to fecal coliform to determine their potential as indicator organisms. After sufficient data have been collected, the Department will re-evaluate the fecal coliform standard.

To address the specific proposals on the other water quality standards received from the public, the Department recommended that issue papers be prepared and circulated for public review. Based on this recommendation, the EQC directed the Department staff to prepare issue papers dealing with potential rule amendments for the following.

a) Antidegradation Policy: Include reference to scenic waterways and more specific protection of existing uses.

b) Mixing Zone Policy: Expand criteria for defining mixing zones for point source discharges.

c) Dissolved Chemical Substances: Update the standards to include consideration of a hardness factor and incorporate the most recent EPA criteria.

d) Pesticides and Other Organic Toxic Substances: Update the standards to reflect the latest scientific and technical information.

e) Nutrient Standards: Add standards for surface waters to limit nuisance aquatic weed and algae growths.

Development of nuisance aquatic growth standards was the first issue paper to be completed and taken out for public hearing. After extensive review of the public testimony, the Department proposed adoption of a nuisance aquatic growth rule at the March 14, 1986, Environmental Quality Commission meeting. The Commission adopted the proposed rule as OAR 340-41-150.

The remaining issue papers are presented in this staff report. They include: a) Antidegradation Policy; b) Mixing Zone Policy; and c) Toxic Substance Standards. The Toxic Substances paper combines discussion of the standards for Dissolved Chemical Substances, and Pesticides and Other Organic Toxic Substances. Each of these issue papers are presented in Attachment A with descriptions of the current standard, analyses of the current standards, summaries of public and agencies' comments related to the individual standards, alternatives for revising the standards to address concerns and clarify the intent of the standards, and finally evaluation of the alternatives. A summary of each of the issue papers follows:

A. Antidegradation Policy

The purpose of an antidegradation policy is to limit activities or discharges to those that will not permanently affect water quality and threaten or impair the designated beneficial uses of all waters of the state. The policy allows some water quality degradation to accommodate necessary development, but uses must be protected. Special protection is provided for high quality and outstanding national resource waters to maintain and protect the water quality at the highest level possible and to preserve the value of the resources.

The Department is proposing to amend the current antidegradation policy OAR 340-41-026(1)(a). The proposed changes are summarized as follows:

1. Include language to protect the water quality necessary to support all designated beneficial uses in waters of the state. The current policy includes protection for only high quality and outstanding quality waters of the state.

2. Modify the language to include lowering water quality only where it is necessary to accommodate important and justifiable social or economic development. The current policy allows EQC to lower water quality standards for necessary and justifiable economic or social development. The proposed language change to include "important" would be more rigorous and emphasize "important and significant development" instead of only "justifiable development".

3. Add State Scenic Waterways, and areas of special ecological significance to the outstanding waterways list to provide the highest level of protection of water quality and beneficial uses for these waters.

4. Include a provision that is intended to prevent cumulative impacts from a series of permitted short-term water quality disturbances in high quality waters.

B. Mixing Zones

A mixing zone is a portion of a stream that serves as a zone of initial dilution where waste waters and receiving waters mix, and numeric water quality criteria can be legally exceeded. Chronic and acutely toxic conditions must be prevented in this zone and water quality standards must be met at the mixing zone boundary even under lowest flow conditions. The intent of the current policy is to state when a mixing zone is defined and how it is established, without delineating precise methodology. This approach has allowed the Department to set mixing zones on a site-specific basis but it has not provided clear enough guidance in defining mixing zones.

After evaluating the current policy and its implementation, the Department is proposing revisions and additions to clarify both the intent of the policy and the procedures used for establishing mixing zones. The policy is the same for each basin and the rule reference is included in Attachment F. The proposed changes are summarized as follows:

1. Re-organize the mixing zone policy to include these components:

   Statement of Policy
   Methodology for Assessing Appropriate Mixing Zones
   Establishing Mixing Zone
   Applicant Responsibilities
   Monitoring Mixing Zones
   Modification of Mixing Zones

2. Include specific biological, chemical and physical factors to be considered in assessing receiving waters and effluent characteristics. Incorporating these factors in the standard would assist in determining where mixing zones should be located in fresh and marine waters. Alternative language is also proposed that would reference mixing zone guidance instead of incorporating the factors directly into the rule.

3. Include a statement that addresses how mixing zones are defined and what conditions must be met in the mixing zone. These conditions must be such that aesthetics, aquatic life, public health, and other beneficial uses are protected.

4. Add a provision that authorizes the Department to direct the permit applicant to submit the information on receiving water and effluent characteristics necessary to define mixing zones.

5. Add a provision for biological monitoring in the mixing zone to insure protection of all beneficial uses and water quality.

6. Add a provision that authorizes the Department to re-evaluate the mixing zone designation or outfall location if unforeseen adverse effects to beneficial uses occur before a permit expires.

C. Toxic Substances

The Department is proposing to combine the standards for "Pesticides and Other Organic Toxic Substances" with "Dissolved Chemical Substances" since the topics are closely related and criteria levels are based on many of the same EPA references. Until 1980, the standard reference for inorganic and organic toxic substances was the 1976 Quality Criteria for Water, published by EPA. Since then, a considerable amount of applied research in toxics has been completed and new information on toxicity has been published. The current standards on toxic substances should be amended to incorporate new and updated toxics criteria published by EPA.

The proposed language modifications for the new Toxic Substances standard is summarized as follows:

1. Include a general statement of policy that prohibits injurious levels of toxics in the water to protect beneficial uses, and a reference to the most recent EPA criteria values.

2. Include authorization for the Department to allow either more or less restrictive values for site-specific situations. Due to the unique nature of many waters within the state, established criteria values (or guide concentrations) may not always be set at the appropriate level to protect the designated beneficial uses of certain waterways. The Department should have the ability to make site-specific judgements based on the data from scientifically valid studies.

3. Include a provision for bioassessments to monitor situations where the toxic components or toxicity of an effluent is unknown. Due to the intricate chemical reactions within complex effluents, chemical analyses for known or suspected toxic substances may not sufficiently address the lethal potential of a wastewater. Through toxicity bioassays or in-stream monitoring, the effects of the effluent on aquatic communities can be assessed. If toxicity occurs, the Department may then initiate corrective actions.

The proposed language changes for each of the standards discussed are included within the issue papers of Attachment A, and the new proposed rule amendments are included in Attachment F. The Department will continue to evaluate proposals submitted and will propose future rulemaking actions as appropriate. Hearing testimony will undoubtedly raise additional issues which will be discussed as part of the hearing record evaluation and response.

Alternatives and Evaluation

The alternatives are as follows:

1. Authorize the Department to conduct public hearings on the proposed amendments.

2. Do not authorize public hearings.

The Department believes that public hearings are needed to solicit comments and to raise important issues involving water quality standards development. Public testimony assists the Department staff in preparing the proposed rule amendments to be presented for Commission consideration and possible adoption.

Summation

1. Water Quality standards are reviewed by Department staff and taken out to public hearing periodically to incorporate updated information.

2. During the 1984 public hearing process, several proposals for standards revision were received from the public.

3. The Commission has requested the Department to prepare issue papers for public review on the antidegradation policy, the mixing zone policy, and the toxic substances standards.

4. Issue papers are presented with proposed rule amendments to clarify the intent and application of the standards.

Director's Recommendation

Based on the summation, the Department requests authorization from the Commission to proceed to public hearing to take testimony on the proposed amendments for the Antidegradation Policy, the Mixing Zone Policy, and the Toxic Substances standards, as presented in Attachment F.

Fred Hansen

Attachments:

A. Issue Papers
B. Hearing Notice
C. Statement of Need for Rulemaking
D. Fiscal and Economic Impact
E. Land Use Consistency Statement
F. Proposed Rule Amendments & Rule References

Krystyna U. Wolniakowski:c
229-6018
May 15, 1986
WC532

ATTACHMENT A

# ISSUE PAPERS

## ANTIDEGRADATION POLICY

### INTRODUCTION

This review evaluates the Oregon Antidegradation Policy and proposes revisions and addition to the language to clarify the intent of the policy.

The purpose of an antidegradation policy is to limit activities or discharges to those that will not permanently affect water quality and threaten or impair the designated beneficial uses of all waters of the state. The policy allows some water quality degradation to accommodate necessary development, but beneficial uses must be protected. Special protection is provided for high quality and outstanding national resource waters to maintain and protect the water quality at the highest level possible and to preserve the value of those resources.

### ANTIDEGRADATION POLICY

Section 340-41-026(1)(a) under "Policies and Guidelines Generally Applicable to All Basins" states the policy as follows:

"Existing high quality waters which exceed those levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the water shall be maintained and protected unless the environmental Quality Commission chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the continued planning process to lower water quality for necessary and justifiable economic or social development. The Director or his designee may allow lower water quality on a short-term basis in order to respond to emergencies or to otherwise protect public health and welfare. In no event, however, may degradation of water quality interfere with or become injurious to the beneficial uses of water within surface waters of the following areas:

(A) National Parks;

(B) National Wild and Scenic Rivers;

(C) National Wildlife Refuges;

(D) State Parks."

ANALYSIS OF THE ANTIDEGRADATION POLICY

The three parts in the current antidegradation policy are 1) the provision for maintaining and protecting high quality waters, 2) the provision for lowering water quality for emergency situations, and 3) special protection for exceptional waters within the state.

1) "Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water shall be maintained and protected unless the Environmental Quality Commission chooses after full satisfaction of intergovernmental coordination and public provisions of the continuing planning process to lower water quality for necessary and justifiable economic or social development."

Existing high quality waters are defined as those waters that are above the set standards designed to protect designated beneficial uses. For example, if a stream is 100% saturated with dissolved oxygen, and is designated as a cold water fish stream, the stream would qualify as high quality water because the standard only requires a dissolved oxygen saturation of 90% to meet the cold water fish use. According to this provision, the water quality must be maintained and protected at the existing 100% level and cannot be degraded to the 90% level by any activities. However, this provision also allows some flexibility to accommodate development. If the public shows that the development is necessary and important through the public hearing process, and the EQC judges that the development will preserve the water quality to protect the beneficial uses, limited degradation may occur.

The definition of "necessary and justifiable economic and social development" is not clearly stated in the rules, and has been questioned as to what factors are considered in judging a development to be necessary, justifiable, economical or socially important enough to degrade water quality. No one definition or set of factors apply, but the language provides the Commission the opportunity to make individual site-specific decisions based on evidence presented by the persons seeking the change and the public. The benefits of the projects are always weighed against the costs to a community and the environment. This is not intended to be a license to degrade water quality.

The key is that a strong tie should be established between lower water quality and "significant" economic or social development.

The following criteria may be used as guidance in the decision making process. Demonstration of important economic and social development entails two separate tasks. First, the person seeking change should describe and analyze the current state of economic and social development in the area that would be affected. The purpose of this step is to determine the "baseline" economic status of the affected community, i.e., the measure against which the effect of the water quality downgrade is judged. The following factors should be included in the baseline analysis:

- population
- area employment (numbers employed, earnings, major employers);

- area income (earnings from employment and transfer payments, if known);
- manufacturing profile: types, value, employment, trends;
- government fiscal base: revenues by source (employment and sales taxes, etc.).

Second, the person seeking the change in water quality should then demonstrate the extent to which the sought-for level of water quality would create an incremental increase in the rate of economic and social development and why the change in water quality is necessary to achieve such development. The person should provide analysis, along with all supporting data used in its preparation, showing the extent to which the factors listed above will benefit from the change in water quality requested. The analysis should specially demonstrate why such economic and social development is contingent upon the water quality change. The following factors may be included in the analysis of incremental effects expected to result from the degradation in water quality.

- expected plant expansion;
- employment growth;
- direct and indirect income effects;
- increases in the community tax base.

The requirements for a given analysis will be site-specific, depending upon factors such as data availability, conditions specific to the relevant water body, and the area of impact (whether city, county, or State-wide.)

For example, if a community using septic systems was growing rapidly, a waste water treatment facility would soon be required to accommodate the growth, prevent possible groundwater contamination, and provide better services to the community. The treatment facility would need to discharge the effluent into a river, but in doing so may add BOD loading, lower the dissolved oxygen, or alter water chemistry in some way. The Commission would need to judge whether the project is truly needed, what the community costs and benefits are, and if groundwater quality or surface water quality would be threatened or beneficial uses impaired, based on testimony presented by the person seeking the change and the public.

2) <u>The Director or his designee may allow lower water quality on a short-term basis in order to respond to emergencies or to otherwise protect public health and welfare.</u>

Occasionally, a situation arises where temporary degradation of water quality must occur to accommodate a necessary project or to respond to emergencies. If a water supply line crossing a stream is broken and needs to be repaired or replaced, this provision allows the Director to set less stringent standards on a temporary basis, or permit activities that in the long-term would be a benefit to the community.

3) In no event, however, may degradation of water quality interfere with, or become injurious to the beneficial uses of water within surface waters of the following areas: (A) National Parks, (B) National Wild and Scenic Rivers, (C) National Wildlife Refuges, and (D) State Parks.

This provision in intended to give special protection for classified exceptional waters of the state. The Commission does not have the authority to allow any permanent degradation of these waters for any reason. The water quality and beneficial uses must be protected to preserve the unique resource values of these areas. Even though this is a very strict provision, it is not intended to be "non-degradation" clause. If, for example, development might be proposed upstream of an area classified as a State Park, the developer would need to show conclusively that the development would not in any way diminish the value of the State Park located downstream, although some temporary disturbance may occur during the construction activity. The Commission would then judge, based on technical evidence and public testimony, that the development would not only protect and maintain existing water quality, but all beneficial uses and unique resource values would be protected. If the provision was strictly a non-degradation statement, then even temporary disturbance would not be allowed under any circumstances. Thus, the intent of this provision is to protect existing water quality in special areas. The actual wording, however, does not clearly state this objective. Merely stating that water quality degradation may not interfere with beneficial uses only re-states the basic policy of maintaining and protecting beneficial uses, without emphasizing maintaining and protecting the existing water quality. In some cases, the existing water quality may be of much higher quality than is necessary to support the uses. In addition, defining "interfere" and "injurious" is difficult and subject to misinterpretation. Alternative wording would serve to clarify the intent and level of protection for special national resource waters.

Although temporary degradation of water quality can be permitted to accommodate a short-term activity, the Department needs to consider the cumulative effects from numerous short-term disturbances in close proximity on a particular water way. It is possible that consecutive disturbance or degradation in water quality may impact aquatic life communities, or other beneficial uses to a point that recovery may not occur as predicted.

## SUMMARY AND DISCUSSION OF 1984 PUBLIC TESTIMONY ON ANTIDEGRADATION

Three respondents described their concerns as follows:

1) Oregon State Parks requested that the Antidegradation Policy be amended to include designated "State Scenic Waterways" (ORS 390.825) to ensure that scenic waterways remain unpolluted and the outstanding water quality and beneficial uses be maintained.

   The Department also recommends including State Scenic Waterways in the policy since special protection of these waters is consistent with the scenic waterways statutes (ORS 390.835).

2) Oregon Shores Conservation Coalition expressed that the current Anti-degradation policy is not consistent with Oregon Public Law ORS 468.710(2) which declares that the public policy of the state is to"protect, maintain, and improve the quality of the waters of the state... beneficial uses." they contend that the provision for lowering water quality for "necessary and justifiable economic or social development", is inconsistent with the intent of the Oregon Public Law since the statute does not specifically include that provision.

The Attorney General for Oregon reviews and evaluates the Oregon Water Quality Standards to assure consistency between the statues and the corresponding rules. The current water quality standards were certified by the Attorney General as consistent with the intent of public law when they were filed with EPA. In addition, that provision is consistent with a similar provision in the Federal EPA Anti-degradation Policy.

3) EPA recommended that the current policy should be amended to reflect the 1983 revisions of the federal water quality regulations. The following changes were requested to provide more consistency between the federal and state antidegradation policies:

   a) Add a new paragraph which requires the protection of existing uses and the water quality necessary to ensure the preservation of those uses for ALL waterways:

      "Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

   b) Modify the first sentence of the policy "...for necessary and justifiable economic or social development." to read "where it is necessary to accommodate important economic or social development in the areas in which the waters are located." EPA stated that this phrase is intended to convey a general concept regarding what level of social or economic development could be used to justify a change in high quality waters. More exact meanings will only be possible on a case-by-case basis. EPA further stated that"necessary and justifiable.." was not as rigorous as "necessary to accommodate important...".

   c) Delete reference to specific outstanding waters and amend the last sentence to include all surface waters of the state.

The Department concurs with the first recommendation. Since existing water quality in all waterways should be maintained and protected, it should be explicitly stated in the policy. In response to the second recommendation, the Department agrees that including the word "important" would strengthen the language in the provision. For a development to be important, it would have to be significant, noteworthy, and carry a great deal of weight. Justifiable implies a well-founded or valid development. Instead of replacing justifiable with important, the Department proposes to include both in the language to insure that a development is necessary, significant and well-founded. The Department does not agree that adding "... in which the waters are located" is necessary. This phrase is vague and does not define just what the boundaries are or where the waters are located (i.e., communities near the waterway, in the same city, county, region or state). In response to the third recommendation, the Department prefers to specify the waters that should receive special protection for the information of the public, the regulated communities, and the resource developers.

In addition, the Department proposes to change the Director and "his designee" to "a designee" to make the provision gender neutral.

ADDITIONAL PROVISIONS

In analyzing the intent of the antidegradation policy, and the language to support it, and evaluating public testimony, the Department recommends that four additional provisions be included in the policy:

1) Protection of existing water quality for all waters of the state, not just the high quality waters. If water quality of a particular waterway is just above the standard, that water quality should be maintained and not allowed to be degraded down to the standard level without a review process. In addition, if water quality of a stream is below the standard, the goal should be to improve the water quality or at least maintain it at a minimum. This provision would align the antidegradation policy closer to the state statutes ORS 468.710 that define the policy of the state which is to conserve the waters of the state, and to protect, maintain, and improve the quality of the waters for designated beneficial uses.

2) Addition of a statement that would limit the amount of allowable water quality degradation when the Commission chooses to lower water quality to accommodate development. This provision would assure that water quality may never be degraded to less than is necessary to fully protect all designated beneficial uses.

3) Addition of other exceptional waters to receive special protection. State Scenic Waterways, and important ecological areas as designated by appropriate state agencies (i.e., South Slough Sanctuary, Salmon River Estuary, or Research Natural Areas) should also be included to encourage preservation.

4) Limit temporary disturbances in high quality waterways to prevent cumulative effects on the beneficial uses. This provision would allow the Department to consider cumulative effects from numerous short-term disturbances in water quality in the same stream segment.

PROPOSED RULE MODIFICATIONS

If the public and EPA suggestions were incorporated into the Anti-degradation Policy, the following modifications would be necessary. The underlined phrases are new proposed language additions, or in some cases replacement of bracketed phrases.

340-41-026(1)(a) " Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. "

Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife, and recreation in and on the water shall be maintained and protected unless the Environmental Quality Commission chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planning process, to lower water quality for necessary, important and justifiable economic or social development. Water quality, however, may not be degraded to less than is necessary to fully protect all designated beneficial uses.

The Director or [his] a designee may allow lower water quality on a short-term basis in order to respond to emergencies or to otherwise protect public health and welfare.

[In no event, however, may degradation of water quality interfere or become injurious to the beneficial uses of water] Existing water quality shall be maintained and protected within surface waters of the following areas: (A) National Parks; (B) National Wild and Scenic Rivers; (C) National Wildlife Refuges; (D) State Parks; (E) State Scenic Waterways; and (F) other state designated exceptional waters of ecological or recreational significance.

The Department shall not approve any activities where it is determined that a series of temporary disturbances to water quality in the same stream system may cumulatively affect the beneficial uses in high quality and outstanding quality waters of the state.

OPTIONS

1) RETAIN THE CURRENT ANTIDEGRADATION POLICY AS WRITTEN

The intent of the policy is adequately set forth in the current language, and appears to be consistent with state law. However, EPA states that the current policy is not fully consistent with federal policy. The new regulations (40 CFR Section 131.12(a)(1) requires protection of existing uses and water quality necessary to ensure preservation of designated uses on all waterways. The Oregon policy only specifies high quality waters, and waters officially designated as exceptional. In addition, EPA strongly suggests strengthening the language on the provision for lowering water quality to assure that the development is important .

2) ADOPT THE REVISED ANTIDEGRADATION POLICY

The revised antidegradation policy as proposed would be consistent with state law and the federal EPA antidegradation policy, and would incorporate the suggested changes requested by the public. The intent for protecting and maintaining water quality and beneficial uses in all waterways, and provisions for lowering water quality in high quality waters is clearly stated. In addition, special waters are protected from any permanent degradation to water quality under all circumstances.

3) ADOPT THE REVISED POLICY AND INCLUDE A NON-DEGRADATION CLAUSE

The Commission and the public may wish to consider a non-degradation clause for the specially designated waters of the state to prevent any temporary disturbances or degradation of the water quality within those waters. This could be accomplished by modifying the last sentence to read "In no event, however may degradation of water quality occur [interfere with or become injurious to the beneficial uses of water]within surface waters...". Although the federal policy does not include a non-degradation clause, EPA allows the state to set more restrictive standards if the state decides to do so.

A non-degradation provision would assure non-degradation under any circumstances. For certain waters of the state, however, if may be so restrictive as to eliminate any necessary or desirable maintenance or development, and precludes any corrective action to protect public health and welfare.

# MIXING ZONES

## INTRODUCTION

This review evaluates the Oregon Mixing Zone Policy and proposes revisions and additions in language to clarify both the intent of the policy and the procedures used for establishing mixing zones.

A mixing zone, by definition, is a portion of a stream that serves as a zone of initial dilution where waste waters and receiving waters mix and where numeric water quality criteria can be legally exceeded. However, chronic or acutely toxic conditions must be prevented in this zone and water quality standards must be met at the mixing zone boundary even under lowest flow conditions to assure protection of the ambient receiving water quality and designated beneficial uses. The intent of the current policy is to state when a mixing zone is defined and how it is established, without precise methodology. This has allowed the Department to set mixing zones on a site-specific basis, but it has not provided clear enough guidance in defining mixing zones.

During the public review of the Oregon water quality standards in 1984, EPA commented on the Oregon Mixing Zone Policy and suggested that more detail on mixing zone methodology should be added to the standards. They recommended following the guidance available in the EPA Water Quality Standards Handbook (1983) on mixing zones. However, EPA also recognizes that specific mixing zone regulations should be a matter of state discretion to suit the water quality needs of each state. No other public comments were received on this topic.

## CURRENT MIXING ZONE POLICY

Although the Oregon Mixing Zone policy is the same for each basin, it is referenced separately as part of the specific basin standards. The rule references for each basin are included in the footnote (*) on A-14. OAR 340-41-__ (4) states the policy as follows:

Mixing Zones:

(a) The Department may suspend the applicability of all or part of the water quality standards set forth in this rule, except those standards relating to aesthetic conditions, within a defined immediate mixing zone of specified and appropriately limited size adjacent to or surrounding the point of waste water discharge.

(b) The sole method of establishing such mixing zones shall be by the Department defining same in a waste discharge permit.

(c) In establishing mixing zones in a waste discharge permit, the Department:

(A) May define the limits of the mixing zone in terms of distance from the point of the waste water discharge or the area or volume of the receiving water or any combination thereof;

(B) May set other less restrictive water quality standards to be applicable in the mixing zone in lieu of the suspended standards;

(C) Shall limit the mixing zone to that which in all probability will:

(i) Not interfere with any biological community or population of any important species to a degree which is damaging to the ecosystem; and

(ii) Not adversely affect other beneficial uses disproportionately.

ANALYSIS OF CURRENT MIXING ZONE POLICY

Analysis of the mixing zone policy follows:

1. Subsection (4)(a) states that the Department may suspend the applicability of all or part of the water quality standards set forth in this rule, except those standards relating to aesthetic conditions, within a defined immediate mixing zone of specific and appropriately limited size adjacent to or surrounding the point of waste water discharge.

   In subsection 4(c)(B), the policy further states that the Department may set less restrictive water quality standards to be applicable in the mixing zone in lieu of suspended standards.

   It appears unnecessary to have these two statements as two sections in the policy, since they both refer to applying less stringent criteria in the mixing zones. In addition, the term "applicability" is redundant since standards are applicable by definition. These two statements can be combined into one provision that would allow for either suspension of standards or setting less restrictive standards, as the Department determines is necessary on a case-by-case basis.

2. Section (4)(b) states that the sole method of establishing such mixing zones shall be by the Department defining same in a waste discharge permit.

   Use of the term "sole method" seems inappropriate, since defining a mixing zone in a permit is an administrative action by the Department rather than a method. This statement also establishes the Department as the only authority to decide when and how a mixing zone is defined. By defining that the mixing zone is only established in a permit, the policy does not consider cases where evidence is presented that would warrant a re-consideration of the mixing zone location or size. If

beneficial uses were adversely affected in a mixing zone, the Department should have the flexibility to address the problem and make the necessary changes immediately without waiting until the waste discharge permit expires. The language can be clarified to state that the Department shall assign a mixing zone during the waste discharge permit review process, unless technical evidence supports modification before permit expiration. The actual method of defining the mixing zone should be included in another section.

3. Section (4)(c) states in establishing mixing zones in a waste discharge permit, the Department:

   (A) May define the limits of the mixing zone in terms of distance from the point of the waste water discharge or the area or the volume of the receiving water or any combination thereof:

Although (4)(c)(A) allows for defining the mixing zone limits using either distance from the point of discharge, area or volume or receiving water, or a combination thereof, it does not clearly delineate what factors are or should be taken into consideration in defining the mixing zone size. Establishing the mixing zone location is stated back in (4)(a) as being adjacent to or surrounding the point of waste water discharge. For consistency, location of the mixing zone should be included in the same section as the definition of size and the factors used for establishing mixing zones (for example stream flows, discharge rates and volumes, aquatic life communities present). In addition, a provision for passage of fish and other aquatic organisms should be added to assure that mixing zone location and size does not interfere with migration. A section can be developed that would address the factors to consider in assessing an appropriate mixing zone location, in addition to a section that describes how a mixing zone is defined in a waste discharge permit.

4. Section (4)(c)(C) states that (the Department) shall limit the mixing zone to that which in all probability will:

   (i) Not interfere with any biological community or population of any important species to a degree which is damaging to the ecosystem; and
   (ii) Not adversely affect other beneficial uses disproportionately.

(4)(c)(C) establishes the provision for (i) protection of aquatic life and (ii) other beneficial uses, but the language used does not adequately identify to what level aquatic life and other uses are actually protected.

The first statement (i) reads that the mixing zone shall in all probability "not interfere with any biological community or population of any important species (emphasis added) to a degree which may be damaging to the ecosystem." Several questions can be raised in analyzing this statement.

1. How is "probability" defined? The term "probability" implies judgement of effects on the beneficial uses. Prediction of levels of effect usually holds some uncertainty and does require judgement by the Department. This statement could be strengthened, however, by adding a provision that states judgement of the effects will be based on consideration of certain factors (such as the biological and chemical characteristics of the stream).

2. What level of impact to a biological community constitutes "interference"? The term "interference" requires some definition if it is used in reference to a biological community. Usually, the term is defined as meddling or hindering an action. We recommend using the term "measurably affect" to describe an allowable level of effect, based on quantifiable information. Although "measurably" can also be questioned in terms of how statistically significant the results need to be to measure an impact, we are using the term to indicate general trends that can be detected with a reasonable sampling effort (obvious shifts in dominant species, or elimination of species entirely).

3. If a mixing zone is not to interfere with any biological community, why is protection for only important species specified in the next part of the sentence? Protection of biological communities includes protection of important species within that community. Some species may in fact be more important for economic or ecological reasons, and should receive special protection, but without losing sight of the importance of considering the biological community as a whole. We recommend replacing "or ..." with "especially when important species are present."

4(c)(C)(ii) states that mixing zones shall "not adversely affect other beneficial uses disproportionately". Again, a problem occurs with defining disproportionate adverse effects. Since a mixing zone is technically considered a small area of allowed degradation where water quality may be lower than required by the standards, the beneficial uses may not be protected at the fullest level in that area. The question remains on what are proportional effects and how much impact to the beneficial uses is actually allowed. Since every mixing zone site will have specific water quality, stream habitat, land use and discharged effluent characteristics, and costs associated with the level of treatment required to protect beneficial uses, it is unrealistic to attempt to define a uniform level of allowable degradation and impact. A list of factors to be used in assessing streams and establishing mixing zones, would assist in evaluating the impact to the streams on a site-specific basis, and the costs involved in protecting the uses to the highest level possible.

To address the points discussed above, the language could be clarified and provisions included specifying that water quality within the mixing zone must

* not be chronically OR acutely toxic to aquatic life;
* not measurably affect the biological communities, especially when important species are present;
* not threaten public health; or
* not cause adverse effects to other beneficial uses, as determined by the Department, based on the best available information.

## DEVELOPING DEQ MIXING ZONE GUIDELINES

EPA has recommended that the Department specify the methodology involved in establishing mixing zones, and incorporate that into the standards. Since the receiving waters in Oregon range from creeks to major rivers, estuaries, and oceans, with varying biological, chemical, and hydrological conditions, a uniform methodology or universal mixing zone dimensions firmly established in the standards is not practical nor desirable. However, it would be useful to develop guidelines that would specify the factors to consider for assessing and establishing the dimensions of the mixing zones for permit issuance. These would be used as necessary for the major source dischargers or for minor discharges into streams with low flows and with critical habitats or sensitive biological communities present. The mixing zone criteria would be useful to the Department as a tool for evaluation, as well as to the public as an information source for defining and regulating mixing zones.

## CRITERIA NEEDED TO DEFINE MIXING ZONES

The following elements are recommended to assist with establishing appropriate mixing zones:

1) Location: Biologically important areas need to be identified and protected. Where necessary a zone of passage for migrating fish or other organisms in a water course needs to be established.

2) Size: Various methods and techniques are available for defining the surface area and volume of mixing zones. The area or volume of an individual zone or group of zones should be limited to an area or volume as small as possible and that will not adversely affect designated beneficial uses or the established aquatic life communities. Factors such as depth profiles, stream velocity, seasonal flows, instream water quality, and resident fish and aquatic life communities need to be considered in determining the size of the zone.

3) Outfall design: Prior to designating the mixing zone, the best technically feasible engineering design for the outfall structure needs to be evaluated. The outfall should be placed in a location with sufficient stream current and minimum effect on the aquatic resources and water quality.

4) In-Zone Water Quality: Although water quality standards may be suspended in the mixing zone, in-zone water quality must comply with aesthetics standards, and not be acutely or chronically toxic to aquatic life.

## METHODOLOGY FOR ASSESSING AN APPROPRIATE MIXING ZONE AREA

In determining the location, surface area and volume of a mixing zone, the Department may use and evaluate the following factors, based on recommendation in the EPA Mixing Zone Guidelines:

A) RECEIVING WATER CHARACTERISTICS

| | |
|---|---|
| * Hydrologic Factors: | Seasonal low flow rates<br>Current direction and velocity<br>Depths<br>Width<br>Channel morphology<br>Groundwater aquifers<br>Tidal fluctuations<br>Shoreline configuration |
| * Water Quality Factors: | pH, Conductivity, Alkalinity, Temperature, Dissolved Oxygen, Salinity, Nutrients, Toxics, and other chemical constituents that may be present in effluents. |
| * Biological Factors: | Resident and migratory fish populations<br>Migratory passage requirements<br>Aquatic community composition<br>Sensitive or critical habitat (nursery or spawning, wetland or shellfish harvest areas.) |

B) EFFLUENT CHARACTERISTICS

| | |
|---|---|
| * Effluent Discharge: | Discharge rates and volume<br>Dilution water volume available<br>Frequency of discharge |
| * Effluent Composition: | Individual contaminant concentrations<br>Total contaminant concentrations and mass loading to receiving stream |
| * Effluent Effects: | Potential synergistic effects with other pollutants in receiving stream. |

C) OUTFALL DESIGN AND PLACEMENT

The Department may evaluate the most technically feasible engineering design for an outfall to be located in an area of sufficient current and minimum effect on water quality, public health, and aquatic resources. No exposed outfalls will be permitted at any time.

D) IMPACT ANALYSIS AND ASSIGNING MIXING ZONES

The Department shall consider the potential impact of the discharge on water quality, public health, and the effects on present and anticipated beneficial uses, based on the evaluation of the above guidelines before assigning mixing zones.

COMPONENTS OF A MIXING ZONES POLICY

The following components are suggestions for improving the organization and language of the current mixing zone policy. Each component is divided into a description and the proposed language changes shown in quotes.

1. Statement of Policy

This statement should include the following parts to establish the policy for mixing zones:

a) Allowing mixing zones

"The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix."

b) Suspension of standards

"The Department may suspend all or part of the water quality standards, or set other less restrictive standards in the defined mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and must not adversely impair any designated beneficial uses. Water quality standards must be met at the mixing zone boundary even under lowest flow conditions.

2. Methodology For Assessing An Appropriate Mixing Zone

This statement should include or provide a reference to mixing zone guidelines. Including this methodology in the standards or referring to the methodology would assist in assessing where a mixing zone should be located for streams, rivers, estuaries or nearshore coastal areas.

If the methodology was included in the mixing zone policy, the following language could be used:

The Department may evaluate the following factors in assigning the location, surface area and volume of a mixing zone:

1) Receiving Water Characteristics

Hydrologic Factors: Seasonal low flow rates, current direction and velocity, depths, width, channel morphology, groundwater aquifers, tidal fluctuations, and shoreline configuration.

Chemical and Physical Factors: Conductivity, pH, alkalinity, temperature, dissolved oxygen, salinity, nutrients, toxics, and other chemical constituents that may be present in effluents.

Biological Factors: Resident and migratory fish populations, Migratory passage requirements aquatic community composition, and sensitive or critical habitat (nursery or spawning, wetland or shellfish harvest areas.)

2) Effluent Characteristics

Effluent Discharge: Discharge rates and volume, dilution water volume available, and frequency of discharge.

Effluent Composition: Individual contaminant concentrations, total contaminant concentrations and mass loading to receiving streams.

Effluent Effects: Potential synergistic effects with other pollutants in the receiving stream.

3) Outfall Design and Placement

The Department may evaluate the most technically feasible engineering design for an outfall to be located in an area of sufficient current and minimum effect on water quality, public health, and aquatic resources. No exposed outfalls will be permitted at any time.

If a reference was made to the mixing zone guidelines, then the following language could be used:

"In determining the location, surface area, and volume of a mixing zone area the Department may refer to appropriate mixing zone guidelines, to assess the biological, physical and chemical character of receiving waters and effluent, and the placement of the outfall, whenever necessary to protect instream water quality, public health, and other beneficial uses.

3. Establishing Mixing Zones

A statement that addresses how mixing zones are defined and what conditions must be met in the mixing zone.

"Based on receiving water and effluent characteristics, the Department shall assign a mixing zone in the immediate area of a waste water discharge on a case-by-case basis in the waste water discharge permit. The mixing zone shall:

a) be as small as feasible;
b) be less than the total stream width as necessary to allow passage fish and other aquatic organisms;
c) not measurably affect the indigenous biological community especially when important species are present;
d) not threaten public health;
e) not adversely affect other designated beneficial uses; and
f) be free of:

*Materials in concentrations sufficient to injure, produce adverse physiological responses or cause chronic or acute toxicity to aquatic life (50% mortality after a 96 hour exposure).
*Materials that will settle to form objectionable deposits.
*Floating debris, oil, scum, or other materials that cause nuisance conditions.
*Substances in concentrations that produce objectionable color, odor, taste or turbidity.
*Substances in concentrations that produce nuisance aquatic growth.

4. Applicant Responsibilities

A provision should be added that gives the Department authority to direct the permit applicant to submit the information necessary to define a mixing zone.

"The Department may request the applicant for a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

1) Type of operation to be conducted
2) Characteristics of the effluent flow rates and composition
3) Characteristics and low flows of receiving waters
4) Description of potential environmental effects
5) Proposed design for outfall structures."

5. Monitoring Mixing Zones

A provision should be stated for monitoring the mixing zone to insure protection of beneficial uses and water quality.

"The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary."

6. Modification of Mixing Zones

A provision should be added that would give the Department authority to re-evaluate the mixing zone designation or outfall location if unforeseen environmental impacts occur.

"The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone unreasonably and measurably affects any existing or potential beneficial uses in the receiving waters."

SUMMATION

In summary, two versions of a revised mixing zone policy have been proposed. Version A includes factors to consider in defining appropriate mixing zones, while Version B only refers to the factors that may be used in defining appropriate mixing zones. The two versions in their entirety follow:

VERSION A

340-41- __ (4) MIXING ZONES

(a) "The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to mix."

(b) "The Department may suspend all or part of the water quality standards, or set less restrictive standards in the mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and not adversely affect designated beneficial uses. Water quality standards must be met at the mixing zone boundary even at lowest stream flow conditions."

(c) "Based on the evaluation of the following factors, the Department shall assign a mixing zone in the immediate area of a waste water discharge on a case-by-case basis in the waste water discharge permit. Mixing zone location, surface area, and volume may be defined by the Department after consideration of the following:

1) Receiving Water Characteristics

Hydrologic Factors: Seasonal low flow rates, current direction and velocity, depths, width, channel morphology, groundwater aquifers, tidal fluctuations, and shoreline configuration.

Chemical and Physical Factors: Conductivity, pH, alkalinity, temperature, dissolved oxygen, salinity, nutrients, toxics, and other chemical constituents that may be present in effluents.

Biological Factors: Resident and migratory fish populations, migratory passage requirements, aquatic community composition, and sensitive or critical habitat (nursery or spawning, wetlands, or shellfish harvest areas.)

2) Effluent Characteristics

Effluent Discharge: Discharge rates and volume, dilution water volume available, and frequency of discharge.

Effluent Composition: Individual contaminant concentrations, total contaminant concentrations and mass loading to receiving streams.

Effluent Effects: Potential synergistic effects with other pollutants in receiving stream.

3) Outfall Design and Placement

The Department may evaluate the most technically feasible engineering design for an outfall to be located in an area of sufficient current and minimum effect on water quality, public health, and aquatic resources. No exposed outfalls will be permitted at any time.

(d) The mixing zone shall:

1) be as small as feasible;
2) be less than the total stream width as necessary to allow passage fish and other aquatic organisms;
3) not measurably affect the indigenous biological community especially when important species are present;
4) not threaten public health;
5) not adversely affect other designated beneficial uses; and
6) be free of:

*Materials in concentrations sufficient to injure, produce adverse physiological responses or cause chronic or acute toxicity to aquatic life (50% mortality after a 96 hour exposure).
*Materials that will settle to form objectionable deposits.
*Floating debris, oil, scum, or other materials that cause nuisance conditions.
*Substances in concentrations that produce objectionable color, odor, taste or turbidity.
*Substances in concentrations that produce nuisance aquatic growth.

(e) The Department may also request the applicant for a permitted discharge for which a mixing zone is required to submit all information necessary to define a mixing zone, such as:

1) Type of operation to be conducted
2) Characteristics of the effluent flow rates and composition
3) Characteristics and low flows of receiving waters
4) Description of potential environmental effects
5) Proposed design for outfall structures."

(f) The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary.

(g) The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone unreasonably affects any existing or potential beneficial uses in the receiving waters."

VERSION B

(4) MIXING ZONES

(a) "The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to mix."

(b) "The Department may suspend all or part of the water quality standards, or set less restrictive standards in the mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and not adversely affect designated beneficial uses. Water quality standards must be met at the mixing zone boundary even at lowest stream flow conditions."

(c) "In determining the location, surface area and volume of a mixing zone area, the Department may refer to appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters and effluent, and the placement of the outfall, whenever necessary to protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall assign a mixing zone in the immediate area of a wastewater discharge on a case-by-case basis in the wastewater discharge permit."

(d) The mixing zone shall:

1) be as small as feasible;
2) be less than the total stream width as necessary to allow passage fish and other aquatic organisms;
3) not measurably affect the indigenous biological community especially when important species are present;
4) not threaten public health;
5) not adversely affect other designated beneficial uses; and
6) be free of:

*Materials in concentrations sufficient to injure, produce adverse physiological responses or cause chronic or acute toxicity to aquatic life (50% mortality after a 96 hour exposure).
*Materials that will settle to form objectionable deposits.
*Floating debris, oil, scum, or other materials that cause nuisance conditions.
*Substances in concentrations that produce objectionable color, odor, taste or turbidity.
*Substances in concentrations that produce nuisance aquatic growth.

(e) The Department may also request the applicant for a permitted discharge for which a mixing zone is required to submit all information necessary to define a mixing zone, such as:

1) Type of operation to be conducted
2) Characteristics of the effluent flow rates and composition
3) Characteristics and low flows of receiving waters
4) Description of potential environmental effects
5) Proposed design for outfall structures."

(f) The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary.

(g) The Department may change a mixing zone designation or outfall location if it determines that the water quality within the mixing zone unreasonably affects any existing or potential beneficial uses in the receiving waters."

OPTIONS

1. RETAIN THE CURRENT MIXING ZONE POLICY.

The current mixing zone policy is adequate, and mixing zones have been defined using the policy as it is written in the rules. After analyzing the current policy, several modifications could be made to clarify the language and provide a more organized policy with more provisions for the responsibilities of the Department and the regulated community.

2. ADOPT VERSION A

Version A provides a mixing zone policy that incorporates the guidelines used to establish a mixing zone into the administrative rules. Any future changes, modifications, or variance in the adopted guidelines, would require Commission approval. This option would allow the regulated community to be aware of the procedures and requirements for mixing zone determinations, and provide input as necessary for any changes through the public hearing process.

3. ADOPT VERSION B

Version B provides a mixing zone policy that refers to using the DEQ mixing zone criteria as needed, without specifically stating them in the standards. This option would enable the Department to make necessary updates, revisions or modifications in the guidelines or factors to consider as needed without Commission approval for each technical change. However, this option would eliminate the public notice procedure for each proposed change, so the public and the regulated community would be responsible for consulting with the Department about most recent guidelines.

* RULE REFERENCES BY BASIN

| Basin | Mixing Zone Rules |
|---|---|
| North Coast | 340-41-205(4) |
| Mid Coast | 340-41-245(4) |
| Umpqua | 340-41-285(4) |
| South Coast | 340-41-325(4) |
| Rogue | 340-41-365(4) |
| Willamette | 340-41-445(4) |
| Sandy | 340-41-485(4) |
| Hood | 340-41-525(4) |
| Deschutes | 340-41-565(4) |
| John Day | 340-41-605(4) |
| Umatilla | 340-41-645(4) |
| Walla Walla | 340-41-685(4) |
| Grande Ronde | 340-41-725(4) |
| Powder | 340-41-765(4) |
| Malheur River | 340-41-805(4) |
| Owyhee | 340-41-845(4) |
| Malheur Lake | 340-41-885(4) |
| Goose and Summer Lakes | 340-41-925(4) |
| Klamath | 340-41-965(4) |

# TOXIC SUBSTANCES

## INTRODUCTION

Since the 1980 revisions to Oregon's water quality standards, a considerable amount of applied research has been done nationally in the development of water quality criteria for toxic substances. Oregon's present standards for "Pesticides and Other Toxic Substances" and "Dissolved Chemical Substances" need to be amended to incorporate new and updated toxics criteria recently published by EPA. Until 1980, the standard reference for organic toxics, pesticides and dissolved chemical substances criteria had been the 1976 EPA publication "Quality Criteria for Water". On November 28, 1980, EPA published a series of ambient water quality criteria documents. These provided information for 64 toxic priority pollutants. Criteria values for dioxin were published on February 15, 1984 and new criteria for nine pollutants were published on July 19, 1985.

This paper will discuss both standards since the topics are closely related and based on the same EPA references. Pesticides and other organic toxic substances will be discussed first, and will then be followed by the inorganic dissolved chemical substances.

## CURRENT PESTICIDE AND OTHER ORGANIC TOXIC SUBSTANCES STANDARD

The current standard is the same for each of the nineteen basins. Rule references for each basin are referenced as a footnote (*).
OAR 340-41- __ (2)(p) was adopted in 1980 and reads as follows:

"Pesticides and other organic toxic substances shall not exceed those criteria contained in the 1976 edition of the EPA publication "Quality Criteria for Water". These criteria shall apply unless supporting data shows conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more stringent criterion is warranted to protect beneficial uses."

## ANALYSIS OF THE CURRENT STANDARD

1. " Pesticides and other organic toxic substances shall not exceed those criteria contained in the 1976 edition of the EPA publication "Quality Criteria for Water. " The current rule is considered a narrative water quality standard as opposed to a numerical standard which would have absolute values specific for a list of toxic organic substances. The "Red Book", as the document above is commonly called, was used as a reference because it contained the most updated information available on toxics during the last standards revision. By referencing the book, it was not necessary to list all the chemicals and their criteria values.

Although numerical criteria may be preferred because they are more easily interpreted in defining specific control requirements, rapid advances in the field of toxicology precludes the Department from stating each value in the standards. If numerical criteria were included in the standards, every update and change in the criteria from EPA would require new rule amendments. Using the narrative approach where the most updated EPA information was referenced would allow the Department to enforce the most scientifically updated information without requiring a hearing and Commission action for every change. By including the reference to Quality Criteria for Water (1976), and including language to support use of the most recent criteria for EPA's list of priority pollutants, many chemicals of concern would be addressed.

2. <u>These criteria shall apply unless supporting data show conclusively that beneficial uses will not be adversely affected by exceeding criterion by a specific amount or that a more stringent criterion is warranted to protect beneficial uses.</u> This provision was included to allow either more or less restrictive values then the "Red Book" recommended, to make site-specific judgements based on receiving water and effluent characteristics, and the beneficial uses of a particular stream segment. Since the field of toxicology is expanding and becoming more complex, and each state's waters have unique biological, hydrological, and chemical characteristics, in addition to varied designated beneficial uses, it may not be appropriate to apply EPA criteria values in all cases.

   The criteria values were primarily derived under laboratory conditions and are <u>guidance values,</u> not standards that can be applied to every water body in every state.

   To clarify and strengthen the intent of this provision, and assure that more or less restrictive values are not just arbitrarily applied, a wording change would be helpful. Be deleting "supporting data" and inserting "data from scientifically valid studies", the provision becomes more specific and enforceable.

3. Many industries discharge complex effluents, which are process wastewaters that may contain more than one toxic substance, and where many of the individual components cannot be specifically identified. Applying specific criteria to the toxic components of the effluent during the permit process may not be a "scientifically valid" approach due to the complex interactions among chemicals when they are mixed. Some chemical mixtures exhibit a synergistic effect, becoming more toxic together than the individual components. Other chemicals may exhibit an antagonistic (cancelling) effect where individually they are toxic, but together become less-or non-toxic. It would be helpful to include a narrative provision for biomonitoring and chronic and acute bioassays (bioassessments) for aquatic life, to apply to situations where no numerical criteria exist for a substance, or when multiple toxicants are present in a waterbody and synergistic or antagonistic effects may be expected.

## CURRENT DISSOLVED CHEMICAL SUBSTANCES STANDARD

Although the standard is generally the same for each of the nineteen river basins, total dissolved solids do change by basin. Rules for each basin are referenced in a footnote (*).
OAR 340-41- _ (2)(o) reads as follows:

"Dissolved Chemical Substances: Guide concentrations listed below shall not be exceeded unless otherwise specifically authorized by DEQ upon such conditions as it may deem necessary to carry out the general intent of this plan to protect the beneficial uses set forth in rule 340-41- __ : (mg/1)

| | | |
|---|---|---|
| (A) | Arsenic(As) | 0.01 |
| (B) | Barium(Ba) | 1.0 |
| (C) | Boron(Bo) | 0.5 |
| (D) | Cadmium(Cd) | 0.003 |
| (E) | Chromium(Cr) | 0.02 |
| (F) | Copper(Cu) | 0.005 |
| (G) | Cyanide(Cr) | 0.005 |
| (H) | Fluoride(F) | 1.0 |
| (I) | Iron(Fe) | 0.1 |
| (J) | Lead(Pb) | 0.05 |
| (K) | Manganese(Mn) | 0.05 |
| (L) | Phenols(total) | 0.001 |
| (M) | Total Dissolved Solids-Columbia River | 500 |
| (N) | Total Dissolved Solids - other | 100 |
| (O) | Zinc(Zn) | 0.01" |

## ANALYSIS OF THE CURRENT STANDARD

The guide concentrations listed in the standards are values derived from the drinking water standards for those substances of concern in drinking water supplies, or the EPA priority pollutant criteria. Many of the values listed do not reflect the most recent EPA criteria values published in 1980 and 1985. In addition, the toxicity of a number of the inorganic substances listed is dependent on the hardness (expressed as mg/1 CaC03) of the receiving water. EPA has published formulas for deriving the proper criteria values based on a hardness factor for Cadmium, Chromium III, Copper, Lead Nickel, Silver, and Zinc for aquatic life. For example, the current criteria value for Cadmium is listed as 0.003 mg/1. Using the new formula, hardness values of 50 mg/1 (typical of Willamette River and other western Oregon streams), would limit Cadmium to 0.00066 mg/1, or a hardness value of 200 mg/1 (Eastern Oregon streams) would limit Cadmium to 0.002 mg/1. To address human health protection, the most current drinking water standards for pollutants of concern in drinking water should be referenced and included in this section.

Since many of the same EPA documents apply to both organic and inorganic toxics, the two sections could be combined and the table of values deleted to eliminate the outdated information. However, the total dissolved solids concentrations are specific for each basin. These values will remain the same for each basin and will remain in the present subsection.

## COMPONENTS OF A REVISED TOXIC SUBSTANCES STANDARD

The following components are suggestions for improving the organization and language of the current standards for pesticides and other organic toxic substances, and for dissolved chemical substances. Each component is divided into a description and proposed language changes in quotes.

1. General Statement and Criteria Reference

   This statement should include language provisions prohibiting injurious levels of toxic substances in the waters of the state to protect public health, aquatic life, and other beneficial uses, and a reference to the most recent EPA criteria values. These references include hardness factors for the inorganic pollutant concentrations.

   "Toxic substances shall not be present in the water of the state at levels which are or may become injurious to public health, safety, or welfare; aquatic life; or other designated beneficial uses. Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1976), 40 CFR Parts 141-143 (1985) and the Federal Register (November 28, 1980, February 15, 1984 and July 29, 1985)."

2. Provision for Site Specific Determination

   This statement should be included to allow either more or less restrictive values for unique situations:

   "These criteria shall apply unless data from scientifically valid studies show conclusively that beneficial uses will not be adversely affected by exceeding criterion by a specific amount or that a more restrictive criterion is warranted to protect beneficial uses."

3. Provision for Bioassessments

   Due to the intricate chemical interactions that may occur within complex industrial and other effluents, chemical analysis for known or suspected toxic components may not sufficiently address the lethal or chronic potential of the wastewater. Bioassessments (instream and laboratory bioassays) are needed to adequately monitor these situations. The following statement could be added:

   "Bioassessment studies which include instream monitoring and laboratory bioassays, shall be conducted, as the Department deems necessary, to monitor the toxic effects of complex effluents or other suspected toxic discharges. If toxicity occurs, the Department shall consider measures necessary to reduce toxicity through permit modification."

PROPOSED REVISION OF LANGUAGE FOR TOXIC SUBSTANCES

The following language is proposed to replace "Pesticides and Other Organic Toxic Substances" and "Dissolved Chemical Substances" with a standard on "Toxic Substances":

Toxic Substances

(a) Toxic substances shall not be present in the water of the state at levels which are or may become injurious to public health, safety, or welfare; aquatic life; or other designated beneficial uses.

(b) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1976); 40 CFR Part 141-143 (1985) for drinking water; and the Federal Registers November 28, 1980, 45 FR 79318 for sixty-four pollutants, February 15, 1984, 49 FR 5831 for dioxin, and July 29, 1985, 50 FR 30784 for nine pollutants.

(c) These criteria shall apply unless data from scientifically valid studies show conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more restrictive criterion is warranted to protect beneficial uses.

(d) Bioassessment studies which include instream montoring and laboratory bioassays shall be conducted, as the Department deems necessary, to monitor the toxic effects of complex effluents or other suspected toxic discharges. If toxicity occurs, the Department shall consider measures necessary to reduce toxicity through permit modification.

OPTIONS

1. RETAIN CURRENT STANDARDS

This option would not be feasible because the narrative references are outdated for both the pesticides and organic toxic substances, and dissolved chemical substances. To provide the best protection to beneficial uses and public health, the most recent scientific information needs to be used.

2. ADOPT PROPOSED REVISION

This option would combine the inorganic and organic pollutants into one standard and use the same approach in enforcing allowable levels. Although numerical information is not presented in table form, it would be readily accessible to those interested from Department staff.

* RULE REFERENCES BY BASIN

| Basin | Dissolved Chemical Substances | Pesticides |
|---|---|---|
| North Coast | 340-41-205(2)(o) | 340-41-205(2)(p) |
| Mid Coast | 340-41-245(2)(o) | 340-41-245(2)(p) |
| Umpqua | 340-41-285(2)(o) | 340-41-285(2)(p) |
| South Coast | 340-41-325(2)(o) | 340-41-325(2)(p) |
| Rogue | 340-41-365(2)(o) | 340-41-365(2)(p) |
| Willamette | 340-41-445(2)(o) | 340-41-445(2)(p) |
| Sandy | 340-41-485(2)(o) | 340-41-485(2)(p) |
| Hood | 340-41-525(2)(o) | 340-41-525(2)(p) |
| Deschutes | 340-41-565(2)(o) | 340-41-565(2)(p) |
| John Day | 340-41-605(2)(o) | 340-41-605(2)(p) |
| Umatilla | 340-41-645(2)(o) | 340-41-645(2)(p) |
| Walla Walla | 340-41-685(2)(o) | 340-41-685(2)(p) |
| Grande Ronde | 340-41-725(2)(o) | 340-41-725(2)(p) |
| Powder | 340-41-765(2)(o) | 340-41-765(2)(p) |
| Malheur River | 340-41-805(2)(o) | 340-41-805(2)(p) |
| Owyhee | 340-41-845(2)(o) | 340-41-845(2)(p) |
| Malheur Lake | 340-41-885(2)(o) | 340-41-885(2)(p) |
| Goose and Summer Lakes | 340-41-925(2)(o) | 340-41-925(2)(p) |
| Klamath | 340-41-965(2)(o) | 340-41-965(2)(p) |

*Oregon Department of Environmental Quality*

# A CHANCE TO COMMENT ON...

**WATER QUALITY STANDARDS**

Date Prepared: 5/28/86
Hearing Dates: Noted below
Comments Due: 8/8/86

WHO IS AFFECTED: All businesses, residents, industries and local government in the state of Oregon.

WHAT IS PROPOSED: The Department proposes to amend the Antidegradation Policy, the Mixing Zone Policy, and the standards for Toxic Substances as contained in the Oregon Water Quality Standards Chapter 340, Division 41.

WHAT ARE THE HIGHLIGHTS: The Department of Environmental Quality recently conducted its triennial review of the Water Quality Standards. During this review, the public suggested modifications and additions to the current water quality standards. At the July 17, 1985, Environmental Quality Commission meeting, the Commission directed the Department staff to prepare issue papers dealing with potential rule amendments for the following:

a) Antidegradation Policy: Include reference to State Scenic Waterways, and more specific protection of existing uses.

b) Mixing Zone Policy: Expand criteria for defining mixing zones for point source discharge.

c) Dissolved Chemical Substances: Update the standards to include hardness factors and incorporate the most recent EPA criteria.

d) Pesticides and Other Organic Toxic Substances: Update the standards to reflect the latest scientific and technical information.

These issue papers were presented at the June 13, 1986 EQC meeting. The Commission directed the Department to conduct public hearings on the proposed rule amendments presented in the issue papers. The public is invited to comment on the proposed rule amendments, suggest alternatives, or provide information on potential fiscal and economic impact.

P.O. Box 1760
Portland, OR 97207

*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.

HOW TO COMMENT: Public Hearings Schedule

Portland — July 21, 1986 at 9:00 am
DEQ Conference Room (1400)
14th Floor, 522 SW 5th St. Portland, OR

Eugene — July 21, 1986 at 7:00 pm
Lane County Courthouse
South Harris Hall
Public Service Building
125 E. 8th Avenue
Eugene, OR

Medford — July 22, 1986 at 1:00 pm
Jackson County Courthouse Auditorium
10 S. Oaksdale, Medford, OR

Bend — July 23, 1986 at 1:00 pm
City Council Chamber, City Hall
710 NW Wall St, Bend OR

La Grande — July 24, 1986 at 6:30 pm
Room 309, Hoke Hall,
Eastern Oregon State College
8th and "K": Avenue, La Grande, OR

A Department staff member will be appointed to preside over and conduct the hearings. Written comments should be sent to:

Department of Environmental Quality
Water Quality Division
P. O. Box 1760
Portland, OR 97207

The comment period will end on Friday August 8, 1986 at 5:00 p.m.

For more information or copies of the Department issue papers, contact Ms Krystyna Wolniakowski at 229-6018 or toll-fee 1-800-452-4011.

WHAT IS THE NEXT STEP: After the public testimony has been received and evaluated, the proposed amendments will be revised as appropriate, and will be presented to the Environmental Quality Commission in the Fall of 1986 for their consideration. The Commission may adopt rule amendments as proposed, adopt modified rule amendments, or decline to adopt rule amendments and take no further action.

Attachment C

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

ORS 468.735 provides that the Commission by rule may establish standards of quality and purity for waters of the state in accordance with the public policy set forth in ORS 468.710. ORS 183.545 requires a review every three years of state agency administrative rules to minimize the economic effect these rules may have on businesses. ORS 193.550 requires, among other factors, that public comments to be considered in the review and evaluation of these rules.

(2) Need For Rule

The Environmental Quality Commission, at its July 19, 1985 meeting, directed the Department to prepare issue papers pertaining to potential rule amendments to the antidegradation policy, mixing zone policy, and toxic substances standards, after the public requested a review of these standards specifically. At the June 13, 1986 EQC meeting, the Commission authorized the Department staff to hold hearings on the proposed rule amendments and to consider public testimony in developing final rule amendments.

Options described in the issue papers will be presented to the Commission after all public testimony has been received. Adoption of proposed rule amendments, modification of those amendments or no action may be taken by the Commission after the hearing record has been evaluated.

(3) Principal Documents Relied Upon in this Rulemaking

Clean Water Act amended in 1981.

Federal Register, Vol. 48, No. 217, November 8, 1983, Water Quality Standards Regulation.

Federal Register, Vol. 45, No. 231, November 28, 1980, Water Quality Criteria Documents; Availability (64 priority pollutants).

Federal Register, Vol. 49, No. 32, February 15, 1984, Water Quality Criteria Documents; Availability (dioxin).

Federal Register, Vol. 50, No. 145, July 29, 1985, Water Quality Criteria; Availability of Documents (nine pollutants).

Quality Criteria for Water, 1976, EPA. US GPO: 0-222-904.

Water Quality Standards Handbook, December 1983, EPA.

Technical Support document for Water Quality-based Toxics Control, September 1985, EPA.

Agenda Item No. F June 13, 1986, EQC Meeting: Request for authorization to conduct public hearings on proposed amendments to the Water Quality Standards Regulation, OAR 340, Chapter 41: Antidegradation Policy, Mixing Zone Policy, and Toxic Substances Standards.

ORS 468.735, 468.710, 183.545, and 183.550.

FISCAL AND ECONOMIC IMPACT

Adoption and implementation of the proposed revisions to water quality standards could result in increased costs to local governments, small businesses, and individuals for treatment and control of point and non-point source wastes. Specifically, increased costs for wastewater treatment could be incurred by municipalities, private utilities, and industries to reduce toxic substances loading to surface waters, or to provide specific outfall designs to minimize impacts on beneficial uses. These costs could break down into two categories: (1) capital construction costs for advanced wastewater treatment facilities to improve toxic substance removal, or build or extend outfalls into areas of minimal impact, and (2) increased operating costs.

In addition, increased costs could be incurred by a wide range of individuals and governmental entities for the improvement of management practices. These costs would relate to improving management practices to better control non-point sources to prevent degradation of water quality and maintain and protect all designated beneficial uses in agricultural, forest harvest, and urban areas.

In summary, the fiscal and economic impacts are not well defined. Public comment on any fiscal and economic impact is welcome and may be submitted in the same manner as indicated for the testimony on this notice.

LAND USE CONSISTENCY

The Department has concluded that the proposal conforms with Statewide Planning Goals and Guidelines.

Goal 6 (Air, Water, and Local Resource Quality): The proposed revisions to the water quality standards are designed to more clearly protect and maintain water quality statewide.

Goal 11 (Public Facilities and Services): To attain compliance with the revised standards, additional costs for capital improvements and operation of wastewater treatment facilities may be incurred depending on which revisions may be adopted and on the specific water body. Additional planning to insure timely, orderly and efficient arrangement or construction of facilities to provide needed level of treatment to meet the standards may be required in certain cases.

Goal 19 (Ocean Resources): The proposed revisions are designed to protect and maintain water quality in nearshore and estuarine waters.

The rules 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 manner as indicated for testimony in this notice. It is requested that local, state, and federal agencies review the proposed action and comment on possible conflicts with their programs affecting land use and with Statewide Planning Goals within their expertise and jurisdiction. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any appropriate conflicts brought to our attention by local, state and federal authorities.

PROPOSED RULE AMENDMENTS

Antidegradation Policy

If the public and EPA suggestions were incorporated into the anti-degradation policy, the following modifications would be necessary. The underlined phrases are new proposed language additions, or in some cases replacements of bracketed phrases:

340-41-026(1)(a) " Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife, and recreation in and on the water shall be maintained and protected unless the Environmental Quality Commission chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planning process, to lower water quality for necessary, important and justifiable economic or social development. Water quality, however, may not be degraded to less than is necessary to fully protect all designated beneficial uses.

The Director or [his] a designee may allow lower water quality on a short-term basis in order to respond to emergencies or to otherwise protect public health and welfare.

[In no event, however, may degradation of water quality interfere or become injurious to the beneficial uses of water] Existing water quality shall be maintained and protected within surface waters of the following areas: (A) National Parks; (B) National Wild and Scenic Rivers; (C) National Wildlife Refuges; (D) State Parks; (E) State Scenic Waterways; and (F) other state designated exceptional waters of ecological or recreational significance.

The Department shall not approve any activities where it is determined that a series of temporary disturbances to water quality in the same stream system may cumulatively affect the beneficial uses in high quality and outstanding quality waters of the state.

Mixing Zones

Two similar versions of a revised mixing zone policy have been proposed. Version A (C) includes factors to consider in defining appropriate mixing zones, while version B (C) only refers to the factors that may be used in defining appropriate mixing zones. This proposed language is intended to replace the current mixing zone policy for each basin. (Shown in brackets). Rule references are included as a footnote (*).

[340-41- _ (4) Mixing Zones:

(a) The Department may suspend the applicability of all or part of the water quality standards set forth in this rule, except those standards relating to aesthetic conditions, within a defined immediate mixing zone of specified and appropriately limited size adjacent to or surrounding the point of waste water discharge.

(b) The sole method of establishing such mixing zones shall be by the Department defining same in a waste discharge permit.

(c) In establishing mixing zones in a waste discharge permit, the Department:

(A) May define the limits of the mixing zone in terms of distance from the point of the waste water discharge or the area or volume of the receiving water or any combination thereof;

(B) May set other less restrictive water quality standards to be applicable in the mixing zone in lieu of the suspended standards;

(C) Shall limit the mixing zone to that which in all probability will:

(i) Not interfere with any biological community or population of any important species to a degree which is damaging to the ecosystem; and

(ii) Not adversely affect other beneficial uses disproportionately.]

VERSION A

340-41- (4) MIXING ZONES

(a) "The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to mix."

(b) "The Department may suspend all or part of the water quality standards, or set less restrictive standards in the mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and not adversely affect designated beneficial uses. Water quality standards must be met at the mixing zone boundary even at lowest stream flow conditions."

(c) "Based on the evaluation of the following factors, the Department shall assign a mixing zone in the immediate area of a waste water discharge on a case-by-case basis in the waste water discharge permit. Mixing zone location, surface area, and volume may be defined by the Department after consideration of the following:

1) Receiving Water Characteristics

Hydrologic Factors: Seasonal low flow rates, current direction and velocity, depths, width, channel morphology, groundwater aquifers, tidal fluctuations, and shoreline configuration.

Water Quality Factors: Conductivity, pH, alkalinity, temperature, dissolved oxygen, salinity, nutrients, toxics, and other chemical constituents that may be present in effluents.

Biological Factors: Resident and migratory fish populations, migratory passage requirements, aquatic community composition, sensitive or critical habitat (nursery or spawning, wetland or shellfish harvest areas.)

2) Effluent Characteristics

Effluent Discharge: Discharge rates and volume, dilution water volume available, and frequency of discharge.

Effluent Composition: Individual contaminant concentrations, total contaminant concentrations and mass loading to receiving streams.

Effluent Effects: Potential synergistic effects with other pollutants in receiving stream.

3) Outfall Design and Placement

Evaluate the most technically feasible engineering design for an outfall to be located in an area of sufficient current and minimum effect on water quality, public health, and aquatic resources. No exposed outfalls will be permitted.

(d) The mixing zone shall:

1) be as small as feasible;
2) be less than the total stream width as necessary to allow passage fish and other aquatic organisms;
3) not measurably affect the indigenous biological community especially when important species are present;
4) not threaten public health;
5) not adversely affect other designated beneficial uses; and
6) be free of:

*Materials in concentrations that will cause acute (96HLC50) or chronic toxicity to aquatic life
*Materials that will settle to form objectionable deposits.
*Floating debris, oil, scum, or other materials that cause nuisance conditions.
*Substances in concentrations that produce objectionable color, odor, taste or turbidity.
*Substances in concentrations that produce nuisance aquatic growth.

(e) "The Department may request the applicant for a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

1) Type of operation to be conducted
2) Characteristics of the effluent flow rates and composition
3) Characteristics and low flows of receiving waters
4) Description of potential environmental effects
5) Proposed design for outfall structures."

(f) "The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary."

(g) "The Department may change a mixing zone designation or outfall location if it determine that the water quality within the mixing zone unreasonably and measurably affect any existing or potential beneficial uses in the receiving waters."

VERSION B

340-41- (4) MIXING ZONES

(a) "The Department may allow a defined portion of a stream to serve as a zone of initial dilution for wastewaters and receiving waters to thoroughly mix."

(b) "The Department may suspend all or part of the water quality standards, or set other less restrictive standards in the defined mixing zone. However, the water quality in this zone must preserve aesthetic conditions at all times and must not adversely impair any designated beneficial uses. Water quality standards must be met at the mixing zone boundary even under lowest flow conditions.

(c) "In determining the location, surface area, and volume of a mixing zone area, the Department may refer to appropriate mixing zone guidelines to assess the biological, physical, and chemical character of receiving waters and effluent and the placement of the outfall, whenever necessary to protect instream water quality, public health, and other beneficial uses. Based on receiving water and effluent characteristics, the Department shall assign a mixing zone in the immediate area of waste water discharge on a case-by-case basis in the waste water discharge permit.

(d) The mixing zone shall:

1) be as small as feasible;
2) be less than the total stream width as necessary to allow passage fish and other aquatic organisms;
3) not measurably affect the indigenous biological community especially when important species are present;
4) not threaten public health;
5) not adversely affect other designated beneficial uses; and
6) be free of:

*Materials in concentrations that will cause acute (96HLC50) or chronic toxicity to aquatic life
*Materials that will settle to form objectionable deposits.
*Floating debris, oil, scum, or other materials that cause nuisance conditions.
*Substances in concentrations that produce objectionable color, odor, taste or turbidity.
*Substances in concentrations that produce nuisance aquatic growth.

(e) "The Department may request the applicant for a permitted discharge for which a mixing zone is required, to submit all information necessary to define a mixing zone, such as:

1) Type of operation to be conducted
2) Characteristics of the effluent flow rates and composition
3) Characteristics and low flows of receiving waters
4) Description of potential environmental effects
5) Proposed design for outfall structures."

(f) "The Department may, as necessary, require mixing zone monitoring studies and/or bioassays to be conducted at any time to evaluate water quality or biological status within and outside the mixing zone boundary."

(g) "The Department may change a mixing zone designation or outfall location if it determine that the water quality within the mixing zone unreasonably and measurably affect any existing or potential beneficial uses in the receiving waters."

* RULE REFERENCES BY BASIN

| Basin | Mixing Zone Rules |
|---|---|
| North Coast | 340-41-205(4) |
| Mid Coast | 340-41-245(4) |
| Umpqua | 340-41-285(4) |
| South Coast | 340-41-325(4) |
| Rogue | 340-41-365(4) |
| Willamette | 340-41-445(4) |
| Sandy | 340-41-485(4) |
| Hood | 340-41-525(4) |
| Deschutes | 340-41-565(4) |
| John Day | 340-41-605(4) |
| Umatilla | 340-41-645(4) |
| Walla Walla | 340-41-685(4) |
| Grande Ronde | 340-41-725(4) |
| Powder | 340-41-765(4) |
| Malheur River | 340-41-805(4) |
| Owyhee | 340-41-845(4) |
| Malheur Lake | 340-41-885(4) |
| Goose and Summer Lakes | 340-41-925(4) |
| Klamath | 340-41-965(4) |

PROPOSED REVISION OF LANGUAGE FOR TOXIC SUBSTANCES

The following language is proposed to replace "Pesticides and Other Organic Toxic Substances" and Dissolved Chemical Substances" with a standard on "Toxic Substances" for each basin. Rule references for each basin are included as a footnote (*). Total dissolved solids concentrations will remain the same for each basin.

["Pesticides and other organic toxic substances shall not exceed those criteria contained in the 1976 edition of the EPA publication "Quality Criteria for Water". These criteria shall apply unless supporting data shows conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more stringent criterion is warranted to protect beneficial uses."]

["Dissolved Chemical Substances: Guide concentrations listed below shall not be exceeded unless otherwise specifically authorized by DEQ upon such conditions as it may deem necessary to carry out the general intent of this plan to protect the beneficial uses set forth in rule 340-41-202: (mg/l)

| | | |
|---|---|---|
| (A) | Arsenic(As) | 0.01 |
| (B) | Barium(Ba) | 1.0 |
| (C) | Boron(Bo) | 0.5 |
| (D) | Cadmium(Cd) | 0.003 |
| (E) | Chromium(Cr) | 0.02 |
| (F) | Copper(Cu) | 0.005 |
| (G) | Cyanide(Cr) | 0.005 |
| (H) | Fluoride(F) | 1.0 |
| (I) | Iron(Fe) | 0.1 |
| (J) | Lead(Pb) | 0.05 |
| (K) | Manganese(Mn) | 0.05 |
| (L) | Phenols(total) | 0.001 |
| (M) | Total Dissolved Solids-Columbia River | 500 |
| (N) | Total Dissolved Solids - other | 100 |
| (O) | Zinc(Zn) | 0.01"] |

340-41- (2)(p) Toxic Substances

(a) Toxic substances shall not be present in the waters of the state at levels which are or may become injurious to public health, safety, or welfare; aquatic life; or other designated beneficial uses.

(b) Levels of toxic substances shall not exceed the most recent criteria values for organic and inorganic pollutants established by EPA and published in Quality Criteria for Water (1976), 40 CFR Parts 141-143 (1985) for drinking water; and the Federal Registers November 28, 1980, 45 FR 79318 for sixty-four pollutants, February 15, 1984, 49 FR 5831 for dioxin, and July 29, 1985, 50 FR 30784 for nine pollutants.

(c) These criteria shall apply unless data from scientifically valid studies show conclusively that beneficial uses will not be adversely affected by exceeding a criterion by a specific amount or that a more restrictive criterion is warranted to protect beneficial uses.

(d) Bio-assessment studies shall be conducted, as the Department deems necessary, to monitor the toxicity of complex effluents or other suspected toxic discharges to aquatic life. If toxicity occurs, the Department shall consider measures necessary to reduce toxicity through permit modification.

* RULE REFERENCES BY BASIN

| Basin | Dissolved Chemical Substances | Pesticides |
|---|---|---|
| North Coast | 340-41-205(2)(o) | 340-41-205(2)(p) |
| Mid Coast | 340-41-245(2)(o) | 340-41-245(2)(p) |
| Umpqua | 340-41-285(2)(o) | 340-41-285(2)(p) |
| South Coast | 340-41-325(2)(o) | 340-41-325(2)(p) |
| Rogue | 340-41-365(2)(o) | 340-41-365(2)(p) |
| Willamette | 340-41-445(2)(o) | 340-41-445(2)(p) |
| Sandy | 340-41-485(2)(o) | 340-41-485(2)(p) |
| Hood | 340-41-525(2)(o) | 340-41-525(2)(p) |
| Deschutes | 340-41-565(2)(o) | 340-41-565(2)(p) |
| John Day | 340-41-605(2)(o) | 340-41-605(2)(p) |
| Umatilla | 340-41-645(2)(o) | 340-41-645(2)(p) |
| Walla Walla | 340-41-685(2)(o) | 340-41-685(2)(p) |
| Grande Ronde | 340-41-725(2)(o) | 340-41-725(2)(p) |
| Powder | 340-41-765(2)(o) | 340-41-765(2)(p) |
| Malheur River | 340-41-805(2)(o) | 340-41-805(2)(p) |
| Owyhee | 340-41-845(2)(o) | 340-41-845(2)(p) |
| Malheur Lake | 340-41-885(2)(o) | 340-41-885(2)(p) |
| Goose and Summer Lakes | 340-41-925(2)(o) | 340-41-925(2)(p) |
| Klamath | 340-41-965(2)(o) | 340-41-965(2)(p) |

NEIL GOLDSCHMIDT
GOVERNOR

Environmental Quality Commission

811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item H, July 17, 1987, EQC Meeting

Proposed Adoption of Amendments to Rules Concerning Hazardous Waste Management Fees, OAR 340-102-065, and 340-105-113, and Proposed Repeal of OAR 340-120-030.

Background

During the Department's current budget period, fiscal years 1985-87, the Department's hazardous waste program suffered a revenue shortfall of approximately $550,000. The Department took immediate steps to temporarily fix the problem. However, it was clear that other measures would be necessary to provide a long-term solution.

An Advisory Committee made up of representatives from the regulated industries in Oregon (see Attachment I) was appointed to review the overall hazardous waste program and recommend an approach for long-term funding of the program, including solutions for addressing the 1985-87 revenue shortfall. The advisory committee looked at the required activities and effort necessary to maintain an authorized state program and also evaluated other aspects of a good hazardous waste program for Oregon. The committee found that the current Department program was understaffed and underfunded to adequately cover the demands of the program. The committee agreed that in addition to a strong regulatory program, it was important to provide education and technical assistance on hazardous waste management to the public and the regulated community. The committee looked at funding options for a comprehensive program and recommended a more balanced funding approach. They agreed that there should be increases in the fees paid by generators of hazardous waste and by facilities that treat, store or dispose of hazardous waste. They also felt that an increase in state general funds was warranted. Historically, the program has received almost no general fund support and has primarily been funded by federal grant money and industry paid fees. The committee's proposal provides for overcoming the current deficit, plus some enhancement of the program in the areas of enforcement and technical assistance.

The Department included a request for increased general funds (approximately $800,000) in its proposed hazardous waste program budget for fiscal years 1988 and 1989. The budget was recently approved by the Legislature. The Department is now seeking to implement the second part of the Committee's recommended course of action - an increase in the fees paid by generators and handlers of hazardous waste. Specifically, the Department is proposing to amend OAR 340-102-065 and 340-105-113.

Another issue concerning hazardous waste fees is the current inconsistency between the fees listed in Divisions 105 and 120 of the Department's rules. The permit application processing fees described in OAR 340-105-113 have been superseded by the more recent fees in OAR 340-120-030, which were adopted pursuant to ORS 466.045 (Senate Bill 138, 1985 Legislature). To maintain consistency and to avoid confusion, OAR 340-105-113 needs to be updated to include the fees in Division 120. Also, OAR 340-120-030 should be repealed, to avoid redundancy in the rules and to keep all the permit fee requirements in one location in the rules (i.e., in Division 105).

In addition to these needs, the Department wishes to take this opportunity to change the units of measure by which hazardous waste generator fees are calculated, to be consistent with the units used in other sections of the hazardous waste rules. These changes do not affect the overall ratio of waste volume to the amount of fee. The Department also wants to clarify the manner in which hazardous waste generation rates are determined for purposes of calculating fees.

On May 19, 1987, a public hearing on these proposed rule amendments was held in Portland. Four people testified. In addition, written testimony was received from five parties after the hearing. Summaries of all testimony received and the Department's responses are included in Attachments III and IV. As a result of the testimony, the Department's proposal has been modified.

The Department now requests adoption of the attached proposed rule amendments. A Statement of Need for Rulemaking is Attachment II. The Commission is authorized to adopt hazardous waste management rules by ORS 466.020 and to adopt hazardous waste fees by ORS 466.165.

Discussion

The proposed rule amendments are intended to address three basic issues: increasing annual compliance determination fees to relieve a revenue shortfall and provide some program enhancement, in accordance with the recommendations of the funding committee; clarifying and updating the rules concerning hazardous waste permit application fees, to incorporate the requirements of Senate Bill 138 as passed by the 1985 Legislature; and clarifying the rules concerning waste volume calculations for assessing fees for hazardous waste generators. These issues are discussed separately below.

A. Compliance Determination Fee Increase:

The Department's hazardous waste program is very costly to administer: it covers a broad range of activities and the rules are very detailed and complex. Also, as a result of amendments to the federal program in November 1984, EPA has been developing and adopting new regulations at a rapid rate. Concurrent with this expansion, federal funding of state programs has been decreasing. A change in EPA's allocation

formula and passage of the Gramm-Rudman Bill by Congress resulted in a reduction in federal funds during fiscal years 1985-87. This reduction in funds is expected to continue, based on discussions with EPA.

Another important factor which contributed to the shortfall was that the Department had underestimated the magnitude of the federal requirements for program authorization. In 1985, an audit of the Department's program, by EPA, was very critical, particularly in the areas of compliance, enforcement and permit issuance. Based on the Department's own evaluation and the comments in the EPA audit, a decision was made to try to overcome the deficiencies by temporarily shifting funds and expending more effort in the areas identified by EPA. Failure to make these immediate program changes and associated increased spending could have resulted in the state being denied final authorization to manage the federal hazardous waste program.

Last year's shortfall was overcome by a permanent transfer of two staff positions and their associated funding from the Solid Waste Program to the Hazardous Waste Program. Also, additional dollars were made available by holding vacant positions in hazardous waste and transferring funds from other programs to the critical areas in the hazardous waste program. These actions handicapped the Department in several program areas, but were deemed necessary to obtain final authorization. However, this was only a temporary solution. The Department must find a permanent funding source to replace the decreased federal funds and must continue this increased level of performance required by EPA for program authorization. It was to this end that the above-referenced advisory committee, comprised of industry representatives, was appointed. A copy of the committee's membership list is attached.

The committee evaluated the Department's program and determined that the budget should not be balanced by reducing program spending. In fact, the committee recommended that the program be expanded in the areas of compliance assurance and technical assistance. The committee also recommended that the Department seek additional state General Funds and that fees be increased as the Department is now proposing. Specifically, the committee's recommendation included:

1. Increasing the annual fees paid by generators and amending the fee schedule to require fees from even the smallest generators;

2. Establishing base and graduated components to the annual fees paid by generators and by owners and operators of treatment, storage or disposal (TSD) facilities; and

3. Increasing the annual compliance fees for TSD facilities and amending the fee schedule to require fees for facilities undergoing closure.

In accordance with these recommendations, the Department's proposal includes splitting the existing compliance determination fees for generators and management facilities into base and graduated components. The fixed base fee reflects the basic oversight cost to the Department of any hazardous waste handling activity, irrespective of the amount of waste generated or managed. The graduated component reflects the added costs of overseeing larger, more complex operations. These fees increase with the amount of waste generated or managed. In response to comments received, the proposed new fee schedules display only the total fees due. It must be remembered that those totals include the base and variable components which are discussed below.

In summary, the proposed amendments would:

1. Include a new, fixed, base component of the annual compliance determination fees for all generators and for hazardous waste treatment, storage and disposal facilities. The base component would be $100 annually for generators, including small quantity generators, $500 annually for treatment and storage facilities, and $1,000 annually for disposal facilities (See note below).

2. Establish new annual compliance determination fees for hazardous waste treatment, storage and disposal (TSD) facilities undergoing closure.

3. Increase the existing graduated component of the compliance determination fees for hazardous waste treatment and storage facilities by 25 to 40 percent, depending upon the size of the facility.

4. Increase the graduated component of the annual compliance determination fees for hazardous waste generators by 22 to 100 percent, depending upon the amount of waste generated. Generators of no more than 1,000 kg of waste per year would continue to be exempt from this component of the fees.

Note: The Commission adopted fee increases for hazardous waste disposal sites, in December 1986, which incorporated the base and graduated components. Today's proposed action does not impose any further increases in annual compliance determination fees for disposal sites.

A number of comments were received regarding the proposed changes in annual compliance determination fees for generators and for TSD facilities. A complete list of the comments received and the Department's responses is included in attachment IV. Areas of major concern included the following:

1. Commentors argued that the base and graduated components of the fees did not need to be displayed in the fee schedule (i.e., only the total fees due should be listed);

2. Commentors argued that very small quantity generators and TSD facilities should not be subject to generator fees; and

3. There were several questions and comments about fees for TSD facilities in closure or post-closure.

In general, the Department was not persuaded to change the proposed fee schedules. However, the Department did agree to delete the base and variable components and display only the total fees due.

B. Clarification and Updating of Permit Processing Fees:

In 1985, the Legislature passed Senate Bill 138, concerning siting and permitting requirements for hazardous waste and PCB treatment and disposal facilities. The portion of that bill concerning permit application processing fees for new and existing facilities has been codified as ORS 466.045.

On April 25, 1986, the Commission incorporated the requirements of SB 138 into Division 120 of the Department's rules. Rule 340-120-030 incorporates the fee requirements of ORS 466.045. These fees and the manner in which they are assessed are substantially different than the existing permit application fee requirements in OAR 340-105-113. The Department did not propose to amend OAR 340-105-113 when Division 120 was adopted, because other fee related rule changes were under consideration at that time. A decision was made to postpone the amendment of rule 340-105-113, until a complete fee amendment package could be proposed. Today's action fulfills that intent.

The current differences between rules 340-105-113 and 340-120-030 can be summarized as follows:

1. New Facilities:

Rule 340-105-113 provides for fixed fees, ranging from $150 to $5,000, depending upon the type of facility.

Rule 340-120-030 provides for variable fees. A fee of up to $70,000 must be paid for any new facility, regardless of type. However, the Department must refund to the applicant any portion of the fee that is not expended in the Department's review and processing of the application.

2. Existing Facilities:

Rule 340-105-113 provides for fixed fees, ranging from $50 to $5,000, depending upon the type of facility.

Rule 340-120-030 provides for graduated fees of up to $50,000. As in the case of new facilities, the Department must refund any unspent monies.

3. Authorization to Proceed Requests:

Rule 340-105-113 does not state that fees must be submitted with each Authorization to Proceed request (these requests are required for new facilities, under rule 340-120-005).

Rule 340-120-030 states that fees are required.

The fees and requirements in OAR 340-105-113 are superseded by those in OAR 340-120-030. OAR 340-120-030 is taken directly from the statute and clearly reflects the intent of the 1985 Legislature. For this reason, and to avoid confusion, the Department proposes to incorporate the requirements of OAR 340-120-030 into OAR 340-105-113. The Department also proposes to update the fee schedule by simplifying the listings, establishing fees for disposal site post-closure permits, and increasing the fee for modification of permits for treatment facilities. The proposed changes may be summarized as follows:

1. The fixed permit application processing fees in OAR 340-105-113 are proposed to be deleted and replaced with the variable fees described in OAR 340-120-030, including the initial fees of $70,000 for new facility permits and of up to $50,000 for existing facility permits. Note: In cases where an applicant can demonstrate financial need, the Department intends to allow the payment of this fee in installments, over a reasonable period of time.

2. The fixed, non-refundable application filing fee of $50 in OAR 340-105-113 is proposed to be retained, to offset the Department's clerical costs in receiving an application or Authorization to Proceed request. These costs are incurred even if an application or request is withdrawn before detailed staff review and processing has begun. Such fees are assessed in each of the Department's other permit programs as well.

3. The requirement that fees must be paid upon submission of an Authorization to Proceed request, if such request is required under OAR 340-120-005(1), is proposed to be added to rule 340-105-113.

4. The listing of various types of facilities in OAR 340-105-113 is proposed to be simplified. However, the Department proposes to retain separate listings for treatment, storage and disposal facilities and for disposal sites undergoing closure, to be consistent with current hazardous waste permitting rules.

5. The Commission will note that there are currently no fees associated with permit issuance or reissuance for hazardous waste storage facilities. On December 12, 1986, the Commission temporarily deleted those fees on the recommendation of the

state's Legislative Counsel Committee. This committee had determined that statutory authority for such fees was unclear. At the Department's request, Senate Bill 116 was introduced in the 1987 Legislature. Among other things, it would amend ORS 466.045 to confirm this authority. The Bill recently passed. Accordingly, the Department intends to return to the Commission shortly and restore the permit application processing fees for hazardous waste storage facilities.

6. Senate Bill 138, and therefore Division 120 of the Department's rules, do not specifically address post-closure permits for disposal sites. The Department believes that the rules should be consistent and that the fee requirements for processing permit applications should be the same for both operating and post-closure permits. Also, the effort and expertise required to process post-closure permits is expected to be the same as that required to process operating permits. Accordingly, the Department is proposing to apply the Division 120 requirements to post-closure permit applications.

7. Note: There was an error in the fee schedule which the Department submitted for public comment. In rule 340-105-113(2)(c)(B), the Department proposes to increase the fee for major modification of a treatment facility permit from $50 to $500. The public review draft failed to display that proposed change. The proposed increase is necessary to more accurately reflect the Department's costs and to be more consistent with the fees for modifying permits for other facilities.

8. The Department proposes to add PCB treatment and disposal facilities, to the fee schedule in Rule 340-105-113, to be consistent with the requirements of ORS 466.045 and Division 120 of the rules. This proposal was also inadvertently omitted from the public review draft.

In conjunction with amending OAR 340-105-113, the Department is also proposing to delete OAR 340-120-030. If 340-105-113 is amended as proposed, rules 340-105-113 and 340-120-030 would be redundant. Also, the Department believes that, for clarity, all of the requirements concerning permit fees should be in one location in the rules (i.e., in Division 105).

The Department received several comments concerning this proposal. Some commentors argued that the permit processing fees should not be set at the maximum amounts allowed by the statute. The Department agreed to revise the proposed rules for permit reissuance, but not for initial permits. We believe that ORS 466.045 directs the Department

to estimate its costs for permit reissuance and to set fees accordingly. However, for new permits, the statute clearly indicates that the maximum fee is to be paid up front.

The Department also rejected requests to establish separate fee categories for incinerators and for on-site and off-site treatment facilities. The Department finds no basis for establishing separate fee categories in either ORS 466.045 or in Division 120 of the rules. Both differentiate only between new and existing facilities and indicate that all types of facilities, in either category, are subject to the same fee requirements. A summary of the comments received and the Department's responses is included in Attachment IV.

C. Clarification of Hazardous Waste Generation Rates for Determining Fees

The current schedule of fees for hazardous waste generators, in OAR 340-102-065, lists the fees in terms of the volume of waste generated (i.e., cubic feet per year). However, other requirements in the rules are based upon the weight of the waste generated. For example, under the new federal rules, generators of less than 100 kg per month of hazardous waste are essentially exempt from regulation. Also, generators of between 100 and 1,000 kg of waste per month are subject to requirements and fees that are different than those for generators of more than 1,000 kg per month. To be consistent, and in response to comments received, the Department proposes to change the units of measurement for generator fees from cubic feet per year to metric tons per year (a metric ton is 1,000 kg). These changes do not affect the overall ratio of the amount of waste generated to the amount of fee.

In addition, to avoid possible confusion in the regulated community about which wastes should and should not be counted when determining generation rates, the Department proposes to add new sections to OAR 340-102-065, which specifically identify the types of waste to be counted or not counted. The Department receives many inquiries, from generators of all sizes, indicating uncertainty about what wastes to count for fee purposes. Since the fee schedule is now proposed to include a new group of very small generators, the need for clarification is even more urgent.

Commentors agreed with the need to change the units of measure, for calculating fees, from cubic feet of waste generated per year to something else. The Department had proposed to use pounds per year, but commentors have persuaded the Department to change the proposal to metric tons per year. Commentors also questioned various elements of the proposed list of what or what not to count for purposes of calculating fees. The Department argues that these are the same criteria used, under the federal rules, to determine what is and is not hazardous waste. The Department believes that fees should be paid on all hazardous waste generated. A summary of all comments received and the Department's responses is included in Attachment IV.

Summation

1. The Department's hazardous waste program is currently suffering a revenue shortfall of approximately $550,000 for the biennium. An advisory committee on program funding has recommended an approach for overall funding of the program. Included in their recommendations were fee increases to offset this shortfall and to provide some program enhancement in the areas of enforcement and technical assistance. The recommended increase for hazardous waste disposal sites was adopted by the Commission in December 1986.

2. With the passage of Senate Bill 138 by the 1985 Legislature, the permit application processing fees in Divisions 105 of the Department's hazardous waste management rules have been superseded. The fees in Division 120 prevail and those in Division 105 should be amended accordingly. Also, the fee schedule needs to be updated to more accurately reflect the Department's costs. If OAR 340-105-113 is amended as proposed, OAR 340-120-030 would be redundant and should be deleted.

3. There is currently inconsistency in the rules concerning the units of measure upon which fees and other requirements are determined. Also, the Department believes a better explanation is needed regarding how waste generation rates are calculated.

4. The Department drafted amendments to rules concerning hazardous waste management fees, OAR 340-102-065 and 340-105-113, to address these concerns. A public hearing has been held and comments have been received and evaluated. Some revisions to the Department's proposal have been made, as a result. The Department now requests adoption of the proposed amendments and the repeal of OAR 340-120-030.

5. The Commission is authorized to adopt hazardous waste management rules by ORS 466.020 and to adopt hazardous waste fees by ORS 466.165 and 466.215.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed amendments to rules concerning hazardous waste management fees, OAR 340-102-065 and 340-105-113, and repeal OAR 340-120-030.

Lydia Taylor
Fred Hansen

Attachments I. Funding Task Force Membership List
II. Statement of Need for Rulemaking
III. Hearing Officer's Report
IV. Department's Response to Public Comment
V. Draft Rules, OAR 340-102-065, 340-105-113 and 340-120-030.

Bill Dana
ZF1821
229-6015
June 23, 1987

Attachment I
Agenda Item H
7/17/87 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.

WD:f

ZF1821.1

Attachment II
Agenda Item H
7/17/87 EQC Meeting

Before the Environmental Quality Commission
of the State of Oregon

| | | |
|---|---|---|
| In the Matter of Amending | ) | Statement of Need for Rule |
| OAR 340-102-065, 340-105-113 | ) | Amendment and Fiscal and |
| and Repealing OAR 340-120-020 | ) | Economic Impact. |

1. Statutory Authority

ORS 466.165 provides that fees may be required of hazardous waste generators and of owners and operators of hazardous waste treatment, storage 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.

ORS 466.045 sets limits on permit application processing fees for new and existing hazardous waste treatment and disposal sites and establishes the manner in which such fees are to be assessed.

ORS 466.020 requires the Commission to adopt rules pertaining to generators of hazardous waste and to facilities for the treatment, storage and disposal of hazardous waste (TSD facilities). ORS 466.215 provides that the Commission may by rule establish a post-closure permit application fee.

2. Statement of Need

Fee increases are needed to offset a current biennial revenue shortfall of approximately $550,000 in the Department's hazardous waste program and to provide some program enhancement in the areas of enforcement and technical assistance. The shortfall is the result of cuts in federal funding and federal program requirements which have resulted in increased spending. The proposed fee increases have been recommended by an advisory committee comprised of industry representatives.

The other amendments that are proposed are primarily for purposes of clarification.

3. Principal Documents Relied Upon

a. Oregon Revised Statutes, Chapter 466
b. Oregon Administrative Rules, Chapter 340, Divisions 105 and 120.

4. Fiscal and Economic Impact

The proposal would amend the existing annual compliance determination fees for generators of hazardous waste and for owners and operators of hazardous waste TSD facilities. Currently, the fees for generators vary from zero to $5,000 annually, depending upon the volume of waste

generated. The fees for TSD facilities range from $250 to 200,000 annually depending upon the size and type of facility. Under the proposed new rules, the fees would have both a fixed and a graduated component.

The proposed fixed, base fees would be $100 annually for generators $500 annually for treatment and storage facilities and $1,000 annually for disposal facilities, including facilities undergoing closure.

The proposed graduated fees would range from zero to $6,250 annually for generators and from $350 to $199,000 annually for TSD facilities.

The recommended fee increases for hazardous waste disposal sites, except for facilities undergoing closure, were adopted by the Environmental Quality Commission on December 12, 1986. No further fee increases for disposal sites are proposed at this time.

Annual compliance determination fees, ranging from $1,500 to $6,000, are proposed for TSD facilities undergoing closure.

Application processing fees for disposal site post-closure permits are proposed to be increased from $2,500 up to $70,000 for new permits and from $800 up to $50,000 for permit reissuance. These are the amounts authorized by the Legislature for the issuance and reissuance of other types of hazardous waste facility permits.

The other proposed rule changes are for clarification only and should have no economic impact.

ZF1821.2

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811 SW SIXTH AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

To: Environmental Quality Commission

From: William H. Dana, Hearing Officer

Subject: Report on Public Hearing Held May 19, 1987, Concerning Proposed Amendments to the Hazardous Waste Fee Rules.

## Summary of Procedure

Pursuant to public notice, a public hearing was convened at 9:00 a.m., on May 19, 1987, in the Department's offices at 811 S.W. Sixth Avenue, in Portland. Notice of the hearing was published in the Secretary of State's Administrative Rules Bulletin on May 1, 1987. In addition, notice was mailed, on May 4, 1987, to 624 individuals and firms who had previously requested notice of any proposed changes to the hazardous waste rules. On May 19, 1987, notice was mailed to all registered generators and handlers in the state, and the deadline for receipt of written testimony was extended until June 10, 1987.

The purpose of the hearing was to receive testimony concerning proposed amendments to the hazardous waste fee rules. Five people attended the hearing, in addition to Department staff. Four people testified. An attendance list is attached. In addition, written testimony was received from five parties after the hearing.

## Summary of Verbal Testimony

Terry Virnig, District Engineer, Chem-Security Systems, Inc., questioned whether or not his company's disposal site at Arlington, Oregon would be subject to the proposed new generator fees. He stated that any hazardous waste generated at the facility was only incidental to the handling of other people's wastes. He noted that the facility is already paying annual fees for being a disposal site.

Mr. Virnig also questioned whether or not the proposed closure fees would apply to closure of individual waste management units (i.e., landfill trenches, surface impoundments, etc.) at a facility, or just to final closure of the entire facility. Mr. Virnig said he was opposed to fees for closure of individual units.

Tom McCue, Environmental Programs Manager, Tektronix, Inc., complained that he had not received adequate notice of the proposed rule changes. He thanked the Department for extending the comment period until June 10. Mr. McCue questioned where his company stood with regard to the $70,000 and $50,000 permit processing fees, currently described in Division 120 and proposed to be moved to Division 105. He stated that having to pay fees whenever a company adds treatment capability is unacceptable, since it is the intent of the Department that industries develop on-site treatment, alternative technology and waste minimization whenever possible.

Mr. McCue also questioned how long a permit for his company's treatment facility might be issued for. He stated that he was opposed to $70,000 and $50,000 fees for on-site treatment facilities, particularly if the permit has to be reissued within a short period of time (e.g. within three years as opposed to ten years).

Gene Tienken, President, Western Compliance Services, Inc., expressed concern about the permit processing fees and requested a list of the companies that would be affected by these fees. He questioned whether or not PCB storage facilities would be subject to these fees. Mr. Tienken also requested a copy of the data the Department used in arriving at the $70,000 fee and asked how much annual revenue the Department expected to raise from permit processing fees. He stated that a $70,000 permit processing fee for a storage facility was somewhat excessive.

Charles Farrell, Tillamook PUD questioned whether or not the proposed fees applied to used oil or PCBs.

Summary of Written Testimony

Jean C. Meddaugh, Associate Director, Oregon Environmental Council, stated that the OEC basically supports the proposed amendments to the fee rules. She said that such fee increases are necessary to fund a strong regulatory and technical assistance program. Ms. Meddaugh suggested only one change in the proposed amendments. She stated that the phrase "any period of time", in rule 340-102-065(3)(a)(A) is too vague and that some minimum time period for storage (before a fee would be assessed) should be specified.

Duane Ohlsen, St. Vincent Hospital and Medical Center, requested that generator fees be reduced for wastes that are recycled or burned for energy recovery, as opposed to being sent to a disposal site. He also requested that the current exemption from fees, for very small generators, be retained. He stated that the proposed fees for this group may encourage more illicit dumping into local landfills.

Bob Gilbert, Ted Molinari, et al, representing Associated Oregon Industries (AOI) and the Oregon Council of the American Electronics Association (AEA), requested that the Department review its mailing procedures to assure that members of the two associations receive timely

notice of rulemaking hearings. The associations thanked the Department for extending the comment period to June 10. The two groups suggested the following changes in the proposed rule amendments:

1. In rule 340-102-065, change lbs./yr. to metric tons/yr. They believe this is more consistent with the small quantity generator rules which refer to 100kg./mo. and 1,000 kg./mo.

2. In rules 340-102-065 and 340-105-113, delete the terms "base fee" and "graduated fee" and list only the total fees.

3. In rule 340-102-065(3)(a)(C) delete the words "treatment or". They believe it is inappropriate to assess fees on waste that will be treated by the generator to reduce volume or toxicity.

4. In rule 340-102-065(3)(b)(B), delete the proposed exemption for wastes that are continuously treated without storage. They find this subsection to be inconsistent with federal rule 40 CFR 261.2. Also, they note that this provision will impact generators using batch or other non-online treatment methods.

5. In rule 340-102-065(3)(b)(D), delete the proposed exemption for wastes discharged to a publicly owned treatment work without storage. They feel that wastes stored prior to discharge should not be assessed fees.

6. In rule 340-102-065(3)(b)(E), delete the words "prior to being recycled." They believe that wastes held prior to recycling should not be assessed fees, since waste minimization is required.

7. In rule 340-102-065(4), change the set of conversions to comply with the use of metric tons instead of pounds.

8. In rules 340-105-113(2)(a) and (b), insert the words "a fee of not to exceed" after the words "permit" and "reissuance". They believe that permit processing fees should be set on a case-by-case basis.

9. In rules 340-105-113(2)(a) and (b), retain the existing fee categories that differentiate between incineration and other forms of treatment. They believe the proposed fee schedule is a deterrent to on-site treatment.

10. They believe the proposed fee of $50,000 for a disposal facility post-closure permit is excessive, when post-closure plans are already approved as part of a facility permit.

11. In rules 340-105-113(3)(a)(D) and (3)(c)(D), establish two levels of closure fees, to differentiate between permitted and non-permitted facilities.

12. In rule 340-105-113(3)(d), delete the annual compliance determination fee for disposal sites with post-closure permits. They believe the proposed $6,000 fee is excessive.

The two groups also raised two issues of concern to their members:

1. They are uncertain about the Department's responsibility in permit issuance. They believe EPA has the responsibility and that DEQ's actions are duplicative. Accordingly, they believe that the Department's costs for permit issuance are far less than the proposed fees suggest.

2. They are uncertain about the level of compliance the Department has achieved in fee collection. They urge the Department to assure that all persons subject to the hazardous waste rules are brought into compliance.

Diane G. Stockton, Environmental Engineer, Omark Industries, submitted many of the same comments submitted by AOI and AEA. In addition, she questions whether or not the annual compliance determination fee for facility closure applies to any facility required to have a closure plan or only to those facilities actually undergoing closure. She states that closure fees should not be listed under the annual fees category, since closure is a one-time event.

Donald A. Haagensen, representing Chem-Security Systems, Inc., requested that the Department provide a list of the number of facilities in each of the proposed fee categories and the estimated annual revenue. He also requested additional time to comment on this list. Mr. Haagensen further requested that only his letter and verbal testimony by Mr. Terry Virnig should be construed as representing Chem-Security's position in this matter. (Note: During the public hearing, Tom McCue of Tektronix made a comment about how one aspect of the proposal might affect CSSI.) Mr. Haagensen requested two specific changes in the proposed rules, as follows:

1. In rule 340-102-065, a provision should be added to exclude a TSD facility from payment of generator fees, unless the generator fees would be greater than the fees paid by the TSD facility under rule 340-105-113. He argues that treatment, storage and disposal facilities already pay annual compliance determination fees and that additional generator fees should not be necessary.

2. In rule 340-105-113, provision should be made to reduce the post-closure permit processing fees for disposal sites that already have an approved post-closure plan. Also, any unused portion of the post-closure permit processing fee should be returned to the applicant. Mr. Haagensen believes these changes would make the rule more consistent with legislative intent and better reflect the Department's actual costs.

Copies of all written testimony are attached.

Respectfully submitted,

William H. Dana

William H. Dana
Hearing Officer

Attachments

William H. Dana:f
ZF2140.3
229-6015
June 17, 1987

# OREGON ENVIRONMENTAL COUNCIL

*2637 S.W. Water Avenue, Portland, Oregon 97201*
*Phone: 503/222-1963*


EMORANDUM
May 18, 1987

TO: The Department of Environmental Quality

FROM: The Oregon Environmental Council

SUBJECT: Proposed Amendments to Rules Concerning Hazardous Waste Management Fees, OAR 340-102-065 and OAR 340-105-113

The Oregon Environmental Council (OEC) basically supports the amendments to OAR 340-102-065 which propose to increase fees paid by generators of hazardous waste and by treatment, storage, and disposal facilities. Such fee increases are necessary to fund both a strong regulatory program and a technical assistance program for both the public and the regulated community. Generators should see these fees as investments to offset future liability and disposal costs.

OEC also supports the need to revise OAR 340-105-113 in order to make it consistent with Division 120.

OEC suggests only one change in the proposed amendments, under OAR 340-102-065 (3)(a)(A) which suggests that wastes to be counted for purposes of this section include wastes "accumulated on site for any period of time prior to subsequent management." We suggest that the phrase "any period of time" is too vague and should be more specific for purposes of this rules. Is there a minimum period of time? (Maximum on-site storage is already defined by regulations.)

Thanking you for the opportunity to comment, I remain,

Sincerely yours,

Jean C. Meddaugh

Jean C. Meddaugh
Associate Director

ST. VINCENT HOSPITAL & MEDICAL CENTER
9205 SOUTHWEST BARNES ROAD
PORTLAND, OREGON 97225
PHONE: (503) 297-4411

SISTERS OF PROVIDENCE
SERVING IN THE WEST SINCE 1856

May 22, 1987

Hazardous & Solid Waste Division
Dept. of Environmental Quality
RECEIVED
MAY 26 1987

Environmental Quality Commission
811 Southwest 6th Avenue
Portland, OR 97204

Attention: Bill Dana

Dear Mr. Dana,

Thank you for the opportunity to comment on the proposed fee changes for Hazardous Waste Facilities.

The facilities classed as hazardous waste generators would pay the same fee whether they ship their waste to a disposal site or to a recycling center. Since one of the major objectives of the hazardous waste program should be to reduce the volume of hazardous materials we would like to see a fee differential for recycled wastes, or those wastes which can be used as fuel for heat or power generation.

The removal of the small generator limit, which would not require a fee, may encourage more illicit dumping into landfills. We feel this exemption should be retained.

I will be happy to provide additional information or comments if needed.

Very truly yours,

Duane Ohlsen

DO:br

P.O. Box 12519
1149 Court St. N.E., Salem,
OR 97309-0519

Telephone
Salem 503/588-0050
Portland 503/227-5636



ASSOCIATED OREGON INDUSTRIES

June 9, 1987

*Comments on DEQ Draft Rules Regarding Hazardous Waste Management Fees on behalf of Associated Oregon Industries and the Oregon Council, American Electronics Association*



Bill Dana
Hearings Officer
Hazardous and Solid Waste Division
Department of Environmental Quality
811 SW 6th
Portland, OR 97204

Dear Mr. Dana:

The following comments are submitted on behalf of Associated Oregon Industries (AOI) and the Oregon Council of the American Electronics Association (AEA), and their members who will be affected by this proposed rule.

The Hazardous Materials Committees of AOI and AEA met jointly on June 2, 1987 to consider the draft rules concerning hazardous waste management fees as proposed by the DEQ.

These rules were considered at a public hearing on May 19, but most members of our two associations did not receive notice of the hearing and, thus, were unable to appear to provide either oral or written comments. We appreciate your willingness to extend the comment period to June 10th. However, we also hope that you will review your mailing procedures to assure that members of our two associations receive timely notification of future hearings, as they have in the past.

To illustrate the breadth of member companies that reviewed the draft rules, we are attaching a list of those who attended our June 2nd meeting.

The following are our recommendations for changes in the proposed fees:

1. Rule 340-102-065. We agree with subsection (1) which changes the fee base from volume to weight. We support the "Total Fee" column in subsection (2). However, we recommend that the "lbs/year" be converted to "metric tons~ and, further, that you eliminate both the "Base Fee" and "Graduated Fee" columns which would leave only the "Total Fee". The new schedule would then look like the following:

| *Hazardous Waste Generation Rate (Metric tons/year)* | *Total Fee* |
|---|---|
| 0.1 but less than 1 | $100 |
| 1 but less than 3 | 300 |
| 3 but less than 15 | 550 |
| 15 but less than 30 | 875 |
| 30 but less than 150 | 1,975 |
| 150 but less than 300 | 4,475 |
| Over 300 | 6,350 |

Use of the metric ton is consistent with the small quantity generator provisions, and as presented above does not include the unregulated small quantity generator which your original draft proposed.

In paragraph (3)(a)(C), the state has always encouraged generators to reduce both the quantity and toxicity of wastes generated. In many cases this means some type of on-site treatment, reuse or reclamation. A large part of the reuse and reclamation are not subject to regulation under Rules 261.4 and 261.6. We believe it is inappropriate to include hazardous waste treated by a generator to reduce quantity and toxicity to the proposed fee schedule. We therefore request the deletions of the words "treatment or" in this paragraph.

In paragraph (3)(b)(B), we find the subsection to be inconsistent with Rule 261.2. This inconsistency will lead to confusion as to which materials are exempt from regulation under Rule 261.2, but possibly subject to fees under this subsection. Also, this approach will impact those generators using batch and other non online technologies which are widely used, particularly by (but not exclusively by) our smaller members. We recommend the deletion of Subsection (3)(b)(B).

In paragraph (3)(b)(D), we find that this provision will confuse both the generator and the agency about the fee assessment for discharges that are held for testing prior to discharge to a publicly owned treatment work (POTW). We believe that such discharges to POTW's are best regulated under the Clean Water Act and should not be subject to fees under the Oregon hazardous waste program. We recommend the deletion of paragraph (3)(b)(D).

In paragraph (3)(b)(E), since all generators are required to have in place a waste minimization program and the recycle of otherwise hazardous waste is encouraged, it is inappropriate to imply that fees have been or should be paid on materials prior to recycle. Since materials held prior to recycle are to be managed in accordance with Rule 261.6, generator funds should be expended to complete the use, reuse or recycle of these materials and not to pay fees. We recommend the deletion of the words ", prior to being recycled" in paragraph (3)(b)(E).

In Subsection 4 you will need to do another set of conversions if you follow our recommendation to use "metric tons". They would be: 1 metric tone = 2200 lbs. = 35.20 cubic ft. = 264 gallons = 1.10 tons (English) = 4.84 drums.

2. Rule 340-105-113. The new fees proposed under Subsections (2)(a) and (b) of $70,000 and $50,000 do not, in our opinion, square with the statutory provisions of ORS 466.045(3) and (4). Both of those sections of the law state "which shall not exceed" the amount stated. It appears that the legislature intended that the fee not be a set fee, but, rather, determined on a case by case basis. The statute, as does your proposed rule, indicates that any overage should be returned to the applicant. We suggest that even when set on a case by case basis, the legislature understood that the fee would be set on the high side, and they provided for return of the overage. We do not believe that this statute can be read to suggest that the legislature mandated the maximum fees provided by statute. We suggest that they expect the agency to make a judgment call on the estimated costs in advance, and if those estimated costs were less than the maximum that a lower fee would be established.

We recommend that both subparagraphs (a) and (b) be modified by adding after in (a) after "permit" insert "a fee of not to exceed" and in (b) after "reissuance" insert "a fee of not to exceed".

In paragraph (2)(a), placing all treatment operations or facilities in one category for fee assessment does not differentiate between incineration and other forms of treatment either onsite or offsite as we believe was intended by SB 138.1. We strongly suggest that the fee schedule as proposed, can only be viewed as a deterrent to onsite treatment. Further, it should be clear that "treatment facilities" do not cover facilities of a generator that would include the batch treatment of materials held in tanks for not more than 90 days, or other applicable period, for solidification or awaiting operation of a still. We believe the original categories should be retained by removing the brackets from (B), (C), (D), (E) and (F), and changing the fees as follows:

| | |
|---|---|
| (B) Treatment facility - recycling | $150 |
| (C) Treatment facility - other than incineration | 5,000 |
| (D) Treatment facility - incineration | 50,000 |
| (E) Disposal facility | 70,000 |
| (F) Disposal facility - post closure | 5,000 |

The proposed post closure fee of $50000 for a disposal facility is excessive when post closure plans are already submitted and approved as part of the facility permit.

In paragraph (2)(b), the same argument applies as in (2)(a) above. The existing categories should be retained and the fees modified to better reflect the intent of SB 138.1 and the adopted rules, as follows:

| | |
|---|---|
| (B) Treatment facility - recycling | $ 50 |
| (C) Treatment facility - other than incineration | 1,000 |
| (D) Treatment facility - incineration | 50,000 |
| (E) Disposal facility | 50,000 |
| (F) Disposal facility - post closure | 5,000 |

In subsection (3)(a) and (b) we recommend that you delete both the "base fee" and the "graduated fee" as we suggested for Rule 340-102-065(2), and show only the "Total Fee".

In paragraph (3)(a)(D), Closure, we recommend two levels of fees. For permanent closure of a permitted storage facility - $2500, and for closure of a non-permitted storage facility of a hazardous waste generator (due primarily to failure to meet the 90 day or other applicable time limitation for storage by the generator) - $250.

In paragraph (3)(c)(D), Closure, we again recommend a two level fee. For RCRA permitted disposal facilities - $6,000, and for non-permitted disposal facilities (arising for spills or releases of hazardous wastes or materials to the environment) - $1500.

In paragraph (3)(d), we believe that the annual compliance determination fee of $6000 for a disposal facility - post closure, which applies to all categories is excessive. Since post closure is required for 30 years or longer, and is required for spills and other releases, the post closure fee on an annual basis amount to a potential fee of $180,000. We recommend the deletion of paragraph (3)(d).

In closing, we would like to call to your attention two issues of some concern to our combined memberships.

First, we are still uncertain as to the actual responsibility that DEQ has for issuing the permits for which the proposed fees are to be assessed. It is our understanding that EPA has reserved permit issuance to themselves. Any actions of the DEQ in the permit review process are duplicative, and the actual cost to the DEQ for permit issuance is far less than the proposed fees suggest.

Second, we are still uncertain that the DEQ has achieved a level of collection from all persons subject to the existing fee schedule that clearly indicates the total amount of fees that may be collected. We urge the DEQ to establish a high priority for achieving a high level of compliance with the hazardous waste program by making sure that all persons subject to the law are brought under its control.

We appreciate this opportunity to comment, and we look forward to reviewing the proposed final rules before their submission to the Commission.

Sincerely,

Bob Gilbert
Chairman, Associated Oregon Industries
Hazardous Materials Committee

Ted Molinari
Chairman, American Electronics Association
Hazardous Materials Committee

*Enclosure*

AOI - AEA Hazardous Materials Committee Meeting
6-2-87

| NAME | FIRM |
|---|---|
| Peter M. Fetter | Georgia-Pacific |
| Richard L. Barrett | Willamettee Industries |
| Jack Brown | Crown Zellerback/James River |
| Ted Molinari | Praegitzer Industries |
| Lolita Carter | PGE |
| Tom McCue | Tektronix |
| Irvin Hefford | Pennwalt Corp |
| Rob Stubbs | PlanTek |
| Jake Cate | Chevron Chemical Company |
| Wayne Coppel | Pegasus Waste Management |
| Walt Rosenberg | Hewlett-Packard |
| JoAnne Schmitz | OECO Corp. |
| Allan Mick | Boise Cascade Corp. |
| Lee Archambeau | Omni Environmental |
| Bob Gilbert | James River |
| Jim Brown | Bogle & Gates |
| Murray Tilson | Wacker Siltronic |
| Chuck Knoll | Teledyne Wah Chang |
| Doris Lyler | CSSI |
| Gene Tienken | Western Compliance |
| Jerry Fisher | Hewlett-Packard |
| Dave Fiskum | AEA |
| Pat McCormick | AEA |

OMARK INDUSTRIES
A BLOUNT COMPANY

OREGON SAW CHAIN DIVISION

4909 S.E. INTERNATIONAL WAY, P.O. BOX 22127, PORTLAND, OREGON 97222-0080, (503) 653-8881, TELEX: 277306 OMARK UR, FAX: (503) 654-2889

June 10, 1987



Mr. Bill Dana
Hazardous Waste Section
DEQ
811 S.W. 6th Avenue
Portland, OR 97204

RE: Proposed Amendments To Hazardous Waste Fees
OAR 340-102-065 and 340-105-113

Dear Mr. Dana:

Omark Industries, Oregon Saw Chain Division appreciates the opportunity to comment on the DEQ's proposed amendments to OAR 340-102-065 and 340-105-113. We also appreciate and thank the DEQ for extending the comment period until June 10, 1987.

In addition to our comments which will be set forth below, Omark concurs with and supports comments which the DEQ will receive from Associated Oregon Industries and the American Electronics Association. We would ask the DEQ to carefully consider and adopt these comments.

As the DEQ is aware, Omark has consistently supported necessary and workable environmental regulations in the state of Oregon. However, Omark believes that clarity of meaning is essential in the rules, thereby avoiding potential conflicting interpretations by various parties. In addition, Omark believes the rules should consistently support established public policy pertaining to hazardous waste management (e.g., Encouragement of waste minimization practices, on-site treatment rather than off-site treatment or disposal, etc.)

In furthering these objections Omark submits the following specific comments and/or asks for clarification of the proposed language:

1. OAR 340-102-065 (2)
Rather than change the existing Hazardous waste Generation Rate measuring criteria from "cubic feet/year" to "pounds per year", Omark suggests that the measuring criteria be in "Metric Tons per Year". Usage of the metric system, rather than the English weights and measure system, is consistent with measuring criteria for establishing generation classifications (e.g., <100 Kg/mo, 100 to 1,000 Kg/mo, and >1,000 Kg/mo).

Also, it is our understanding that the actual fee to be charged HW generators will be the amount set forth under the "Total Fee" column of OAR 340-102-065 (2) Table 1. Since there is not intent to graduate the fee within a given range (e.g., 31,101 to 62,300 lbs. per year) there is no practical need to set forth the "Base fee" and "Graduated Fee" amounts in Table 1. A simple listing of the Total fee for each range is adequate.

Omark, recommends that Table 1 be amended by:

a) Deleting cubic feet per year [(cu. ft/year)] and inserting metric ton per year (<u>metric ton year</u>), and

b) Delete columns for Base Fee and Graduated Fee and have total fee column simply read, "Fee".

2. OAR 340-102-065(3)

Inasmuch as the EPA does not charge fees for the generation of hazardous waste, any regulations which the DEQ adopts pertaining to hazardous waste fees are more stringent than the federal regulations and DEQ can write the rules as it deems necessary. However, Omark believes that in drafting fee rules, the DEQ should strive to make the fee rules consistent with established public policy which encourages waste minimization and on-site treatment, while discouraging off-site treatment and land disposal.

As drafted, provisions of OAR 340-102-065(3) do not appear to support this broader public policy. In an effort to support the broader public policy Omark recommends the following changes:

a) OAR 340-102-065(3)(a)(C)

Delete the words "treatment or" from (3)(a)(C). By so doing, the DEQ will encourage the use of on-site treatment, while using economic sanctions to discourage on-site land disposal.

b) OAR 340-102-065(3)(b)(B)

This rule requires the generator to "continuously" reclaim on-site hazardous wastes, without storage prior to reclamation, in order to avoid counting the material as a generated hazardous waste.

Many facilities desire to reclaim materials on-site, however because these wastes are generated in small amounts or at various locations on-site, it only becomes economically feasible and practical to reclaim these wastes in batches at a centralized on-site reclamation facility. The reclamation can be done in accordance with all applicable law and in less than 90 days, so that "storage" is not involved. OAR 340-102-065 (3)(b)(B) should be amended to encourage this reclamation by deleting the wording "Continuously" from subparagraph (B).

c) OAR 340-102-065 (b)(D)

As written this rule would penalize facilities which accumulate wastewaters at the POTW's request, so that a continuous and even flow of wastewater is discharged to the POTW, thereby avoiding periodic surges at the POTW. HW generators should not be subject to economic penalties, such as increased generator fees, when the total amount of waste generated has been increased because the generators are working cooperatively with the POTW. OAR 340-102-065(b)(D) should be amended by deleting the clause "without first being stored or accumulated." Or, at the very minimum deletion of the words, "or accumulated."

3. OAR 340-105-113(2)(a)(B)

This rule makes no distinction between on-site versus off-site treatment or permitted treatment versus allowable treatment of hazardous waste without a permit (e.g., a generator treating hazardous wastes in a tank in less than 90 days, see the March 24,1986 Federal Register 10168). Consistent with earlier comments regarding the need for DEQ to support broad public policy on proper hazardous waste management, clarification needs to be added to this subparagraph to demonstrate that these $70,000 permit fees only apply to off-site commercial treatment facilities. The subparagraph needs to be amended to read:

(B) Treatment facility [Recycling] <u>off-site facility subject to a permanent or interim-status TSD permit</u> . . . [150] <u>$70,000</u>

4. OAR 340-105-113(2)(b)(B)

Consistent with the rational set forth at 3 above, OAR 340-105-113(2)(b)(B) needs to be amended to read:

(B) Treatment facility - [Recycling] off-site facility subject to a permanent or interim status TSD permit . . . [50] <u>$50,000</u>

5. OAR 340-105-113(3)

Consistent with comments set forth at 1(b) above, the columns for "Base Fee" and "Graduated Fee" should be deleted and only a single column entitle "Fee" remain.

6. OAR 340-105-113(3)(a)(D)

The proposed annual compliance fees for storage facility closure plans lack needed clarification. For instance:

a) Is the annual compliance fee assessed against any storage facility which must have a closure plan pursuant to 40 CFR §§264 and 265 Subpart G?

b) Or, is the annual compliance fee only assessed against those storage facilities which are undergoing closure in that calendar year?

c) Is it the intent of the DEQ to assess the closure fees against generators who, because of problems in arranging for off-site treatment, storage or disposal, exceed the 90-day accumulation rule and become an de facto storage facility? In situations such as this it is our understanding that the DEQ will require the storage facility to undergo closure prior to allowing the generator to revert to a generator status and comply with the 90-day accumulation rule of 40 CFR § 262.34. If this is so, the fee paid for these similar facilities should be significantly less than $1,500. In order to clarify these various situations Omark requests the DEQ to amend OAR 340-105-113(3)(a)(D) as follows:

| | | |
|---|---|---|
| D) | Closure of permitted or interim status facilities | $2,500 |
| E) | Closure of generator facilities accumulating longer than 90 days | $250 |

Futhermore, since closure is a one time event, this fee should not be a subset of the Annual Compliance Determinator Fee category. The closure fee should be in a category indicating a one-time fee.

7. OAR 340-105-113(3)(e)(D)

Issues similar to those set forth in 6 above also exist with closure of Disposal Facilities. Especially where the facility becomes a de facto disposal facility because of a spill or release which cannot be totally cleaned up. This closure fee should be less than a permitted facility.

Therefore, Omark requests the DEQ to amend OAR 340-105-113(3)(c)(D) as follows:

| | | |
|---|---|---|
| (1)(i) | Closure of permitted or interim status disposal facilities | $6,000 |
| (ii) | Closure of disposal facilities resulting from spills or release | $1,500 |

As noted in 6 above, these fees should also be removed from the subsection (3) Annual Compliance Determination Fee, because they are a one-time event and not a continuous on-going event.

8. OAR 340-105-113(d)

As written, it is unclear of whether the Post Closure fee is assessed because an operating facility is required to have a closure and post-closure plan pursuant to 40 CFR §§ 264 and 265 Subpart G, or is the fee assessed when actual post-closure care commencer. Please clarify the DEQ's intent on this matter.

Omark thanks the DEQ for providing the extra time to Oregon Industry to prepare comments on the fee rules. If there are questions regarding these comments you may either contact me, at 653-8881 or Mr. Jim Brown, our environmental attorney, at 222-1515.

Sincerely,

Diane G. Stockton
Environmental Engineer

SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS
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DONALD A. HAAGENSEN



TO: Department of Environmental Quality
Hazardous and Solid Waste Division
Attention: Bill Dana

FROM: Donald A. Haagensen
For Chem-Security Systems, Inc.

RE: Proposed Amendments to Rules Concerning Hazardous Waste Management Fees, OAR 340-102-065 and 340-105-113

DATE: June 10, 1987

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Chem-Security Systems, Inc. (CSSI) submits the following comments on the proposed rules dated April 17 concerning hazardous waste management fees, OAR 340-102-065 and 340-105-113. General comments are presented concerning the rules as a whole. Specific comments are also given on parts of the proposed rules. In the specific comments the part of the proposed rule at issue is quoted in full and then followed by a discussion of the proposed rule and suggested changes to the proposed rule. Language recommended to be deleted from the proposed rule is enclosed by brackets and language to be added underlined.

## GENERAL COMMENTS

1. The Department's explanation for the proposed rules does not provide adequate financial information for evaluation and comment on the rules.

The stated purpose of the proposed rules is to increase fees paid by those regulated by the rules and thereby to generate additional revenues for the Department's use in operating its hazardous waste program. Chem-Security is supportive of the Department's having adequate funds to operate its program but is very concerned about the impact the proposed substantial fee increases will have on regulated companies.

So that those who will be impacted by the rules can knowledgeably evaluate and comment on the proposed rules, the revenues to be generated by the rules must be shown in the Department explanation of the proposed rules. The Department document should set forth the number of facilities in each

category and the fees estimated to be generated by category for fiscal years 1988-89 under the current rules and under the proposed rules. Certainly, the Environmental Quality Commission cannot meaningfully evaluate and decide on the proposed rules and the revisions offered by interested parties without reviewing such information. Neither can the companies that will be subject to the proposed rules. The Department should provide the requested information and allow additional time for comment.

2. Testimony by other persons about Chem-Security's position on the proposed rules does not accurately reflect Chem-Security's position.

At the public hearing on the proposed rules and public meetings, other industry representatives may have left erroneous impressions about CSSI's position on the proposed rules. Only this letter and the testimony by Mr. Terry Virnig at the public hearing on May 19 should be considered as reflecting Chem-Security's position on the rules.

## SPECIFIC COMMENTS

### 1. Proposed Rule 340-102-065

> "(5) Owners and operators of hazardous waste treatment, storage and disposal facilities shall not be subject to the fees required by section (1) of this rule for any wastes generated as a result of storing, treating or disposing of wastes upon which an annual hazardous waste generation fee has already been paid. Any other wastes generated by owners and operators of treatment, storage and disposal facilities are subject to the fees required by section (1) of this rule."

#### Comment

Although the Department does not propose that this rule be changed significantly, it is a critical part of the proposed rules establishing which facilities will be subject to the increased annual fees for generators.

ORS 466.165 authorizes the Department to require annual fees from generators "to carry on the monitoring, inspection and surveillance program established under ORS 466.195 and to cover related administrative costs." ORS 466.195 also allows the Department to collect an annual fee from a treatment, storage and disposal (TSD) facility for the same purposes. OAR 340-105-113(3) sets the amount of the annual fees for TSD facilities. These fees are substantial, especially for disposal facilities, ranging from

$100,000 to $200,000 annually depending on the amount of waste disposed of at the facility in a year.

Paragraph (5) quoted above provides that a TSD facility does not pay an annual generator's fee for wastes brought to the facility for treatment, storage and disposal if a generator fee has already been paid for the wastes. However, paragraph (5) also treats a TSD facility as a generator and requires it to pay an annual fee for "[a]ny other wastes generated" at the facility.

This requirement for annual generator fees makes little sense for many TSD facilities. For example, Arlington's TSD facility performs no other functions than the treatment, storage and disposal of hazardous waste. Although some will argue that CSSI "generates" some hazardous wastes (for example, in its laboratory), that waste is only "generated" because it is the result of a process required for CSSI to operate its TSD facility. This is reflected in the condition in CSSI's state license (HW-1) that prohibits CSSI from conducting "any activities that are not directly associated with the construction, operation or maintenance of the waste management facilities at the site" without the Department's prior written approval.

Thus, all of CSSI's activities (including any "generation" of hazardous waste) are under the Department's regulatory power because of CSSI's operation as a TSD facility. CSSI paid an annual fee of $150,000 in 1986 as a TSD facility and likely will pay a similar annual fee in 1987. These fees are based on the amount of waste CSSI disposes of each year at its facility, including wastes "generated" at the facility and disposed of there in a particular year. Further regulation of the TSD facility through an annual fee for the generation of hazardous waste is unnecessary.

Certain other TSD facilities may generate more hazardous waste than they treat, store or dispose of so that the facility's characterization and the Department's regulatory role focus mainly on waste generated at the facility. In these cases an annual generator fee, if paid, could be greater than the annual TSD fee. The facility should pay an amount equal to the larger fee so as to best to provide fees reflecting the Department's regulatory role.

To recognize these differences between generators and certain TSD facilities, the proposed rule should be amended to exclude a TSD facility from payment of annual generator fees unless the annual generator fees would be greater than the annual TSD fees. In that case, the facility should pay the annual TSD fee plus the amount by which the annual generator fee exceeds that annual TSD fee. This would ensure payment of an amount equal to the larger fee.

Suggested Change to Proposed Rule 340-102-065

"(5) Owners and operators of hazardous waste treatment, storage and disposal facilities shall not be subject to the fees required by section (1) of this rule for any wastes generated as a result of storing, treating or disposing of wastes upon which an annual hazardous waste generation fee has already been paid. Any other wastes generated by owners and operators of treatment, storage and disposal facilities are subject to the fees required by section (1) of this rule but only in the amount, if any, by which those fees exceed the fees the owners and operators of the facilities would pay under 340-105-113(3)."

2. Proposed Rule 340-105-113

"(2) Application Processing Fee. An application processing fee shall be submitted with each application or Authorization to Proceed request, if such a request is required under OAR 340-120-005. For all applications except those for disposal site post-closure permits, any portion of the application processing fee for a treatment and disposal facility which exceeds the Department's expenses in reviewing and processing the application shall be refunded to the applicant. The amount of the fee shall depend on the type of facility and the required action as follows:"

"(a) A new permit:

| | | |
|---|---|---|
| (A) | Storage facility ..... | $No Fee |
| (B) | Treatment facility ..... | 70,000 |
| (C) | Disposal facility ..... | 70,000 |
| (D) | Disposal facility - post closure ..... | 70,000 |

"(b) Permit Reissuance:

| | | |
|---|---|---|
| (A) | Storage facility ..... | No Fee |
| (B) | Treatment facility ..... | 50,000 |
| (C) | Disposal facility ..... | 50,000 |
| (D) | Disposal facility - post closure ..... | 50,000 |

Comment

The application processing fee for a disposal facility is the same for an application for a post-closure license as it is for an application for a new permit or reissuance of a permit. The application processing fee should not be the same in both cases, however, because for many post-closure license applications the Department has previously reviewed and approved a closure plan and a post-closure plan as part of a new permit issuance or a permit reissuance. Most of the "application processing" for the post-closure license has thus already been done by the Department when it previously issued or reissued a permit.

The rules for a hazardous waste disposal facility require that a Part B permit for the facility must contain a closure and post-closure plan. OAR 340-105-014; 40 CFR 270.14(13); 40 CFR 264.112, 264.118. Under these rules the Department is required to perform the greatest part of the processing required regarding closure and post-closure when it issues or reissues a Part B permit to a hazardous waste disposal facility.

The current rules for a disposal facility provide for an application processing fee of $5,000 for a new permit or reissuance of a permit, and processing fees of $2,500 and $800 respectively for a new post-closure license and reissuance of a post-closure license. When the new permit and reissuance fees are amended to $70,000 and $50,000 as requested by the Department, a ratio similar to that in the current rules should be maintained in the processing fees for post-closure licenses. Using the ratios in the current rules, the processing fee would be $35,000 for a new post-closure license and $8,000 for reissuance of a post-closure license. This reduction should apply, however, only to facilities for which the Department has previously issued permits containing closure and post-closure plans.

Finally, when the 1985 Oregon Legislature increased the application fee from $5,000 to a maximum of $70,000 for a hazardous waste treatment or disposal facility, it did not set $70,000 automatically as the fee; it set $70,000 as the upper limit or maximum fee. OAR 340-120-030 adopted by the Commission in 1986 reflects this concept. The proposed rules do not reflect this concept and should be revised.

The Oregon legislature also required that "Any portion of the fee that exceeds the department's administrative expenses shall be refunded to the applicant." ORS 466.045(3). The legislature made the same refund provision for the $50,000 renewal application fee. ORS 466.045(4).

The legislature recognized sound policy in requiring a refund because it realized that the fees potentially could be very substantial and that an applicant deserved the return of unused fees. The same policy should apply to post-closure license application fees. The proposed rule, however, does not provide for the return of any unused application fees for post-closure license applications. The proposed rule should be revised to provide for the return of unused post-closure license application fees.

Suggested Change to Proposed Rule 340-105-113

"(2) Application Processing Fee. An application processing fee shall be submitted with each application or Authorization to Proceed request, if such a request is required under OAR 340-120-005. [For all applications except those for disposal site post-closure permits,] [a]Any portion of the application processing fee for a treatment and disposal facility which exceeds the Department's expenses in reviewing and processing the application shall be refunded to the applicant. The amount of the fee shall depend on the type of facility and the required action as follows:

"(a) A new permit:

| | Facility | Maximum Fee |
|---|---|---|
| (A) | Storage facility ..... | $No Fee |
| (B) | Treatment facility ..... | 70,000 |
| (C) | Disposal facility ..... | 70,000 |
| (D) | Disposal facility with Part B permit containing post-closure plan - post closure ..... | 35,000 |
| (E) | Disposal facility without Part B permit containing post-closure plan - post closure .. | 70,000 |

"(b) Permit Reissuance:

| | Facility | Maximum Fee |
|---|---|---|
| (A) | Storage facility ..... | No Fee |
| (B) | Treatment facility ..... | 50,000 |
| (C) | Disposal facility ..... | 50,000 |
| (D) | Disposal facility with Part B permit containing post-closure plan - post closure ..... | 8,000 |
| (E) | Disposal facility without Part B permit containing post-closure plan - post closure .. | 50,000 |

Attachment IV
Agenda Item H
7/17/87 EQC Meeting

Department's Response to Public Comment

The following is a response to the comments received concerning proposed amendments to hazardous waste fee rules, OAR 340-102-065 and 340-105-113. The comments were received at a public hearing on May 19, 1987 and in letters received on or before June 10, 1987. A complete description of the verbal testimony and copies of the written testimony are included in the Hearing Officer's Report (Attachment III). The comments and responses are grouped below in the same order in which they appear in the Hearing Officer's Report.

Responses to Comments From Terry Virnig

Comment: Is the Chem-Security Systems, Inc. disposal site, at Arlington, Oregon, subject to the proposed new generator fees?

Response: Potentially, yes. The issue of whether or not the CSSI facility is also a generator has only recently arisen and has not yet been resolved. However, in the RCRA program, generators and TSD facilities are distinct entities subject to distinct and separate regulations. If a facility happens to be both a generator and a TSD facility, it is subject to both sets of requirements. The regulation of any generator imposes certain costs on the Department. The fact that a given generator is also a TSD facility does not significantly reduce those costs.

It should be noted that the rules currently provide an exemption from fees for "any wastes generated as a result of storing, treating or disposing of wastes upon which an annual hazardous waste generation fee has already been paid." Therefore, CSSI's generator fee liability, if any, is only for those wastes which CSSI generates on site (such as from vehicle maintenance) and not from the wastes it receives from other generators.

On a case-by-case basis, the Department will consider arguments about what wastes should or should not be exempted, at CSSI or at other specific TSD facilities. However, the Department believes that the fee rules should remain as written.

Comment: Do the proposed closure fees apply to closure of individual waste management units at a treatment, storage or disposal facility?

Response: No. The fees apply only to closure of the entire waste management facility.

Responses to Comments From Tom McCue

Comment: Do the $70,000 and $50,000 permit application processing fees apply to the existing, on-site treatment facility at Tektronix, Inc?

Response: Yes and no. Since the company has already applied for a permit, they are not currently subject to the $70,000 new permit fee (the fees are

not retroactive). However, if at some point in the future, the company chooses to install a new type of treatment system, a new application and a $70,000 fee would be required, in accordance with OAR 340-120-001. Also, whenever an existing permit is reissued, a fee of up to $50,000 will be required.

Comment: For how many years will the Tektronix, Inc. permit be issued?

Response: The Department has authority to issue permits for up to ten years. However, for complex facilities, the Department may wish, or EPA may require, that the permit be issued a shorter period. The Department does not intend to issue any permits for less than five years. At this point, a decision has not been made on the Tektronix permit.

Responses to Comments From Gene Tienken

Comment: Mr. Tienken requests a list of the companies that would be affected by the proposed permit application processing fees.

Response: The Department will send Mr. Tienken a list of companies that have previously submitted applications and will eventually be subject to the permit reissuance fees. The Department does not anticipate any new permit applications at this time.

Comment: Are PCB storage facilities subject to the permit application processing fees?

Response: No. They are specifically excluded.

Comment: Mr. Tienken requests a copy of the data used to determine the $70,000 fee for new permits.

Response: The $70,000 fee was established by the Legislature to approximate the Department's costs in processing permit applications. Based on national data, it requires about 1-2.5 Full-time Equivalents (FTEs) to process a permit application for a hazardous waste or PCB facility. An FTE is equal to the time spent by one person working full-time for one year. In Oregon's hazardous waste program, one FTE for a permit writer costs the Department approximately $60,000. ORS 466.045 states that the fee shall be in an amount "sufficient to cover the Department's costs." Accordingly, a maximum fee of $70,000 does not seem unreasonable, particularly when the Department must refund any unspent monies.

Comment: How much annual revenue does the Department expect to raise from permit application processing fees?

Response: None, for at least several years. The Department has issued four permits to storage facilities none of which will require reissuance for at least two years. Other permits, currently in the process of being issued, will not require reissuance for at least five years. The

Department does not expect any new permit applications at this time.

Response to Comments From Charles Farrell

Comment: Will the proposed fees apply to facilities that generate or handle used oil or PCBs?

Response: Yes and no. The generator fees and annual compliance determination fees apply only to "hazardous waste" as defined by law. Currently, used oil and PCBs are not included in this definition. The permit application processing fees apply to PCB treatment or disposal facilities, but not storage facilities, in accordance with ORS 466.045, and Division 120 of the Department's rules.

Response to Comments From Jean C. Meddaugh

Comment: The phrase "any period of time", in rule 340-102-065(3)(a)(A) is too vague. Some minimum time period (before a fee would be assessed) should be specified.

Response: This requirement is taken directly from the federal regulations (40 CFR 261.2), which the Department has previously adopted by reference. It defines what is and what is not "waste" under the RCRA program. It is this regulation that generators should currently be using when counting their wastes, to determine which generator category they fall into (generators are subject to different requirements, depending upon the amount of waste they generate). Also, it is the rule that generators should currently be using to determine fees. The Department is proposing to relist these requirements in OAR 340-102-065 only for clarity. The Department receives many inquiries from generators, particularly small quantity generators, indicating uncertainty about what wastes to count. To be consistent and to avoid confusion, the Department believes that the same criteria should be used to count wastes for fee purposes as are used to count wastes for determining generator status.

Responses to Comments From Duane Ohlsen

Comment: Generator fees should be reduced for wastes that are recycled or burned for energy recovery.

Response: The fees in question go to support the Department's regulatory program for generators, as provided by ORS 466.165. The fee schedule is not intended to be an incentive for recycling. Under the RCRA program, a person who generates hazardous waste is subject to regulation, as a generator, regardless of how the waste is ultimately managed (e.g., recycled, treated, disposed, etc.). Therefore, any person who is classified as a generator under the Department's rules should pay for a portion of the Department's regulatory program (i.e., generator fees). OAR 340-102-065 currently states that the fees are based on the volume of waste "generated". The Department continues to believe that this is the most appropriate basis for assessing generator fees. The fees do provide

an incentive for waste reduction, in that the less waste generated, the lower the fee.

Comment: The current exemption from fees, for very small quantity generators, should be retained.

Response: The Department has proposed to assess fees to all generators, on the recommendation of its advisory committee on program funding. All generators are contributing to the "hazardous waste problem" and therefore to the Department's workload. To the extent that resources allow, all generators should be inspected or otherwise regulated. The advisory committee suggested, and the Department agrees, that all generators should contribute to program funding. The collection of fees from every generator is authorized by ORS 466.165.

Responses to Comments From Bob Gilbert, Ted Molinari, et al.

Comment: The Department should review its mailing procedures to assure that affected parties receive timely notice of rulemaking hearings.

Response: The Department regrets the delay in notification that occurred with this rulemaking and has taken steps to prevent any future reoccurrence of this incident.

Comment: In rule 340-102-065, change lbs./year to metric tons/year.

Response: The Department has no objection and agrees to make this change.

Comment: The proposed terms "base fee" and "graduated fee" should be deleted from the fee schedules and only the total fees due should be listed.

Response: The Department believes that the concept of a base fee and graduated fee is an important one. The base fee reflects the fact that there are certain costs inherent with regulating any generator or TSD facility, regardless of their size. The graduated fee reflects the fact that, generally, large facilities require more oversight and regulatory effort than do smaller facilities. Accordingly, the Department intends to continue to use base and graduated components in developing fees. However, as a result of the comments received, the Department agrees to publish only the total fees due in the fee schedules, in these rules.

Comment: In rule 340-102-065(3)(a)(c), delete the words "treatment or".

Response: This requirement is taken directly from the federal rules (40 CFR 261.2). See responses to comments from Jean Meddaugh and Duane Ohlsen above.

Comment: In rule 340-102-065(3)(b)(B), delete the proposed exemption for wastes that are continuously treated without storage.

Response: This requirement is taken directly from the federal rules (40 CFR 261.2). See responses to comments from Jean Meddaugh and Duane Ohlsen above.

Comment: In rule 340-102-065(3)(b)(D), delete the proposed exemption for wastes that are discharged to a publicly owned treatment works without prior storage.

Response: This requirement is taken directly from the federal rules (40 CFR 261.2). See responses to comments from Jean Meddaugh and Duane Ohlsen above.

Comment: In rule 340-102-065(3)(b)(E), delete the words "prior to being recycled."

Response: This requirement is taken directly from the federal rules (40 CFR 261.2). See responses to comments from Jean Meddaugh and Duane Ohlsen.

Comment: In rule 340-102-065(4), change the set of conversions to comply with the use of metric tons instead of pounds.

Response: The Department agrees to make this change.

Comment: In rules 340-105-113(2)(a) and (b), insert the words "a fee of not to exceed" after the words "permit" and "reissuance".

Response: The commentors are suggesting that these fees be determined on a case-by-case basis, and that the Department not collect the maximum allowable fee up front. Actually, the rules already provide for a case-by-case determination of fees, through the refund provision. In the case of reissuance of existing permits, ORS 466.045 directs the Department to estimate its costs and allows the Department to collect supplemental fees, at a later date, if costs are underestimated. Accordingly, for permit reissuance, the Department has amended its proposal such that the fee will be based upon actual estimated costs and will not be assessed until after the application has been preliminarily reviewed.

In the case of new permits, there is no directive for the Department to estimate its costs and no provision for collecting any fees except at the time the application is submitted. Clearly, legislative intent seems to be that the maximum fee be collected up front and that any unspent monies be refunded. Therefore, for new permits, this is what the Department proposes to do.

Comment: In rules 340-105-113(2)(a) and (b) retain the existing fee categories that differentiate between incineration and other forms of treatment.

Response: The Department finds nothing in the statutes to indicate that the legislature intended different fees for different types of treatment. ORS 466.045 simply provides two categories: new permits and reissuance of

existing permits. Since the rules provide for a refund of any unspent monies, the Department sees no need to establish separate fee categories for different types of treatment facilities.

Comment: Post-closure permit application processing fees should be reduced for facilities that already have an approved post-closure plan as part of their operating permit application.

Response: The Department initially proposed to regulate the processing of post-closure permit applications in a somewhat different manner than operating permits. In response to comments received, the Department has reconsidered this matter and now proposes to manage the processing of operating permits and post-closure permits in the same manner.

Issuance of a post-closure permit to a facility that already has an approved post-closure plan should cost the Department less than issuance of a permit to a facility that does not have such a plan. Under the Department's revised proposal, any unspent monies would be returned to the applicant and, in the case of permit reissuance, the initial fee would be only the amount estimated to cover the Department's costs. The Department believes that this proposal addresses the commentors' concerns and that separate fee categories, for facilities with and without approved closure plans, is not necessary.

Comment: In rules 340-105-113(3)(a)(D) and (3)(c)(D), establish two levels of closure fees, to differentiate between permitted and non-permitted facilities.

Response: The Department is not persuaded that there is a need for separate fee categories. The fees are only an approximation of the Department's costs to regulate closures in general. Actual costs will vary from facility to facility and are primarily dependent upon the size and complexity of the closure activity, rather than whether or not the facility currently has a permit. Regulation of any facility undergoing closure involves plan review, inspections, public notification and related costs. Currently, facilities undergoing closure pay no fees. The Department's advisory committee on program funding has recommended that the Department shift some of the obligation for program funding to these facilities. The Department believes that the proposed fees are reasonable and appropriate for both permitted and non-permitted facilities.

Comment: The proposed $6,000 annual compliance determination fee, for disposal sites with post-closure permits, is excessive.

Response: The Department has not yet issued any post-closure permits, so post-closure compliance determination costs are uncertain. The Department anticipates, however, that it will be costly. Compliance determination will involve inspections, sample collection, laboratory analysis, data analysis, report writing, possible enforcement action, etc. The fee is currently $5,000. The proposed increase to $6,000 was endorsed by the Department's advisory committee on program funding.

Comment: Permit issuance is primarily EPA's responsibility. The Department's review of permit applications is duplicative and therefore less costly than the proposed fee schedule would indicate.

Response: Permits are currently issued jointly by EPA and DEQ. This is a temporary situation that exists only because of the 1984 "HSWA" amendments to RCRA. The Department has received authorization for the base RCRA program, but is not yet authorized for the HSWA amendments. Nevertheless, the Department has primary responsibility for permit issuance. The Department has sole responsibility for base RCRA and state program requirements and is expected to contribute significantly to EPA in determining an applicant's compliance with the HSWA requirements.

In regard to the Department's costs, see the response to comments from Gene Tienken above.

Comment: What is the current level of compliance with the existing fee schedules? The Department should make fee compliance a higher priority.

Response: The Department is making a concerted effort to get more generators registered and to collect more fees. We agree that there are still many who have not been brought into the system. Part of the problem is that the universe of generators is expanding as the regulations continue to change. Recently, a large number of new generators were added to the regulated community, when the federal small quantity generator rules were adopted. The Department is working on this problem, but it will take time to achieve success.

Responses to Comments From Diane G. Stockton

Comment: Do the annual compliance determination fees for closure apply to all facilities required to have a closure plan?

Response: No. The closure fee applies only to inactive facilities actually involved in closure. Active facilities are assessed fees based on the amount of waste handled annually.

Comment: Compliance determination fees for facilities involved in closure should not be listed as annual fees, since closure is a one-time only event.

Response: It is true that closure is a one-time event. Also, the actual physical closure of a facility (i.e., the removal or disposal of the waste) may only take a few months. However, the "closure process" (i.e., plan review, negotiations, monitoring, data analysis, public notice, etc.) can and typically does take more than one year. If the proposed fees are adopted, facilities undergoing closure will be subject to the fees, until the closure process has been completed.

Responses to Comments From Donald A. Haagensen

Comments: The Department should identify the number of facilities in each of the proposed fee categories and the estimated annual revenue.

Response: The Department anticipates no revenue from permit processing fees during the next biennium. In regard to annual generator and TSD compliance fees, in many of the fee categories the exact number of affected facilities is unknown. However, the following is an estimate of the total number of generators and TSD facilities and the anticipated revenue for the 1988-89 biennium:

| | Number | Revenue |
|---|---|---|
| - Generators | 720 | $830,000 |
| - TSD Facilities | 39 | $609,000 |

Comment: Only the testimony of Mr. Haagensen and Terry Virnig represent the position of Chem-Security Systems, Inc. in this matter.

Response: The Department understands and acknowledges that the comments of Mr. McCue, made during the public hearing, do not represent CSSI.

Comment: A TSD facility should not be required to pay generator fees, unless the generator fees would be greater than the TSD facility compliance fees.

Response: The Department disagrees. See response to comment from Terry Virnig above.

Comment: In rule 340-105-113, post-closure permit processing fees should be reduced for disposal sites that already have an approved post-closure plan. Also, any unused portion of the fee should be refunded to the applicant.

Response: The Department agrees, in part, see response to comment from Bob Gilbert, Ted Molinari, et al above.

Attachment V
Agenda Item H
7/17/87 EQC Meeting

Before the Environmental Quality Commission of the State of Oregon

| | | |
|---|---|---|
| In the Matter of Amending | ) | |
| OAR 340-102-065 and | ) | Proposed Changes |
| OAR 340-105-113 and | ) | |
| Repealing OAR 340-120-030 | ) | |

Unless otherwise indicated, material enclosed in brackets [ ] is proposed to be deleted and material that is underlined is proposed to be added.

1. Rule 340-102-065 is proposed to be amended as follows:

340-102-065 (1) Beginning July 1, 1984, each person generating hazardous waste shall be subject to an annual fee based on the [volume] weight of hazardous waste generated during the previous calendar year. The fee period shall be the state's fiscal year (July 1 through June 30) and shall be paid annually by July 1[, except that for fiscal year 1985 the fee shall be paid by January 1, 1985].

(2) For the purpose of determining appropriate fees, each hazardous waste generator shall be assigned to a category in Table 1 of this Division based upon the amount of hazardous waste generated in the calendar year identified in section (1) of this rule except as otherwise provided in section (5) of this rule.

Table 1

| Hazardous Waste Generation Rate [(cu.ft./year)] | (Metric Tons/Year) | Total Fee [(dollars)] | |
|---|---|---|---|
| [< ± 35] ..... | <1 ..... | [No Fee] | $100 |
| [35-99] ..... | 1 but <3 ..... | [$100] ... | 300 |
| [100-499] ..... | 3 but <14 ..... | [350].... | 550 |
| [500-999] ..... | 15 but <28 ..... | [625]..... | 875 |
| [1,000-4,999] .. | 30 but <142 ..... | [1500].... | 1975 |
| [5,000-9,999] .. | 150 but <284 ..... | [3500]... | 4,475 |
| [>10,000] .... | = >284 ..... | [5000]... | 6,350 |

(3) For the purpose of determining appropriate fees, hazardous waste [that is used, reused, recycled or reclaimed] shall be included in the quantity determinations required by section (1) of this rule as follows:

(a) Except as provided in subsection (b) of this section, all quantities of "listed" and "characteristic" hazardous waste shall be counted that are:

(A) Accumulated on-site for any period of time prior to subsequent management;

(B) Packaged and transported off-site;

(C) Placed directly in a regulated on-site treatment or disposal unit; or

(D) Generated as still bottoms or sludges and removed from product storage tanks.

(b) Hazardous wastes shall not be counted that are:

(A) Specifically excluded from regulation under 40 CFR 261.4 or 261.6;

(B) Continuously reclaimed on-site without storage prior to reclamation. (Note: Any residues resulting from the reclamation process, as well as spent filter materials, are to be counted);

(C) Managed in an elementary neutralization unit, a totally enclosed treatment unit, or a wastewater treatment unit;

(D) Discharged directly to a publicly-owned wastewater treatment works, without first being stored or accumulated (Note: Any such discharge must be in compliance with applicable federal, state and local water quality regulations); or

(E) Already counted once during the calendar month, prior to being recycled.

(4) In order to determine annual hazardous waste generation rates, the Department [intends to] may use generator quarterly reports required by rule 340-102-041; treatment, storage and disposal reports required by rule 340-104-075; [and] information derived from manifests required by 40 CFR 262.20 , and any other relevant information. For wastes reported in the units of measure other than [cubic feet] metric tons, the Department will use the following conversion factors: [1.0 cubic feet = 7.48 gallons = 62.4 pounds = 0.03 tons (English) = 0.14 drums (55 gallon).] 1.0 metric tons = 1,000 kg = 2,200 lbs. = 35.25 cubic feet = 264 gallons = 1.10 tons (English) = 4.80 drums (55 gallon).

(5) Owners and operators of hazardous waste treatment, storage and disposal facilities shall not be subject to the fees required by section (1) of this rule for any wastes generated as a result of storing, treating or disposing of wastes upon which an annual hazardous waste generation fee has already been paid. Any other wastes generated by owners and operators of treatment, storage and disposal facilities are subject to the fees required by section (1) of this rule.

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

2. Rule 340-105-113 is proposed to be amended as follows:

340-105-113 (1) Filing Fee. A filing fee of $50 shall accompany each application for issuance, [renewal] reissuance or modification of a hazardous waste management facility or PCB facility permit, except storage facility permits. 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 hazardous waste management facility or PCB facility permit application or Authorization to Proceed request, if such a request is required under OAR 340-120-005. The intent of the application processing fee is to cover the Department's costs in investigating and processing the application. For all applications, any portion of the application processing fee which exceeds the Department's expenses in reviewing and processing the application shall be refunded to the applicant. In the case of permit reissuance, a fee is not initially required with the application. Within sixty days of receipt of the application, the Department will estimate its costs to reissue the permit and will bill the applicant for those costs, up to the amount specified in subsection (2)(b) of this rule. The application will be considered incomplete and processing will not proceed, until the fee is paid. In the event that the Department underestimates its costs, the applicant will be assessed a supplemental fee. The permit shall not be reissued until all required fees are paid. The total fees paid shall not exceed the amount specified in subsection (2)(b) of this rule.

(a) A new [facility (including substantial expansion of an existing facility)] permit:

| | | |
|---|---|---|
| (A) | Storage facility . . . . . | $ No Fee |
| (B) | Treatment facility [- Recycling]. . . . . | [150] 70,000 |
| [(C) | Treatment facility - other than incineration . . . . . | 250 |
| (D) | Treatment facility - incineration . . . | 500] |
| (C) [(E)] | Disposal facility . . . . . | [5,000] 70,000 |
| (D) [(F)] | Disposal facility - post closure . . . . | [2,500] 70,000 |

(b) Permit [Renewal] Reissuance:

| | | |
|---|---|---|
| (A) | Storage facility . . . . . | No Fee |
| (B) | Treatment facility [- recycling]. . . . . | [50] 50,000 |
| [(C) | Treatment facility - other than incineration . . . . . | 75 |
| (D) | Treatment facility - incineration . . . | 175] |
| (C) [(E)] | Disposal facility . . . . . | [5,000] 50,000 |
| (D) [(F)] | Disposal facility - post closure . . . . | [800] 50,000 |

(c) Permit Modification - [Changes to Performance/Technical Standards] major:

| | | |
|---|---|---|
| (A) | Storage facility . . . . . | No Fee |
| (B) | Treatment facility [- recycling]. . . . . | [50] 500 |
| [(C) | Treatment facility - other than incineration . . . . . | 75 |
| (D) | Treatment facility - incineration . . . | 175] |
| (C) [(E)] | Disposal facility . . . . . | 1,750 |
| (D) [(F)] | Disposal facility - post closure . . . . | 800 |

(d) Permit Modification - [All Other Changes not Covered by (2)(c)] Minor:

All Categories[, except storage facilities]. . . . [25] No Fee

[(e) Permit Modifications - Department Initiated . . . No Fee]

(3) Annual Compliance Determination Fee. Except as provided in rule 340-105-110(5), [(]in any case where a facility fits into more than one category, the permittee shall pay only the highest fee[)] as follows:

| | | Total Fee |
|---|---|---|
| (a) | Storage facility: | |
| | (A) 5-55 gallon drums or 250 gallons total or 2,000 pounds . . . . . [250] | 850 |
| | (B) 5 to 250 - 55 gallon drums or 250 to 10,000 gallons total or 2,000 to 80,000 pounds . . . . . .[1,000] | 1,750 |
| | (C) >250 - 55 gallon drums or >10,000 gallons total or >80,000 pounds . . . . . .[2,500] | 3,500 |
| | (D) Closure . . . . . 1,500 | |
| (b) | Treatment Facility: | |
| | (A) <25 gallons/hour or 50,000 gallon/day or 6,000 pounds/day . . . . . .[250] | 850 |
| | (B) 25-200 gallons/hour or 50,000 to 500,000 gallons/day or 6,000 to 60,000 pounds/day . . . . . [1,000] | 1,750 |
| | (C) >200 gallons/hour or >500,000 gallons/day or >60,000 pounds/day. . . . . .[2,500] | 3,500 |
| | (D) Closure . . . . . 3,500 | |
| (c) | Disposal Facility: | |
| | (A) <750,000 cubic feet/year or <37,500 tons/year . . . . . 100,000 | |
| | (B) 750,000 to 2,500,000 cubic feet/year or 37,500 to 125,000 tons/year . . . . . .150,000 | |
| | (C) >2,500,000 cubic feet/year or >125,000 tons/year . . . . . .200,000 | |
| | (D) Closure . . . . . 6,000 | |
| (d) | Disposal Facility - Post Closure: | |
| | All categories . . . . . [5,000] | 6,000 |

3. Rule 340-120-030 is proposed to be deleted as follows:

[340-120-030(1) The intent of the permit application fee is to cover the Department's costs, in investigating and processing the application. For new hazardous waste and PCB treatment and disposal facilities, the maximum application processing fee is $70,000. For existing facilities, the maximum fee is $50,000. These fees include the fees required by Table 1 of Division 105.

(2) Any portion of the application processing fee for a treatment and disposal facility which exceeds the Department's expenses in reviewing and processing the application shall be refunded to the applicant.

(3) The fee described in Section (1) is payable upon submission of an Authorization to Proceed request, if such a request is required, or a permit application.]