

8/22/1988

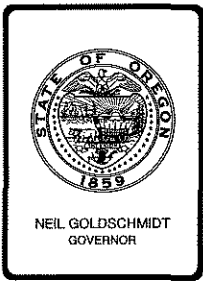
**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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Environmental Quality Commission

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

The Oregon Environmental Quality Commission will meet for a two-day planning session at Silver Creek State Park, August 22 and 23. The agenda for the planning session is on the back of this announcement.

Members of the public may attend any of the sessions. Two beds are available at the park on a first-come first-served basis. Meals will be available but must be requested in advance. Meal costs are:

breakfast	\$4.50
lunch	\$4.50
dinner	\$8.00

Overnight costs are \$37.50 which includes meals.

For information on availability of overnight accommodations or meals, call Monica Russell at 229-5300 by August 19.

DRAFT AGENDA

EQC/DEQ RETREAT

AUGUST 22 & 23, 1988

Monday

- 10:00 Introductions/Expectations
- 10:15 Delegation/Stringency (Federal Programs)
- 11:30 Interagency cooperations (States Only)
- 12:30 Lunch (continue discussion over lunch)
- 1:30 Reconvene--Antidegradation vs Nondegradation
- 3:00 EQC Operations
- Meeting frequency and structure
 - Future agenda topics
 - EQC meeting packets
- 5:30 Dinner
- 8:30 Environmental protection in Oregon--the next 20 years

Tuesday

- 8:30 Enforcement (Regional Operations)
- 10:30 Break
- 11:30 Education--Prevention vs Cure (Public Affairs)
- 11:30 Budget--where does all our money go?
- 12:30 Lunch
- 1:30 Where from here?
- 3:00 Depart

Proposed Agenda

EQC/DEQ RETREAT

August 22 & 23, 1988

MONDAY

9:30 Arrive, check-in

10:00 Introductions Hutchison/
Expectations Hansen

10:15 Delegation/stringency (Federal Programs)

11:30 Interagency cooperation (States Only)

12:30 Lunch (continue discussion over lunch)

1:30 Reconvene--Antidegradation vs. Nondegradation
(Water Quality)

2:30 Break

3:00 EQC Operations

- Meeting frequency/structure (no briefing paper)
- Future agenda topics
- EQC meeting packets--or how to deal with a three inch thick stack of paper in a meaningful way (no briefing paper)
- Executive summaries (memo enclosed)
- Management information systems

5:00 Break

5:30 Dinner

8:30 "Environmental protection in Oregon--the next 20 years"

TUESDAY

7:30 Breakfast

8:30 Enforcement (Regional Operations)

10:30 Break

11:00 Education--Prevention vs. Cure (Public Affairs)

11:30 Budget--what is discretionary and what is not; where does all our money go? (Lydia Taylor)

12:30 Lunch

1:30 Where from here? At the end of your Hutchison tenure what will make you feel that you have been successful as a Commissioner/staffer? What does it mean to be doing our job? What does it take to "win"?

3:00 Depart

EQC
Minutes from the August 22-23 Retreat
Silver Falls Conference Center

The meeting began with introductions of staff and a basic review of the retreat agenda. Present from the Department of Environmental Quality staff were:

Mike Downs	Lydia Taylor
Stephanie Hallock	Dick Nichols
Carolyn Young	Nick Nikkila
Hal Sawyer	Tom Bispham
John Loewy	Donny Adair
Fred Hansen	Monica Russell
Michael Huston	Al Hose

From the Environmental Quality Commission:

Emery Castle	Bill Hutchison
Genevieve Pisarski Sage	Wallace Brill
Bill Wessinger	

From interested outside parties:

Jack Churchill	Jack Smith
Terry Witt	Paulette Pyles
Bill Johnson	John Charles
Scott Ashcom	Brian Johnson
Janet Getze	

INTRODUCTION (Bill Hutchison)

The basic expectation and outcomes from the retreat developed by the group include--

- Grounding in the issues
- Clarification of methodology in approaching problems
- Enhance/facilitate the Commission's policy setting role
- Strategic planning - proactive
- Setting program priorities
- Sense of EQC directions/goals
- Philosophy behind policies
- Internal and external communications
- How to evaluate success of policy implementation.

STATE ACCEPTANCE OF FEDERALLY DELEGATED PROGRAMS (Mike Downs)

Mike Downs discussed delegation and stringency. Mike stated that there are certain criteria that the state uses to determine whether or not that state will assume a federal program. One of the problems in taking a federal program is that the state will generally put more resources into a program than the federal government would. Funding and enforcement will sometimes then complicate the issue.

The industry position on delegation is that generally they prefer the state to run the programs. They are also interested in seeing consistency in rules and regulations from state to state.

It was also noted that federal programs tend to be abatement or clean up oriented, whereas the state has always placed more emphasis on prevention.

The group listed the following criteria for determining the assumption of federal programs:

Criteria for accepting delegation:

1. Public importance of the issue (perceived need)
2. Resource/Response requests
3. Importance of avoiding dual jurisdictions--What is the relationship to other state programs?
4. Federal incentives
5. Accept delegation if the state is to develop program in a federal area
6. Interstate issues/relations
7. Interdependence with other programs (implicit or explicit?)

Criteria for not accepting delegation:

1. Does the program cost too much to assume delegation?
- 2...7--flip side of above issues.

Another issue is the impact of the proposed program on the public in general -- in terms of risk, new fees or taxes, jobs, etc.

The Commission expressed the views that there should be a policy on delegation, and that policy should reflect a case by case decision on the merits, with no preconceived answer.

Consensus for Followup Action -- Acceptance of Delegated Programs

The Department should prepare, for Commission consideration, a draft for an explicit neutral policy on state acceptance of federally delegated programs, with criteria or a framework to guide evaluation of delegation proposals.

STATE REQUIREMENTS MORE STRINGENT THAN FEDERAL REQUIREMENTS (Mike Downs)

There was also some brief introduction of the concerns that develop when proposed state requirements are more stringent than federal requirements.

Consensus for Followup Action -- More Stringent Requirements

The Commission expressed a desire for more discussion relative to a draft policy on when State requirements may appropriately be more stringent than federal requirements.

INTERAGENCY COORDINATION (Hal Sawyer)

Hal Sawyer introduced the topic of interagency coordination. Basically cooperation is determined by -

Statutes
governor's office
lead agency
public

The group identified the following things that enhance interagency coordination:

Participation is non-partisan
There is a perceived need to cooperate
There is a desire to cooperate
The agency heads encourage cooperation
Agencies are non-territorial
The governor's office encourages cooperation
It is in each agency's best interest to cooperate

Commissioner Castle suggested that the Department draft a statement to Gail Achterman that we recognize that interagency cooperation is an issue, that currently the situation is positive but we realize how fragile the balance is, and that we will strive to maintain that balance.

The commissioners also felt that review of other state agencies' policies should be a formal process.

Jack Churchill stated that we (DEQ & EQC) need to improve relationships with other resource agencies which are natural allies (Fish & Wildlife, Water Resources) and identify specific needs of our agencies.

Consensus for Followup Action: Interagency Coordination

The Department should draft, for Commission consideration, a Policy Statement on Interagency Coordination (which recognizes that interagency cooperation is an issue, that currently the situation is positive, that the balance is fragile, and that we will strive to maintain the balance); The policy should then be communicated to Gail Achterman; The Department should develop an "implementation strategy" which identifies opportunities to institutionalize the policy; defines proposed followup activities, including defining the Commissioners role in interagency coordination to foster cooperation, build better relationships, and minimize the chance for co-option by other agencies; and defines a more formalized process for review and input to other state agencies' policies.

It was recognized that cooperation between agencies and between our agency and local governments are separate issues.

ANTIDegradation (Dick Nichols)

Dick Nichols introduced the topic of antidegradation with a discussion of water resources and recognized beneficial uses. DEQ is now facing the problems associated with classifying state waters which include making decisions about which bodies of water should be totally protected (i.e. no degradation) and/or to what extent other water can be used. Another issue raised is whether or not new rules/regulations need to be retroactive. Currently they are not.

Waste permits allow permittees to work within parameters of what is "practicable", which is basically defined as available technology which is tried and true and economically feasible. Issuing permits creates a right to perform a specific activity and this right can be revoked. Supposedly this creates an automatic desire to improve to keep ahead of the competition.

The group identified the following issues:

Is there a right to "efflute"? Does the issuance of a waste discharge permit convey a property right or a regulated privilege.

The Definition of practicable is not precise.

What are the agency's rights in requiring "Best Management Practices" if they are not as good as the best available technology?

What is the permit marketability?

What are criteria for the river classification system?

What are we going to protect--i.e. what measure do we use, background levels of contaminants? beneficial uses?

What are the Federal Clean Water Act Requirements? (ie 3 year review/re-examination)

Where should efforts be concentrated, on waters which have not been polluted or on waters which need to be cleaned up?

The first steps in answering these questions will involve identifying Total Maximum Daily Loads (TMDLs). The antidegradation policy will then follow from there.

John Charles, Executive Director of the Oregon Environmental Council, stated that a primary consideration in determining policy or action is how easy is the resource to repair. In terms of all resources considered, he feels that ground water is the most difficult to repair and should therefore be protected by the most stringent prevention techniques.

Consensus for Followup Action: -- Antidegradation

The Department should draft a thoughtful piece on Beneficial Use to serve as a basis for initial discussion on this issue. The Department should also get back to the Commission soon with a Strategy/Schedule proposal.

LAND USE / SECONDARY LANDS

This issue arose as an offshoot of the discussion on interagency coordination.

Michael Huston was asked what avenue of appeal exists for cases where another state agency, a city or a county have jurisdiction over an issue that affects the environment. Michael Huston responded that DEQ could appear before a land use planning commission and say that they are not conforming to DEQ standards. He also noted that DEQ could appeal land use actions to LUBA or could participate as a party in cases appealed by others. Through greater involvement, DEQ has the ability to be proactive and turn the land use process around into a better tool for prevention.

Consensus on Followup Action: -- Land Use

The Department was asked to prepare a briefing Paper on Land Use Planning Strategy for discussion at a subsequent breakfast meeting. This paper should better define potential problems and opportunities for EQC/DEQ input.

COMMISSION'S ROLE / OPERATIONS (Bill Hutchison)

The group identified the following as significant parts of the role of the Commission:

The Commission is an "Outside Board".

The Commission form of Government is important.

The Commission formulates policy for the department. The staff then implements the policy.

The Commission is the eyes and ears of the public. The quality of the Commission's decisions then depends on the quality of the input they receive, the timing of that input, and what they hear/see from the public.

Commission roles are both formal and informal.

The Commission must play (at least) three roles in their service to the public and in directing the department: legislative, judicial, and administrative.

The Commissioners felt that in general they needed more time to review specific issues on each meeting's agenda. The actual paper work involved in preparing for each meeting was discussed and it was suggested an index to the packet might be helpful.

John Charles suggested that the Commission rethink its role with the legislature. He felt that the Commission could be missing opportunity by not being more available to the Legislature.

It was also suggested that the Commission and the Department become more proactive rather than reactive and driven by what pops up on the agenda. The Commission should make policy decisions which drive the programs rather than vice versa.

Consensus on Followup Actions: -- Commission's Role/Operations

The Commission decided to conduct a work session on the afternoon before the regular meeting to give the Commission better opportunity to become familiar with significant issues.

The Commission asked the Department to place Civil Penalty Settlements on the Consent Agenda for formal Commission action.

(This was included as Item C on 9/9/88 Agenda.)

The Department was asked to develop rule to delegate Air Quality Plan Approval authority to the Department. (This

will eliminate the need for Commission approval of the plans as part of the activity report.)

(Targeted for Hearing Authorization 11/4/88, Adoption 1/20/89 unless a problem is identified.)

A new format for staff reports is needed. Reports should be shorter (5 pages max.), greater use should be made of attachments where greater detail is needed, an index to the detail which in the attachments should be included, and a 1 page "Executive Summary" or "Request for Commission Action" should be prepared.

The Department should return to 9/9/88 Meeting with further refinement of Future Agenda Topics and alternatives for meeting locations and field trips.

(Future Agenda Topics list was revised to reflect scheduled meeting dates; Potential meeting locations and field trip options were noted; and the resultant list was provided to the Commission at the September 8-9, 1988 meeting.)

ENFORCEMENT (Tom Bispham)

Ordinarily civil penalties are determined via a matrix system which identifies a range of variables. Mitigating or aggravating circumstances are taken into account before setting a penalty.

It would be desirable to unify the enforcement policy over all programs (AQ, WQ, HSW). To do so requires:

- predictability, consistency
- flexibility-rules can allow flexibility with standards governing discretion
- federal guidance
- clear communication of actions and consequences

Consistency is lost when no action is taken, but when is it ok to take no action?

Where enforcement was previously carried out by a "generalist" who could cover all areas, Hazardous Waste and Environmental Cleanup are both programs which are becoming so complex they require specialists to carry out field inspections and enforcement. Where do these "new" people come from?

There is no unanimity of thought about what is going on--some expressed the following views:

- municipalities are treated differently
- there are bottlenecks--the enforcement should be more decentralized with regional offices given more authority

- fines are levied with respect to procedural violations not environmental harm
- the current system is too lax
- there should be a minimal level of fine

Mike Downs stated that we need stronger enforcement capability and criminal penalties. We should have stronger criminal penalty authority, criminal investigation capability, and be able to work through the AG's office.

We do have special emergency injunctive power.

We must deal with violators of degree, i.e individuals, small companies, and big companies.

Our policy should encourage compliance, and should not be driven by complaints.

Enforcement

- by rule
- seek criminal authority
- enforcement should encourage compliance
- should be predictable

Internally enforcement utilized "contracts" in the form of stipulated agreement which include penalties. This system forgoes contesting cases.

We can recover administrative fees in environmental cleanup, otherwise fines and penalties go to the common school fund.

Consensus on Followup Actions: -- Enforcement

Develop a single Penalty Policy applicable to all programs for enactment by rule. The public expects a greater degree of environmental protection, therefore the policy needs to tighten the rules, treat municipalities the same as industries, and include a penalty matrix.

In addition, the Department is to explore further the need for enhanced Criminal penalty authority.

EDUCATION vs PREVENTION (Carolyn Young)

Education is of limited effectiveness because we must deal with the public and while it heightens awareness, it does not motivate. There are other problems associated with education. How do you evaluate your programs? How do you enhance the bond between DEQ and the educational community? What role can the Commissioners play? People respond to incentives. Should you then initiate criminal penalties or can you just raise the public general awareness?

Genevieve Pisarski Sage stated that the framework for educational programs is different than an enforcement framework. That is the process of education requires creating awareness of problems, motivating people to deal with problems, teaching skills to deal with problems, and then maintaining the program. If we are committed to an educational program, we must commit to the entire process.

Consensus for Followup Action: -- Education

The Department should identify emerging issues where an "education environment" exists, and then efforts could be "ratcheted up a notch or two". The Department should evaluate existing educational programs, and explore alternatives in terms of components, costs, and potential for an educator on staff.

BUDGET (Lydia Taylor)

The budget process starts in March and is submitted in August for implementation the following July. The process is available to public through the governor's office.

Generally speaking Oregon uses fees more than most states. Revenue obtained through these fees is dedicated to specific activities and limits the agency's flexibility.

SEA (State-EPA Agreement)-We get money for agreement to maintain or contribute to a program. We negotiate the amount of money we receive for the amount of work done. Sometimes this amounts to putting in 75% of the work required but receiving only 25% of the money necessary to complete that work.

The commission expressed the need for a meaningful process for involvement in the budget process.

STRATEGIC PLANNING

The discussion of the budget led to a broader discussion of planning. The Commission would like to see a strategic plan which includes the detail of our goals (directions and choices) and objectives. The process should involve opportunity for public input. The process of developing the budget for next biennium should logically follow the strategic planning process.

Consensus for Followup Action: -- Strategic Planning

A "Strategic Plan" is needed to guide the overall direction of Oregon's Environmental Program, including development of

budgets, legislative agendas, etc. The Department and Commission should begin now to design the process for development of such a plan.

(Exploration of the Strategic Planning process has been initiated through background discussions with knowledgeable staff at Pacific Power. A copy of Pacific Power's 4 page Strategic Plan is attached for your information.)

Date: 6-21-88 5:16pm
From: Tina Payne:OD:DEQ
To: Agency Management Group:od
cc: Tina Payne:OD:DEQ
Subj: Executive Summary

Bill Hutchison has asked that the following be included in the Executive Summary:

- I. History and context
 - a. Prior consideration
 - b. Future anticipation
 - c. Impact
 - d. Implementation
- II. Law which applies
 - a. Local
 - b. State
 - c. Federal
- III. Problem to be resolved
- IV. Related problems, agency action, etc.
- V. Agency alternatives
- VI. Recommended alternatives with rationale
- VII. Budgetary considerations and implications
- VIII. Implementation alternatives
 - a. Education
 - b. Etc.

Please notify your staff about this request. Thanks.

DELEGATION/STRINGENCY

August 22-23, 1988

EQC Retreat

Over the years the Department has accepted delegation of a number of federal environmental programs. Some of these programs include:

National Pollution Discharge Elimination System (NPDES) - requires the issuance of permits to all facilities discharging effluent to navigable waters.

Construction Grants - provides federal grant funds for the construction of publicly owned sewage treatment works.

Resource Conservation and Recovery Act (RCRA) - Subtitle C provides a comprehensive federal program for management of hazardous waste from its generation to final recovery, treatment or disposal.

National Emission Standards for Hazardous Air Pollutants (NESHAPS) - federal emission standards for toxic air pollutants that can be adopted and implemented by the state through conditions added to air contaminant discharge permits, or other requirements.

New Source Performance Standards (NSPS) - provides emission limitations for major new or modified sources of air contamination that must be included in air permits.

In general, a delegable program is one where the federal government adopts regulations to implement a program at the federal level, and provides a process whereby states can implement the program in lieu of the federal government. Similarly, the federal government has mandated that states implement certain programs entirely at the state level through adoption of state regulations, or state planning efforts. A good example of these required state programs is the State Implementation Plan designed to result in compliance with the federal clean air standards by specific dates. The main difference between delegable and mandated programs is that a delegable program will be implemented by EPA unless the state accepts delegation, while a mandated program must be implemented by the state to avoid federal sanctions.

A significant portion of the Department's programs are either mandated or delegated federal programs. In addition, the Department operates several programs that have no federal counterpart. An example is the Noise Program. Attachment I provides a summary of most of the agency's delegated, mandated and purely state-oriented programs.

Federal programs may be delegated to the states under specific statutory authority provided by Congress in the enabling legislation (e.g. Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act). Generally, Congress requires states to meet certain basic requirements in order to be eligible for delegation. Usually, these requirements include:

- 1) The state must have equivalent statutory authority to implement a program at least as stringent as the federal program.
- 2) The state must adopt administrative rules to implement the program that are at least as stringent as the federal regulations.
- 3) The state must have adequate resources to carry out the program.
- 4) The state must amend its program from time to time to keep it current with whatever new program requirements are adopted at the federal level.

5) The state must have a defined enforcement program, usually that meets minimum federal requirements for enforcement authority.

Additionally, Congress usually requires that the Environmental Protection Agency (EPA) provide oversight of the state program to ensure it is being implemented in accordance with the federal requirements.

The Department's policy has been to seek delegation of federal environmental programs to the state whenever available, unless there are overriding reasons why it would not be in the state's interest to do so. The reasons for this policy are summarized below:

- o The Department can do a better job implementing the program in Oregon than the federal government can.
 - We generally have more resources available to implement the program than EPA has.
 - We have a better understanding of state/local issues, and the specific problems that individual industries have in complying with the program.
 - We provide more technical assistance to the regulated community than EPA can.

- o The regulated community has repeatedly expressed a strong desire to work with the Department rather than EPA.
- o The Department's enforcement approach is superior to EPA's, resulting in generally high compliance rates, respect for the state program in the regulated community, and better environmental protection.
- o The state has better control of how the program is implemented in Oregon if the Department is responsible for implementation.
- o The Department often finds itself getting involved when the EPA implements a program in the state because we want to influence the federal decision-making process for the benefit of the state. So we are involved even when the program hasn't been delegated.
- o The Department often has a parallel program to the federal program because of unique state concerns that aren't addressed by the federal program, and because the Department usually has developed its program before the federal government got involved. This results in confusing

jurisdictional issues and duplication of resources that can usually be eliminated by delegation.

- o Overall, the environmental programs are better implemented, the interrelationships between programs better developed, and a better comprehensive environmental management approach is possible if all the programs are implemented by one agency. The federal government doesn't have environmental programs in key areas such as solid waste management, recycling, and hazardous waste reduction.

- o It is usually desirable to have a good state program even where the federal government hasn't delegated its program to the state. However, it is very difficult to convince the Legislature to fund a state program where the federal government retains responsibility for a major portion of it.

Some of the disadvantages of the state accepting delegation of federal programs follow:

- o Often, the federal government doesn't provide adequate resources to implement the delegated program. The state is expected to find the additional resources needed, usually from the state general fund or fees charged the regulated community.

- o The state is required to implement all of the federal requirements in a delegated program, some of which it may not agree with.
- o EPA generally holds the delegated state to a higher performance standard than they are capable of meeting. This can strain state/EPA relationships.
- o EPA constantly is looking over the Department's shoulder to ensure it is implementing the program properly. Sometimes this oversight amounts to micromanagement because the federal employees either can't delegate responsibility properly, or are afraid to.
- o Federal requirements are constantly changing, and the state must amend its program to conform to the new requirements. Often these changes will require additional resources to implement and they aren't available from EPA. Further, it can be difficult to receive final program delegation when the goalposts keep changing.
- o EPA's continued day-to-day involvement in some delegated programs sets up a situation where the regulated community "answer shops" between the state and federal government,

looking for the most favorable response. This makes it difficult for the state to give a clear and consistent message to the regulated community. It undermines the state program.

Another Department policy related to delegated programs provides that the state will not adopt different, or more stringent, requirements than the federal program unless there are significant reasons that these additional requirements are needed to protect public health or the environment in Oregon. This policy has been followed by the Department for several reasons:

- o Many of the companies regulated in Oregon have operations in other states and are very familiar with the requirements of the federal programs. The state requirements avoid confusion, and improve voluntary compliance, when they are the same as those adopted at the federal level.

- o In some cases, the federal program has established complex requirements that have been interpreted by the courts, or for which extensive guidance has been developed. Program implementation at the state level can be enhanced by the adoption of these federal interpretations and guidances.

- o The regulated community has strongly encouraged the adoption of federal requirements verbatim (by reference) whenever possible.

- o Where the state requirements are the same as the federal, the review of the state program by EPA to ensure equivalency usually proceeds more smoothly, and can speed up delegation decisions.

Even though federal programs are quite comprehensive, the Department has often found that more stringent, or additional, state regulations are necessary to protect public health and the environment in Oregon. Since federal regulations are written from a national perspective, they don't necessarily provide complete coverage of unique state physical features, industrial classifications/economic conditions, or ecosystems. The Department has responded by plugging these federal "loopholes" with appropriate state regulations that result in a complete federal/state program that makes sense for Oregon.

It is also important to note that EPA has only developed regulations for programs that Congress has required them to implement. Consequently, the Department has developed regulations for many environmental programs that have no federal counterpart.

For example, Water Quality has regulations to protect the beneficial uses of surface water and groundwater. Similarly, there are regulations to implement the Opportunity to Recycle Act, and regulations restricting backyard burning in the Portland area. These are only a few of the examples of Department regulations designed to address environmental problems that the federal government has chosen not to regulate. Thus, the Department's policy on the stringency of regulations adopted to implement delegated federal programs only affects a small portion of the total agency environmental regulations.

The issues for Commission discussion are whether the Department should continue to follow its existing delegation and stringency policies, whether there are changes or refinements that should be made to the policies, or whether the policies should be abandoned for other approaches.

Nationally, there is growing unrest among states about increasing EPA demands for more and larger state programs, while Congress reduces available resources to states to implement these programs:

- o Should the state only take delegation of federal programs where Congress provides adequate resources to implement them?

- o Should the state limit its funding of delegated programs to only those portions where the state has set forth requirements that go beyond the federal program?
- o Should the state attempt to assume delegation of only those portions of federal programs it feels are of most benefit to the state?
- o If the state doesn't accept delegation of a federal program, should it develop or retain a unique state program or leave implementation entirely to EPA?
- o Should the state supplement the federal program with unique state requirements, or just implement the delegated federal program?
- o Are there some types of delegable federal environmental programs that the state should not consider for delegation?
- o What can the state do to improve the quality of EPA oversight of delegated programs? What can we do to improve the quality of federal programs to make the delegation process work more smoothly?

Delegation/Stringency
August 22-23, 1988 EQC Retreat
Page 12

DELEGATI.ON
Mike Downs
229-5254
August 11, 1988

Summary of Agency Programs
Delegated, Mandated and Other State Programs¹
August 11, 1988

Air Quality Programs:

- o Delegated
 - National Emission Standards for Hazardous Air Pollutants (NESHAPS)
 - New Source Performance Standards (NSPS)
 - Prevention of Significant Deterioration (PSD)
- o Mandated
 - State Implementation Plan (SIP)
 - Major New Source Review
- o Other State
 - Air contaminant discharge permits for existing sources
 - Open burning regulation
 - Field burning/smoke management
 - Woodstoves
 - Indirect sources (e.g. parking lots, highways)
 - Odor regulation
 - Asbestos contractor certification
 - Noise regulation
 - Complaint response

Water Quality Programs:

- o Delegated
 - National Pollution Discharge Elimination System (NPDES)
 - Construction Grants

Underground Injection Control (UIC)

o Mandated

Water Quality standards adoption

Continuing Planning Process

401 Certifications

o Other State

On-site sewage disposal

Water Pollution Control Facility (WPCF) permits

Sludge management

Groundwater protection

Industrial source plan review

Non-grant related engineering plan review for publicly owned treatment works

Complaint response

Hazardous and Solid Waste Programs:

o Delegated

RCRA Hazardous Waste Program

Underground Storage Tanks (UST) - planned

Leaking Underground Storage Tanks (LUST)

o Mandated

Sanitary landfill criteria

o Other State

Solid waste permits for municipal and industrial landfills

Recycling and Bottle Bill

Hazardous Waste Reduction

Attachment I
Delegation/Stringency Issues Paper
August 22-23, 1988 EQC Retreat
Page 3

Drug lab cleanups

Spill response

Waste tires regulation and cleanup

Pesticide containers regulation

State Superfund (SB122)

Complaint response

ATTACHME.NTI

1.This summary is not inclusive of all agency programs, but does cover the majority of agency programs.

INTERAGENCY COORDINATION

August 22-23, 1988
EQC Retreat

DEQ staff is involved in extensive and continuing efforts to coordinate with other state, local, and federal agencies in order to accomplish environmental objectives. These coordination efforts range from casual day to day information exchange between DEQ staff members and their counterparts in other agencies, to the much more formalized coordination accomplished through special work groups, joint projects, and committees.

Although the level of coordination is often viewed as inadequate (or non-existent) by the general public, coordination efforts between government agencies are extensive and improving. Since further improvement is always appropriate, discussion is requested on:

- potential new approaches to interagency coordination.
- ways to improve effectiveness of existing efforts.

Following is a listing of many, but not all, of the more formalized interagency coordination efforts of the Department:

WATER QUALITY

Strategic Water Management Group (SWMG)

The Strategic Water Management Group was created by the 1985 legislature to achieve better and more formalized coordination between state agencies. The group consists of the Directors of the various state agencies that have an interest in management of the states water resources and is chaired by the Governor's Assistant for Natural Resources. The 1987 legislature assigned this group primary responsibility for coordination of state response and input to decisions made by the Federal Energy Regulatory Commission (FERC). The SWMG holds public meetings about every 2 months, receives updates on various water management activities, invites public comments on issues, and serves as a vehicle for coordination of agency response to significant issues. Extensive efforts in coordinated planning for response to the drought are now being completed under the direction of this group. A special "HYDRO" task force of natural resource agency technical staff has been established to deal with coordination of hydroelectric project issues. This task force is also assembling a summary document which describes the state's comprehensive plan for management of it's water resources with particular emphasis on hydroelectric projects for transmittal to FERC to meet

requirements of the federal Electric Consumer Protection Act passed in 1987.

Groundwater

DEQ has appointed an interagency committee to coordinate efforts of the various agencies in developing a legislative concept on groundwater. All agencies interested in groundwater have been invited to participate. DEQ is the lead agency in this effort. Other active participants include the Department of Agriculture, Water Resources Department, State Health Division, Department of Land Conservation and Development, Oregon State University, and Department of Transportation.

This interagency committee is working closely with a subcommittee of the Legislative Interim Committee on Hazardous Materials and the Environment which is also interested in developing groundwater legislation for consideration by the next legislative session.

An additional coordination effort relative to groundwater involves a specific project to assess groundwater pollution in the Ontario Area. DEQ received general fund support from the Emergency Board to fund this project. By agreement, DEQ is providing funding support to the Water Resources Department, Department of Agriculture, Health Division, and OSU for assistance

in assessing the groundwater quality and developing an aquifer management plan for the area.

Non-Point Source Assessment and Implementation

DEQ is using an interagency process to complete an assessment of non-point source (NPS) pollution problems and prepare a NPS management strategy to meet the requirements of Section 319 of the Water Quality Act of 1987. The participants, referred to as the Agency Review Group, include both state and federal agencies who manage lands in Oregon or who have an interest in water resource management. The agency review group has assisted DEQ to develop the assessment process, carry out the assessment process, develop criteria for priority setting, draft the assessment report, and draft the management program report. DEQ has provided funding assistance via contract to the Department of Forestry and the Department of Agriculture to provide special assistance in this effort.

Past efforts to initiate control of non-point sources of pollution have involved designation of other agencies as "management agencies" for implementation of non-point source control programs. DEQ currently has designated the Department of Agriculture (Soil and Water Conservation Division), Department of Forestry, US Forest Service, and Bureau of Land Management as non-point source

management agencies. Assistance is provided by the Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Oregon State University through the extension service, experiment station, and school of Agriculture. The agreements with these agencies will be reviewed and updated as part of the current update of the overall assessment and management program.

Water Planning (General)

The Water Resources Commission has initiated a revised program for Water Management in Oregon. This effort recognizes that water management programs are carried out by many agencies. The Water Resources Commission (in cooperation with the Strategic Water Management Group) has taken the lead in producing a document entitled Oregon Water Management Program, 1989-91 Biennial Program and Agenda for the Future, July 1988. This document covers statewide water management issues that are of high priority for action in the next biennium and identifies lead and participating agencies for tasks to address each issue. DEQ has cooperated in this effort. DEQ water management activities are reflected in this document.

This new Water Resources Commission Management Program also seeks better agency participation and input to the process of updating

and expanding the management programs for each of the 18 designated river basins in the state. Part of this effort is to assure that agency budgets anticipate and allow for the coordination and effort necessary to support the work in the basins planned for update in the next biennium.

Coquille Estuary Pilot Project

DEQ has received a special Federal Grant (one of 3 in the nation) to develop creative ways to manage estuary pollution using strong local participation. This pilot project is being conducted in the Coquille Estuary. The project involves extensive coordination with federal, state, and local government agencies as well as private organizations.

Confined Animal Feeding Operations

DEQ has developed as special coordination effort with the Soil and Water Conservation Division (SWCD) of the Department of Agriculture relative to regulation of water pollution resulting from confined animal feeding operations (feed lots). Under the existing memorandum of agreement, SWCD provides technical assistance to the agricultural community, investigates pollution complaints, seeks voluntary compliance to resolve problems, and refers problems they cannot resolve to DEQ for enforcement action.

SWCD uses extensive services of the federal Soil Conservation Service and the OSU extension service in this process. The agreement with SWCD is currently being updated to provide for better documentation of problems during the complaint investigation stage to facilitate enforcement actions where such become necessary.

Container Nurseries

DEQ has formed a committee which involves the Department of Agriculture and industry representatives to explore water quality problems caused by container nurseries and recommend appropriate control and regulatory strategies.

On-Site Sewage Disposal

DEQ contracts with 23 counties to implement EQC rules governing on-site sewage disposal. DEQ implements the rules in the remaining counties. DEQ is involved in frequent communication with the contract agents for purposes of education, technical assistance, and periodic program evaluation. DEQ relies heavily on input from the contract agents in the process of developing and revising the on-site sewage disposal rules.

AIR QUALITY

Smoke Management

Smoke Management from Field and Slash Burning is a cooperative effort between DEQ, the Department of Forestry, and the Department of Agriculture. DEQ administers the field burning program directly with assistance from the Department of Agriculture which provides skywatch and meteorological forecasting services. DEQ issues the daily advisories (allowable burning quotas). The Department of Forestry administers the slash burning program subject to DEQ approval and issues the daily advisories for slash burning. The Department of Forestry smoke management program is the vehicle for regulation of slash burning impacts on visibility in wilderness areas. During the summer, field burning has priority over slash burning. Therefore, extensive day to day coordination between the field burning and slash burning program personnel is essential.

Visibility

DEQ has an interagency agreement with the US Forest Service and National Park Service relative to visibility monitoring in wilderness areas in Oregon. DEQ provides the equipment and training and the federal agencies conduct the monitoring and

report to DEQ. In addition, the Oregon Visibility Advisory Committee, which consists of representatives of state and federal agencies, industry groups, and environmental organizations advised DEQ on the development of rules and strategies to protect visibility in wilderness areas.

Transportation Planning

DEQ coordinates and cooperates with METRO, the Department of Transportation, and the City of Portland relative to air quality issues and transportation planning.

Indoor Air Quality

DEQ is coordinating with the Health Division, Multnomah County Health Department, and the Lung Association relative to developing an indoor air quality legislative concept.

HAZARDOUS MATERIALS

Interagency Hazard Communication Council

The Interagency Hazard Communication Council, created by the Legislature in 1985, consists of 16 state agency directors and 5

public members. All state agencies involved with hazardous materials are included as members. The council is chaired by the Governor's Assistant for Natural Resources. The focus to date of the council has been on emergencies involving hazardous materials. The council has looked at overlaps, conflicts, and gaps between the various agency programs.

In 1987, the legislature designated the council to be the State Emergency Response Commission under Title III of the Superfund Amendments and Reauthorization Act (SARA). The council has been active to assure that necessary emergency response planning is completed by cities and counties by the federal deadline of October 1988.

Pesticide Analytical Response Center

This group is chaired by the Department of Agriculture and consists of 11 agencies that have some knowledge or interest in pesticides. The legislature created the group to investigate complaints on pesticide exposure or damage and to issue evaluation reports of such incidents. Each agency is expected to followup on incidents as appropriate relative to their individual areas of responsibilities.

Oregon Emergency Response System

The Oregon Emergency Response System (formerly Oregon Accident Response System) was created about 15 years ago to improve coordination of state response to human caused or natural disasters. Technical staff members of the 16 agencies involved in the IHCC are represented. The group is chaired by the Emergency Management Division. This group meets to critique response to incidents, make recommendations for improvements, assess training needs, assess equipment needs, and develop improved procedures for coordination and response.

DEQ/Fire Marshall Committee to Monitor Implementation of Community Right to Know Implementation.

This committee is being established to monitor implementation of the Community Right to Know Legislation. Industries are required to report on the hazardous materials they use or store on premises. The Fire Marshall is required to pass this information on to local governments. DEQ also uses this information in it's planning processes. This committee will select sites for evaluation of the completeness and accuracy of information reported.

GENERAL COORDINATION

Forest Planning Process

The Governor has established a Forest Planning Task Force chaired by the Assistant for Natural Resources to assure a coordinated state response to the National Forest Plans. All natural resource agencies are represented on this task force. The process has involved document review, site visits, and public meetings.

BLM Planning Process

BLM will be undergoing a planning process similar to the National Forest Planning Process. A Planning Task Force similar to the Forest Planning Task Force is anticipated to assure coordinated state response.

Land Use

DEQ has participated in the process of developing acknowledged land use plans for the cities and counties of Oregon. DEQ provided information and assistance to local jurisdictions during their plan development process, and provided comments to LCDC during the acknowledgement process. Land use law requires DEQ's actions to be consistent with acknowledged local land use plans.

DEQ's approved coordination program (with LCDC) provides that DEQ will rely on a statement of compatibility issued by the appropriate local planning jurisdiction in all permitting.

The periodic review process is now focusing on updating local comprehensive plans to more specifically address urban service issues. In addition, new LCDC guidance is in process of being developed and adopted relative to allowable uses on "secondary lands". This change raises environmental concerns related to the adverse impacts of "urban sprawl"; particularly with respect to sewage disposal from homes, schools, churches, and other facilities that will be allowed outside urban growth boundaries.

DEQ efforts to coordinate with LCDC and local governments on land use issues should be discussed in light of these new efforts.

CONCLUSION

Extensive interagency coordination is underway between state, federal, and local agencies involved with management of natural resources in Oregon. This discussion has summarized only the more significant formalized efforts. There are undoubtedly other structured efforts that could be added. Equally important are the day to day communications between individual staff members of the

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various agencies relative to planning activities and the impact of various applications for permits or approvals.

DEQ is committed to continuing and improving the coordination with other agencies in order to maximize the efficiency state resources relative to achieving environmental goals.

Harold Sawyer:h
229-5776
August 12, 1988

ANTI-DEGRADATION POLICY

August 22-23, 1988
EQC Retreat

BACKGROUND

Degradation

"Degradation" can be defined as a measurable change in the existing chemical, physical, or biological parameters of water that results in the lowering of water quality.

Nondegradation

"Nondegradation" means that existing water quality must be maintained and protected and that no permanent water quality degradation will be allowed under any circumstances.

Nondegradation could be applied to waters that are water quality limited (do not meet standards), in order to eventually improve water quality to meet standards. It could also be applied to outstanding state and federal resource waters where it may be desired to maintain water quality at its highest level to protect exceptional resource values.

Antidegradation

"Antidegradation" means that limited water quality degradation may be allowed under certain circumstances. It is usually applied to high quality waters (those that are better than standards), and assumes that high quality waters should not be allowed to degrade to the standard without a conscious decision. Currently, lowering of water quality would only be allowed if highest and best practicable control of wastes is provided, if

beneficial uses are still fully protected and water quality standards are met, and only after extensive public review and Commission approval. The goal is to prevent unnecessary degradation of water quality.

OVERVIEW OF KEY ISSUES

Federal Requirements

The antidegradation requirements of 40 CFR 131.12 (Water Quality Standards Regulations) state that all states must have antidegradation policy language in the water quality standards that is consistent with and at least as stringent as the federal policy language. A copy of the federal policy is attached.

Point Sources vs Nonpoint Sources

Potential water quality degradation can be quantified for point sources by calculating pollutant loadings and then controlling those pollutants through the permit process. It is more difficult to quantify potential water quality degradation from nonpoint sources since there is no formal permit or tracking process.

Designation of Outstanding Resource Waters

Under the existing EPA antidegradation policy (and DEQ's proposed policy), outstanding resource waters of the state would receive special protection to assure existing water quality is maintained, and that no activities would be allowed that permanently degrade water quality if such degradation would impair any of the special qualities that led to designation. In the strictest sense, even the most minute change could be interpreted

as degradation of water quality. However, a practical interpretation needs to be developed to allow realistic implementation for special resource waters.

The designation of outstanding resource waters could be done in several ways. The Department could list waters that are state or federally designated for their special value such as: National Wild and Scenic Rivers, National Parks, National Wildlife Refuges, State Parks and State Scenic Waterways. Other specially protected waters could also include those designated by state or federal agencies as exceptional waters of ecological or recreational significance, due to the presence of unique, threatened or endangered aquatic life. Unique rangelands, estuarine sanctuaries, tribal fishing grounds, Research Natural Areas, or "wild trout" sanctuaries streams administered by state, federal, or tribal agencies, in addition, could be recognized by the Department. The Department would review proposed activities that could cause permanent water quality degradation with those unique resource values in mind. To apply the rule to these waters, however, formal recognition and action would be needed.

Measuring Cumulative Impacts

Although some of the Department's water quality standards allow temporary degradation of water quality, to accommodate short-term activity, cumulative impacts from a series of temporary disturbances need to be considered. Several methodologies are published to determine how to calculate cumulative effects from a series of proposed actions. Just how much impact is acceptable

must be determined on a site specific basis. Since cumulative effects occur from a gradual nibbling away of the resources, reference sites with a baseline of information are vital to judge and predict where effects are, or may become, a threat to beneficial uses and habitat integrity.

Discussion Questions

Several questions have been identified by Department staff and the public that need to be answered before, or concurrent with, the development of an implementation plan:

- 1) Should the antidegradation policy contain degradation and nondegradation provisions for certain waterbodies in the state? If so, should the Department initiate a waterbody classification system as part of the implementation plan? Should formal definitions of antidegradation and nondegradation be included in the rules?
- 2) What criteria should be used to approve water quality degradation? What type of water quality and economic impact information is needed to make "balanced" decisions?
- 3) If water quality exceeds standards, what is defined as significant degradation of those high quality waters? Is it analytically "measurable" degradation (which could be as little as a part per trillion), or would it depend on the threshold values of the parameter of concern (a carcinogen vs a conventional pollutant such as BOD)? How would risk assessment be used?
- 4) When do a series of temporary disturbances cumulatively create permanent degradation? How can this information be tracked effectively?

- 5) If a discharge occurs upstream of an outstanding resource water, what are the boundaries that apply to degradation vs nondegradation? Is the entire river upstream from the outstanding resource waters given special protection?
- 6) What criteria should the Commission consider in making a judgment on lowering water quality on a temporary or permanent basis for important or necessary development?
- 7) Should beneficial use protection be the bottom line for outstanding resource waters and water quality limited waterbodies, or should the existing water quality be protected?
- 8) How can the Department create an opportunity for the public to comment on nonpoint source activities that may degrade water quality, but that may not be tracked or regulated by the Department?

POSSIBLE IMPLEMENTATION FRAMEWORK

One alternative would be for the Department to follow four basic steps in the evaluation of activities that may lead to the lowering of water quality:

STEP 1. Identify the type of waterbody potentially affected.

If the waterbody is Water Quality Limited OR an Outstanding Resource Waters (State Park, Wildlife Refuge, Wild and Scenic River, etc), then no permanent degradation of existing water quality would be allowed. If it is a High Quality Water, then go to step two.

STEP 2. Document the degree to which water quality exceeds standards, and quantify the extent the proposed action would lower water quality. Determine if the proposed

action would cause a permanent or temporary significant lowering of water quality. ("Significant" would be defined by the standards or by analyzing the fate and effects of the particular parameter of concern.) If the predicted change is not "significant", then conduct a cumulative impact assessment. If no cumulative impacts would occur, then no further analysis is required. If the change is significant, but still meets standards, then proceed to step three.

STEP 3. Demonstrate that lower water quality is necessary to accommodate important economic and social development (or some other policy criteria established by the Commission) in the area where the waters are located by using a set of standard criteria such as population affected, economic cost/benefit analyses, etc.

STEP 4. Assure that the intergovernmental coordination and public participation requirements are completed before deciding whether to allow permanent water quality degradation.

AN EXAMPLE

As an example, consider how the antidegradation policy would apply to a hypothetical proposed pulp mill that would discharge into a river where segments were classified as water quality limited, high quality, and outstanding resource water. If a pulp mill were to locate on a segment that was water quality limited for oxygen, where the existing water quality was below standards at 5mg/l, and the water quality standard was 6mg/l, then any

additional pollutant loading that would reduce the oxygen level further would be prohibited.

If the segment was classified as a high quality water, where existing water quality 10mg/l (the standard is 6mg/l), then any pollutant loading that may reduce the oxygen level would need to be quantified. If calculations in this case show the load would cause a decrease of 1mg/l, even after the application of highest and best treatment, then a determination must be made that lowering of water quality is necessary and important to accommodate economic growth. If lowering of water quality was allowed, then beneficial uses must still be protected and standards met.

If the segment was classified as an outstanding resource waterbody, existing water quality must be maintained to protect unique resource values. Any additional loading would be prohibited if it permanently lowered water quality.

ANTIDegradation FLOW CHART

Proposed Action: Pulp Mill discharge

into

Water Quality Limited or
Outstanding Resources Waters

NO ACTION ALLOWED THAT
WOULD PERMANENTLY LOWER WQ

High Quality Water

- o Document the degree that WQ exceeds standards
- o Quantify the extent that WQ would be lowered by action
- o Document that water quality standards would be met
- o Identify possible cumulative impacts
- o Determine if action will cause SIGNIFICANT lowering of Water Quality .
- o If action lowers WQ, but still protects uses and standards met, determine strong tie between lower WQ and "important" economic or social development
- o Require highest and best degree of wastewater treatment
- o Allow public comment
- o EQC makes the final decision

intends to regulate point source discharges of toxic pollutants on water quality limited segments based on such narrative criteria. Such information may be included as part of the standards or may be included in documents generated by the State in response to the Water Quality Planning and Management Regulations (40 CFR Part 35).

(b) Form of criteria: In establishing criteria, States should:

(1) Establish numerical values based on:

- (i) 304(a) Guidance; or
- (ii) 304(a) Guidance modified to reflect site-specific conditions; or
- (iii) Other scientifically defensible methods;

(2) Establish narrative criteria or criteria based upon biomonitoring methods where numerical criteria cannot be established or to supplement numerical criteria.

§ 131.12 Antidegradation policy.

(a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. 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 management practices for nonpoint source control.

(3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

(4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

§ 131.13 General policies.

States may, at their discretion, include in their State standards, policies generally affecting their application and implementation, such as mixing zones, low flows and variances. Such policies are subject to EPA review and approval.

Subpart C—Procedures for Review and Revision of Water Quality Standards

§ 131.20 State review and revision of water quality standards.

(a) *State review:* The State shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act shall be re-examined every three years to determine if any new information has become available. If such new information indicates that the uses specified in section 101(a)(2) of the Act are attainable, the State shall revise its standards accordingly. Procedures States establish for identifying and reviewing water bodies for review should be incorporated into their Continuing Planning Process.

(b) *Public participation:* The State shall hold a public hearing for the purpose of reviewing water quality

ENFORCEMENT

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The attached memorandum discusses the Department's enforcement authority and policy. It includes a description of the Department's legal authority, enforcement philosophy, discretion, development of enforcement policies and civil penalty authority.

Several issues should be noted for purposes of discussion:

Enforcement Philosophy (pg. 5) - Historically, the Department has endeavoured to achieve compliance through cooperative efforts before pursuing more formal avenues of enforcement. Arguably, this is mandated by statute (ORS 468.090(1)). A more recent philosophy has been emerging arguing that the Department needs to be more firm with and act more quickly against violators (ie. ignorance of the law is no excuse). Attempts have been made to synthesize the philosophies, drawing on the strong points of each. Key point of discussion is what is the Commission's philosophy concerning enforcement, and how does that mesh with the evolution of philosophy within the Department.

Enforcement Policy (pp. 7-14) - An enforcement policy for hazardous waste, a requirement for receiving federal authorization for the program, was adopted by the Commission in November, 1985. The Department drafted a general enforcement policy between 1984 and 1986. This policy has never been formally approved by the Commission. The policies are similar in principle and application. An important difference is that the Hazardous Waste policy authorizes the immediate use of civil penalty authority for illegal hazardous waste disposal. Key points for discussion include: does the Commission approve of the Department's current enforcement policies;

should there be a separate policy for the Hazardous Waste program or should one general policy be developed; does the Commission want to adopt an enforcement policy(s) as a rule.

Civil Penalty Authority (pp. 14-18) - The Commission is required to adopt civil penalty schedules before penalties may be assessed. In most cases, the existing schedules consist of a minimum penalty established by a rule and a maximum penalty established by statute. Individual penalties are determined by applying a list of specific factors to the circumstances surrounding the violation which may either aggravate the penalty upward toward the maximum or downward toward the minimum. This scheme has been criticized within the Department as being too subjective. Key points for discussion include: should the Commission/Department continue to use broad range schedules; if so, should minimum penalties be increased to remove the economic incentive for noncompliance, reflect the seriousness of one time violations or to act as a deterrent; should the Commission/Department adopt a more mechanical way of assessing penalties such as establishing schedules with specific amounts, or adopting a numerical matrix system which assigns values to a set of findings.

Settlement and Mitigation of Civil Penalties (pp. 18-19) - Currently, once a civil penalty has been assessed, the Director is authorized by the Commission to seek settlement or mitigation of the penalty. Final authority is retained by the Commission. The authority is normally exercised at the Commission's breakfast meeting where a settlement agreement is circulated for Commission review and approval. Key points for discussion include: does the Commission want to retain its final approval authority or delegate it to the Director; and if the Commission retains it, should approval of

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agreements become a formal agenda item at a breakfast meeting or should the decision making process be done in a different forum.

Yone C. McNally
229-5152
August 11, 1988

ENFORCEMENT

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HISTORICAL BACKGROUND

The Department of Environmental Quality has a reputation of achieving environmental results and a high degree of compliance with the environmental laws and rules through a strong emphasis on technical assistance, backed by a willingness to take enforcement action when necessary. Industries and municipalities regulated by DEQ believe they have been treated fairly and that they agree the environmental regulations proposed are reasonable. They know that extraordinary non-compliance due to circumstances where a good faith but unsuccessful effort has been made to comply are taken into consideration.

However, with the advent of new programs and staff, a more consistent, timely and thereby effective approach is imperative. Because the regulatory function is critical to the mission of the Department, this report has been developed as one of the principal topics for the Commission's consideration and input.

Statutes

DEQ enforcement authority is contained in Oregon Revised Statutes (ORS) Chapters 454, 459, 466 and 468. These statutes, particularly Chapter 468, have influenced DEQ's enforcement strategy.

ORS 468.090 sets the tone for DEQ enforcement policy. Whenever a written substantiated complaint is received or the Department believes that a violation causing or permitting air or water contamination or pollution, the Department "shall by conference, conciliation and persuasion endeavor to

eliminate" the source of the violation¹. Not until DEQ has attempted to achieve voluntary compliance is it authorized to seek more formal enforcement against violators². Although some would apply this charge to all of DEQ's enforcement authority, the language indicates that the statute is mainly concerned with air and water pollution.

ORS 468.125 establishes the procedure any enforcement must follow. Other than specific statutory exceptions, the Department may not assess a civil penalty against any violator without first giving a minimum of five days prior notice. The Department is authorized to seek civil penalties immediately if the violation: 1) is intentional; 2) consists of disposing of solid waste or sewage at an unauthorized disposal site; 3) involves the construction of a sewage disposal system without a permit; 4) is a water or air pollution contamination source not normally in existence for or might leave the jurisdiction within five days; 5) relates to the generation, treatment, storage, transportation, or disposal of hazardous waste or; 6) relates to asbestos work practices designed to control asbestos fiber releases into the environment³.

ORS 468.130 gives DEQ and the EQC the authority to assess civil penalties for violations of laws under its jurisdiction. The EQC is required to adopt civil penalty schedules before that authority may be exercised⁴. ORS 468.130(2) lists specific factors the EQC must consider

¹ ORS 468.090(1)

² ORS 468.090(2)

³ ORS 468.125(2)

⁴ ORS 468.130(1). Attorney General's Opinion, January, 1988.

when imposing a penalty and subsection 3 allows the EQC to remit or mitigate penalties.

ORS 468.140 establishes the maximum penalties for most violations. Subsection 1 incorporates violations of ORS Chapters 454⁵ and 467⁶, and "offensive littering"⁷ into ORS Chapter 468's enforcement and penalty scheme. Since the creation of civil penalty authority, the statutory maximum for most violations has risen from \$500 to \$10,000⁸. Violations related to noise standards and littering remain at the \$500 maximum⁹, while oil spills carry a \$20,000 maximum¹⁰. Field burning violations receive a per acre burned penalty¹¹.

ORS Chapters 459 and 466 have separate penalty provisions which are subject to the enforcement requirements of Chapter 468. Chapter 459 relates to solid waste and is limited to a \$500 maximum penalty. Chapter 466 relates to hazardous materials and waste and polychlorinated biphenols (PCBs). Violations of Chapter 466 carry with them \$10,000 civil penalty.

⁵ On-site sewage program.

⁶ Noise program.

⁷ ORS 164.785

⁸ ORS 468.140(3)(b).

⁹ ORS 468.140(1).

¹⁰ ORS 468.140(3)(a)

¹¹ ORS 468.140(5). The penalty range is from a minimum of \$20 to \$40 per acre. Field burning violations are also subject to other penalties under the air quality schedule.

DEQ also has order authority in the areas of hazardous¹² and solid waste¹³, sewage treatment and disposal¹⁴ and noise¹⁵. DEQ may also pursue injunctive relief in cases of emergency¹⁶. DEQ also has criminal authority in the areas of hazardous¹⁷ and solid waste¹⁸, noise¹⁹, and air and water²⁰. All violations are classified as misdemeanors.

Rules

The statutory requirements for enforcement are also encompassed in Oregon Administrative Rules Chapter 340, Division 12, subtitled Civil Penalties. The division contains the civil penalty schedules required by ORS 468.130. It outlines the procedures the Department follows when issuing a formal notice of violation or civil penalty. The division also authorizes the Director to consider the same factors when assessing a civil penalty as the EQC is required to consider when imposing a civil penalty. Lastly, it sets out the procedure for settlement of penalties.

12 ORS 466.090 and 466.225.

13 ORS 459.376 and 459.780.

14 ORS 454.635.

15 ORS 467.040.

16 ORS 466.200 and 468.115.

17 ORS 466.880.

18 ORS 459.992.

19 ORS 467.990.

20 ORS 468.990 - 468.995.

Enforcement Philosophy

The historical approach of DEQ relies heavily on staff's ability to communicate and facilitate compliance. This requires DEQ to be above all else, conciliatory and cooperative. The basis for this philosophy lies in the Department's beginnings as technical/advisory agency and its statutory charge to endeavor to achieve compliance through negotiation and education before pursuing formal enforcement. This approach has been highly successful and, argues its advocates, can continue to be so.

Some would argue that the above is outdated because DEQ has essentially achieved its goal of educating the regulated community of its responsibility. Because of DEQ's efforts and the attention that environmental regulation has received locally and nationally, the regulated community should be presumed to have knowledge of what is required. Thus arguing that DEQ should switch to a enforcement oriented mode which utilizes more formal actions as a first step.

An attempt has been made over the last several years to develop a third philosophy which attempts to synthesize the above approaches by drawing on their strengths. This philosophy treats the statutory charge of working for voluntary compliance as a legal requirement and requires a willingness to pursue necessary and consistent enforcement action.

Department Discretion

The Department exercises its discretion in determining when and where to enforce. By not having a specific policy prioritizing violations and outlining responses, the different regions and programs have the ability to prioritize the enforcement responses according to their needs. Thus, the Department operates with a rather broad range of prosecutorial discretion.

However, unfettered discretion as to the how and when enforcement will be pursued raises several problems including the consistency of enforcement actions.

Discretion is exercised at almost every level in the enforcement process. Field people make the initial decision on how to handle a substantiated violation. A field person may wish to pursue formal enforcement or prefer to handle it informally or through a Regional Notice of Violation letter. The field person's discretion in these instances is checked by a supervisor or regional or program manager. The supervisor or manager exercises discretion in deciding whether to accept the field person's recommendation. Enforcement personnel and Division Administrators also have a say in determining the level of enforcement pursued. In the case of civil penalty assessments, it is the Director's decision whether to issue a penalty.

Thus discretion is controlled through a system of "checks and balances". Superficially, this appears to be an adequate control which does not allow discretion to get out of control. However, without some kind of guidance concerning the priority or seriousness of violations, the danger exists that too much discretion may be exercised too early in the process and evidence necessary to pursue formal enforcement may be lost.

The advantage of the broad exercise of discretion is that it allows individual regions and programs to set priorities within their areas. However, this may create problems including the possibility of inconsistent enforcement responses throughout the state, thus skewing public perception of enforcement.

STATUS OF CURRENT ENFORCEMENT POLICIES

Proposed Enforcement Policy

The idea of establishing a written enforcement policy and guidelines came about in 1984 when Fred Hansen became Director. An internal task force was formed and charged with the job of developing a policy. Between 1984 and 1986, several drafts were written. To date, no policy has been formally adopted. What follows is a summary of the last draft of the policy from November, 1986.

The policy only covers the air (noise), water and solid waste programs. The policy states that the purpose of enforcement is to obtain and maintain compliance, protect public health and the environment, and deter future violators. The policy of the Department was to address all violations and maintain the ability to carry out this responsibility; recognizing limited resources, establish a priority system which addresses violations with greater public health or environmental affects first; to issue permits which contained conditions the Department knew it could enforce; that it is the Department's responsibility to enforce its laws and the regulated community's responsibility to comply; the Department will "endeavor" to achieve compliance through "conference, conciliation and persuasion" (ie. progressive enforcement); all documented violations will be addressed at the most appropriate practicable level of enforcement necessary to attain compliance; the Department will educate the regulated community about its duty as much as possible but ignorance of the law is no excuse; violators who fail to comply with any given level of enforcement can expect timely escalation until compliance is achieve; it is each division's responsibility

to establish procedures to assure violations are addressed in a timely manner until compliance is achieved.

The policy established three classes of violations. Class I violations were those that created a likelihood of harm or significant environmental damage. Class II were those which were significant violations of the law, but were not as serious as Class I in terms of harm. Class III violations were anything that wasn't a Class I or II violation. Repeated violations in any one class could result in the violation being placed in the next higher class.

The policy outlined the appropriate enforcement response for each. Class III violations are generally to be dealt with on the regional (or program) level and are to be addressed with verbal or written warnings. Class II violations are to be addressed with a regional Notice of Violation letter. Class I violations are to be address with a Notice of Intent to Assess a Civil Penalty (5-day warning notice), a civil penalty, a Department or Commission Order, injunctive relief, criminal penalties or a Governor's Order depending on the severity of the violation.

The policy listed examples of different classes of violations in the different programs. It also included a matrix for determining amounts of civil penalties. The numerical matrix is applied to the mitigating and aggravating factors considered by the Director when assessing a penalty. The matrix was an attempt to create a more objective system for determining the amount of civil penalties than is currently used by the Department. However, the matrix has been criticized as being no less subjective than the current system.

Adopted Hazardous Waste Enforcement Policy

Hazardous waste had an enforcement policy adopted by the EQC in November, 1985. This occurred even though the agency wide policy has yet to be adopted because the Hazardous Waste program was required to have such a policy in place in order to gain federal authorization of a state based Resource Conservation and Recovery Act (RCRA) program.

In general principle, the policies are very similar. The hazardous waste policy sets out the same goals, establishes classes of violations with the same definitions and generally responds to violations similarly. A significant difference is that the hazardous waste program is statutorily authorized to seek immediate civil penalties for RCRA related violations²¹.

The policy also speaks to the assessment of civil penalties and how they are to be assessed. It concentrates on the gravity and magnitude factor of OAR 340-12-045. The gravity factor relates to a violation's potential for harm, while the magnitude factor relates to the extent the violator deviated from the standard. Each category is divided into three subcategories of major, moderate and minor. A matrix was then created using these categories. The matrix establishes a civil penalty range depending upon where the violation/violator falls into the matrix. The precise amount of the penalty should then be determined by using the remaining factors of OAR 340-12-045 to adjust the penalty upward or downward within the matrix range.

²¹ See discussion on page 2.

OUTSTANDING ISSUES

Where is EPA Coming From

Many of the Department's programs have resulted from delegation under federal environmental laws. The Department's relationship with EPA is therefore an important factor in the process of creating an enforcement policy. In the case of the Hazardous Waste program, for example, DEQ was required to adopt an enforcement policy in order to obtain authorization to run the base RCRA program.

DEQ is not required by EPA to have a written enforcement policy in other programs. However, EPA has been pushing DEQ to develop an official policy for some time, especially in areas such as water quality where the Department is expected to take formal action against certain types of violations. Thus, it has been argued that the development of such a policy would make the relationship between DEQ and EPA less adversarial. However, it has also been argued that development of such a policy needs to be done in a way that maintains DEQ philosophies and a flexibility which is not always present in EPA guidelines.

WHAT OPTIONS DOES THE DEPARTMENT WANT TO PURSUE

There are several options available to DEQ in terms of enforcement. As has been discussed, the Department has been working on an enforcement policy for several years. There are also options DEQ may choose to pursue concerning its exercise of authority in the assessment of civil penalties.

Adopting an Enforcement Policy as a Rule

It has been postulated by the Department that it is now perhaps the time to formally adopt enforcement policies as rules. In making that decision, several factors need to be considered. First, if a policy is to

be adopted as a rule, it must go through the formal rule making process of notice and comment. Once adopted it is no longer a policy, that is, a general way of doing business, but a rule with the full force and effect of law to which the agency is bound and upon which the regulated community may rely. Rule adoption would not only require the Department to follow certain procedures but would also give the regulated community notice of the standards by which it is judged. Referring to a rule as a "policy" or even as "guidelines" is semantics which have no effect on the legal authority as a rule.

If the same policy is adopted as a policy with guidelines established pursuant to it, it does not go through the rule making process and will not be legally binding upon the agency. Guidelines are a suggestion for conduct which may follow from a general policy or way of doing business. They are meant to guide agency procedure, not dictate. Guidelines are not specifically enforceable nor may they be solely relied upon when requiring the agency to take some action pursuant to the policy.

The decision here, however, is not whether it is preferable to have it as a rule or a policy, but whether the policy's effect is such that it is in fact a rule. That is, if what is called a policy falls within the Oregon Administrative Procedures Act (OAPA) definition of a rule, then it must be adopted as such.

ORS 183.310(8) defines a rule as:

[A]ny agency directive, standard, delegation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements

of any agency. The term includes the amendment or repeal of a prior rule.

If an agency action fits this definition, it is subject to the notice and comment rulemaking requirements of ORS 183.335.

OAPA lists exceptions to the definition of "rule" in ORS 183.310(8) (a) through (f). For purposes of this discussion, subsections a and b are most relevant and read as follows:

(8) . . . the term [rule] . . . does not include:

(a) Unless a hearing is required by statute, internal management directives, regulations or statements which do not substantially affect the interests of the public:

(A) Between agencies, or their officers or employes; or

(B) Within an agency, between its officers or between employes.

(b) Action by agencies directed to other agencies or other units of government which do not substantially affect the interests of the public. (emphasis added)

The key to the decision is whether the policy and guidelines "substantially affect the interests of the public." The agency must carefully examine the policy and procedure in order to determine the public affect before it can make an informed decision concerning whether such policies and procedures need to be adopted as rules. If the agency determines that these policies and procedures fall within the statutory definition of a rule, then they must be adopted as rules so as to comply with the OAPA. Failure to do so would render all actions pursuant to a policy invalid. If

it is not desirable to adopt these policies and procedures that substantially affect the public as rules, then they must be modified to lessen the public affect so that they fall in to the statutory exceptions.

Should the Department have One Enforcement Policy or Separate Policies for Hazardous Waste and Air, Water and Solid Waste

As discussed above, the Department currently has an adopted hazardous waste policy and a draft policy for the programs of Air Water and Solid waste. In principle, the two policies are very similar. Both establish similar goals, priorities, classification of violations and enforcement responses. Separate policies originally were created because the Hazardous Waste program had a deadline it had to meet in order to gain authorization to run the base RCRA program.

Having one good general enforcement policy with subparts for specific program idiosyncracies and differences²² may be more efficient than separate program policies. Such a policy would need to be designed in a manner that allows new programs to fit in relatively easily thus eliminating the need to reinvent the wheel each time a new program is created. It would also be more efficient and manageable for staff with interprogram responsibility and members of the regulated community with interprogram activities. It also creates the impression of across the board consistency.

An argument against a unified policy is federal authority. If EPA believes that it is necessary to keep the policies separate, then perhaps the policies should be kept so. This may be an efficiency device on EPA's

²² For example, a sub policy on hazardous waste would include its immediate civil penalty authority for RCRA related violations.

part so that it may keep better track of how specific programs are meeting federal requirements.

There may be one program which is best suited to its own enforcement policy and that is Remedial Action. Other programs have a number of statutes and rules which place both mandatory and discretionary duties on the Department and the regulated community. Remedial Action, on the other hand, is a highly discretionary program. Its nature is such that it deals with past harm and activities that were not illegal at the time they occurred. It is not a program which lends itself very well to enforcement other than in the form of orders.

Civil Penalties

The Department has authority, at least by statute, to assess civil penalties for violations of most of its programs. Statute requires that civil penalty schedules be adopted. All of DEQ's programs with civil penalty authority are subject to the schedule requirement.

Currently, all DEQ programs with penalty authority have existing or proposed schedules. The schedules consist of a minimum amount²³ and a maximum amount established by statute²⁴.

In order to determine the amount of the penalty for a particular violation, the Department has adopted the use of aggravating and mitigating factors²⁵. The purpose of the factors is to help the Director determine a penalty amount. The factors should steer the Director to consider how

²³ Ranging from \$25 to \$2,500 depending on the violation and the program.

²⁴ See discussion on page 3.

²⁵ OAR 340-12-045.

objective facts surrounding a violation make that violation more or less serious. Ideally, the penalty amount should flow from the determination made in the factors. Mitigating factors should decrease the penalty to an amount no less than the minimum²⁶ while aggravating factors should increase the penalty towards the maximum.

In fact, the application of these factors is extremely subjective in that what may be aggravating to one person may be mitigating to another²⁷. Also, it is almost impossible to determine how they relate to the penalty amount. The factors are not assigned a monetary or factor value by which one can compute the penalty.

It has been suggested that the current scheme is not in compliance with the law. That the legislature could not have possibly meant the establishment of a minimum and maximum with a range of several thousand dollars in between. It has also been suggested that the current system for determining civil penalties is so subjective that it fails to give adequate notice to those who receive penalties. That is, it is nearly impossible for a violator to determine how the penalty amount was established by looking at the factors.

The argument for maintaining the current penalty scheme is that it gives the Director flexibility in establishing the penalty amount, while giving him standards (factors) to be used in determining the penalty amount. The scheme is also controlled internally by reviewing past agency action and establishing individual penalties consistent with those actions.

²⁶ Only the Commission may impose a penalty less than the minimum.

²⁷ See DEQ v. Merit USA, 4-WQ-NWR-87-27.

While the existing scheme has been criticized internally, it has yet to receive significant challenge from outside the Department.

It may be in the Department's best interest to develop and perhaps adopt by rule a more specific way to determine the civil penalties amounts. If this is done, the Department can correct several major flaws in the current system and provide adequate notice to the regulated community. Some see any attempt to develop a more clear schedule as an attempt to limit the Department's or the Director's discretion. Prosecutorial discretion to pursue the assessment of civil penalties would remain unchanged. Only the exercise of discretion concerning the amount of penalty would change.

While developing the draft enforcement policy, the Enforcement/Compliance task force developed a matrix to be used for determining civil penalties. The purpose of the matrix was to make the civil penalty determination a more objective process. However, because it left discretion with the Director to determine the value to assign to each factor, it was still extremely subjective²⁸.

While this matrix may represent a significant departure from the way the Department has determined penalty amounts in the past, there may be other alternatives worth exploring which would be more objective. Alternatives include establishing a schedule with specific amounts for specific violations or establishing schedules with smaller ranges for violations which tend to cause less environmental harm²⁹. Another

²⁸ See discussion on page 8.

²⁹ Residential open burning for example.

alternative would be to assign monetary amounts to the existing factors. Yet another alternative would be to not only assign a numerical value to the existing factors but also to require the Director to make specific findings, established by rule, to support the choice of the value given to any given factor in a specific case³⁰.

Independent of how the Commission and Department should determine the amount of a civil penalties is the issue of whether the minimum penalties should be increased for either specific violations or classes of violations. Currently, minimum penalties for violations in related areas of air, water and solid waste range from \$25 to \$100. Minimum penalties in areas related to hazardous waste and materials range from \$100 to \$2,500.

A minimum penalty should do several things. It should act as a deterrent to potential violators. One may be less willing to go forward with a violation if one was aware that it carried a high price tag even the first time around. It should indicate the seriousness of a violation even if it has only occurred once. However, not all the current minimum penalties reflect this concept. While a serious violation such as the illegal disposal of hazardous waste carries with it \$2,500, release of a hazardous air contaminant such as asbestos carries with only a \$25 minimum.

If possible, minimum penalties should also remove the economic incentive for noncompliance. Operating any source without a permit when one is required should carry with it a minimum penalty which is equal to at

³⁰ The Oregon Department of Water Resources has a civil penalty determination system in which the Director makes a specific finding for each factor value. OAR 141-85-090.

least the cost of the permit. It may be possible to set a number of minimum penalties at an amount which could remove the incentive for noncompliance.

In raising the minimum penalties, one needs to keep in mind the regulated community consists of individuals and business entities. As such, it may take less to get the attention and deter an individual than a business. Although this may not be true in all cases, it is still a difference which may need to be reflected.

Procedures for Settling and Mitigating Penalties

Pursuant to ORS 468.130(3), the Commission is authorized to settle or mitigate penalties under such conditions as it considers "proper and consistent with public health and safety". The EQC may delegate any or all of this authority to the DEQ³¹. By rule, the EQC has delegated to the Director the authority to seek settlement and mitigation of penalties and reserves to itself the final approval of any settlement or mitigation so negotiated³². The question has been raised whether all authority in this area should be delegated to the Director, or, at the very least, the process by which the EQC approves such things be changed.

Currently, the procedure for settlement begins with the Director receiving a request for settlement or mitigation (settlement) from a person against whom DEQ issued a civil penalty. DEQ then negotiates a settlement. Once all parties have approved, a settlement agreement is prepared and signed by the parties involved. The Director prepares a settlement memorandum to the EQC which summarizes the case, the terms of the agreement

31 ORS 468.130(4)

32 OAR 340-12-072.

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and requests approval. The approval process takes place at the EQC's breakfast meeting.

There are at least two alternative procedures available to the EQC to approve settlements. The first leaves final approval authority with the EQC. This procedure would make approval of settlements a regular agenda item at the EQC's meeting. The approval process would then be public. While not a legal requirement, it may be a good proposal in that it would create an aura of openness.

The second alternative delegates the authority to the Director, thus requiring a rule change. Under this alternative, the Director would not only be authorized to negotiate, but also to finalize the settlement. This may be an even less public way of proceeding than the EQC breakfast meeting. However, as agreements may often be achieved significantly in advance of a Commission meeting, approval by the Director may be more efficient especially in cases where the agreement may include a compliance schedule.

Yone C. McNally
229-5152
August 4, 1988

NUMBER OF CIVIL PENALTY NOTICES ISSUED AND DOLLARS ASSESSED

Department of Environmental Quality

1976 - 1987

PROGRAM AREA	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
<u>Air Quality:</u>												
Permitted Sources	(7) \$ 2,500	(2) \$ 1,700	(10) \$ 8,675	(6) \$ 3,200	(3) \$ 4,725	(2) \$ 1,500	(1) \$ 2,000	(4) \$ 6,000	(3) \$ 2,000	(4) \$10,100	(6) \$24,055	(5) \$ 6,225
Asbestos										(1) 10,000		(1) 5,000
VOC's										(1) 75	(3) 425	(3) 450
Wood Stoves												(1) 1,000
Open Burning	(11) 2,000	(26) 15,325	(14) 3,175	(9) 2,425	(14) 10,500	(12) 4,900	(21) 3,500	(19) 8,600	(10) 1,300	(8) 3,550	(8) 10,850	(10) 2,500
Field Burning	(11) 5,140	(25) 46,015	(6) 7,750	(2) 1,000	(15) 23,620	(11) 14,800	(13) 11,200	(23) 10,950	(28) 13,150	(17) 5,528	(15) 5,280	(12) 4,450
Noise	(1) 100	(2) 600		(3) 375					(2) 175	(4) 450		(1) 500
Subtotal	(30) \$ 9,740	(55) \$63,640	(30) \$19,600	(20) \$ 7,000	(32) \$38,845	(25) \$21,200	(35) \$16,700	(46) \$25,550	(43) \$16,625	(35) \$29,703	(32) \$40,610	(33) \$20,125
<u>Water Quality:</u>												
Industrial Sources	(9) \$20,850	(12) \$41,150	(9) \$58,050	(6) \$14,900	(8) \$29,700	(6) \$15,250	(3) \$ 2,000	(2) 3,000	(4) 15,450	(5) 23,800	(8) 17,800	(3) 6,800
Municipal Sources	(7) 1,750	(2) 800	(1) 1,650		(5) 4,350	(1) 500	(2) 4,850	(1) 2,500	(2) 550	(1) 750	(1) 7,500	(1) 100
Installer/Pumper		(1) 1,500	(2) 400	(2) 250	(7) 1,300	(7) 2,100	(7) 3,450	(14) 19,550	(4) 1,000	(4) 500	(1) 100	(7) 2,300
On-Site Sewage	(25) 7,700	(20) 12,600	(15) 4,550	(3) 650	(15) 6,750	(3) 975	(2) 750				(1) 150	(2) 750
Oil Spills	(4) 15,100	(5) 1,650	(1) 250	(4) 11,250	(4) 2,000		(3) 2,500		(1) 1,000	(2) 1,500	(2) 2,550	(1) 3,500
Subtotal	(45) \$45,400	(40) \$57,700	(28) \$64,900	(15) \$27,050	(39) \$44,100	(17) \$18,825	(17) \$13,550	(17) \$25,050	(11) \$18,000	(12) \$26,550	(13) \$28,100	(14) \$12,650
<u>Hazardous/Solid Waste:</u>												
Hazardous Waste					(1) 1,000				(1) 2,500	(7) 23,500	(4) 25,500	(5) 22,000
Solid Waste	(3) 4,000	(3) 1,850	(1) 450		(1) 100		(2) 1,350			(3) 1,150		
Subtotal	(3) 4,000	(3) 1,850	(1) 450		(2) 1,100		(2) 1,350		(1) 2,500	(10) 24,650	(4) 25,500	(5) 22,000
TOTAL:	(78) \$59,140	(98) \$123,190	(59) \$84,950	(35) \$34,050	(73) \$84,045	(42) \$40,025	(54) \$31,600	(63) \$50,600	(55) \$37,125	(57) \$80,903	(49) \$94,210	(52) \$54,775

() = Number of Civil Penalty Assessment Notices
 \$ = Dollar Amount

SUMMARY OF FORMAL ENFORCEMENT ACTIONS ISSUED IN 1987
Department of Environmental Quality

<u>Program Area</u>	<u>Orders and Stipulated Orders</u>	<u>Notices of Intent</u>	<u>Notices of Civil Penalty</u>	<u>Amount Assessed</u>
<u>Air Quality:</u>				
Permitted Sources	--	6	5	\$ 6,225
Asbestos	--	5	1	5,000
VOC's	--	--	3	450
Wood Stoves	--	1	1	1,000
Open Burning	--	4	10	2,500
Field Burning	--	--	12	4,450
Noise	--	2	1	500
Subtotal	--	18	33	20,125
<u>Water Quality:</u>				
Industrial Sources	1	11	3	\$6,800
Municipal Sources	2	1	1	100
Installer/Pumper	--	10	7	2,300
On-Site Sewage	2	2	2	750
Oil Spills	--	--	1	3,500
Subtotal	5	24	14	12,700
<u>Hazardous/Solid Waste:</u>				
Hazardous Waste	7	8	5	\$22,000
Solid Waste	--	1	--	--
Subtotal	7	9	5	22,000
TOTAL:	12	51	52	\$54,825

SUMMARY OF FORMAL ACTIONS ISSUED IN 1986
DEPARTMENT OF ENVIRONMENTAL QUALITY

<u>Program Area</u>	<u>Orders and Stipulated Orders</u>	<u>Notices of Intent</u>	<u>Notices of Civil Penalty</u>	<u>Amount Assessed</u>
<u>Air Quality:</u>				
Permitted Sources	--	12	6	\$24,055
Asbestos	--	8	--	--
VOC's	--	1	3	425
Open Burning	--	2	8	10,850
Field Burning	--	--	<u>15</u>	<u>5,280</u>
Subtotal	--	23	32	\$40,610
<u>Water Quality:</u>				
Industrial Sources	7	4	7	\$16,800
Municipal Sources	2	2	1	7,500
Installer/Pumper	--	11	1	100
On-Site Sewage	1	6	1	150
Oil Spills	--	<u>1</u>	<u>2</u>	<u>2,550</u>
Subtotal	10	24	12	\$27,100
<u>Hazardous/Solid Waste:</u>				
Hazardous Waste	3	12	4	\$25,500
Solid Waste	--	<u>4</u>	--	--
Subtotal	3	16	4	\$25,500
TOTAL:	13	63	48	\$93,210

SUMMARY OF FORMAL ENFORCEMENT ACTIONS ISSUED IN 1985
DEPARTMENT OF ENVIRONMENTAL QUALITY

<u>Program Area</u>	<u>Orders</u>	<u>5-Day Notices</u>	<u>Civil Penalty Notices</u>	<u>Amount Assessed</u>
<u>Air Quality:</u>				
Emission Source	-	19	4	\$10,100
Open Burning	-	1	8	3,550
84-Field Burning	-	-	26	11,450
85-Field Burning	-	-	17	5,528
Other	-	9	2	10,075
Noise	1	5	4	450
<u>Water Quality:</u>				
Industrial Source	3	13	4	23,300
Domestic Sewage Source	1	8	1	750
Oil Spills	-	5	2	1,500
Other	1	3	1	500*
Installer/Pumper	-	13	4	500
On-Site Sewage	-	3	-	-
<u>Hazardous/Solid Waste:</u>				
Hazardous Waste	1	29	7	23,500
Solid Waste	1	5	3	1,150
Total:	8	113	83	92,353

* (issued in '86)

Willamette River

Next year marks the 50 year anniversary of the State Sanitary Authority. DEQ will mark the anniversary with a slide show on the Willamette cleanup, a brochure on state efforts to protect the river and special events.

Wish List

If resources were not a problem, I would identify the top ten environmental problems DEQ faces over the next five years and develop comprehensive communication plans for each problem. These plans would be implemented over at least a two-year period and would include a variety of communication methods. The basic elements of a communication plan are:

- Professional survey to determine the audience and understanding of the problem.
- Selection of communication methods to reach the identified audience.
- A two-year implementation plan designed to keep the problem in the minds of the audience.
- Information on how citizens can be involved.

Topics that I would consider for these communication campaigns include: recycling, household hazardous waste, sewage disposal, hazardous waste disposal, air toxics, asbestos in schools and homes, non-point source pollution, ocean resource management, groundwater and risk assessment.

Open houses provide an excellent structure for communication on complex issues.

Public Hearings and Meetings

Public hearings and meetings are another way to communicate with the public, although not very effective. Hearings are one-way communication. Meetings tend to not be valuable because the public uses the meetings as a soap box for its particular issue.

Slide Shows/Videos

The Department has produced slide shows to explain new programs or special projects. Slide shows are good ways to illustrate new DEQ programs. However, they are not effective to communicate with the general public because they can only be shown to small groups. DEQ's newest slide show is on hazardous waste reduction.

FUTURE COMMUNICATION PROJECTS

The Oregon Environmental Atlas

The Department is producing an Atlas that will display environmental information on maps, charts, graphics and through text. The Atlas is a special project funded with help from EPA. It will be a resource for the interested public, general public and schools.

Woodstove curtailment

The Department has a grant from EPA to produce materials on woodstove pollution and curtailment. The materials will be used in Medford, Klamath Falls and Grants Pass and will be available to other states.

who call DEQ or come to DEQ meetings. The Department also makes regular contacts with editorial boards.

The news media is a good way to keep the public aware of certain issues, but is not effective in explaining complex issues.

Newsletters

The Department uses newsletters to keep the interested public informed. The Public Affairs office produces Beyond Waste and Re:Recycling. The Underground Storage Tank staff produces Tankline. Newsletters are not effective for the general public.

Fact Sheets

The Department uses fact sheets to provide the special interest public with information on specific topics such as permits, clean-up sites and new programs.

Brochures

The Department uses brochures to explain major programs to the general public. Because brochures are expensive, they are used for issues that will not be quickly outdated. DEQ brochures are available on the Department, groundwater, woodstove certification and hazardous waste reduction.

Advisory Committees

Advisory Committees can help communicate with the interested public or with specific interest groups. Advisory committees are used frequently to assist the Department with rule-making and controversial projects.

Open Houses

Open houses provide an informal opportunity for the specific issue public to meet informally with DEQ staff and ask questions.

will be willing to go along with a requirement that cars to be maintained. However, if they don't believe that air pollution is a problem or that their cars contribute to the problem, they certainly won't go along with any regulation.

It is vital for DEQ is be in constant communication with the public on pollution problems, causes and solutions. The public must have an understanding of the problem before any regulatory programs can be implemented.

Finally, an audience we are only beginning to address is the schools. Children and their teachers are very interested in environmental issues and receptive to environmental education materials. If we can teach children to care about the environment, we have a much greater chance of motivating them to be good environmental citizens when they grow up.

The Department has produced a comprehensive recycling curriculum for grades 1 through 12. We are also developing a teachers packet on woodstove pollution.

METHODS OF COMMUNICATION

DEQ uses a variety of informational techniques to communicate with our many audiences. In all of our communications, we have two goals - help the public understand that there is an important pollution problem and explain the decision-making process so people can understand how they can be involved.

News Media

The Department communicates to all of its publics through the news media. This is done through news releases or by reporters

The problems that concern special interest groups are typically complex situations involving many uncertainties. Although formed in response to specific issues, these groups do have some common characteristics. They are rarely willing to compromise. They are not very concerned about other environmental problems. They have a general mistrust of government. They expected government to protect them from environmental hazards.

The "general public" is much different than any of the special groups. The general public is not too interested in specific environmental issues. The general public does care about a safe environment. The general public believes that Oregon is a great place to live, that natural resources are worth protecting and that pollution from industry is wrong.

The general public looks to government to protect it and natural resources from businesses, municipalities and individuals that cause pollution. However, when that pollution is a result of individual actions rather than business, the public is much less willing to have government impose regulation.

In order to convince people to control their own pollution activities the general public needs to be informed about environmental problems. First, they need to believe that there is an important environmental problem. Next, they need to have a complete understanding about how their own actions contribute to the problem. Finally, regulations must be convenient and economical. For example, if people understand that air pollution in their city can harm human health, that the air pollution comes from cars and that there is a reasonable regulatory program, they

individual life-styles and consumer choices. Oregonians need to understand how they contribute to pollution problems and what they can do to help solve these problems.

Another problem is that the issues involved in controlling toxic releases into the environment are complex and full of uncertainty. Environmental decisions involving health risks may result in enormous expense - for business and the public. Continued progress in environmental protection will require new strategies whose success will depend on cooperation between governments and the public.

WHAT IS THE "PUBLIC"

The "public" can mean different things in different situations. Under ordinary circumstances for DEQ, the "public" means the "interested public." This group is comprised primarily of the regulated community and environmental groups. In general, most other people don't have much interest in what we do. The "interested public" attends DEQ meetings and hearings, asks to be placed on mailing lists to receive DEQ newsletters and notices, serves on advisory groups, and has a good understanding of the issues.

There is a new type of "interested public" that is becoming more involved in environmental issues. This "public" is made up of interest groups formed as a response to specific environmental problems. It may be an interest group formed to fight a new business, demand cleanup of a hazardous waste site, or protest an unwanted landfill.

EDUCATION - PREVENTION VS. CURE

Carolyn Young

BACKGROUND

Public concern about the environment is a tradition in Oregon, which explains why the state got an early start earning its national reputation as a champion for environmental quality. Oregonians have been involved in environmental protection efforts since a 1938 initiative petition forced the cleanup of the Willamette River. Since the formation of the State Sanitary Authority, Oregon can claim several firsts including:

- First statewide air pollution control laws in the nation in 1951.
- First bottle bill in 1971.
- First statewide recycling act in 1985
- First woodstove certification program in 1985

Maintaining 50 years of progress will require the continued efforts of individuals and government working together.

THE ROLE OF PUBLIC INFORMATION

The goals of protecting Oregon's environment have always been clear, however, the methods for achieving them are becoming increasingly complex. One problem is that the sources of pollutants are changing from more easily controlled and regulated industrial and municipal discharges to more diverse sources - garbage, cars, woodstoves, agricultural practices - resulting from

DEQ BUDGET

August 22-23, 1988

EQC Retreat

BUDGET PROCESS

DEQ operates on a biennial budget approved during each legislative session. The agency develops the budget following guidelines from the Executive Department. The guidelines allow DEQ to continue present activities with some cost adjustments for inflation. This is called a base budget. We can also ask for new or enhanced programs by way of mini budgets called decision packages.

At DEQ we first review our base budget activities to see if we are able to, and wish to, move resources from one program to another. There are various limits on our ability to do this which will be discussed later.

Then we ask each program and division to suggest new or improved, or enhanced programs as decision packages if they need them. Draft written decision packages are prepared and then Fred Hansen, Division Administrators and the staff who prepared them meet several times to discuss the merits of the proposals and the means of financing. Ultimately a final decision is made about which proposals to include in the budget request.

The budget with both base budget and decision packages is forwarded to the Executive Department where they review and analyze it, apply the Governor's budget criteria to it, and make recommendations to the Governor to approve or modify the budget request.

Usually, several budget cuts are recommended by the Executive Department. Then, the Governor's office sets up an appeal process where agencies can go to argue on behalf of programs proposed. The Governor makes a final decision and the budget is readied to go to the Legislature.

At the legislature the budget is assigned to the Ways and Means Committee which is divided into subcommittees. The subcommittees do the in depth review of the budget with the help of legislative fiscal staff and by taking testimony principally from DEQ. Some limited formal testimony is taken from industries we regulate, environmental groups and the public. (The Ways and Means process is not like the usual substantive committee process where substantial testimony is taken from all interested parties.) The subcommittee reaches conclusions and sends the budget as they have revised it to the full Ways and Means Committee for approval. After it is approved it goes through the complete Legislative Process and is eventually signed by the Governor.

BUDGET FLEXIBILITY

The Legislature controls spending by agencies three ways: By requiring statutory authority to operate programs; by requiring appropriation of position (staff) authorization; by putting a ceiling (limitation) on the amount of money which can be a spend no matter where the money comes from. The approved budget will consist of actual general fund dollars and expenditure limitation authority for the agency to collect and spend federal dollars and to collect and spend what are called "other fund" dollars from permit fees and licenses.

The other fund dollars are almost without exception statutorily dedicated to the program activity for which they are collected. For example, the motor vehicle inspection fee is dedicated to be used for operating the Vehicle Inspection Program and cannot be used elsewhere in the Department. Federal fund dollars must be used for the purpose stated in the grant. General fund dollars can be used anywhere, but because of requirements under the federal grants for matching effort, they cannot all be moved flexibly without loss of federal dollars.

Of DEQ's Legislatively approved budget of \$42.6 million for 1987-89, only \$4.2 million dollars are not either dedicated statutorily or by contractual agreement with the Federal Government.

In Air Quality, of \$3.3 million general fund dollars only \$300,000 is not restricted. In Water Quality, although we are

required to use only \$1 million out of \$3 million to match EPA federal grants, we have historically made a larger match effort, any reduction of which would mean a major negotiation with the feds and of course could mean a shortage of resource in water quality to the current job.

Hazardous and Solid Waste's \$2.75 million general fund dollars not restricted legally. However, \$750,000 were intended by the Legislature to be used for clean up of illegal drug labs and close to \$700,000 of these dollars are the result of an increase from the last Legislative Session that were part of a funding compromise in which industry agreed to a major fee increase if the Legislature made a corresponding general fund increase in the program. Any shift of those dollars would be viewed as a violation of that agreement.

The Agency's central administrative and management functions are supported by indirect revenue derived from a percentage charged against program other and federal fund salary costs. No charges are made against general fund salaries because direct general fund dollars are provided to support these centralized functions. These dollars are considered dedicated but could be flexible if a different kind of indirect cost agreement could be reached with the federal government which must approve. Unless costs overall were reduced in agency management activities, the overall net gain to the programs would be zero.

Historically, the Department has made resource shifts from program to program using general fund dollars as an internal process rather than a budget activity. First, the Department has authority to make such management determined shifts and, second, discussions with the Legislature about general fund dollars which are available to be used as a resource elsewhere in the Department are usually viewed by the Legislature as Dollars they could use elsewhere in any state budget.

Some of the things DEQ does are not reflected in the Budget. This includes the sale of bonds and loaning of proceeds to local governments. The budget also does not show the pollution control tax credit program which is a program where the EQC approves the cost of pollution control facilities, DEQ reports costs to the Department of Revenue which allows individuals and corporations to reduce their tax liability, under a given formula. This cost is a direct reduction of revenue to the State of Oregon and does not show as an expenditure.

BUDGET TRENDS

During times when Oregon had difficulties economically, the agency suffered major cuts in number of staff (between 1979-83 a loss of 45.25 FTE). As the Department began to develop more fee and license revenue we were able to restore our staff capability. Those restorations in capability were not necessarily made in the programs that had previously been cut, but rather in areas of new program emphasis. For example, in 1979, Air Quality had 143.60

full time equivalent positions and 10 years later, in 1989, they have 144.80 FTE. Water Quality had 108.20 FTE in 1979 and now has 95.88 FTE. Hazardous and Solid Waste, however, went from 33.60 FTE in 1979 to 95.56 FTE 10 years later.

Major shifts have also occurred since 1979 in the type of funds which are used to support DEQ activities. In 1979 45% of our budget was general fund while today 24% of our budget is general fund. Fee and permit revenue now accounts for 50% of DEQ's budget dollars. Since these fees are dedicated to be used in the program under which they were collected, we don't have the same amount of flexibility that we might have had in earlier biennium.

Environmental programs were first established in Oregon to clean up the Willamette River. After that time (1938) more and more of the effort went into prevention of pollution. By 1979, the bulk of DEQ's programs were intended to prevent pollution. For example, our permit programs are intended to prevent entry of pollutants into the environment and only when we inspect and discover that there is a problem do we consider our actions an effort to clean up. During the last few years the portion of our budget devoted to the prevention of pollution is probably 75% compared to those activities which provide cleanup of environmental problems.

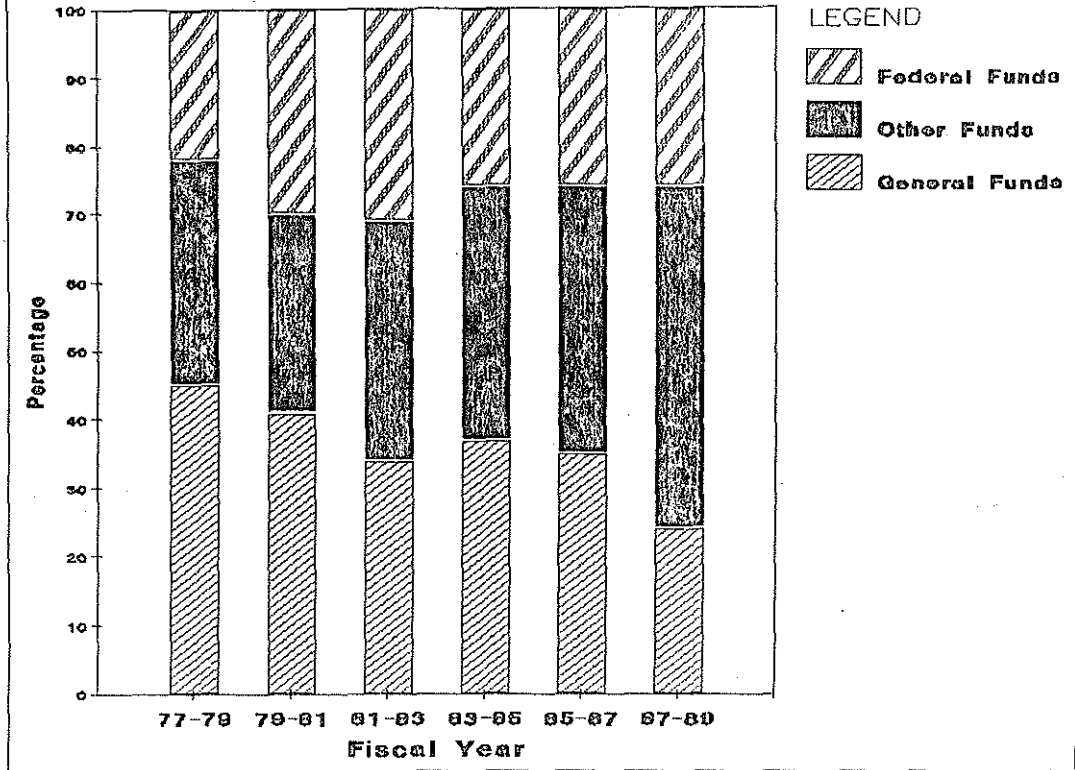
Material is attached describing each DEQ subprogram, what it has accomplished over the last two bienniums, an idea of the future

work which needs to be done, and a discussion of what environmental work would be left undone if the program wasn't operating.

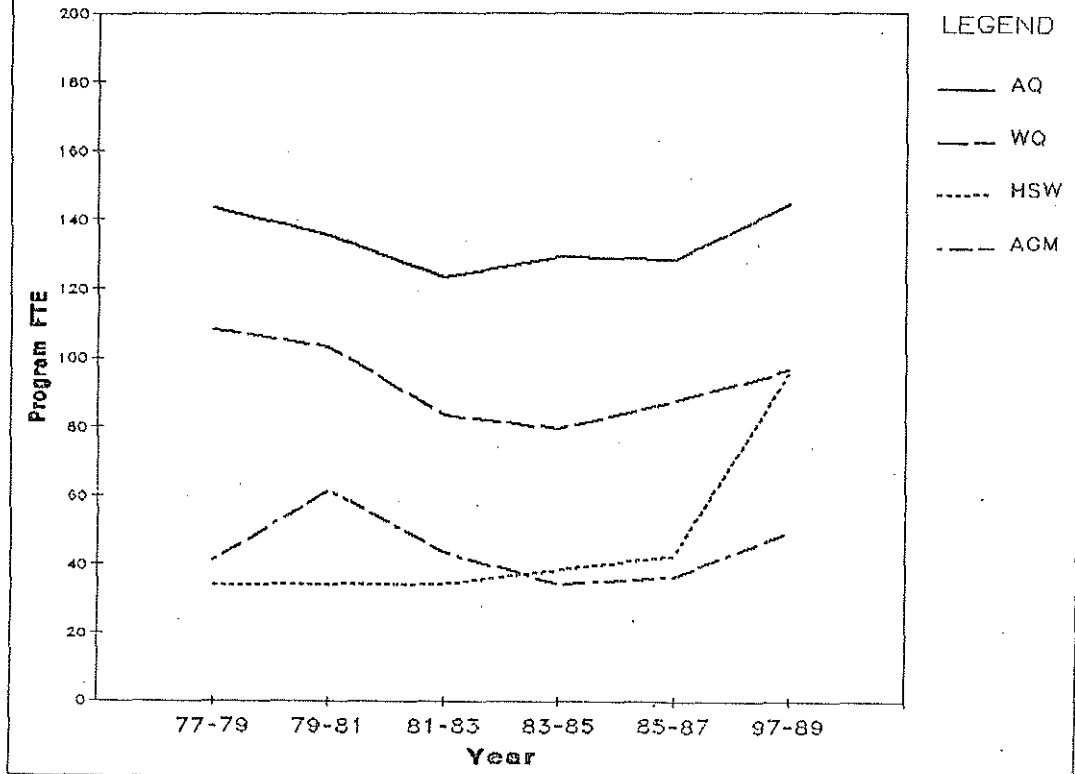
SUMMARY

In summary, our budget is developed through a process of internal review, Executive Department Review, Governor's approval, Legislative review and Legislative approval. Over the past 10 to 12 years we have gone from being nearly half supported by general funds from tax dollars to being half supported by fee revenues. Approximately 75% of our efforts are devoted to prevention of environmental pollution. The request which is being developed now for the 1989-91 biennium will show an even greater increase in support from other than general fund revenues and major program increases in the environmental cleanup programs.

DEQ Operating Budgets



FTE Trends By Program



Department of Environmental Quality
SIX - Biennium FTE

PROGRAM	77-79	79-81	81-83	83-85	85-87	87-89
Air Quality Program						
Source Control	65.30	22.80	22.96	26.62	25.00	28.42
Field Burning	15.70	9.50	8.25	7.25	6.25	6.25
Motor Vehicle-Ptld	54.60	50.90	51.46	50.46	50.49	49.46
Motor Vehicle-Medford						9.00
Noise	8.00	5.50	2.40	3.00	3.00	3.00
Administration		4.90	8.30	8.81	9.15	9.82
Planning/Monitoring		41.70	30.06	33.60	34.35	38.85
TOTAL AIR QUALITY	143.60	135.30	123.43	129.74	128.24	144.80
Water Quality Program						
Ind. Waste (Source Control)	70.70	38.30	25.54	26.72	24.11	15.56
Planning/Monitoring	4.30	30.70	22.00	21.75	31.09	28.45
Municipal Onsite	33.20	28.60	24.30	22.90	14.90	25.02
Municipal Engineering						
Administration		5.50	10.88	7.82	7.82	7.18
Construction Grants					10.00	19.67
TOTAL WATER QUALITY	108.20	103.10	82.72	79.19	87.92	95.88
Hazardous/Solid Waste Program						
Solid Waste	28.50	24.40	19.14	18.74	18.75	13.42
Hazardous Waste	5.10	7.30	12.17	15.15	18.91	29.75
Waste Reduction						5.39
Administration		1.94	2.83	4.03	4.03	9.50
Hazardous Materials						12.29
Remedial Action						25.21
TOTAL HW/SW	33.60	33.64	34.14	37.92	41.69	95.56
Agency Management						
Agency Management	41.20	60.65	42.50	34.50	36.50	48.87

AGENCY-WIDE TOTAL **	326.60	332.69	282.79	281.35	294.35	385.11

8/4/88

Flexibility of Funds

Flexible



Air Quality

GF

OF

FF

Haz. & Solid Waste

GF

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Water Quality

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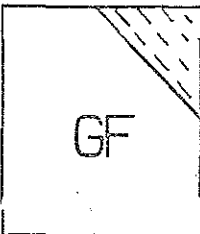
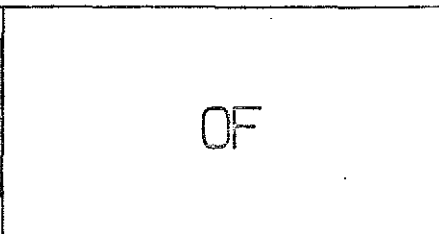
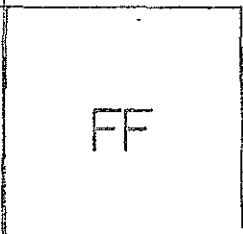

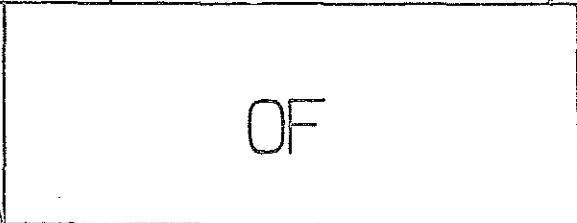

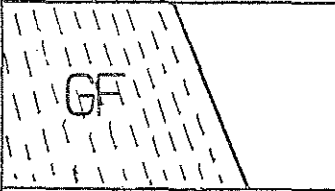
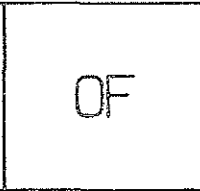




FF

Agency Management

GF

OF

FF

PROGRAM BUDGET INFORMATION

August 22-23, 1988
EQC Retreat

BACKGROUND

The attached document shows a summary of the 1987-89 program budget information by section listing the number of full time equivalent (FTE) staff positions related to each section of the program and the number of dollars associated with the effort by type of fund. Each section's information includes the headquarters, region and laboratory components.

Following the summary for each major DEQ program is information on each program section within that program including:

1. A short description of the section's program.
2. A description of what the section has accomplished over the past four years.
3. A description of what the section plans to accomplish during the next four years.
4. A description of what environmental damage would occur without the section's program.
5. An indication of whether the section's program prevents environmental damage or restores the environment after damage.

AIR QUALITY

PROGRAM	FTE	Dollars in Millions			\$Total
		\$General	\$Other	\$Federal	
Source Control	28.42	1.2	.7	.6	2.5
Field Burning	6.25		1.7		1.7
Vehicle Inspection	58.50		4.3	.05	4.35
Noise	3.00	.3			.3
Administration	9.92	.7	.1	.6	1.4
Planning/Monitoring	38.85	1.1	.2	2.5	3.9
	144.84	3.3	7.0	3.75	14.2

AIR QUALITY DIVISION
SOURCE CONTROL SECTION

The purpose of the Air Source Control section is to maintain a high level of compliance with the Department's air quality regulations for industrial sources and for asbestos control. These regulations control emissions of air pollutants to the atmosphere in order to protect the health and welfare of the people of Oregon.

Approximately 1300 industrial sources are regulated through Air Contaminant Discharge Permits. These permits establish specific emission limitations, testing requirements, and reporting requirements for each source. Inspections, testing activities, emission monitoring, and enforcement actions are closely coordinated with the Regional Operations Division to ensure that sources maintain compliance with the permit requirements. Normally, a compliance rate of 95 percent or more is maintained for industrial sources.

The asbestos control program regulates building activities that have the potential of releasing asbestos fibers to the atmosphere. Asbestos is a known human carcinogen that affects people many years after exposure. Regulations concerning specific work procedures that must be followed and regulations concerning asbestos worker training and contractor licensing are implemented by the Air Source Control Section.

The activities of the Air Source Control section are directed at preventing adverse human health impacts by ensuring that air quality standards are maintained. Toxic air pollutants are regulated to ensure that the best available controls are used to minimize any potential human health impacts.

AIR QUALITY DIVISION
FIELD BURNING SECTION

General Description of Section

The DEQ conducts a smoke management program under ORS 468.450 for the control of open field burning of grass seed and cereal grain crops in the Willamette Valley. The Department determines the times, places, and amounts of burning to be allowed throughout the summer burning season on the basis of meteorological dispersion conditions. This schedule is broadcast to local fire districts who issue permits to farmers, keep records, and collect and forward fees to the Department. The objective of the program is to minimize smoke concentrations in populated areas. State law allows the burning of 250,000 acres each summer.

In addition, the DEQ, aided by an Advisory Committee, conducts a program for research and development of feasible alternatives to open field burning. Informational needs are assessed annually. Research proposals are received, evaluated and prioritized for funding consideration. The DEQ staff develop project scopes-of-work, prepare and manage research contracts, and track progress and expenditures. Research areas include alternative methods of field sanitation, alternative crops not requiring burning, straw utilization, and improvements in smoke management.

Section Accomplishments 1985-89

Over the past four years the Field Burning Program has been successful in reducing smoke impacts in populated areas of the Willamette Valley while allowing an average of 210,000 acres to be burned each summer. 1985 represented the lowest number of smoke impact hours Valley-wide since the inception of the Field Burning Program. The program has also implemented a plan for improved visibility in the Cascade Mountains through restrictions in weekend field burning during the summer. The program has identified better methods for burning fields which minimize the potential for ground level smoke impacts.

Research and development of alternatives to field burning have emphasized alternative crops not requiring burning. An oilseed crop known as meadowfoam is the most promising crop identified to date as an alternative to grass seed in the Willamette Valley. Meadowfoam research efforts have focused on improving seed yield and field production methods, with a more recent emphasis focusing on meadowfoam marketing development. Both seed yield and marketing research efforts have been very successful.

Future Outlook

During the next four years the Field Burning Program anticipates continuing the smoke management program with emphasis on reducing smoke impacts in populated areas through better methods for burning fields. The Program will continue to refine its role in the Visibility Protection Plan toward improved weekend visibility in the Cascades.

The DEQ Advisory Committee will continue the research and development program to provide reasonable alternatives to open field burning. Efforts will continue to develop meadowfoam as a commercially viable crop as a substitute for grass seed crops in sensitive areas near cities, airports and highways. Straw utilization research and development will continue the effort to provide direct reductions in the burning of grass seed acreage.

Burning removes the straw residue and results in better crop yield and control of diseases, pests and weeds. Even after years of research into alternatives to burning, it is still critical to the grass seed industry. If a grower is not allowed to burn, it is estimated that there is an annual \$50 to \$80 per acre loss in revenue. The increased revenue derived from burning means the difference between profit and loss for the farmer.

Reduced or non-existent smoke management would lead to widespread smoke impacts in the Willamette Valley during the summer months. Increased smoke impacts would severely affect the public safety and welfare.

AIR QUALITY DIVISION

VEHICLE INSPECTION SECTION

The Vehicle Inspection Program of the Air Quality Division operates the motor vehicle emission/inspection program (I/M) in the Portland and Medford areas. State law requires that all vehicles, with certain exemptions, be tested for air pollution compliance and receive a Certificate of Compliance before the Motor Vehicle Division is authorized to issue a registration or registration renewal. To do this task, the program operates six inspection stations in Portland and one facility in Medford. The total number of inspection lanes is 25, and program FTE is 57.45. The program is supported through the fees charged for the Certificates.

I/M programs address the health and livability problems associated with increased exhaust emission from motor vehicles in urban areas. The program identifies vehicles with excessive exhaust emissions and requires their repair. During the last two biennium the program has conducted over 1,600,000 inspections. Additionally, some 52 licensed fleets self inspect about 2% of the vehicles subject to the inspection requirements. About two-thirds of the vehicles tested pass the inspection test. The emission reductions obtained from the remaining third of the tests results in 70% reduction in measured idle carbon monoxide, and 65% reduction in measured idle hydrocarbons. Overall passing vehicles were 37% cleaner for carbon monoxide and 75% cleaner for hydrocarbons.

Environmentally, the I/M Program has contributed much to achieving air pollution compliance for both the Portland and Medford areas. The environmental goal for the next two bienniums is to maintain the emission benefits achieved. From a workload perspective, over 1,800,000 inspection tests are projected to be conducted through the next two biennium. The emission benefit is increasingly important as growth increases and no new emission benefit from the federal new car program is realized. During the next two bienniums, the total number of inspections is projected to increase as area growth increases. A proposed legislative decision package could increase the number of inspections by at least a third.

Motor vehicle emissions are major contributors to area carbon monoxide and photochemical oxidants (ozone). The inspection program prevents environmental damage by identifying vehicles that are major air pollution contributors and requiring repair. Medford continues on its carbon monoxide compliance schedule, while in Portland carbon monoxide goals appear to be met. In addition, the Portland area has a need for better ozone control. Without the inspection program, both areas would not be on the successful compliance schedules for both of these pollutants. Thus the I/M program can be described as both a prevention program and a restorative program.

AIR QUALITY DIVISION

NOISE SECTION

Noise Control is a sub-program of the Air Quality Division responsible for the statewide management of environmental noise pollution. A complement of 3FTE is charged with the regulation of major noise emission sources including motor vehicles (on-road and off-road), industrial and commercial facilities, airports, and motor sports facilities (race tracks) and events. In addition to these responsibilities, technical assistance is also provided to the State Marine Board, Oregon Liquor Control Commission, United States Forest Service, city and county governments, and the regulated industry.

Motor Vehicles

Forty-four new vehicle manufacturers certify their products annually. During the 85-87, and 87-89, bienniums greater than 10,000 in-use motor vehicles will be required to repair or replace defective muffler systems. In the Portland metro area vehicle owners are required to pass a vehicle noise emission test prior to re-licensing. This effort is augmented by on-street noise enforcement by local law enforcement agencies. This trend is expected to continue throughout the 89-91 and 91-93 bienniums.

Industry and Commerce

By maintaining an effective enforcement program it is projected that during the two biennium periods of 85-89 a total of 732 compliance actions will be successfully completed. This figure is expected to increase during the upcoming two bienniums as more local governments adopt noise control ordinances.

Airports

As the result of an Environmental Quality Commission approved noise abatement program in 1983 for the Portland International Airport, 181,000 citizens (89% reduction) have realized a reduction in aircraft noise impacts. Residential properties located within high noise impact zones in the vicinity of the Medford airport are currently being purchased and converted to compatible land use. At the conclusion of these programs the focus will be on "fine tuning" airport mitigation strategies and assisting land use planning personnel in administering the development of properties within airport environs.

Motor Sports Facilities

With regard to the regulation of racetracks and motor sports activities, Portland International Raceway has successfully reduced noise emission levels from most race vehicle categories. The installation of turbochargers on IMSA and CART vehicles has produced relief for the residents of north Portland. Other vehicle categories have, or are also developing improved muffler technology.

During the 1988 racing season eight motor sports organizations entered into binding agreements which set forth definitive time tables to install muffling systems. Prior to the conclusion of the 89-91 biennium it is anticipated that special event exception approvals will be required for a minority of events, namely those of national and international significance.

Other

Approximately 306 enforcement personnel received Board on Police Standards and Training (BPST) certified noise enforcement training from program staff during the 85-87 and 87-89 bienniums. Presently 19 cities and 5 counties have adopted local noise control programs. Sixty sound level meters are maintained and loaned to these jurisdictions for noise enforcement purposes. Greater emphasis is presently being placed on enhancing enforcement at the city-county level to regulate off-road vehicles (e.g. dirt bikes), minor industrial/commercial sources, and localized neighbor-to-neighbor conflicts. Local jurisdictions will also be encouraged, as a prevention measure, to include noise impact assessments as part of the plan review and site planning processes. To achieve these goals it will be necessary to reallocate more staff time to ordinance development, training, and other technical assistance.

Noise does not produce permanent environmental damage, but is the most pervasive and widespread environmental pollutant within the State of Oregon. In addition to its insidiousness and direct threat to livability, scientific studies have implicated noise pollution as the primary causal agent responsible for permanent hearing loss, heart disease, and other stress-related health maladies. In addition to health problems caused by chronic exposure to excessive noise pollution, excessive noise can also affect property values. Therefore, the Noise Control Program implements policies which assure the protection of public health and welfare.

AIR QUALITY DIVISION
PLANNING/MONITORING SECTION

Description of Program

The primary function of the Program Planning and Development Section is to develop airshed strategies to attain and maintain compliance with State and Federal ambient air quality standards and to prevent significant deterioration of air quality in clean air areas of the state. These objectives are met through development of air monitoring network plans, analysis of monitoring data, development of strategies in conjunction with local advisory committees, adoption of strategies and supporting rules and implementation or oversight of strategies. Supporting activities include coordinating Federal Clean Air Act requirements and reporting needs with state programs and implementation of several area source control strategies including wood stove certification, indirect source (parking lot and highway construction) permit issuance, Portland area hardship backyard burning permit issuance, and smoke management for agricultural burning other than grass fields and wood stove curtailment programs.

Major Accomplishments in Last Two Biennium

1. Adoption of Carbon Monoxide Controls Strategies for Medford and Grants Pass.
2. Revising of the Carbon Monoxide and Ozone Control Strategies for Portland.
3. Adoption and implementation of the Visibility Protection Strategy for certain Wilderness Areas.
4. Adoption and Implementation of Oregon's New Woodstove Certification Program and assistance to EPA in developing a National Woodstove Certification program.
5. Implementation of the Portland Area Backyard Burning Hardship Permit issuance program.
6. Update of the Department of Forestry Smoke Management Plan.
7. Adoption of a new PM₁₀ air quality standard and supporting rules for emergency action plans, and strategies to address marginal problem areas (Portland, Bend, La Grande).
8. Development of PM₁₀ control strategies for major problem areas (Klamath Falls, Medford and Grants Pass).
9. Development of a program to address non-criteria (toxic) air pollutants.

10. Several special studies to assess suspected air quality problems areas including Pendleton, La Grande, Millersburg, The Dalles, and Bend.

Expected Major Accomplishments in Next Two Bienniums

1. Adoption and implementation of effective point and non-point source strategies to meet PM₁₀ standards in Klamath Falls, Medford and Grants Pass.
2. Adoption of strategies as needed to address PM₁₀ problems in marginal problem areas.
3. Implementation of a comprehensive wood heating control program if authorized by the legislature. This would include substantial financial subsidy programs to upgrade low income wood heating systems, tax credit incentives, expanded public educational efforts and restrictions on local governments, which fail to implement adequate strategies.
4. Redesignation of Portland CO and Ozone and Medford CO to attainment and adoption of maintenance strategies which do not unduly restrict economic development. This may include gasoline volatility restrictions, stage II vapor recovery (vehicle refueling) control, and parking offset programs.
5. Adoption and implementation of a non-criteria (toxic) new source review program and a program to address existing point and area sources.
6. Participation in a comprehensive program if authorized by the legislature to address indoor air quality problems.
7. Revision to the states woodstove certification program to mesh it to the extent possible with the Federal program and to insure certified units maintain effective in home performance.
8. Review and update of the visibility protection plan for wilderness areas including addition (reclassification) of new areas in need of protection.
9. Investigation on a prioritized basis of potential PM₁₀ and other pollutant problems in other areas of the state.
10. Adoption of several miscellaneous rules to address, for instance, nuisances, excessive stack heights, upset and breakdowns.

Consequences of Inactions

Without section programs, adverse public health and welfare impacts from excessive levels of air pollution would occur or would continue to occur. Federal sanctions could apply and restrictions on economic development could result because of overloaded airsheds having no plan to attain standards.

HAZARDOUS AND SOLID WASTE

PROGRAM	FTE	Dollars in Millions			\$Total
		\$General	\$Other	\$Federal	
Solid Waste	13.40	.5	1.1		1.6
Hazardous Waste	29.70	.8	1.7	.4	2.9
Waste Reduction	5.40	.3	.2		.5
Administration	9.50	.4		.2	.6
Hazardous Material	12.30	.75	1.85	.8	3.4
Remedial Action	25.20		3.4	1.8	5.2
	95.50	2.75	8.25	3.2	14.2

HAZARDOUS AND SOLID WASTE DIVISION

SOLID WASTE SECTION

The Solid Waste Section is primarily responsible for oversight of solid waste disposal sites. This includes municipal sites such as landfills, transfer stations, sewage sludge sites, demolition sites, incinerators and resource recovery facilities and industrial landfills (mostly wood waste landfills). The 1987 legislature added tire storage sites, waste tire carriers and a rebate program for users of recycled tires.

In addition to normal program maintenance activities such as permit issuance, monitoring and inspections the following major items have been accomplished during the last 2 bieniums:

1. A landfill siting effort was conducted for a replacement for the St Johns Landfill (due to close in 1991) the only municipal waste site in the Portland metro area. The siting effort was completed with the selection of the Bacona Road site but Metro has chosen to transfer waste to a new landfill near Arlington. The design and operation requirements for the Arlington landfill make it one of the country's most environmentally protective facilities.
2. A major effort has begun to assess groundwater quality at the larger landfills. Due to staff limitations this effort has been directed toward large disposal sites which have had permits expire and require renewals.
3. A study of incinerator ash from the Ogden-Martin energy recovery facility in Marion County has been completed and policy developed for best management practices of ash to be landfilled.
4. An ongoing study and policy development relating to infectious waste from hospitals and other patient oriented facilities has been undertaken.
5. Development of a program to regulate storage and provide financial incentives for recycling of waste tires, including rules, initial location of facilities and issuance of short term permits on storage sites has been completed.

Standards for solid waste landfill design and operation have shifted dramatically during the past 2 years. The Department is now requiring most landfills west of the Cascades to have double bottom liners, leachate collection and more protective top caps. In addition, methane control systems, groundwater monitoring requirements and generally more sophisticated operations have made landfilling more environmentally sound and costly. New federal regulations expected from EPA will standardize these new requirements for landfills, and may require rule changes in Oregon.

Major activities during future bieniums will focus on groundwater and completion of rules and program relating to waste tires. The groundwater program will be expanded to cover all major landfills and most smaller landfills in western Oregon. This includes negotiation of workscopes required for preparation of groundwater assessments and evaluation of reports prepared by permittees' consultants. Waste tire carriers will be permitted and formulas will be developed to rebate money from the waste tire fund to those persons using recycled tires.

A major new legislative initiative has been proposed that would increase recycling, improve groundwater monitoring, require local government planning for special wastes and provide a statewide collection program for household and exempt quantity hazardous waste. Debate has focused on how to fund this program.

Solid waste landfills, if not properly designed, constructed and operated, can cause surface and groundwater pollution and produce high concentrations of methane gas. The cost of protection and cleanup will become a major issue in the future, and discussions with the Solid Waste Advisory Committee to plan for financial systems to handle those costs has begun.

HAZARDOUS AND SOLID WASTE DIVISION

HAZARDOUS WASTE SECTION

1. Program Purpose

The primary function of the Hazardous Waste Program is to regulate the generation, transportation, storage, treatment and disposal of hazardous waste. This is done through compliance inspections, follow-up enforcement, permitting, corrective action, education and technical assistance. The focus is to look at how waste is managed from the point of generation to ultimate disposition by ensuring that certain prescribed operating standards and business practices are followed.

2. Past Accomplishments

- o Authorization for the federal base RCRA program - 1986.
- o Permitting the commercial hazardous waste land disposal facility at Arlington Oregon - 1988.
- o Completion of 60 generator inspections annually.
- o Completion of 30 treatment storage and disposal facility (TSDF) inspections annual.
- o Ongoing work on closure and clean-up and permitting of operating treatment and storage facilities.

3. Future Accomplishments

- o Completion of a statewide generator update project - including survey of 25,000 potential generators, targeted site verifications, follow-up registration and compliance work.
- o Determination on Hazardous Waste Operating Permits
 - Tektronix - treatment and storage
 - Umatilla Depot - incineration and storage
 - Safety Kleen - storage
 - Safety Kleen - storage
 - Wescomp - storage
 - Baron and Blakesley - storage
- o Process a minimum of 30 land disposal closures/corrective actions.
- o Develop, adopt and implement a better and more adequate funding structure for the program.
- o Become authorized for HSWA requirements. Develop an equivalent program and demonstrate capability to carry out the requirements.
- o Increase the regulated community compliance rate by 25%.

- o Develop and implement a comprehensive technical assistance/education program for all members of the regulated community. .

4. Potential Environmental Damage

- o Illegal disposal of hazardous waste
- o Groundwater contamination
- o Soil contamination
- o Air contamination
- o Surface water contamination
- o Direct effect on public health through multi-media exposure to toxic chemicals.

5. Preventative or Clean-up

The program has authority to be a comprehensive preventative program as well as to require clean-up of hazardous waste and constituents in the environment.

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HAZARDOUS AND SOLID WASTE DIVISION

WASTE REDUCTION SECTION

1. The Waste Reduction Section administers the statewide Recycling Opportunity Act and provides recycling information and technical assistance to local jurisdictions and the public to increase both the quality and quantity of recycling in Oregon. The Section also manages the Hazardous Waste Reduction Program which provides technical information and training to Oregon industries to reduce the generation of hazardous wastes at the source of generation.

2. Accomplishments Past 4 Years

- * Implementation of Recycling Opportunity Act statewide.
- * Development and distribution of recycling educational curriculum statewide including teacher training.
- * Development and distribution of recycling promotional materials statewide.
- * Marked increases in quantities of materials recycled in Oregon.
- * Developed, funded, and implemented Hazardous Waste Reduction Program which includes successfully working with industry to produce technical workshops and publications.

3 Expected Accomplishments Next 4 Years

- * Development of recycling standards to enhance the recycling act.
- * Certification that solid waste going to Oregon landfills from out of state has recyclables removed.
- * Increase the quantities of recyclables collected and marketed in Oregon by 100% over current levels. Major emphasis on developing new programs for yard debris, plastics, and waste from commercial and multi-family housing generators as well as expanded technical assistance.

- * 25% reduction in hazardous waste generated in targeted industries through expanded education and training and a new on-site technical assistance effort.
- * Development of new administrative rules that promote hazardous waste reduction planning and implementation in Oregon's industry.

4 Environmental Damage Without Programs

- * More rapid depletion of natural resources to produce goods.
- * Depletion of precious landfill space.
- * More toxic substances released.
- * More human exposure to toxic and otherwise dangerous chemicals.
- * Increased long-term risk due to more chemicals being generated.

These two programs are preventative or proactive rather than reactive to environmental problems.

HAZARDOUS AND SOLID WASTE DIVISION

HAZARDOUS MATERIAL SECTION

The hazardous materials section is composed of three distinct but related programs: an underground storage tank compliance program, a spill response program and an illegal drug manufacturing site cleanup program. Of these, the spill response program is the oldest having evolved over the last 15 years to what it is today. The focus on underground storage tanks (USTs) began with the federal passage of Subtitle I to the Hazardous and Solid Waste Amendments of 1984. Oregon's 1985 legislature passed legislation allowing DEQ to seek authority to run the underground storage tank program in Oregon. The newest of the three programs is the illegal drug lab cleanup program being passed by the 1987 legislature at the request of the Oregon State Police and local law enforcement agencies.

The principal purposes of the spill response program are to provide expert advice to local first responders on the hazards associated with an accidental spill or release of oil or hazardous material, direct responsible party cleanups of spills and releases, cleanup spills and releases where there is no responsible party, adopt a statewide oil and hazardous emergency response plan and assist cities and counties to write emergency response plans. Approximately 400 spills or releases of oil and hazardous material occur annually requiring some level of response by DEQ. In January of 1987 the Environmental Quality Commission adopted a statewide emergency response plan.

The principal purpose of the UST compliance program is to prevent the spill or release of oil or hazardous material from an underground tank. Increasing failures of tank systems are being noted across the country as unprotected steel tanks and piping systems approach 15 years in age. Based on a 1985 federal registration requirement, Oregon has 20,000 USTs subject to regulation that have an average age of 14.5 years. The proposed federal regulations are aimed at testing existing tanks about every 3 years, daily monitoring of product inventory, specifying new construction and installation standards, requiring immediate cleanup of spills and releases and arranging some form of financial assurance to cover the costs of cleanup and third party damages. Final federal rules are expected this September.

The state UST program also includes issuance of permits to each tank, collection of an annual fee to support program

administration, the opportunity to contract for local administration, the opportunity for a state insurance program and certification of tank installers, testers and inspectors. We currently are implementing the permit and fee authority, proposing to adopt certification requirements by February 1989 and proposing to adopt the federal technical standards in April, 1989 (assuming EPA meets their September promulgation date).

The purpose of the illegal drug manufacturing site cleanup program is to arrange, at the request of a law enforcement agency, the removal, packaging and final disposal of hazardous materials and associated laboratory equipment confiscated in a drug bust. The police sponsored this bill because of the lack of local money and expertise to deal with drug lab debris. Since July, 1987, the Department has arranged some 150 cleanups. The majority of the work is done by private cleanup contractors with limited Department oversight.

The main thrust in the spill response program is to become better trained and prepared at the local and state level to respond to any disaster involving oil or hazardous materials. State and federal community right-to-know programs are making available better information on the chemicals being used or transported through communities. With this information, local and state agencies can better address potential planning, training and equipment needs. DEQ will play a key role in coordinating future hazardous material planning, training and equipment decisions. We will also continue to provide technical assistance during the response to and recovery from an oil and hazardous material emergency. Without the program local and state response would tend to be fragmented, lack of adequate response in some cases leading to more health or environmental damage than necessary or over response leading to duplication of effort.

Over the next couple of years, the UST program will be concentrating on the first round of tank testing to discover leaking systems, following through to make sure leaking systems are repaired or replaced and any environmental contamination cleaned up. In addition, all new installations will have to comply with tougher construction and installation standards and permittees will have to demonstrate that they have arranged some form of financial assurance to cover future cleanup and third party damage costs. Without the program, there will be less emphasis on the early detection of leaks and less assurance that environmental contamination is cleaned up properly.

The future emphasis of the drug cleanup program will be to become more efficient, to shorten the time between initial collection and packaging and final disposal, to increase emphasis on waste recycling or legal reuse and lower the overall costs to handle a drum of waste. The level of activity in the program will largely be dictated by law enforcement efforts and public policy and education aimed at reducing demand for the illegal drugs. Without the program, local agencies would probably again resort to mere accumulation of this debris under less than safe conditions.

HAZARDOUS AND SOLID WASTE DIVISION

REMEDIAL ACTION SECTION (New Environmental Cleanup Division)

1. Section Program

The mission of the section is to eliminate or minimize potential or actual adverse impacts from hazardous substance contamination to present and future public health and the environment. This mission is accomplished through the discovery, assessment, and investigation of sites contaminated by hazardous substances, and the cleanup of such sites to levels as close to natural background as feasible.

The section was created after the last legislative session to implement the federal and state hazardous substance investigation and cleanup programs. The functional components of the section are site discovery, site assessment and site response. Sites addressed include those generally considered hazardous substance facilities as well as leaking underground storage tanks (LUSTs).

2. Section Accomplishments Over Last Two Biennium

There has been an emphasis in this first biennium on hiring staff, establishing and implementing the program, and on responding to legislative directives to determine how large Oregon's hazardous substance facility universe is, and what the estimated cost of cleanup is. The comprehensive statewide identification program for potentially hazardous sites ("site discovery") is in response to the legislative directives.

At the same time, the state is participating in the investigations and cleanups at 7 federal "National Priorities List" (NPL) sites in Oregon, as well as establishing programs to address sites by directing or overseeing remedial activities done by owners/operators, or by managing the remedial activities with state and federal resources. Generally, investigations and cleanups of hazardous sites take several years and monitoring or maintenance of the remedy goes on for up to 30 years. LUST remediations are generally much smaller in scope than hazardous substance cleanups.

ACCOMPLISHMENTS:

- a. Hire staff and establish programs
- b. Develop statewide identification program for potentially hazardous sites
- c. (January 89)--Publish first inventory of sites where confirmed releases occurred
- d. Conduct 60 "preliminary assessments" of state sites
- e. Participate in remedial activities at 7 NPL sites

- f. Oversee 4 (to date) owner/operator investigations and cleanups
- g. Participate in 4 (to date) federal Superfund "emergency removals"
- h. Provide technical assistance on 4 (to date) cleanup activities at development sites
- i. Develop management plan for 1 state-owned site
- j. Draft rules establishing cleanup standards for the state
- k. Oversee 180 (to date) owner/operator LUST investigations and cleanups
- l. Manage 3 (to date) LUST investigations/cleanups with federal and state resources

3. Planned Future Accomplishments

- a. Perform preliminary assessments on all state sites
- b. Perform on-going discovery of potentially hazardous sites
- c. Develop annual update of inventory of confirmed release sites
- d. Increase the investigation/cleanup load for hazardous substance sites to 50-60 sites per biennium
- e. Increase the investigation/cleanup load for LUST sites to 500 per biennium. Total current estimated number of leaking tanks, or tanks old enough to be significant risks: 12,500.

4. Environmental Damage Without Section Programs

Without the remedial action programs, many hazardous substance sites would go unaddressed. Typically, about 80% of hazardous substance sites are causing groundwater problems. Not addressing the hazardous substance releases allows the contamination to spread, exacerbating the environmental problem and causing great increases in cleanup costs.

5. Type of Environmental Program

These programs mitigate existing or potential environmental and/or human health impacts associated with hazardous substances. The programs are primarily restorative, but also prevent further degradation.

WATER QUALITY

PROGRAM	FTE	Dollars in Millions			\$Total
		\$General	\$Other	\$Federal	
Industrial Waste	15.5	.7	.4	.4	1.5
Planning/monitoring	28.5	1.0	.1	1.5	2.6
Municipal/on-site	25.0	.5	1.2	.5	2.2
Administration	7.0	.8	.1		.9
Construction Grants	<u>20.0</u>			<u>2.0</u>	<u>2.0</u>
	96.0	3.0	1.8	4.4	9.2

WATER QUALITY DIVISION

INDUSTRIAL WASTE SECTION

The role of the Water Quality Division, Industrial Waste Section is to manage the surface water and groundwater environmental effects from industrial and agricultural point sources. The primary vehicles for managing these waste sources are the waste discharge permit and the review of engineering plans for waste water treatment and disposal systems.

Over the last four years, there have been about 50 new industrial waste water permits issued per year. In addition, there have been about 80 permits renewed or modified.

The Industrial Waste Section is also responsible for administering the federal Underground Injection Control (UIC) program. This involves the drafting of rules and/or permits for the underground injection of waste water.

The last major program administered by the Industrial Waste Section in the 401 certification program. Under Section 401 of the Clean Water Act, whenever a federal permit is required for an activity which could affect water quality, such as Corps of Engineers dredging permit or a hydroelectric power plant permit, the DEQ must evaluate the proposal and certify whether or not the project will protect water quality standards. The project cannot be permitted by the federal agency until the DEQ provides this certification, waives certification, or allows the allowable review time to pass without taking action. Some of these projects are very difficult and controversial and dominate a lot of staff effort. A case in point is the recently completed Salt Caves certification.

Since most of our activities are ongoing activities, the work to be performed during the next two bienniums will be about the same as has been accomplished during the past two bienniums. However, we are proposing to make the following adjustments in our program:

- (1) We are planning to modify the plan review rules to waive from our review and approval some plans which do not normally require an engineering review. In addition, for some types of facilities, we propose to accept another agency's review as our own review. For example if the Department of Agriculture reviews and approves plans for animal waste disposal facilities and they certify to us that the plans have been prepared in accordance with approved guidelines, we will waive our review so that the facility can be built without further delay.
- (2) Dredge and fill operations which require a 401 certification from DEQ are all coordinated through the Division of State Lands. They are responsible for getting all agency comments including our certification. Many of the projects are standard and the Division of State Lands has standard conditions which they attach to each project

approval. We are proposing to enter into a Memorandum of Understanding with the Division of State Lands and waive our review of some categories of standard dredge and fill projects if they agree to attach the conditions which we would normally like to see attached to the permit. This will remove some load from us as will prevent some undue delays which are currently occurring.

Most of our work is preventive. Whenever a water quality problem has been uncovered which is industrial related, a permit or order is developed with a time schedule to correct the problem.

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(8/15/88)

WATER QUALITY DIVISION
PLANNING/MONITORING SECTION

SECTION PROGRAM - The Planning and Monitoring Section is responsible for a number of program areas including: a. water quality standards development and review, b. total maximum daily load development, c. groundwater program strategy and rule development and implementation, d. clean lakes program implementation, e. nonpoint source program development, f. biennial water quality status assessment report, g. toxic control program. h. statewide water quality sampling program, i. technical support to the point source control and construction grants sections, j. aquifer protection plan development, k. special studies on Oregon estuaries and several other projects and other special assignments such as staff support to the GWEB effort, review of the US Forest Service Forest Management Plans, and conducting a statewide pesticides in groundwater assessment.

ACCOMPLISHMENTS - The section has accomplished a number of tasks during the past four years including: a. the revision of the state's water quality standards to include toxic pollutants, b. the development of final TMDL's for the Tualatin River and interim TMDL's for nine other water quality limited stream segments, c. the completion of two statewide water quality status assessment reports, d. the completion of a statewide nonpoint source assessment, e. the development of extensive revisions to the state's groundwater protection policy and implementing rules, f. the review of all Forest Service Draft Management Plans submitted to the state, and g. the completion of several lake projects.

FUTURE ACCOMPLISHMENTS - The section will be working on the following during the next four years: a. developing final TMDL's on at least four water quality limited stream segments, b. completing TMDL assessments on sixteen water quality limited stream segments, c. developing an estuary management plan for the Coquille estuary, d. developing and implementing of a toxic control program, e. finalizing at least three aquifer protection plans, f. revising the Willamette basin plan, and g. completing another triennial review of the water quality standards.

ENVIRONMENTAL DAMAGE - The section has the key responsibility to develop, review, assess and implement water quality programs to correct and prevent water quality problems. Without this program the state would not have the ability to assess lake, river, estuary, and aquifer water quality and determine where problems are and whether regulatory actions are succeeding. A major emphasis is placed on programs and projects to prevent problems.

WATER QUALITY DIVISION
MUNICIPAL/ON-SITE SEWAGE SECTION

The Sewage Disposal subprogram prevents and abates water pollution and public health problems by regulating sewage treatment and disposal facilities statewide. The regulations require a high level of treatment both for sewage wastes collected and treated at centralized facilities and individual on-site disposal systems.

Major activities include evaluation of proposed new and expanded facilities; permit evaluation and issuance; compliance evaluation and enforcement; and technical assistance and guidance to local government officials, permittees, engineers, and treatment system operators. On-site sewage disposal activities include site evaluations, permit issuance and oversight of on-site programs administered by 23 local governments.

Accomplishments

Over the last biennium, nearly all treatment facilities previously identified as not meeting the federal minimum of secondary treatment have either been brought into compliance or are under compliance schedules to construct needed improvements. Pretreatment program requirements to prevent toxic discharges and sludge management plans to beneficially utilize sewage sludge and prevent water pollution are being implemented. Localized water pollution problems and potential health hazard areas caused by inadequate treatment or failing on-site systems have been identified through mixing zone surveys and sanitary surveys. Some of these problems are now being resolved through the construction of needed collection and treatment systems or improvements. Approximately 60 proposed new sewage treatment systems have been evaluated and permitted to serve new and expanded developments. In the last two years, DEQ staff have conducted about 900 site evaluations and issued 900 installation permits and 450 on-site system repair permits.

Proposed Accomplishments

The subprogram will be reorganized in FY89-91. Engineering plan review and operator training and certification will be transferred

to other subprograms within the Water Quality Program. Efforts to assure adequate implementation of pretreatment and sludge management requirements are proposed to increase. Inspections and permit renewal evaluations will focus on compliance with permit limitations and conditions needed to meet water quality standards, including those to address groundwater concerns, toxics and TMDLs. Though documented elsewhere, in Oregon there is a great deal of uncertainty as to whether treated sewage discharges cause toxicity problems due to a lack of biomonitoring data. Needed corrective action and schedules will be incorporated into permits or enforcement actions, as appropriate, to address identified problems and compliance issues.

Environmental Damage without Subprogram

Surface and groundwater may become polluted with sewage, sludge or industrial waste toxics and health hazard conditions may be created if there is no sewage treatment permitting and compliance assurance program. Many public and privately owned collection and treatment systems are reaching their design capacities and face growth and development pressures. Compliance of facilities with existing permit limitations, as well as how best to address emerging issues such as groundwater an toxic and nutrient concerns, problems in water quality limiting streams, will be increasingly important to maintaining good water quality and preventing new problems.

This subprogram is directed at both pollution prevention and abatement of documented water quality problems and public health hazard conditions.

WATER QUALITY DIVISION
CONSTRUCTION GRANTS SECTION

Section Program. The primary mission of the program is to allocate federal monies for construction of municipal sewage treatment facilities. Major activities associated with this mission include project prioritization, grant qualification leading to award, construction oversight, and performance evaluations. Other major section work includes administration of financial safety net and tax deduction programs, technical assistance to communities, and mid-Multnomah County coordination (\$420 million sewer project).

Accomplishments. The primary accomplishment is construction of 33 sewage treatment projects, costing approximately \$210 million, all aimed at protecting water quality. Other major accomplishments include start-up work on a major loan program and safety net program and delegation of the construction grant program from EPA.

Future Accomplishments. The Section will be reorganizing into a financial services program. The grant program will be phased out. The program intends to implement an on-going loan program, expand the safety net program and increase financing assistance to local governments. The program will emphasize local government finances necessary for proper operation, maintenance and replacement of sewerage facilities (system deterioration resulting from inadequate operation and maintenance is perhaps the single most important cause of water quality problems).

Environmental Damage. The Construction Grant Program has provided \$ 1 billion in financial assistance (1988 dollars) and is the primary reason most communities meet or exceed treatment requirements. There would be substantial environmental degradation without financing assistance, particularly to communities under 10,000 population.

Program Type. The program generally has been restorative, i.e., to qualify for a grant a project must have associated water quality problems and/or permit violations/compliance problems. However, communities must construct facilities for a 20 year design period and therefore the program has a preventive element as well.

AGENCY MANAGEMENT

PROGRAM	FTE	Dollars in Millions			\$Total
		\$General	\$Other	\$Federal	
Directors Office	7.88	.34	.66	.07	1.07
Personnel	6.00	.05	.4		.45
Management Serv.Ad.	4.00	.2	.28		.48
Business Office	15.50	.4	1.2		1.6
Support Services	7.00	.2	.3		.5
Data Processing	8.37	.3	.6		.9
	48.75	1.49	3.44	.07	5.0

AGENCY MANAGEMENT AND MANAGEMENT SERVICES DIVISION

The Agency Management unit provides leadership, coordination and support for the accomplishment of Department goals and objectives. It performs those functions which are best done from a centralized location. In addition, support is provided to the Environmental Quality Commission.

The Director's office within Agency Management consists of policy formation and guidance, leadership and accountability for the entire Department's programs. It includes the Public Affairs Section, the Hearings Section, Personnel and Intraagency coordination.

The Management Services Division provides budgeting, accounting, federal financial reporting, purchasing, space needs, contracting, debt service and bond fund controls. It also provides central data processing and distributed data processing development, centralized word processing and mailroom photocopy services, records management, library reference services, intergovernmental coordination, and pollution control tax credit coordination.

The number of staff and the kind of effort provided by Management Services is directly related to the size and effort of agency programs. Over the past four years the Division has installed major distributed data processing networked systems, added project cost accounting for certain federal projects, installed labor saving equipment in the mail room, photocopy service area. The Division has increased its sophistication in budget preparation and monitoring adding certain analytical tools in that process.

During the future four years that Division will continue to increase agency capability in the data processing (information management) area, improve and simplify reporting and analysis on budget information. The unit will continue to perform management analysis activities which allow the Department to perform more efficiently and at less cost.

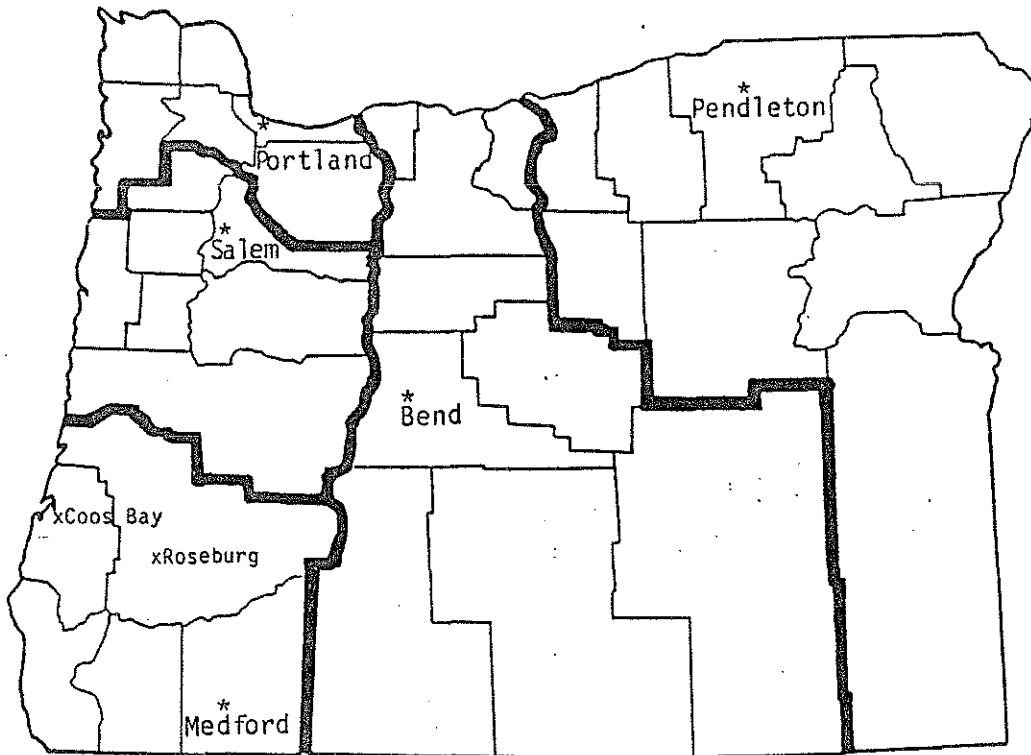
REGIONAL OPERATIONS DIVISION

The summary for dollars and full time equivalent positions includes positions and money for regional operations by appropriate program sections.

Regional Operations represents the major program implementation arm of the Department. Staff in our five regional and two branch offices (see attached map), as well as our Enforcement Section, are principally responsible for the following major activities:

- Air, water and solid waste permit drafting
- Air, water, solid waste, hazardous waste generator inspections, UST and LUST investigations
- Some air and water engineering plan review
- Air, water, solid waste, hazardous waste, UST and LUST complaint investigations
- Spill response and oversight
- On-site sewage program in twelve counties
- Technical assistance to the public, industry, municipalities and other governmental branches (e.g., economic development)
- Processing of formal enforcement actions (warnings, civil penalties, orders)

Priorities and work commitments are established with each program on an annual basis. The past accomplishments and future issues are described by each program. However, it would be appropriate to mention here that with the implementation of our new programs, we would anticipate an increase in enforcement activity. This could result in the need for additional staff to process and coordinate our various formal enforcement actions.



DEQ REGIONAL OPERATIONS

Thomas R. Bispham, Administrator 229-5287	Joan B. Glascock, Admin. Asst. 229-5372
Van A. Kollias, Enforcement Manager, 229-6232	
Northwest Region - Janet A. Gillaspie, Manager 811 SW 6th Ave., Portland 97204	229-5263
Willamette Valley Region - David W. St. Louis, Manager 750 Front Street NE, Suite 120, Salem 97310	378-8240
Southwest Region - Gary L. Grimes, Manager 201 W. Main St., Medford 97501	776-6010
Coos Bay Branch Office - Ruben Kretzschmar, Branch Supervisor 490 N. 2nd, Coos Bay 97420	269-2721
Roseburg Branch Office - Ron Baker, Branch Supervisor 1937 W. Harvard Blvd., Roseburg 97470	440-3338
Central Region - John M. Hector, Manager 2150 NE Studio Road, Bend 97701	388-6146
Eastern Region - Bruce A. Hammon, Manager 7000 SE Emigrant, Pendleton 97801	276-4063

LABORATORY DIVISION

The summary for dollars and full time equivalent positions includes positions and money for regional operations by appropriate program sections.

The DEQ laboratory does a variety of services for the agency including; ambient air and water monitoring, biological identifications and counting, bioassays, mixing zone studies, organic chemical analysis (including VOC's, PCB's, CN, phenols, etc), inorganic chemical analysis (including metals, nutrients, oxygen demands etc.), technical assistance to staff and industry, hazardous waste identification, data interpretation and others.

Over the past two biennium we have concentrated on improving our capability, efficiency, productivity, quality assurance, and planning. To this end we have added several new instruments which allow us to detect the constituents of interest quicker and at lower levels. We have employed computers to help track the flow of samples through the lab as well as to help calculate some of the various results and display them. We have started using project plans to help define the data needs and QA needs of the data user as well as to help us schedule our time to greater advantage. We plan to continue along these lines during the next several years in order to be as responsive to the needs of the agency as possible.

The data that the laboratory generates is used to make the regulatory decisions regarding compliance status, determine if public health is threatened, model to determine if and when future compliance will be obtained, and to document trends in environmental quality. It documents deteriorating quality so it can be corrected before damage occurs as well as documenting improvements after attempts to restore the environment from the effects of damage.

Economic Costs of Environmental Damage

August 22-23, 1988
EQC Retreat

Assume a company disposes of hazardous substances on an acre of land. In managing the damage, two options exist. The acre can be completely restored, or it can be only partially restored.

Damaging the acre (making it unsuitable for previous intended uses) creates an economic cost. If the acre is fully restored, there is the cost of the cleanup. If the acre is not fully restored, there is the cost of partial cleanup plus a set of other additional economic costs. These additional economic costs are less tangible than the cleanup costs -- but potentially quite large.

This issue paper addresses this set of additional economic costs that occur when the acre of land (or any other natural resource, e.g. groundwater, air) is damaged and not restored to its previous status.

The paper is not specifically written to address the Superfund cleanup rules. However, when analyzing whether to set background levels as the target, the cost of not achieving background is this set of additional economic costs.

What are the Costs?

The additional economic costs due to unrestored damage appear to be the sum of three cost categories: primary, secondary and tertiary. These are the three additional costs, beyond any cleanup costs, that are incurred when the land is not restored to its previous status.

The primary cost of unrestored environmental damage is the reduction in present and future revenue generating potential of the resource. Back to the example, if the land could have been used by a horse ranch, the lost revenues that the ranch can no longer generate are an economic cost of not fully restoring the damaged acre.

What if the acre were also used for enjoyment by local residents? The value of the enjoyment that is now lost is also part of the primary costs of not fully restoring the damaged acre.

The secondary cost is the total second-hand (e.g. suppliers, governments, neighbors) reductions in present and future revenues resulting from the damaged resource. In the example, since the ranch will have lower revenues, it will pay lower taxes, employ fewer staff, and purchase fewer supplies. These subsequent reductions in revenue generation are also costs of not fully restoring the damaged acre.

The tertiary cost represents the contribution that the environmental damage makes towards reducing the viability of the entire surrounding ecosystem (broadly defined). Beyond just the site specific damage, the resiliency and viability of the entire ecosystem will be harmed. In the example, the damaged acre may contribute to the downfall of an entire watershed, upon which the local economy is relying. The potential of undermining the entire local economy is also a cost of not fully restoring the damaged acre.

In summary, the additional economic costs are the sum of these three cost categories. If the damaged resource is only partially restored, the total economic cost of the damage is the cost of partial cleanup plus this set of additional economic costs.

ISSUE #1:

When companies testify that fully restoring the damaged acre is too expensive, they are trying to avoid the cost of complete site restoration. By avoiding this cost, and only partially restoring the acre, they are causing the set of additional economic costs to be incurred. The set of additional economic costs has traditionally not been paid by the company but by society in general. Ideally, what percentage of these costs should be paid by the company and what percentage by society?

ISSUE #2:

The set of additional economic costs are difficult to estimate. How should this large uncertainty with estimating be managed?

Should the estimates be doubled or tripled to ensure that present decisions do not sacrifice future welfare? Should the estimates be halved since they are so roughly estimated? Should we not attempt to measure these costs?

ISSUE #3:

How much effort should be placed on improving the techniques to estimate the primary, secondary and tertiary costs? Note: some of the generic techniques appear available, though they have not been applied to the environmental arena.

ISSUE #4:

Which of the additional economic costs of not restoring the damaged acre (e.g. primary, secondary and tertiary) are most important to include in future analyses? Or are they all equally important? Or does it vary by case?

ACTIVITY REPORTING

August 22-23, 1988
EQC Retreat

BACKGROUND

The Department has traditionally included a Monthly Activity Report on the Commission agenda for each regular meeting. The purpose of this report has been to advise the Commission on the current status of significant actions, and to provide a vehicle for granting confirming approval of air contaminant source plans and specifications as required by statute. (Statute authorizes the department to approve all other plans and specifications.)

The 1985 legislature amended the Air Quality plan approval statute to provide for Commission delegation of the plan approval authority to the Department. The necessary rule amendments to accomplish such a delegation have not been developed at this time. Thus, the Commission has the option to either delegate the air plan approval or continue to have plan approvals brought before them for confirming approval.

It is also appropriate to discuss the necessity for the activity report, the content of the report, and the method of information display to assure that it addresses information essential to the Commission.

CURRENT REPORT CONTENT

Plan Actions - Engineering Reports, Plans and Specifications relative to proposed new pollution sources and pollution control equipment are submitted to the Department for review and approval prior to start of construction. The plan review activity of the Department is a key component of "pollution prevention". The Department uses plan review as a vehicle to assure that production process are used which minimize waste generation, that appropriate pollution control technologies are applied, and that permit limits are expected to be met if facilities are constructed as designed, and properly operated. The Department relies on technical staff education and training, experience, information gained in inspection of other facilities, and applicable rules and guidelines as a basis for plan review and approval decisions. The department works with the design engineers for the source to achieve modifications of plans as necessary to make the plans approvable. As a result, plans are rarely denied approval.

The current report summarizes the numbers of plans received, approved, and disapproved as well as the number pending. It also provides listings of plan reviews completed for Air, Water,

Hazardous and Solid Waste, and a listing of plan actions pending for Solid Waste. The listings could be made more meaningful by a better description of the nature of the facility being reviewed.

The plan approval process is also closely linked to the tax credit program.

Permit Actions - Permits are the key regulatory tool of the Department. Permits establish the expectations the Department has for each source -- the limits of allowable discharge or emissions, monitoring requirements, compliance schedules, special operating conditions, and general conditions to address a broad array of issues such as reporting of breakdowns, spill prevention and cleanup and so on.

Permits are issued for a specified duration -- usually not to exceed 5 years. Thus, a significant number of permit actions will always be the renewal of permits. Other actions include modifications of permit conditions at the request of the permittee (usually to accommodate expansions or equipment modifications), modifications initiated by the Department to address new issues, and permit issuance for new sources.

The current report provides number summaries on the applications filed, permits issued, and permit applications pending. Listings are also provided of permits issued for Air, Water, and Solid Waste. Listings for permit transfers will be added pursuant to recent Commission request.

Noise Control Actions - The noise program does not issue permits. Submittal of plans for review is encouraged as a technical assistance mechanism. The activity report lists significant noise actions and efforts to resolve complaints.

Civil Penalties - A table identifying the civil penalties assessed during the month is provided.

Contested Case Log - A log of contested cases before the EQC (hearings officer) is provided in the report. Changes in status of cases are specifically noted by underlining.

OTHER POTENTIAL REPORTING ITEMS

Following are other items that may be of interest to the Commission and could be incorporated into a periodic report:

- Summary and listing of Waste Tire Permits issued
- Summary of reimbursement dollars for tires
- Highlighted listing of new permit applications
- Summary of compliance inspections scheduled and completed.
- Summary of sewerage works construction grants and loans awarded and pending.
- Listing and brief description of significant events or issues
- Summary numbers and types of spills and releases reported
- Number and listing of DEQ funded emergency removals or cleanups
- Number, location, cost, etc. for drug lab cleanup
- Summary of underground tank registration and permit activity including new installations, replacements, removals
- Status of UST certification of installers, decomissioners, testers, and inspectors
- Summary of significant enforcement actions
- Tax credit activity for all programs
- Number and location of federal and state preliminary assessments for potentially hazardous sites
- Site response status report on state and federal superfund sites
- Status report on leaking underground storage tanks

Activity Reporting
August 22-23, 1988, EQC Retreat
Page 6

CONCLUDING COMMENTS

There are obviously many additional items that the department can report upon on a periodic basis. The department would appreciate discussion of the types of information to be reported, the level of detail to be reported, formats that are preferred to facilitate understanding, and the frequency of desired reporting.

Harold Sawyer:h
229-5776
August 12, 1988

FUTURE EQC AGENDA TOPICS

August 22-23, 1988
EQC Retreat

The following are anticipated or potential agenda topics that have been identified by Department Programs. Items for which a target time has been identified are presented first on a monthly basis. Actual times will shift to adjust to scheduled EQC meetings. Some items may be eliminated or the schedule may be modified as more information becomes available. This list is then followed by potential items for which target dates have not yet been identified.

In addition to the items identified on this list, items that routinely appear on a Commission agenda include approval of minutes, tax credit applications, and the activity report. Unanticipated items include appeals of civil penalty assessments, permit decisions, 401 certification decisions, etc. Following the 1989 legislative session, additional rule making activity will likely be necessary -- the magnitude of this effort will depend on the nature of new laws passed.

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
9/88	WQ	Request for Approval of Construction Grant Priority Management System
	WQ	Proposed Adoption of Tualatin TMDL Implementation Plan

Future EQC Agenda Topics
August 22-23, 1988, EQC Retreat
Page 2

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	WQ	Proposed Adoption of Rules for Sewage Treatment Plant Operator Certification
	WQ	Request for Approval of a Stipulated Consent Agreement for City of Coos Bay (#2 STP)
	WQ	Request for Approval of a Stipulated Consent Agreement for City of Elgin
	HSW	Adoption of Rules for Yard Debris Recycling
	HSW	Adoption of Rules for Certifying Opportunity to Recycle for out of state wastes coming into Oregon to a Regional Landfill (potential for 10/88)
10/88	WQ	Status Report on Implementation of EQC Order Requiring Sewer Construction in Mid-Multnomah County
	WQ	Proposed Adoption of Revised Groundwater Rules
	WQ	Request for Approval of Increased Winter Waste Load Allocation to Accommodate Pope & Talbot Pulp Mill Expansion Plans
	WQ	Informational Report Regarding CBOD ₅ /BOD ₅ Effluent Limits
	HSW	Rules requiring local agencies to provide matching funds to obtain State assistance for removal and disposal of chemicals at illegal drug manufacturing sites. (adopt between 10/88 and 3/89)
	HSW	Waste Tire Rules
	HSW	EQC Approval of Report to the Legislature on Solid Waste
11/88	WQ	Draft State Revolving Fund (SRF) Rules for Public Hearing Authorization
	WQ	Request for Approval of Mass Load Increases: Harrisburg, Adair Village, Halsey, Athena
	WQ	Request for Hearing Authorization for Amendments to Water Quality Engineering Plan Review Rules

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	WQ	Stipulated Consent Agreements (Others): - Tillamook - North Bend (likely needed) - Prineville - Skyline West S.D.
	WQ	Requests for Approval of Increases to Permitted Wasteloads for Facilities Undergoing Expansion (especially winter loads) Some may include: Sandy Coos Bay #2 Elgin Troutdale Vernonia Sweet Home Carlton Neskowin
	HSW	Authorization for hearing on Underground tank program rules relating to installer, decommissioner, tester, and inspector certification
12/88	WQ	Request for Hearing Authorization for Rule Revisions to Safety Net Rules
	WQ	Proposed Adoption of Amendments to Water Quality Rules Relating to Anti-Degradation
	WQ	Request Authorization for Public Hearing on State Clean Water Strategy Criteria
	WQ	Requests for Approval of Increases to Permitted Wasteloads for Facilities Undergoing Expansion (especially winter loads) Some may include: Sandy Coos Bay #2 Elgin Troutdale Vernonia Sweet Home Carlton Neskowin
	HSW	Adoption of Hazardous Waste Program temporary corrective action rules.
	HSW	Adoption of Rules establishing standards for composting of municipal wastes
1/89	WQ	Proposed Adoption of Amendments to Water Quality Plan Review Rules
	WQ	Hearing Authorization/Rule Modification to Sludge Management Criteria (OAR Chapter 340, Division 50) to Address Compost, etc.

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	WQ	Requests for Approval of Increases to Permitted Wasteloads for Facilities Undergoing Expansion (especially winter loads) Some may include: Sandy Coos Bay #2 Elgin Troutdale Vernonia Sweet Home Carlton Neskowin
	HSW	Proposed adoption of rules regarding underground tank installer, decommissioner, tester, and inspector certification
	HSW	Authorization for hearing on proposed underground tank program technical and financial responsibility rules
	HSW	Request for Authorization for hearing on underground tank program rules to provide for local administration of UST Compliance program
	HSW	Adoption of new federal rules (by reference) as revisions to Hazardous Waste Regulations
	HSW	Adoption of Rule Amendments updating the definition of Recyclable Materials and Principal Recyclable Materials
	HSW	EQC approval of Report to the Legislature on Metro's Waste Reduction Program
	HSW	EQC approval of Report to the Legislature on implementation of the Opportunity to Recycle Act.
	HSW	Authorization for Hearing on Waste Tire Economic Feasibility Rules
	ECD	Informational Report - Inventory list of confirmed releases of hazardous substances (annual submittal to EQC required by SB 122)
	AQ	Proposed adoption of new rule regarding Start-up, Shutdown, and Malfunction (SS&M) to define the conditions where emission exceedances due to start-up shutdown or malfunction situations could be allowed.

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
2/89	WQ	Proposed Adoption of State Revolving Fund Rules
	WQ	Request for Hearing Authorization on Draft State Revolving Fund Priority List
	WQ	Request for Hearing Authorization for Rule Change to Address Increased Discharges Unless Addressed With Anti-Degradation Rule
	WQ	Hearing Authorization/Rule Modification to NPDES/WPCF Procedures/Fees - (OAR Chapter 340, Division 45) to Increase Fees/Clarify Submittal Requirements
	WQ	Hearing Authorization/Rule Modification to Surety Bond Requirements (OAR Chapter 340, Division 15) to Clarify Surety Bond Requirements for Mobile Home Parks, etc.
	WQ	Requests for Approval of Increases to Permitted Wasteloads for Facilities Undergoing Expansion (especially winter loads) Some may include: Sandy Coos Bay #2 Elgin Troutdale Vernonia Sweet Home Carlton Neskowin
	RO	Approval of Plans for providing sewer service to North Albany mandatory Health hazard annexation area.
3/89	WQ	Proposed Adoption of Rule Revisions to Safety Net
	WQ	Request Authorization for Public Rulemaking Hearing on Bear Creek and Yamhill TMDL's
	WQ	Hearing Authorization/Rule Modification Design Criteria for Sewage Waste Treatment (OAR Chapter 340, Division 52) to Address STEP Systems, etc.
	WQ	Hearing Authorization/Rule Modification to On-Site Sewage Disposal Rules (OAR Chapter 340, Division 71, 72, 73) to Revise Design Flow Basis for Sizing Systems

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	WQ	Requests for Approval of Increases to Permitted Wasteloads for Facilities Undergoing Expansion (especially winter loads) Some may include: Sandy Coos Bay #2 Elgin Troutdale Vernonia Sweet Home Carlton Neskowin
	AQ	Proposed Modification of Kraft Mill Regulations to correct deficiencies, add an air opacity standard for recovery boilers, and clarify reporting requirements.
	AQ	Proposed Modification of Hardboard Plant Regulations. (current rules are apparently unattainable by the existing plants)
	AQ	Proposed adoption of new industrial PM10 Rules for Grants Pass, Medford.
	AQ	Proposed adoption of SIP control strategies for PM ₁₀ in Medford, Klamath Falls, and Grants Pass.
4/89	WQ	State Revolving Fund Priority List Adoption
	WQ	Proposed Adoption of State Clean Water Strategy Criteria Rules
	WQ	Proposed Adoption of Rule Change to Address Increased Discharges Unless Addressed as Part of Anti-Degradation Rule
	WQ	Proposed Adoption of Rules for Permit Fee Increase
	WQ	Proposed Adoption of Modifications to Sludge Rules
	HSW	Proposed Adoption of proposed underground tank program technical and financial responsibility rules
	HSW	Proposed Adoption of underground tank program rules to provide for local administration of UST Compliance program
	HSW	Adoption of Underground Tank Enforcement Policy
	HSW	Adoption of revised Hazardous Waste fee rules

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	HSW	Adoption of Rules establishing requirements for Hazardous Waste Reduction Plans
	HSW	Adoption of Waste Tire Economic Feasibility Rules
	HSW	Authorization for Hearing on Ash Disposal Rules
	HSW	Adoption of Fee Increase Rules
	MSD	Information Report on Annual State/EPA Agreement
6/89	WQ	Proposed Adoption of Bear Creek and Yamhill TMDL's
	WQ	Proposed Adoption of Revisions to Sewage System Design Criteria
	HSW	Adoption of Ash Disposal Rules
7/89	WQ	Hearing Authorization/Rule Modification to (OAR Chapter 340, Division 41) Re Disinfection Requirements
	WQ	Proposed Adoption of Revisions to On-Site Rules
	HSW	Adjustments to spill and release reportable quantity rules to maintain consistency with federal rules
	HSW	Adoption of new federal rules (by reference) as revisions to Hazardous Waste Regulations
	AQ	Proposed modification of Indirect Source Rules to exempt smaller parking facilities.
	AQ	Proposed adoption of modifications to the Woodstove Certification program to bring it in line with the new EPA program.
8/89	WQ	Request Authorization for Public Rulemaking on Tualatin River Cleanup Implementation Plan Schedules
	AQ	Proposed adoption (periodic update) of new federal New Source Performance Standards (NSPS) and new National Emission Standards for Hazardous Air Pollutants (NESHAPS).

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
9/89	WQ	Request Authorization to Hold Public Hearings on Revisions of Malheur Basin Plan to Include Aquifer Management Plan
10/89	WQ	Proposed Adoption of Tualatin Plan Schedule Rules
	HSW	Amendments to water quality rules on the use of dispersants in mitigating spills and releases in public waters
	HSW	Adoption of amendments to underground tank program technical and financial responsibility rules based on changes in federal program (every 6 months)
	AQ	Proposed adoption of Stage II Vapor Recovery for the Portland area. (This proposal will require gasoline dispensing facilities to install and operate vapor collection devices that will prevent the release of gasoline vapors during vehicle refueling. This control measure is expected to reduce current emissions of volatile organic compounds (VOC) by 2000 - 2500 tons per year. If additional exceedances of the ozone standard are experienced this year or next, we will need a Stage II regulation as a part of our revision of the existing State Implementation Plan (SIP). If no additional exceedances are experienced, DEQ anticipates the development of this regulation in order to provide VOC growth margin to improve Portland's competitive position for new industrial siting.)
	AQ	Proposed adoption of an Incinerator Rule to better address municipal and hospital units.
12/89	WQ	Request Authorization for Public Rulemaking Hearing on Revisions of South Coast Basin Plan for Coquille Basin
	AQ	Proposed adoption of updated rules relating to stack height, bubbles, continuous emission monitoring, NSPS/NESHAP updates for pulp mills to address new EPA requirements and resulting SIP calls.

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
	AQ	Proposed adoption of a Nuisance Rule to fill a gap created by legislative councils invalidation of DEQ's existing rule.
	AQ	Proposed redesignation of the Portland area as attainment for Carbon Monoxide.
1/90	WQ	Proposed Review and Approval of Safety Net Programs
	WQ	Proposed Adoption of Ontario Aquifer Management Plan
	HSW	Update Annex O -- Oregon's Oil and Hazardous Material Statewide Emergency Response Plan (3 year review)
	HSW	Proposed Rules to implement a discretionary state insurance program to meet the financial responsibility requirements of the underground tank program (adoption between January and July 1990)
	HSW	Adoption of new federal rules (by reference) as revisions to Hazardous Waste Regulations
	HSW	Adoption of Rule Amendments updating the definition of Recyclable Materials and Principal Recyclable Materials
	ECD	Informational Report - Inventory list of confirmed releases of hazardous substances (annual submittal to EQC required by SB 122)
	AQ	Proposed adoption of non-criteria pollutant new source review to allow DEQ to review new sources for emissions of pollutants other than current criteria and NESHAPS pollutants. (Our goal will be to establish acceptable ambient levels (AAL) for these contaminants and to require sufficient emission control equipment to ensure AAL's are not exceeded.)
	AQ	Proposed adoption of comprehensive woodstove program (if legislation is adopted) primarily to cover sanctions on local government if they fail to adopt adequate strategies.

Future EQC Agenda Topics
August 22-23, 1988, EQC Retreat
Page 10

<u>Date</u>	<u>Prog.</u>	<u>Item Description/Comments</u>
2/90	WQ	Proposed Adoption of State Revolving Fund Rules
3/90	WQ	Request Authorization for Public Rulemaking Hearing on next two TMDL streams
4/90	WQ	Proposed Adoption of State Revolving Fund Priority List
	WQ	Proposed Adoption of Coquille Plan Rules
	HSW	Adoption of amendments to underground tank program technical and financial responsibility rules based on changes in federal program (every 6 months)
	MSD	Information Report on Annual State/EPA Agreement
6/90	WQ	Proposed Adoption of next two TMDL's
7/90	HSW	Adjustments to spill and release reportable quantity rules to maintain consistency with federal rules
	AQ	Proposed redesignation of Portland area for Ozone Attainment
	AQ	Proposed adoption of Vapor Pressure Limit on Gasoline sold during Ozone season (AQD staff will be working with the state of Washington to develop a bi-state limitation on the vapor pressure of gasoline sold during the ozone season. New vehicle evaporative controls are designed and sized for a 9 psi fuel, however, the vapor pressure of gasoline commonly sold in the Portland area is more than 11 psi. A 9 psi limit would allow the onboard evaporative control devices to function properly and is expected to reduce current emissions of voc's by 1500 - 2000 tons per year.)

The following items are potential future agenda items for which schedules have not yet been identified:

AIR QUALITY PROGRAM

The Air Quality Program anticipates the following additional items within the next two years:

Asbestos - These rules may need update in the next year as implementation and review suggest needed modifications.

Visibility - A number of areas within the State have been designated as Wilderness areas by Congress since August of 1977. We are currently reviewing these areas to determine whether they should be redesignated as Class I for additional visibility and air quality impact protection.

Non-criteria pollutant requirements for existing sources - This would allow review of existing sources for emissions of pollutants other than current criteria and NESHAPS pollutants.

HAZARDOUS AND SOLID WASTE PROGRAM

The Hazardous and Solid Waste Division anticipates the following additional items within the next 2 years:

Modifications to CSSI Hazardous Waste Disposal Site Permit - a minimum of 2 agenda items are anticipated between July 1, 1988 and June 30, 1990.

Hazardous Waste Post Closure Permits - Permits are to be issued for Evanite Corporation, Permapost, and Tektronix during calendar year 1989. These may not need to go to before the EQC however (AG Opinion requested).

Recycling Performance Standard Rules - Adoption anticipated sometime in 1989.

Standards for Recycling Promotion and Education Activities - Adoption of rules anticipated sometime in 1989.

Hearings to certify out of state wastes as meeting Oregon recycling requirements - 2 to 6 hearings could occur from mid 1989 through 1990. Known municipalities interested in

sending waste to an eastern Oregon landfill include Seattle, King County, Clark County, Spokane, and the Tri-Cities area.

Bacona Road - Site Release (July - December 1989)

Solid Waste - EPA based rule changes (July - December 1989)

Special Wastes - Planning Rules (July - December 1989)

METRO Waste Reduction - Report and possible EQC Order (July - December 1989)

Household Hazardous Waste - Rule Adoption (January - June 1990)

ENVIRONMENTAL CLEANUP DIVISION

Potential rule adoptions within the next 2 years are as follows:

Reporting - Require responsible parties to notify the DEQ when environmental contamination is discovered, investigated, or is being cleaned up.

Delisting - Provide a procedure and criteria for responsible parties to request and have sites removed from the Inventory list of confirmed releases of hazardous substances.

Ranking of Sites - Establish a state ranking system to prioritize sites that need investigation and cleanup.

Enforcement, Penalties, and Treble Damages - Establish procedures and mechanisms for application of authorities in SB 122.

Leaking Underground Storage Tanks - Establish a decision matrix for evaluating cleanup levels.

Federal Requirements - Incorporate amendments to the federal Superfund law into state statute.

Remedial Action Rules - Revisions of currently proposed Remedial Action rules.

Informational Reports (for breakfast or lunch agenda):

Description of the federal and state superfund processes.

Briefing on Environmental Cleanup Division programs including site discovery, assessment and the inventory;

remedial investigations; feasibility studies and risk assessments; selection of remedial action alternatives; design and construction of remedial action; leaking underground storage tanks.

Discussion of individual contaminated facilities with slide presentations.

MANAGEMENT SERVICES DIVISION

The Management Services Division anticipates the following item within the next year:

Pollution Control Bond Sale - Commission approval of a new bond sale will be required 90 days before the sale. Timing for proceeding with the sale is dependent on completing the terms of loan agreements with Gresham and Portland relative to underlying security for their first lien assessment bonds for the Mid-Multnomah County sewer project. Prior to any sale, a background discussion on the Bond fund is appropriate. It would be desirable to complete a bond sale prior to January 1989 if possible.

CONCLUDING COMMENTS

The above listing of potential EQC agenda items for the next 2 years is obviously large. As previously noted, we would expect some items to drop off this list, and others to shift in schedule from current anticipation. In addition, other items will develop that require Commission consideration that are not anticipated in the above listing.

Harold Sawyer:h
229-5776
August 12, 1988

From: Fred Hansen:OD:DEQ
To: Bill Hutchison:EQC
Subj: EQC/DEQ retreat

As I think about the time we will have available it would be my suggestion that we could have 3 or 4 major topics and about the same number of minor topics. This would leave Monday evening to do something fun but relevant to our mission. I think that if we try anything more, we will not do the subjects justice nor may we even have enough time for this.

From our conversation as well as some internal thinking we have the following nominees:

Major Topics

Enforcement

Where are Agency resources going (care vs. prevention)

Should we continue to seek delegation from EPA of all environmental programs

DEQ/EQC interaction with Economic Development, Forestry, Agriculture and Health

Minor Topics

Antidegradation vs. Nondegradation

Executive Summaries

How to use EQC members' time best in reading and studying agenda items

Education programs as a part of regulation

Groundwater, our role with other agencies

There are others which will come to mind and I'm sure some of these should fall by the wayside. I wanted, however, to get them down on paper so that we can proceed with planning.

Let me know what you want for our next step.

MEMORANDUM

SUBJECT: EQC Retreat
TO: Participants
FROM: Monica
DATE: August 18, 1988

These are the names of the conference participants, the travel arrangements, and the lodging assignments. Let me know if you have any problems with these arrangements.

SILVER FALLS CONFERENCE PARTICIPANTS:

Donny Adair
Tom Bispham
Wallace Brill
Emery Castle
Mike Downs
Fred Hansen
Stephanie Hallock
Al Hose
Michael Huston
Bill Hutchison
John Loewy
Dick Nichols
Nick Nikkila
Monica Russell
Genevieve Pisarski Sage
Hal Sawyer
Lydia Taylor
William Wessinger
Carolyn Young

Additional meals

*Paulette Pyle -
Jerry Witt -
Jack Smith -
Jack Churchill -*

*Upper Smith Creek #3
John Charles
Bill Johnson*

TRANSPORTATION:

Please meet on the sixth floor at 8:00 am Monday August 22.

Van: John Loewy
Carolyn Young
Monica Russell
Hal Sawyer
Stephanie Hallock
Dick Nichols
Michael Huston

Fred's car: Fred Hansen
Lydia Taylor
Bill Hutchison
Mike Downs

Private: Tom Bispham
Al Hose
Nick Nikkila
William Wessinger*
Wallace Brill
Emery Castle
Genevieve Sage
Donny Adair

D.V.

Silver Falls
p. 2

*Churchill
Smith*

LODGING:

Alder Lodge

Rm #1 Michael Huston

Rm #2 Donny Adair
John Loewy

Rm #3 Wallace Brill
Emery Castle

Rm #4 William Wessinger
Hal Sawyer

Rm #5 Mike Downs
Jack Smith

Rm #6 John Charles - OEC
Bill Johnson - ENUF

Cedar Lodge

Rm #13 Lydia Taylor
Carolyn Young

Rm #14 Stephanie Hallock
Monica Russell

Rm #15 Genevieve Sage

Rm #16 Fred Hansen

Rm #17 Bill Hutchison
Dick Nichols

Rm #18 Al Hose
Tom Bispham

mlr

L 4.50
D 8.00
B. 4.50
L 4.50

21.50

PURCHASE ORDER

STATE OF OREGON

SHOW THIS NUMBER ON ALL PAPERS AND PACKAGES PERTAINING TO THIS ORDER

82440

PAGE 1 OF 1

SHIP TO	Department of Environmental Quality - Office of the Director 811 SW Sixth Ave., Portland, OR 97204			P.O. DATE 10/16/87
	BILL TO	Department of Environmental Quality 811 SW Sixth Ave., Portland, OR 97204		
ACCOUNT NUMBER		BIENNIUM 88	BID NUMBER	COMMODITY CODE 62-900
CLASS.	FUND, PROJECT OR APPROPRIATION	REQ. NO.	AGENCY NO.	PURCHASE REQUEST NO.
	790-7-07-01-00-91-923.600	0012-88	340	

VENDOR Silver Falls Conference Center
Billing
20024 Silver Falls Highway SE
Sublimity, OR 97385

FOR AGENCY USE

F. O. B.	DELIVERY REQUIRED	TERMS
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ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
	Silver Falls Retreat, 9/21-23/87				
	Meals				986.00
	Lodging				1305.00
	Meeting Hall Rental				0.00
	Beverages, Rolls, Muffins				112.00
					<u>1997.50</u>
<p>CONFIRMATION ONLY: DO NOT DUPLICATE XB Per Invoice #9-87-9</p>					

VO# 1343 dated 10-29-87

ORDERED BY:	PHONE EXT.	IN ADDITION TO THE CONDITIONS STATED HEREON, THIS ORDER IS SUBJECT TO CONDITIONS STATED IN THE INVITATION TO BID AND THE OREGON REVISED STATUTES.
APPROVED		AUTHORIZED AGENT <i>[Signature]</i>

STATE OF MISSISSIPPI
DEPARTMENT OF REVENUE

STATE OF MISSISSIPPI

REVENUE DEPARTMENT

82448

Department of Environmental Quality
311 St. Johns Ave., Portland, ME 04106
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311 St. Johns Ave., Portland, ME 04106

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DEPARTMENT OF REVENUE

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CONFIRMATION COPY: DO NOT REPLICATE
FOR INVOICE 89-879

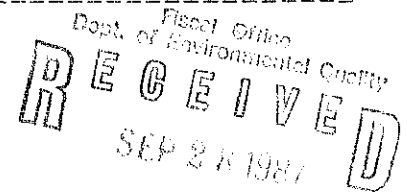
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IN ADDITION TO THE CONDITIONS STATED HEREON THIS ORDER
IS SUBJECT TO CONDITIONS STATED IN THE INVOICE TO WHICH
ALL THE ORDERS HEREAFTER REFERRED TO ARE SUBJECT.

Handwritten signature or stamp at the bottom left.

Silver Falls Conference Center Billing
 20024 Silver Falls Highway S.E.
 Sublimity, Oregon 97385
 (503) 873-8681

Invoice Number.....: 9-87-9
 Purchase Order Number.:



D.E.Q.

822 SW 6th Avenue
 Portland, OR 97204

Conference Coordinator.....: Sue Payseno
 Telephone.....: 229-5379

BALANCE DUE : \$1,997.50

Number of Conferee Nights....: 54

Arrival Date....: 9/21/87 Departure Date...: 9/23/87

***** PLEASE DETACH AND RETURN WITH YOUR REMITTANCE *****

Billing Item	Number	Price	Item Total	Total Billing
1. MEALS				\$986.00
Breakfasts	58	\$4.50	\$261.00	
Lunches	58	\$4.50	\$261.00	
Dinners	58	\$8.00	\$464.00	
2. LODGING				\$1,305.00
Doubles	32	\$20.50	\$656.00	
Singles	22	\$29.50	\$649.00	
Upper Smith Cr		\$20.50	\$0.00	
3. MEETING HALL RENTAL				\$0.00
Main Hall		\$100.00		
Dining Hall		\$75.00		
Unit Lodge		\$60.00		
Upper Smith		\$60.00		
4. ENRICHMENTS: Description - Beverages, rolls, muffins				\$112.50
5. COPY CHARGE				
6. EXTRA CHARGE: For -				

Grand Total...: \$2,403.50

Less---

Invoice..... 9-87-9
 P.O. Number.

Advance Deposit.: \$406.00
 Received On Account:

Balance Due.....: \$1,997.50

Processing Date...: 9/25/87 Date Past Due...: 11/09/87

Charges Approved By...: Sue Payseno
 Checked Out By.....: Paul DeShaw

If you have any questions regarding this billing or need additional assistance please contact Deborah Schallert, Conference Center Manager. All bills are due and payable 45 days after processing date.

Thank You for Your Patronage!

SILVER FALLS CONFERENCE CENTER
20024 Silver Falls Hwy. S.E.
Sublimity, OR 97385
Telephone (503) 873-8681

MEETING ROOM REQUIREMENTS

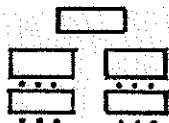
GROUP/EVENT: _____

DATE(S): _____ HOURS: _____

ROOM(S): _____ ATTENDANCE: _____

ROOM SET UP:

Classroom



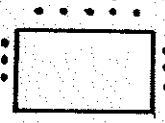
Theater



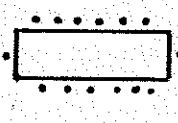
U-Shape



Rectangle



Board



Other

AUDIO-VISUAL EQUIPMENT:

____ Tape Recorder

____ Overhead Projector

____ Screen

____ Flip Chart Easel(s)

____ Slide Projector

____ Podium

____ 16MM Projector

____ Video Player
(1/2" tape)

____ Television

____ Chalkboard

NOTE: Paper, transparencies, grease pencils, slide trays, tapes, etc are NOT provided.

Coffee and tea service may be provided for 25¢ per serving. Hot chocolate and hot spiced cider are 35¢ per serving. Sweet rolls, muffins, fruit, etc. may be ordered for coffee breaks at an additional charge.

Coffee Service

Special Food Service

Date/Time

Comments: _____

BEVERAGES

Liquor is not sold at the Conference Center. However, individuals may bring their own alcoholic beverages. Glasses and ice are provided at no charge. Pop, juices, milk, etc. are available at the Conference Center.

COPY SERVICE

A copy machine is located at the Silver Falls State Park headquarters, approximately 1-1/2 miles from the Conference Center. The copy machine is available for your use weekdays from 8 a.m. to 4:30 p.m. There is a 10-cent charge per copy.

REMEMBER . . .

- Paper for taking notes and any textbooks or conference materials.
- Personal items (tooth brush, tooth paste, razor, shampoo, etc.). Linens, bedding and bath soap are provided.
- Camera, film and flash
- Comfortable shoes for hiking. Joggers--don't forget your running shoes.
- Raincoat and/or umbrella (Silver Falls gets its share of the famous Oregon rain).
- Swimsuit (summer)
- Carpool, if possible

FORGET . . .

- Pets are not allowed at the Conference Center. Please leave your pet at home or with a friend.
- Leave your worries with an assistant at the office.

RECREATION

An outdoor swimming pool, activity field, creek and trails are within the Conference Center complex. An extensive trail system is probably the most popular form of recreation at Silver Falls. A 7-mile hiking trail provides access to 10 spectacular waterfalls in the Silver Creek Canyon. There is also a 4-mile paved bicycle trail and a 14-mile equestrian trail in the park. Horses are available for rent at a nearby stable. Silver Falls State Park is one of Oregon's most scenic attractions. While at the Conference Center, plan to spend some time enjoying the environment.

SILVER FALLS CONFERENCE CENTER GUEST INFORMATION

MEAL SERVICE

Meals are served buffet style in the dining hall. Check with your group leader to confirm the meal times for your group. Normally, meals are served at:

Breakfast	7:30 - 8:00 a.m.
Lunch	12 noon - 1:00 p.m.
Dinner	5:30 - 6:30 p.m.

If you require a special diet, please notify your group leader in advance. We welcome the opportunity to serve you.

CHECK-IN CHECK-OUT

Your group leader will check you in upon arrival. Please plan to vacate your bedroom by 12 noon on the last day of your stay. Please return your room key to your group leader at the close of your conference.

LINENS

Bed and bath linens are provided. Fresh towels and soap will be placed in your room daily.

HOUSEKEEPING

Daily housekeeping services are provided to all lodging and meeting facilities.

TELEPHONE MESSAGE NUMBER 873-3113

A telephone is located in the Conference Center Administration Building for your use. There are no telephones in the room. The operations staff will take incoming messages and deliver them during meeting or meal breaks.

DIRECTIONS TO SILVER FALLS CONFERENCE CENTER

The Conference Center is located within Silver Falls State Park, approximately 26 miles east of Salem on Highway 214.

FROM SALEM . . .

- The trip will take about 45 minutes
- Take Hwy. 22 east from Salem (known as N. Santiam Hwy)
- Take Silver Falls State Park exit on Hwy 22, 5 mi. E. of Salem
- Follow Hwy. 214 to Silver Falls State Park. Hwy. 214 winds through the small community of Shaw and farming country for approx. 20 mi. before reaching Silver Falls State Park

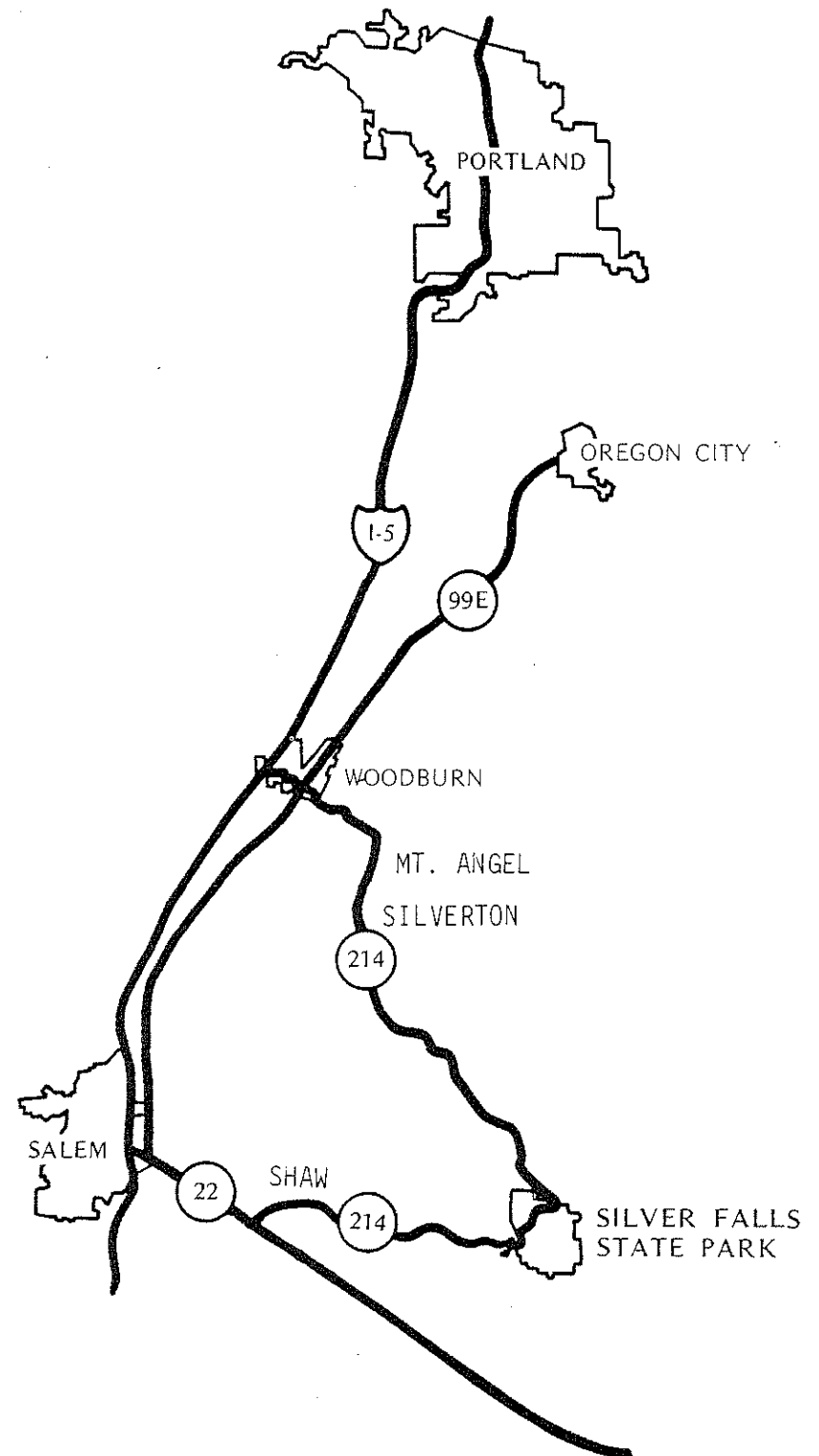
FROM PORTLAND . . .

- The trip will take approximately 75 minutes.
- Take I-5 south to Woodburn exit (25 miles)
- At Woodburn exit, take Hwy. 214 through Woodburn
- From Woodburn, follow signs on Hwy. 214 to Mt. Angel (7 mi.)
- Go through Mt. Angel on Hwy. 214 to Silverton (6 mi.)
- From Silverton, follow signs to Silver Falls State Park (approx. 15 miles from Silverton)

AT SILVER FALLS STATE PARK . . .

- Exit Hwy. 214 at sign marked "Youth Camps--Conference Center"
- Proceed to "Y" in road and take the right fork
- Go through the youth camp gate, then make immediate right and proceed through gate on Conference Center Road
- The Conference Center is approximately 1-1/2 miles from the "Conference Center" sign

IF YOU MAKE THE TRIP BEFORE DARK, YOU'LL ENJOY BEAUTIFUL VIEWS IN THE SILVERTON HILLS



ON REQUEST:

Extra Per Person:

Country Cinnamon Rolls, Danish, and Pastries	\$1.25
Pie - per Slice	\$1.25
Coffee, Tea, Herb Tea - per Serving	.25

IN ADDITION . . .

Weight Watcher and Vegetarian meals are prepared at no extra charge with advance notice.

The DeShaw House Company has 24 years of experience preparing fine foods and looks forward to assisting you and your group in planning for that "Special Event".

Our meals are served buffet style and include a rich variety of imaginatively prepared dishes. Food service is considered an integral part of our program, complementing and enhancing the conference atmosphere.

BON APPETITE!

SILVER FALLS CONFERENCE CENTER

20024 Silver Falls Hwy SE
Sublimity, OR 97385

Telephone (503) 873-8681

RATE SCHEDULE:

Daily Rate — \$37.50 Per Person
(Double Occupancy)

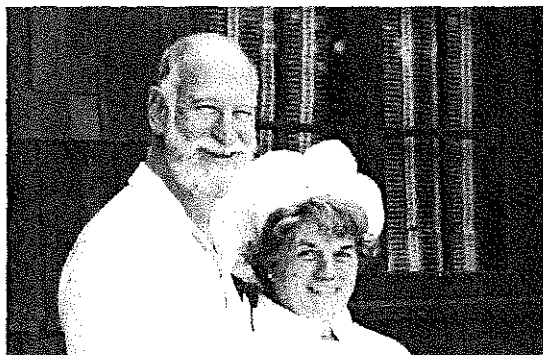
The daily rate for Conference Center guests includes breakfast, lunch, dinner, use of meeting rooms and audio visual equipment, overnight accommodations (double occupancy), linen and housekeeping service.

A breakdown of these costs follows:

BREAKFAST	\$ 4.50
LUNCH	\$ 4.50
DINNER	\$ 8.00
OVERNIGHT	\$20.50
(Double Occupancy)	

Single occupancy bedrooms are available at an additional fee of \$9.00 per night, when space permits.

Your hosts, Paul & Emily DeShaw, welcome your group and extend their friendly hospitality and delicious meals in a casual country inn atmosphere.



Some of our chef's gourmet dining selections, prepared at your group's request, are listed below.

MENU SELECTIONS:

BREAKFAST	Extra Per Person:
Eggs Benedict	\$1.50
Country French Ham & Cheese Crepes, Croissants, Fresh Fruit	\$1.50

LUNCH	Extra Per Person:
Taco Salad	\$1.25
Crab Louis	\$2.75
Shrimp Louis	\$2.50
Philadelphia Steak	\$1.50
Salmon w/Hollandaise	\$2.50
Chef's Salad Deluxe	\$1.00

DINNER:	Extra Per Person:
Choice Prime Rib	\$3.50
Beef Wellington	\$5.00
Chateau Briand w/Bernaise Sauce (Limit 25)	\$7.50
Scampi	\$6.50
Salmon w/Hollandaise	\$4.50
Choice Tenderloin — 8 oz.	\$3.50
Choice Top Sirloin — 8 oz.	\$3.00
Veal Oscar	\$3.50

BAR-B-Q SPECIALTIES:

Pacific Salmon (In Season Only)	\$5.00
Choice Tenderloin 8 oz.	\$4.00
Choice Top Sirloin 10 oz.	\$3.50
Oregon Grown Chicken	\$1.25

HORS D'OEUVRES:	Extra Per Person:
Vegetable Garden	\$1.50
Cheese & Cracker Tray	\$1.50
Nachos w/Guacamole	\$1.50
Fresh Fruit Plate (In Season)	\$1.50
Antipasto —	\$2.50
A Selection of . . .	
. . . Marinated Mushrooms, Salami, Pepperoni, Provelone, Mozzarella, Olives, Italian Peppers, etc.	

Silver Falls is the largest of Oregon's State Parks, encompassing 8,302 acres. The most unique feature of this park is the 14 spectacular waterfalls that are located within the parks boundary.

TRAILS

An extensive trail system provides the most popular form of recreation at Silver Falls State Park. The trails wind through stands of second-growth Douglas Fir and Hemlock or cool green meadows with giant ferns and wildflowers.

A National Recreation Trail, the "Trail of Ten Falls" meanders for seven miles along the banks of the North and South forks of Silver Creek from South Falls to Upper North Falls. Hikers may select routes of varying distances to view the incredible display of cascading waterfalls in the Silver Creek canyon.

Fourteen miles of equestrian trail provide access to the more remote areas of the park. The trail is designed with interconnecting loops to allow riders to select a course appropriate to their skill and endurance. Horses are available for rent from a nearby stable.

For the bicycle enthusiast, four miles of paved bicycle trail begin near the overnight camp and meander through a dense forest. Silver Falls bicycle trail is especially popular because of the beautiful scenery and challenging topography.

PICNICKING

Silver Falls day-use area is well situated for those who wish to enjoy a casual lunch in a natural setting. Located just above South Falls are spacious picnicking lawns, kitchen shelters, parking lots, and modern restrooms. An interpretive lodge helps park visitors to appreciate the park's history, wildlife, plantlife, and geographic resources.

There is also a swimming pond which is safe, clean and refreshing. A sandy beach has been developed on the east bank of the creek to provide ample room for visitors to enjoy a cool dip or relax in the sun. Restrooms with showers and picnic tables are nearby for visitor convenience and comfort. A playground is also available with rustic log structures for the park's younger, more adventuresome guests.

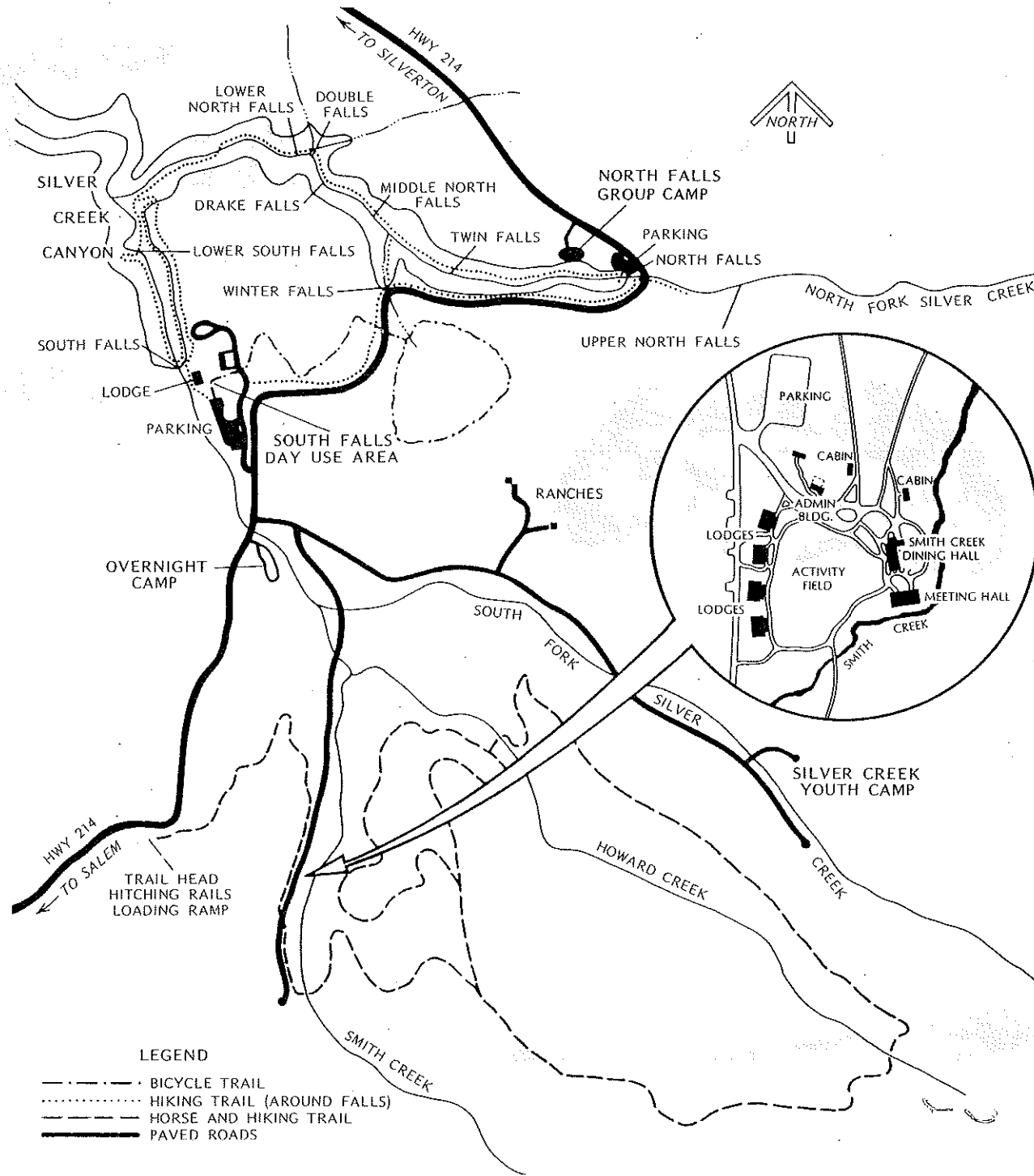
NATURE STUDY

The variety of wildlife and plant species is another attraction at Silver Falls State Park. Deer are numerous and can be seen throughout the year. Beaver are seen occasionally in the Silver Creek Canyon, and rabbits, birds, squirrels and chipmunks seem to be everywhere. The diversity of plant and animal life and the spectacular views of the waterfalls makes Silver Falls a photographer's paradise.

CAMPING

In addition to the Conference Center, other overnight accommodations are available by reservation. Silver Creek Youth Camp can accommodate up to 250 campers; two large Ranch buildings offer overnight accommodations for up to 85 people in each building, and North Falls Group Camp has group sites for trailers and tent camping.

Individual campsites are also available on a first-come, first-served basis in the park's overnight camp. The camp has 52 tent sites, each with fireplaces, tables, and water nearby. In addition, there are nine campsites with electricity and drinking water at the site.



SILVER FALLS CONFERENCE CENTER

SILVER FALLS STATE PARK
 20024 SILVER FALLS HIGHWAY SE
 SUBLIMITY, OR 97385
 TELEPHONE: (503) 873-8681

NAME _____
 STREET _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE: _____

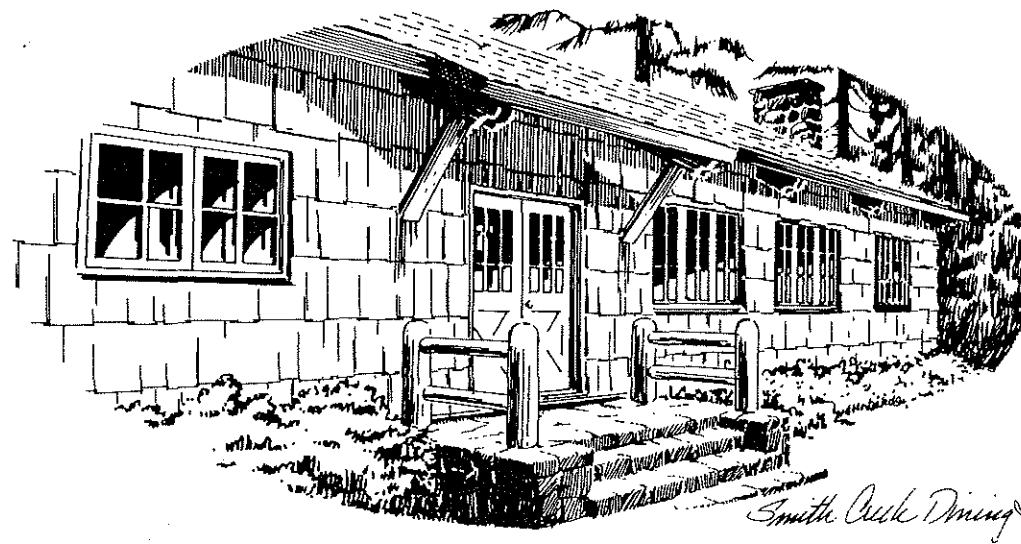
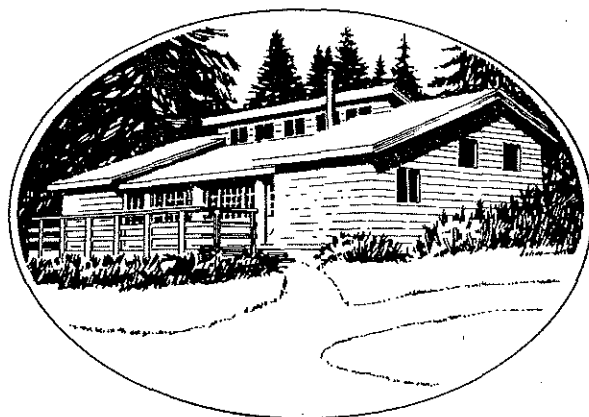
Please reserve accommodations in conference center

Arrival Date _____ Departure Date _____ No. of Guests _____

Please send additional information on:

_____ Ranches _____ Group Camps _____ Overnight Camp
 _____ Silver Creek _____ Day Use _____ Conference Center

SILVER FALLS CONFERENCE CENTER



The Silver Falls Conference Center is designed for comfort and tranquility in the natural setting of Silver Falls State Park, one of Oregon's most scenic attractions. The Center is situated in a meadow surrounded by lush forests of Hemlock and Douglas fir. Available throughout the year, the Conference Center is ideal for annual meetings, conferences, and training sessions.

ACCOMMODATIONS

Lodges and cabins may be reserved for 76 overnight guests at the Conference Center. The lodges and cabins are fully winterized and heated. Linen and housekeeping services are provided for all overnight guests.

Lodges

Four newly constructed lodges, one of which is accessible to the handicapped, provide overnight accommodations for 48 guests. Each unit has six comfortably furnished bedrooms (two persons per room) and two restrooms with showers. All four lodges also offer spacious living rooms where guests can participate in indoor activities or relax by the fireview wood stoves. Comfortable furniture blends with the attractive natural wood decor of the lodge rooms. An outside deck gives visitors a view of the meadow and surrounding wooded hillside.

Cabins

Ten cabins may be reserved to accommodate 28 people. Two of the cabins have semi-private bedrooms (two persons per room) with restroom and shower facilities.

SMITH CREEK DINING HALL

Tucked in a grove of sheltering trees is the Smith Creek Dining Hall. It was constructed in the 1930's by the Civilian Conservation Corps and has been renovated to preserve its original design and character. Natural cedar paneling complements the open-beam construction in the spacious dining room. A crackling fire in the stone

fireplace creates a warm, friendly atmosphere where guests may enjoy delicious meals. Breakfast, lunch, and dinner are served daily and arrangements may be made for banquets and other events.

MEETING ROOMS

Lodge living rooms are designed and furnished for small, informal meetings and group activities. The Smith Creek Dining Hall (capacity 60) and the Meeting Hall (capacity 100) are ideal for larger gatherings. Audio visual equipment and coffee service are also available for Conference Center guests.

RECREATION

An outdoor swimming pool, activity field, nearby creek and trails are within the Conference Center complex and provide opportunities for visitors to enjoy their favorite outdoor activity. Guests may want to plan indoor activities as well, and are encouraged to schedule use of the dining hall and meeting hall for special events.

RESERVATIONS

The Silver Falls Conference Center may be reserved by contacting the Conference Center Manager, Silver Falls State Park. Requests for reservations or information may be submitted by filling out and mailing the attached form.

Groups reserving the Conference Center must have at least 10 participants.

Maximum overnight capacity is 76 guests.

SILVER FALLS STATE PARK



DEBORAH SCHALLERT

CONFERENCE CENTER MANAGER
PARK MANAGER A

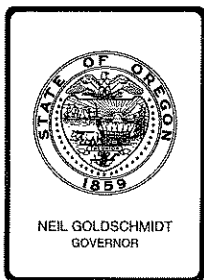
OREGON STATE PARKS & RECREATION DIVISION
SILVER FALLS STATE PARK
20024 SILVER FALLS HWY. SUBLIMITY, OREGON 97385 (503) 738-6000

Place
Stamp
Here

SILVER FALLS STATE PARK

20024 Silver Falls Highway SE
Sublimity, OR 97385

Attention: Conference Center Manager



Department of Transportation
PARKS AND RECREATION DIVISION

SILVER FALLS STATE PARK-20024 Silver Falls Hwy SE-Sublimity, OR 97385
(503) 873-8681

June 14, 1988

Tina Payne
Dept. of Environmental Quality
811 SW 6th Ave.
Portland, OR 97204

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 17 1988

OFFICE OF THE DIRECTOR

Dear Tina:

Space at Silver Falls Conference Center has been reserved for your group of 18 on August 22-23, 1988. Enclosed is a packet of booking information. Please complete the Conference Booking Agreement and return it with your confirmation deposit by July 14, 1988. This will confirm your reservation.

Sixty days prior to the start of your conference, an additional guarantee deposit is due and should be sent in with the yellow form. Adjustments from the original number reserved may be made at this time. Your final billing will be based on the guarantee figure.

If you wish, you may issue a purchase order in lieu of the cash deposits, and I will bill you following the session.

Some things to keep in mind while planning your conference:

LODGING: Cedar and Dogwood Lodges, double occupancy bedrooms, have been reserved for your group. Single occupancy bedrooms are available for reservation with advance notice. An additional fee of \$9 per night will be charged for single rooms. Your meeting area will be Cedar and Dogwood Lodges.

MEALS: Meals are served cafeteria style in the dining hall. Normal meal times are: Breakfast-7:30 AM, Lunch-12:00 Noon, and Dinner-5:30 PM. Please let me know if these times are not satisfactory, or if anyone in your group has special dietary requirements.

We are looking forward to your stay at the Conference Center. If you have any questions or need special accommodations, please feel free to give me a call.

Sincerely,

Deb Schallert

Deborah Schallert
Conference Center Manager

DS:rb

Enclosures

SILVER FALLS CONFERENCE CENTER
20024 Silver Falls Hwy SE
Sublimity, OR 97385

DUE DATE: July 14, 1988

NO. 2 GUARANTEE DEPOSIT:

To guarantee space for your participants, please fill out and return this form along with your deposit to Silver Falls State Park. This deposit is NON-REFUNDABLE. A 10% "decrease" in your groups size is allowed after this date without forfeiture of this deposit with 48 hours notice.

TO COMPUTE THE REQUIRED GUARANTEE DEPOSIT, USE THE FOLLOWING EQUATION:

A.	Guaranteed number of participants in your group	<u>18</u>
B.	Guarantee deposit per person per day	\$ <u>14.00</u>
C.	Number of nights lodging:.....	<u>1</u>
D.	Less Confirmation Deposit (paid previously).....	<u>0</u>
E.	GUARANTEE DEPOSIT DUE	\$ <u>252.00</u>

$$A \times B \times C - D = E \text{ (Guarantee Deposit)}$$

GROUP NAME: DEP

DATES RESERVED: Aug. 22-23, 1988

CONFERENCE BOOKING AGREEMENT

SILVER FALLS CONFERENCE CENTER
20024 Silver Falls Highway S.E.
Sublimity, Oregon 97385
(503) 873-8681

Arrival Date August 22 Time NOON First Meal Lunch
Departure Date August 23 Time NOON Last Meal Lunch
(check-in time 3 p.m. check-out time 12 noon)
Conference Coordinator Tina Payne / Monica Russell Telephone 229-5301
Name of Group Dept. of Environmental Quality
Address 811 SW Sixth Avenue, Portland, OR 97204
Number of full-time conferees 18
(10 person minimum)

Silver Falls Conference Center agrees to make meeting and lodging accommodations available to the above group for a conference at Silver Falls Conference Center on the above dates.

All business with Silver Falls Conference Center will be handled on one master account through the group's designated conference coordinator.

All rates shall be as set forth in the current rate schedule attached. The daily rate for housing facilities is based upon a 3 p.m. check-in and a 12 noon check-out for lodges and cabins, unless otherwise arranged with the Conference Center Manager.

A total deposit of \$14.00 per person per day shall be made by the user group at least 60 days prior to the start of the conference. This deposit shall be made in two (2) payments in accordance with the payment schedule attached.

The conference account is due and payable on the date the conference closes, unless otherwise approved, in advance, by the Conference Center Manager.

Any deviation from regular services must be arranged a minimum of 48 hours in advance, within 48 hours, cancellation of meals is not allowed. All meals ordered will be charged for.

All groups will be subject to a final check-out inspection. Any damages to Conference Center facilities will be charged to the user group. The coordinator must sign and approve all charges upon check-out.

Silver Falls Conference Center rates and rules shall be deemed incorporated in this agreement. This agreement shall be executed on the date indicated and shall be binding upon all parties, their successors and assigns.

DATE 6/20/88

Conference Center Manager

X

Signature of Conference Sponsor

RULES AND REGULATIONS
SILVER FALLS CONFERENCE CENTER

1. No use of the Conference Center will be made without a signed booking agreement and confirmation of reservation. A deposit and pre-payment shall be made in accordance with the payment schedule contained in the booking agreement.
2. Permits are revocable at the discretion of the Park Manager for failure, neglect, or refusal to adhere to the rules and regulations established for the use of the facilities.
3. With the exception of seeing eye dogs, no pets will be allowed at the Conference Center.
4. Arrival and departure times must conform with the dates and times confirmed. The Conference Coordinator with each group must be present at the time of check-in (3 p.m.) and check-out (12 noon).
5. The Conference Center facilities shall be maintained in a neat, orderly, and sanitary condition at all times, and the user group shall leave the site in a clean condition at the end of occupancy.
6. Each group using the facilities shall designate a Conference Coordinator, at least 18 years of age, who shall be responsible for the activities of that group during the occupancy of the facilities.
7. The user group shall indemnify and hold harmless the State of Oregon, the Department of Transportation, its officers, agents and employees, and the operating concessionaire against all claims for damages, loss or cost to person or property suffered or alleged to be suffered in connection with the use of the Center. In addition, the user group shall be liable for damage to State Parks property and facilities occurring as a direct result of the use of the Center that is in excess of normal wear and tear.
8. Oregon State Parks and the operating concessionaire assumes no responsibility for injury to guests nor for loss or damages of personal property. Occupants are responsible for safeguarding their possessions.
9. All meal and lodging orders must be finalized 30 days prior to group check-in. Adjustments up to 10% will be accepted with a minimum 48 hours prior notice only
10. Permission to consume alcoholic beverages in the lodges and cabins or other facilities may be granted. It shall be the responsibility of the sponsoring group to obtain such permission in advance and to comply with applicable procedures and regulations established by the Oregon State Parks.
11. In accordance with Title VI of the 1964 Civil Rights Act, no person in the United State shall, on grounds of race, color, sex, or national origin, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the user group.
12. Trailers, tents, campers or other camping units will not be allowed to stay overnight in the Conference Center complex.
13. Use of the swimming pool will be allowed only by registered guests of the Conference Center. Oregon State Parks and the operating concessionaire does not provide lifeguard protection and accepts no responsibility for accident or injury. Individuals who use the pool do so at their own risk.
14. Oregon State Parks rules and regulations will further govern the use and occupancy of the Conference Center. A copy is available for the Park Manager.
15. 11:00 p.m. is quiet time.
16. Recreational equipment checked out to individuals will be at their own risk.

BOOKING PROCEDURES

Following the verbal agreement, a booking packet will be sent to you detailing the arrangements for your conference. Read it carefully, sign the booking agreement and return it with the first reservation fee described below. Your reservation is then confirmed.

Not less than 60 days prior to the conference, contact the conference center manager again to reconfirm and adjust the number reserved for. Additional space may be secured at this time, if available.

Silver Falls Conference Center reserves the privilege of booking groups simultaneously and of assigning meeting and sleeping rooms according to the group size and needs. Every effort will be made to provide for the needs you have stated.

PAYMENT SCHEDULE

ADVANCE DEPOSIT

A total deposit of \$14.00 per person per day is required 60 days prior to the start of the conference. This deposit is to be made in two (2) payments.

1. CONFIRMATION DEPOSIT

At the time of the booking, an advance deposit of \$4.00 per person per day is required to confirm reservations. This amount is refundable up to 60 days prior to the start of the conference.

2. GUARANTEE DEPOSIT

60 days prior to the start of the conference, a guarantee deposit of \$10.00 per person per day is required. This amount is non-refundable. 10% shrinkage is allowed after this date without fee forfeiture with 48 hour advance notice.

FINAL PAYMENT

Conference charges will be handled in one master account through the group's conference registrar. All conference charges are due and payable at the close of the conference unless arrangements are made in advance with the Conference Center Manager.

PURCHASE ORDERS ARE ACCEPTABLE FROM GOVERNMENTAL AGENCIES FOR DEPOSITS AND FINAL PAYMENTS.

SILVER FALLS CONFERENCE CENTER
20024 SILVER FALLS HWY SE
SUBLIMITY, OR 97385
TELEPHONE (503) 873-8681

RATE SCHEDULE

Daily Rate \$37.50 per person (Double Occupancy)

The daily rate for conference center guests includes breakfast, lunch, dinner, use of meeting rooms and audio visual equipment, overnight accommodations (double occupancy), linen and housekeeping services. A breakdown of these costs follows:

Breakfast	\$4.50
Lunch	\$4.50
Dinner	\$8.00
Overnight (double occupancy)	\$20.50

Single occupancy bedrooms are available at an additional fee of \$9.00 per night, when space permits.

The Conference Center facilities may also be scheduled for day meetings.

The daily rate for use of the specific building is indicated below:

Meeting Hall (capacity 100)	\$100.00
Dining Hall (capacity 90)	\$75.00
Upper Smith Creek (capacity 30)	\$60.00
Unit Lodge (capacity 16-18)	\$60.00

These are charges for Day Use Groups.

All recreational facilities and equipment are available to all conference center guests at no additional charge.

Maximum overnight capacity is 76.

SILVER FALLS CONFERENCE CENTER

ROOM ASSIGNMENTS

For convenient access to the restrooms, lodge women
on the left side of this sheet and men on the right side.

THERE IS AN ADDITIONAL CHARGE OF \$9.00 FOR SINGLES.

ALDER LODGE

ROOM 1 *Michael Huston*

ROOM 2 *Donny Adair*

John Loewy

ROOM 3 *Wallace Brill*

Emery Castle

BLUEBERRY LODGE

ROOM 7

ROOM 8

ROOM 9

CEDAR LODGE

ROOM 13 *Lydia Taylor*

Carolyn Young

ROOM 14 *Stephanie Mallock*

Monica Russell

ROOM 15 *Genevieve Sage*

DOGWOOD LODGE

ROOM 19

ROOM 20

ROOM 21

CHICKAREE CABIN

ROOM 25

RACCOON CABIN

ROOM 27

ROOM 4 *William Wessinger*

Hal Sawyer

ROOM 5 *Mike Downes*

ROOM 6 *John Charles **

ROOM 10

ROOM 11

ROOM 12

Nikkila

ROOM 16 *Aud Hansen*

ROOM 17 *Bill Hutchison*

Dick Nichols

ROOM 18 *Al Hose*

Jim Bispham

ROOM 22

ROOM 23

ROOM 24

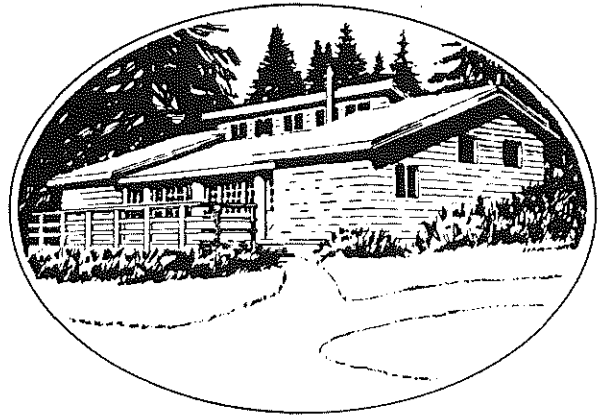
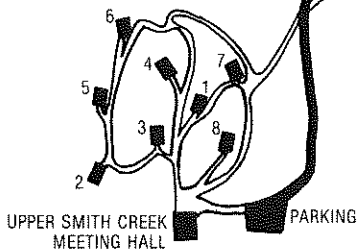
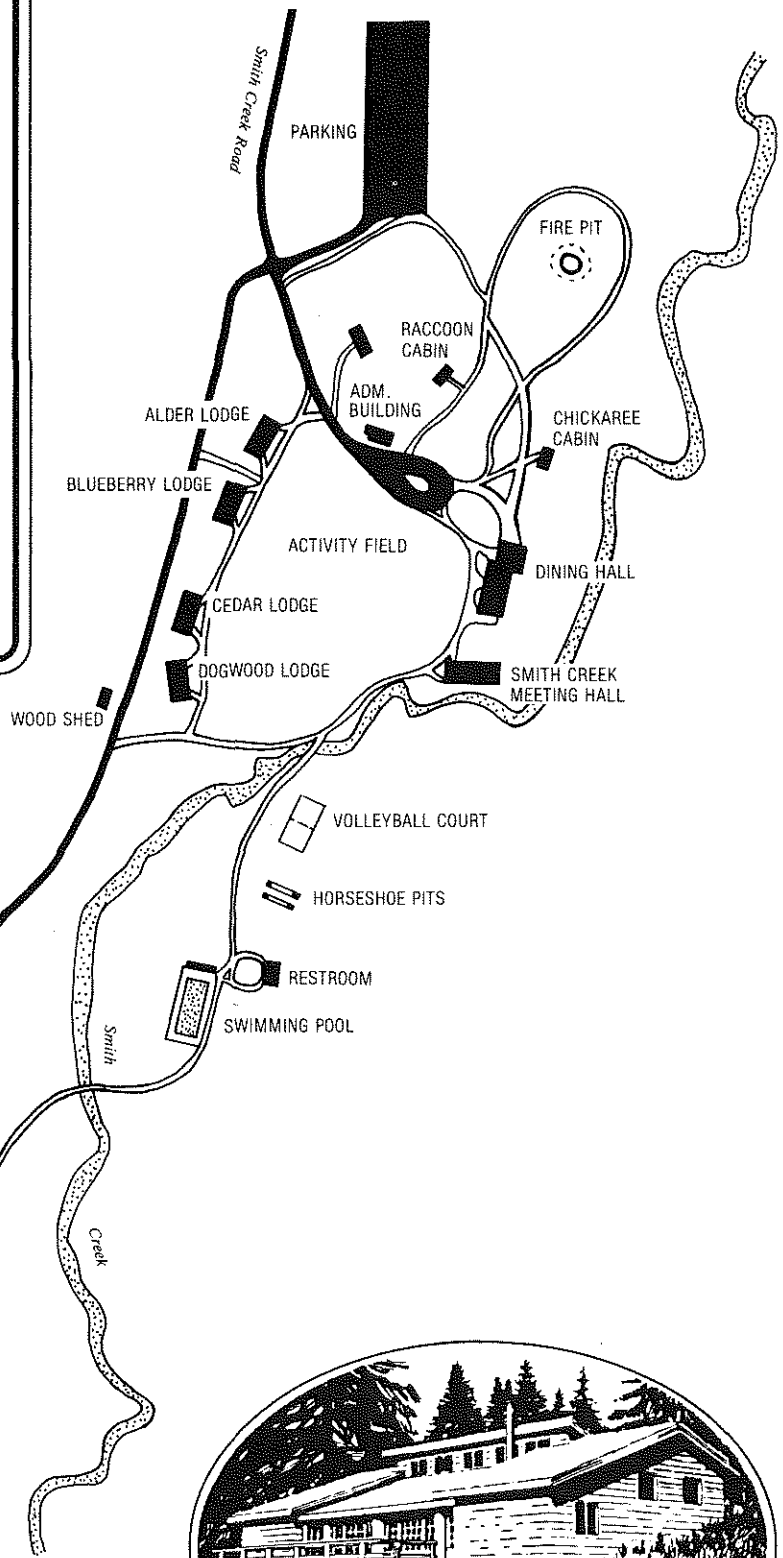
ROOM 26

ROOM 28

INSTRUCTIONS FOR ROOM ASSIGNMENTS

1. Designate 1 person in your group to fill out the room assignment sheet. Write legibly.
2. The buildings reserved for you have been circled. As you hand out the keys, write the person's name in the corresponding space.
3. Assign 2 people per room, unless you have arranged for single rooms. Remember: Single occupancy is an extra charge per night.
4. Once everyone has checked in with you, turn in the completed sheet to the kitchen staff.
5. Instruct your participants to return their keys to you at the close of the session. When you have collected all of the keys, turn them in to the kitchen staff.

THANKS FOR THE ASSISTANCE!
TURN OVER FOR ROOM ASSIGNMENTS



DAs -6007 EQL-5

Candlyn

Monica

(18)

John Looney

6/13 HLS

Donny

Fred: Fred

Re: SF Retreat.

Because of the size of the group, we have two options. Which one would you like?

1. Upper Smith Creek facilities--
2 cabins w/ full beds (1 per)
6 cabins w/ twin beds (3 each)
Own meeting hall
Must walk to showers; own sinks
& toilets(?)

2. Lodges (2 twins per room)
Meetings would be held in one
of the lodges

Please let me know by tomorrow.
I need to reserve the space.

Thanks. Monday Lunch, ⁷⁵²
t through Tuesday lunch.

MEMO

Publy ~~Coastal~~ Mark

Director

Menucha - Pat

DEPARTMENT OF ENVIRONMENTAL QUALITY



MEMO

Deb Shallert
mgr.

Director

Rosanne

DEPARTMENT OF ENVIRONMENTAL QUALITY



SF

July or August

28-29
So Coast
Trip

last week
July 25-29

July 18-19 - state/EPA
19-20

July 5-6 - OK
EQC on 8

August - 22-23 - OK
3-4 Reg
trip

873-8881

Barr
of bedrooms
(32 spaces)
kitchen
meals - main lodge

July 11-15 - NO w/ 60 days

18-22 state/EPA 19-20

27-29 - So. Coast Trip 28-29

August 11-12 other area - NO

22-23 - OK (DA mtg., Agency mtg., Review)



MEMO

Director

DEPARTMENT OF ENVIRONMENTAL QUALITY

What "All Day" mtg.
6/29? every quarter

- Menucha or Silverfalls

July or Aug?

(15 people) the next
noon day
full day + nite

List of dates for EQC
mtg.

629-2243

Menucha or Silver Falls Retreat

Possible dates:

Menucha

- July 18 - 22 (State/EPA mtg. 19-20; 21-22 okay)
- July 27 - 29 (South coast trip 28-29)
- Aug. 11 - 12 (Resource Mgmt. tour of Dallas area 11; 12 okay)
- Aug. 22 - 23 (DA mtg. 22; Agency Mgmt. Review 23)

Silver Falls

- July 5 - 6 (okay; except EQC meeting on 8th)
- July 18 - 19 (State/EPA mtg. 19-20)
- July 25 - 29 (25-27 okay; South coast trip 28-29)
- Aug. 3 - 4 (Region trip)
- ✓ Aug. 22 - 23 (DA mtg. 22; Agency Mgmt. Review 23)

18
choice

[Signature]

will Bill check with Wessinger

Genevieve
As circle best +
worst for Commission
retreat

thx
18-07

Menucha or Silver Falls Retreat

Possible dates:

Menucha

- July 18 - 22 (State/EPA mtg. 19-20; 21-22 okay)
- July 27 - 29 (South coast trip 28-29)
- Aug. 11 - 12 (Resource Mgmt. tour of Dallas area 11; 12 okay)
- Aug. 22 - 23 (DA mtg. 22; Agency Mgmt. Review 23)

Silver Falls

- July 5 - 6 (okay; except EQC meeting on 8th)
- July 18 - 19 (State/EPA mtg. 19-20)
- July 25 - 29 (25-27 okay; South coast trip 28-29)
- Aug. 3 - 4 (Region trip)
- Aug. 22 - 23 (DA mtg. 22; Agency Mgmt. Review 23)

Rosanne

own meeting hall
Upper Creek
2 cabins - double
6 cab beds - double
walk to showers each
Dinning hall

Lodges
meetings in
lodge