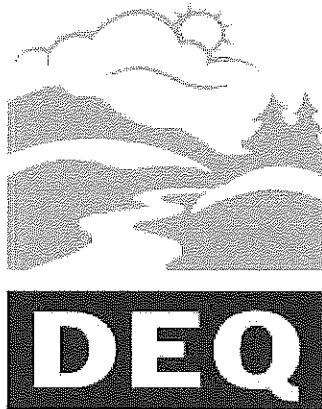


**OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS 08/06/1998**



**State of Oregon  
Department of  
Environmental  
Quality**

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# AGENDA

## ENVIRONMENTAL QUALITY COMMISSION MEETING

August 6-7, 1998  
DEQ Conference Room 3A  
811 S. W. Sixth Avenue  
Portland, Oregon

**Notes:**

Because of the uncertain length of time needed for each agenda item, the Commission may deal with any item at any time in the meeting. If a specific time is indicated for an agenda item, an effort will be made to consider that item as close to that time as possible. However, scheduled times may be modified if agreeable with participants. Anyone wishing to listen to the discussion on any item should arrive at the beginning of the meeting to avoid missing the item of interest.

**Public Forum:** The Commission will break the meeting at approximately 11:30 a.m. for the Public Forum if there are people signed up to speak. The Public Forum is an opportunity for citizens to speak to the Commission on environmental issues and concerns not a part of the agenda for this meeting. The public comment period has already closed for the Rule Adoption items and, in accordance with ORS 183.335(13), no comments can be presented to the Commission on those agenda items. Individual presentations will be limited to 5 minutes. The Commission may discontinue this forum after a reasonable time if an exceptionally large number of speakers wish to appear.

**Thursday, August 6, 1998**  
**Beginning at 1:00 p.m.**

- A. **Informational Item:** Update on Spring Creek Hatchery Release
- B. **Informational Item:** Update on the City of Portland Combined Sewer Overflow (CSO) Project
- C. **Informational Item:** Update on the Umatilla Chemical Depot
- D. **Informational Item:** Update on 401 Certification Program for Livestock Grazing

**Friday, August 7, 1998**  
**Beginning at 8:30 a.m.**

- E. **Approval of Minutes**
- F. **Approval of Tax Credits**  
This item has been removed from the agenda for this meeting
- G. **Action Item:** Revision to the PM10 Attainment Plan for the Medford-Ashland Air Quality Maintenance Area

- H. **Action Item:** Revision to the Prevention of Significant Deterioration (PSD) Requirements Under the New Source Review (NSR) Program for New and Expanding Major Industry in the Medford-Ashland Air Quality Maintenance Area (AQMA)
- I. **Action Item:** Medford Area Carbon Monoxide (CO) Maintenance Plan and Designations of Nonattainment and Maintenance Areas
- J. **†Rule Adoption:** New Source Review Rule Amendment for Carbon Monoxide (CO) Maintenance Areas
- K. **†Rule Adoption:** Rule Revisions for Transportation Conformity, Indirect Sources, General Conformity and State Implementation Plan (SIP) Streamlining
- L. **†Rule Adoption:** Sunset of Title V Small Source Deferral and Establishing a "General" Air Contaminant Discharge Permit (ACDP) Permit Category
- M. **Action Item:** Appeal of Hearing Officer's Findings of Fact, Conclusions of Law and Final Order in the Matter of William H. Ferguson, Case No. AQAB WR 96-351
- N. **Action Item:** Appeal of Hearing Officer's Findings of Fact, Conclusions of Law and Final Order in the Matter of the City of Coos Bay, Case No. WQMW-WR-96-277
- O. **†Rule Adoption:** Amendments to the Department's Division 12 Rules Concerning Enforcement and Civil Penalty Assessment Procedures
- P. **Commissioners' Reports**
- Q. **Director's Report**

Hearings have already been held on the Rule Adoption items and the public comment period has closed. In accordance with ORS 183.335(13), no comments can be presented by any party to either the Commission or the Department on these items at any time during this meeting.

The Commission will have lunch at 12:00 noon. . No Commission business will be discussed.

The Commission has set aside September 17-18, 1998, for their next meeting. It will be held in Portland, Oregon.

Copies of staff reports for individual agenda items are available by contacting the Director's Office of the Department of Environmental Quality, 811 S. W. Sixth Avenue, Portland, Oregon 97204, telephone 229-5301, or toll-free 1-800-452-4011. Please specify the agenda item letter when requesting.

If special physical, language or other accommodations are needed for this meeting, please advise the Director's Office, (503)229-5301 (voice)/(503)229-6993 (TTY) as soon as possible but at least 48 hours in advance of the meeting.

# Portland's Clean River Performance Record

## Quick Facts

Portland's CSO program is on schedule and has met all regulatory deadlines.

Since 1972 overflows have been reduced from 10 billion gallons to 3.4 billion gallons in 1997. By the year 2000, overflows will be reduced an additional 18 percent.

Estimated cost of the CSO program is \$1 billion to be paid by Portland sewer ratepayers. **Dollars spent to date: \$123 million.**

Projects underway:

- 10,437 downspouts disconnected to remove rainwater from sewers
- sumps installed to reduce overflows
- out of 7 sub-basin sewer separations completed (new stormwater pipes installed and stormwater treatment facilities built)
- Tanner Creek removal from the sewer system
- Construction of the Big Pipe to handle Columbia Slough overflows (3.5 miles of pipe, 6-12 feet in diameter)
- Full evaluation and refinement of the Willamette River CSO program.

Improved reliability and effluent quality from treatment facilities resulting in 54 consecutive months of treatment plant permit compliance.

No pump station bypasses in 4 years.

In the Johnson Creek watershed the City constructed a wetland at a cost of \$3.4 million to provide 60 acre feet of passive flood storage, stormwater treatment, improved fish and wildlife habitat including 6 acres of wetlands and a half mile of riparian restoration.

Improved flood plain management with \$2.5 million in land acquisition, removal of 15 frequently flooded structures and floodplain development limitations in the Johnson Creek watershed.

Completed the Mid County Sewer Project to protect groundwater in Mid Multnomah County. Sewer installation to connect 54,000 properties. Installed 394 miles of main line, 6 pump stations and 13 interceptors. **Project cost: \$255 million.**

Revegetated 155 acres of riparian and watershed areas in cooperation with 40 private businesses in the Columbia Slough watershed.

Restored more than 400 feet of stream bank on Balch Creek.

Worked in partnership with other agencies to clean up a 12 acre former junk yard in the Columbia Slough watershed to develop the Whitaker Ponds Learning Center.

August 1998

CSO STATUS REPORT  
TO THE  
ENVIRONMENTAL  
QUALITY COMMISSION

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AUGUST 6, 1998



ENVIRONMENTAL SERVICES  
CITY OF PORTLAND  
**CLEAN RIVERWORKS**

## **Introduction**

The purpose of today's meeting is to provide you with:

- ◆ A history of the City of Portland's combined sewer overflow program;
- ◆ A status report on our progress; and
- ◆ Talk to you about the future of our program.

## **1. Historic Overview**

**Bureau's Mission** - to protect public health and environment. We aim to accomplish this through wastewater collection and treatment, sewer installation, watershed restoration and oversight of solid waste collection and recycling services

### **Accomplishing our Mission**

- ◆ Provide sanitary service to: 511,000 people, 12,000 commercial and industrial facilities;
- ◆ Own and operate 2 sewage treatment plants;
- ◆ Operate and maintain the sanitary and stormwater treatment and collection systems;
- ◆ 2,300 miles of pipes and 98 pump stations;
  - Successfully completed the Mid County Sewer project which connected 54,000 properties, laid 394 miles of main line and installed, 6 pump stations and 13 interceptors.
- ◆ Regulate industrial discharges - Almost 8,000 reports reviewed, 96% were in compliance;
- ◆ Implement Combined Sewer Overflow Program;
- ◆ Implement comprehensive stormwater quality program;
- ◆ Conduct watershed planning and restoration;
- ◆ Ensure that the rivers and streams in Portland meet water quality standards;
- ◆ Encourage citizen and neighborhood involvement in project decisions;
- ◆ Oversee contaminated sediment cleanup;
- ◆ Participate in Metro 2040 and other watershed planning efforts; and
- ◆ Develop a plan to deal with endangered species in Portland.

## **Schedule**

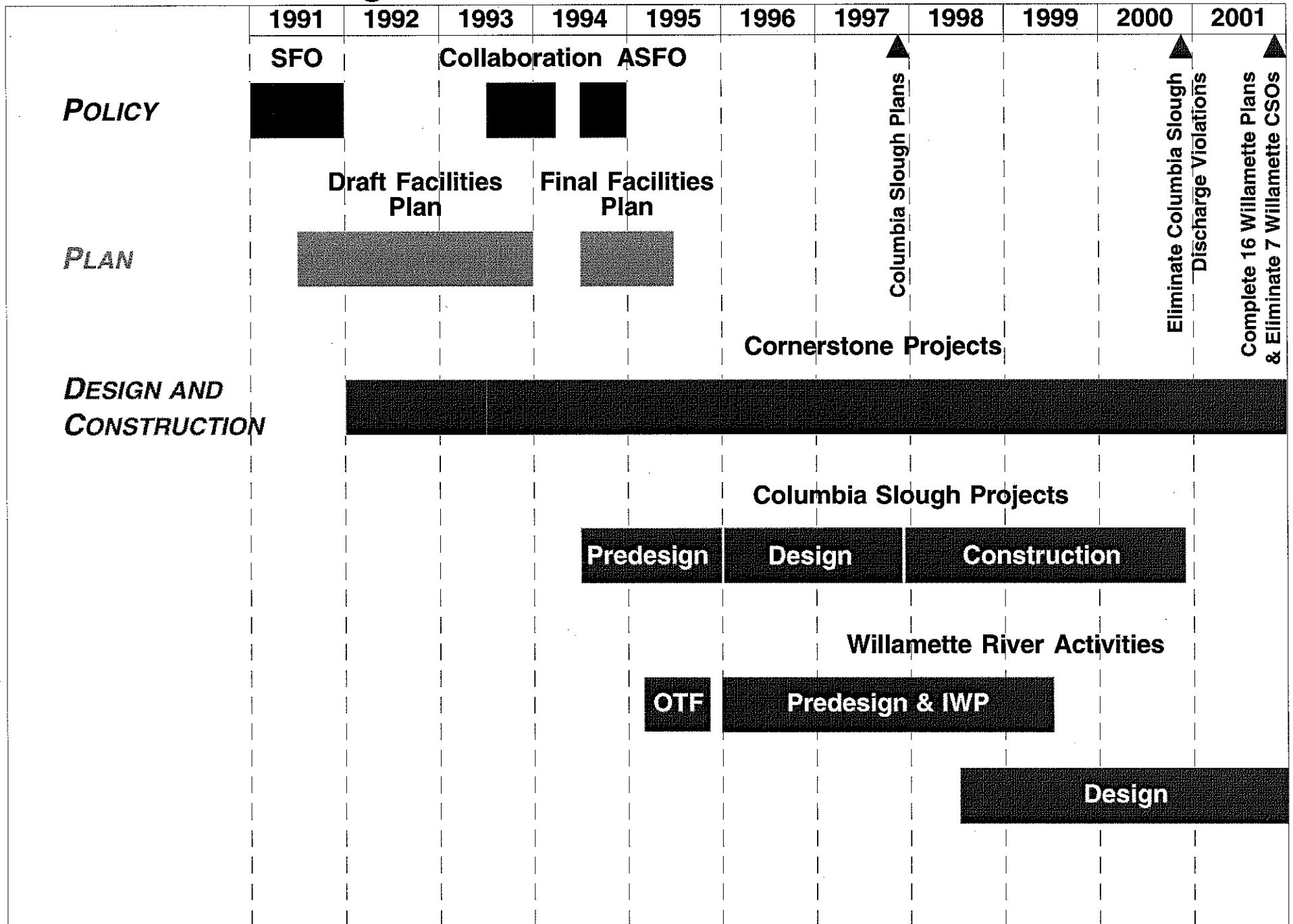
### **According to the amended order, Portland must:**

- ◆ Control all CSO discharges to the Slough by December 1, 2000. (13 outfalls);
- ◆ Control CSO discharges from 7 identified outfalls on the Willamette consistent with the approved Facilities Plan by December 1, 2001;
- ◆ Submit plans to control discharges from 16 outfalls by December 2001;
- ◆ Control CSO discharges from 16 identified outfalls by December 1, 2006; and
- ◆ Control CSO discharges from the remaining outfalls by December 1, 2011.

## **2. Status Report on our Progress**

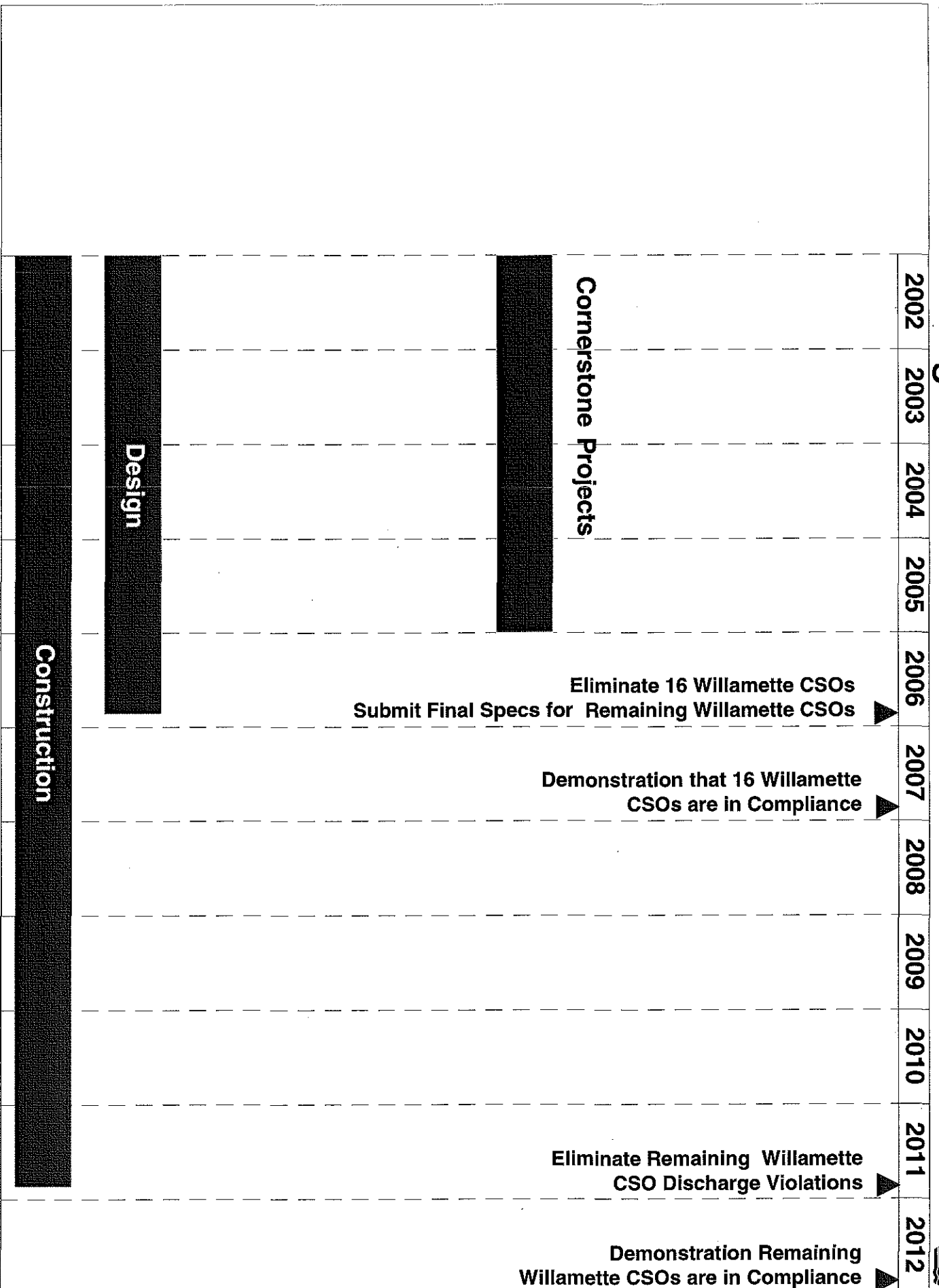
- ◆ In 1990, the City of Portland began planning efforts to control combined sewer overflows (CSOs). Approximately 1/3 of Portland neighborhoods are served by a combined sewer system built prior to 1960. Nearly every time it rains in Portland stormwater mixes with untreated sewage and overflows into the Columbia Slough and the Willamette River.
- ◆ In 1991 the City of Portland and DEQ signed a Stipulation and Final Order (SFO). The order directed Portland to remove 99% of its overflows by 2011. At the time of this agreement relatively little was known about the combined sewer overflows (we didn't know the quantity or the impact on the receiving waters). Portland began a facilities planning process that same year. Over time we developed better information on the quantity of overflows and their characteristics. On average, CSO contains 80% stormwater and 20% sewage.
- ◆ In 1994, based on the information developed for the draft facilities plan, Portland, DEQ and EQC took advantage of a re-opener clause in the original agreement to review newly developed information. This is known as "the collaborative process". Portland and the EQC came to an agreement to re-negotiate the order. This resulted in an Amended Stipulation and Final Order (ASFO). The agreement calls for overflows on the Columbia Slough to be controlled by December 2000, and overflows to the Willamette River to be drastically reduced by 2011. The ASFO calls for a total CSO control of 96.4%.

# Portland's CSO Program





# Portland's CSO Program

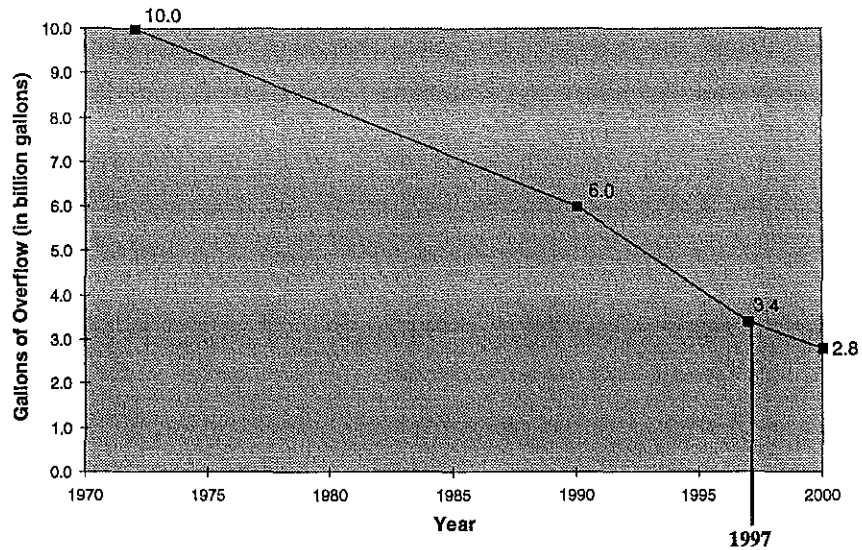


# CSO Program Strategy

		Basins	
		Columbia Slough	Willamette River
Strategies	Remove Stormwater (Cornerstone Projects)	Sumps Downspouts Sewer Separation	Sumps Downspouts Sewer Separation Stream Diversion Green Solutions
	Collect & Treat	Conduit Pump Station Expand Treatment Facility Outfall	Conduit Pump Stations New Treatment Facility Outfall

- ◆ Two basins managed on different time lines
- ◆ Two strategies to control CSO's: remove stormwater; collect and treat
- ◆ Cornerstone projects are implemented first to remove as much stormwater as possible. What's not removed is collected and treated.

## Historic and Predicted Overflow Volumes



To date, through Cornerstone projects and changes in our existing sewer system we have reduced overflows from:

- ◆ 10 billion gallons per year in 1972 to a rate of
- ◆ 3.4 billion gallons per year in 1997

We are projecting through a combination of Cornerstone and Columbia Slough projects we will further reduce overflow volume in 2000 to:

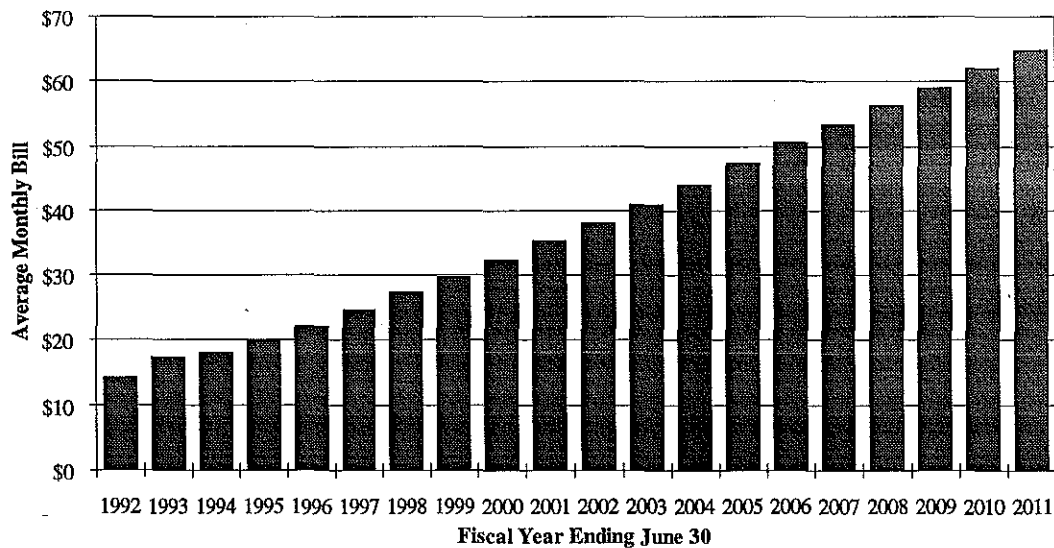
- ◆ 2.8 billion gallons per year

This is a 72% reduction since 1972 and a 53% reduction since 1991.

The cost per gallon for controlling CSOs rises dramatically as the total volume of CSO controlled increases.

# Rate Impacts

**Historical and Forecast Average Monthly Sewer Bills  
Single Family Residential Customers**



- ◆ From the beginning of the CSO program (roughly 1992) to its completion, we are anticipating rate increases from: \$14.15 to \$64.82 per month, this includes inflation This is a significant increase, we are spending significant dollars on many different projects and ratepayers throughout Portland are expecting to see improved water quality as a result.
- ◆ 60% of our CIP expenditures over the next ten years are attributed to CSO projects.

## **Cornerstone Successes**

### **◆ Downspout Disconnection Program**

- ◆ 4,500 Residences Served (10,437 downspouts)
- ◆ 76.2 Million gallons removed per year

### **◆ Sump Installation Program**

- ◆ 2,821 Sumps Installed (in the CSO area)

### **◆ Sewer Separation Program**

- ◆ 3 of 7 Sub Basins Separated

### **◆ Stream Diversion Projects**

- ◆ 4 Streams

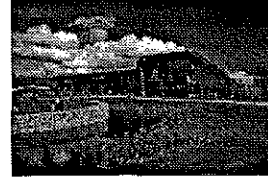
### **Cornerstone Program**

- ◆ Environmental Services has completed many of the Cornerstone projects (which remove more stormwater from entering the sewer system and reduces CSO's). The bureau is committed to continuing its efforts to control CSO's and reduce the amount of stormwater entering the sewer system.
- ◆ We analyzed the cost and feasibility of sewer separations for the entire CSO area. We determined that we would separate only seven basins because they were the only basins that yielded multiple environmental benefits and made economic sense.
- ◆ The combined effect of these early action projects is to reduce the amount of overflow from the combined sewer system per event by at least half. These are gains the City is making now.

## Cornerstone Successes

### ◆ Stormwater Treatment Facilities

- ◆ Pollution Control Lab Pond
- ◆ Ramsey Lake Constructed Wetland



### ◆ Cornerstone Budget

- ◆ Dollars spent to date: \$ 76 Million
- ◆ Total estimated cost: \$155 Million

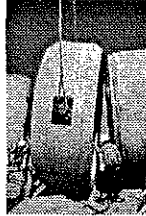


- ◆ As part of the Cornerstone projects Portland has constructed several stormwater treatment facilities. Two examples are the Pollution control lab stormwater pond and the Ramsey Lake wetlands which both treat stormwater that has been separated from the combined sewer system.
- ◆ The Pollution Control Lab Pond drains 50 residential and industrial acres from the St. Johns B basin.
- ◆ Ramsey Lake drains 700 residential and 160 industrial acres from the St. Johns A, Oswego and Oregonian basins.
- ◆ These projects offered opportunities for school aged children and adults to learn about ecosystem management and to participate in monitoring.
- ◆ We've completed almost all of the Cornerstone projects in the Columbia Slough basins and have begun many in the Willamette River basins. Total spent to date on these projects is \$76 Million and total estimated cost for all Cornerstone projects once completed is \$155 Million.

## Columbia Slough

### ◆ Projects

- ◆ Consolidation Conduit
- ◆ Pump Station
- ◆ Outfall
- ◆ Added Treatment



### ◆ Budget

- ◆ Dollars spent to date: \$ 41 Million
- ◆ Total estimated cost: \$177 Million



- ◆ Big Pipe construction is underway. Construction started this July and will be completed in August of 1999. This project will control CSO's to the Slough by over 99%. We are installing: 3.5 miles of pipe that is 6-12 feet in diameter
- ◆ We are also constructing an outfall, a pump station and additional primary treatment capacity at the Columbia Boulevard Wastewater Treatment Plant.

## **Accomplishments to Date:**

- ◆ On Schedule
- ◆ Within Budget
- ◆ CSO Volumes Reduced by 2.6 billion gallons per year (1991-1997)
- ◆ Developed Innovative Solutions
  - Ramsey Lake Wetlands
  - Downspout Disconnection
  - Stream Diversion
- ◆ Total dollars spent to date on CSO: \$123 Million



## Willamette River Facilities Plan

### ◆ The 1994 Facilities Plan:

- ◆ 2 Large Conduits
- ◆ Storage Tank
- ◆ Pump Station
- ◆ Treatment Facility
- ◆ Handle 2.2 Billion Gallons



### ◆ Budget

- ◆ Total estimated cost: \$404 Million

## **Refining the 1994 Facilities Plan**

- ◆ **Began in 1997 and ends in 1999**
- ◆ **Develop a Predesign Plan that:**
  - ◆ Incorporates New River Information
  - ◆ Considers New and Better Technologies
  - ◆ Controls Willamette River CSO's
  - ◆ Improves Overall Water Quality
  - ◆ Reflects Community Values and Uses
  - ◆ Is Cost Effective
- ◆ **ASFO provides opportunities for re-evaluation**

The predesign project is a two year, technical and policy review of the City's existing CSO facilities plan to improve Willamette River water quality.

We have spent \$5.8 Million dollars to date including the land acquisition for a Willamette wet weather treatment facility.

## Predesign Results

- ◆ Identified “green solutions”
- ◆ Analyzed system optimization
- ◆ Identified projects which provide CSO relief
- ◆ Evaluated treatment alternatives
- ◆ Completed water quality assessment
- ◆ Organized a public involvement campaign

- ◆ Identified additional “green solutions” which remove stormwater
- ◆ Identified opportunities to optimize the existing sewer system
- ◆ Identified other bureau projects which can provide CSO relief
- ◆ Evaluated CSO treatment alternatives including emerging technologies which we may want to build on a demonstration level to evaluate their performance. (also looking at the impact of the ESA listing)
- ◆ Completed water quality assessment which indicated that there are significant upstream sources of pollutants in addition to the bacteria contributed by CSOs.
- ◆ Implementing an aggressive public involvement campaign that focuses on Willamette River watershed health.

## Public Information and Involvement



### Public Information

- ◆ Clean River Works Program that serves as umbrella for all of our projects.
- ◆ CSO media and citizen notification program.
- ◆ Work with upstream communities on public service announcements

### Public Involvement

Chaired by Bill Hutchison, the Willamette River Stakeholders Task Force was created in September of 1996. Members represent rate payer, environmental, neighborhood, and agency interests and are appointed by Commissioner Sten

### The charge, accepted by members of the Task Force is to:

- ◆ Review Portland's plan for controlling combined sewer overflows (CSO's) into the Willamette River; and to
- ◆ Develop a process for public involvement which included river tours and walks.
- ◆ Make recommendations to the Portland City Council and the City's Bureau of Environmental Services on how to best implement the plan, giving full consideration to community values and the need to maintain community support for this public investment. The plan should ensure high water quality in the river and tributaries with the best possible investment of ratepayer dollars.

## **Issues Facing Portland**

- ◆ CSO program costs
- ◆ Public expectations for cleaner waterways
- ◆ Other pollutants
- ◆ Upstream and downstream impacts
- ◆ Stormwater requirements
- ◆ ESA listings
- ◆ Willamette River TMDLs
- ◆ Watershed restoration

- ◆ Portland has a number of issues which must be addressed over the next five to ten years. It is important that we evaluate these issues and prioritize activities to address them effectively.

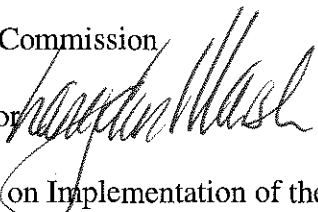
## **Integrated Watershed Approach**

- ◆ Since February of 1998 we have been working on developing an approach that allows us to integrate our water quality programs:
  
- ◆ The purpose of using this approach is to achieve the best water quality, environmental improvements and community benefits.
  
- ◆ Allows the bureau to:
  - Achieve multiple objectives;
  - Leverage its resources;
  - Prioritize our investments to achieve earliest and best results; and
  - Implement, monitor and adjust projects to ensure that we are getting maximum results.
  
- ◆ We will be back in mid 1999 to discuss the results of this watershed planning effort, our findings and the next steps for our program.

State of Oregon  
Department of Environmental Quality

Memorandum

Date: July 21, 1998

**To:** Environmental Quality Commission  
**From:** Langdon Marsh, Director   
**Subject:** Agenda Item B, Update on Implementation of the City of Portland's Combined Sewer Overflow Control Program and Related Water Quality and Habitat Improvement Activities, EQC Meeting August 6, 1998

**Statement of Purpose**

To provide the Commission with up-to-date information on the status of the City of Portland's implementation of its Combined Sewer Overflow (CSO) Control Program, and other water quality improvement activities the City is undertaking for the lower Willamette River and tributary watersheds.

**Background**

A large part of the City of Portland, about 30,000 acres, is served by a combined sewer system in which sanitary sewage from homes and businesses, and stormwater from streets, roofs and driveways, flow into a single set of sewer pipes. During periods of dry weather, virtually all of the sanitary sewage is delivered by the sewer system to the Columbia Boulevard Wastewater Treatment Plant (CBWTP) for proper treatment and discharge to the Columbia River.

However, almost any time it rains, the capacity of the large interceptor sewers that run along the Willamette River and Columbia Slough is exceeded, and a combination of stormwater and untreated sanitary sewage is discharged into these water bodies. The CSO discharges result in violations of the Water Quality Standards, established by the Environmental Quality Commission in the Oregon Administrative Rules, for bacteria, floatables and solids, and perhaps other pollutants. Violation of Water Quality Standards by the CSO discharges is expressly prohibited by the NPDES Wastewater Discharge Permit issued to Portland by DEQ for the CBWTP.

As is typically the case when a wastewater treatment facility chronically violates its permit conditions and/or Water Quality Standards, the Department entered into a mutually agreed upon administrative enforcement order (called Stipulation and Final Order, or SFO) with Portland in August of 1991. The SFO was amended in August, 1994. (ASFO.)

The ASFO requires that Portland virtually eliminate CSOs to Columbia Slough by the end of the year 2000, and that CSOs to the Willamette River be drastically reduced by the year 2011. A

Memo To: Environmental Quality Commission  
Agenda Item B, Update on Implementation of the City of Portland's Combined Sewer Overflow Control Program and Related Water Quality and Habitat Improvement Activities, EQC Meeting August 6, 1998

detailed compliance schedule of implementation milestones is set forth, with stipulated penalties identified for failure to meet the schedule, or to attain the level of CSO control required.

The City has thus far met all CSO compliance schedule milestones since the first SFO was executed in 1991. The City has already made substantial progress constructing the stormwater inflow reduction facilities, together called the "Cornerstone Projects", which are intended to reduce the volume of combined sewage. These projects include stormwater infiltration sumps, down spout disconnections, sewer separations and stream diversions. Construction of the CSO control facilities for the Columbia Slough sewer basins has just begun, with completion scheduled by the end of the year 2000. Detailed planning and pre-design for the CSO control facilities for the Willamette River sewer basins is well advanced and construction is scheduled to begin by the year 2003.

The City has undertaken other activities to improve water quality and habitat in the main stem Willamette River, Johnson Creek, Tryon Creek and Columbia Slough, including implementation of the TMDL for the Slough. In recent months, the City has begun an effort to formulate a plan to address water quality and habitat issues on an integrated watershed basis for these water bodies, especially in the context of the recent listing of steelhead in the Willamette River below the falls under the Endangered Species Act.

At the Commission Meeting, City of Portland staff will make a presentation providing more detail on the activities noted above. Information on current estimates of project costs and sewer rate impacts will also be provided.

Approved:

Section: Richard J. Santner

Division: Richard J. Santner  
for NSM

Report Prepared By: Richard J. Santner

Phone: 503-229-5219

Date Prepared: July 14, 1998



# **MEMORANDUM**

**DATE:** July 6, 1998

**TO:** Kitty Purser

**FROM:** Sue Oliver  
DEQ, Hermiston

**SUBJECT:** Umatilla presentation for August 6, 1998 EQC meeting

Kitty, here is the outline of the Umatilla presentation we will be giving at the August 6 EQC meeting in Portland. It should take a little less than 30 minutes, depending on how many questions the Commissioners have. If you need us to cut it back, please let me know.

This is what I'm submitting as the "draft report" that is due by July 8. Please let me know if you need more detail.

## **Outline for Umatilla briefing:**

1. Brief history (with significant dates).
2. Current status of facility.
3. Photos of site.
4. Status of "special" permit conditions imposed by EQC.
  - Add Raytheon to permit
  - Staffing of the Emergency Operations Center
  - Comprehensive Monitoring Plan
  - CSEPP Readiness
  - Carbon Filter System
5. Permit modifications.
6. DEQ Umatilla Program and current staffing.
7. Public participation.
8. Summary.
9. Questions and discussion.

## UMATILLA CHEMICAL AGENT DISPOSAL FACILITY

### STATUS UPDATE

Presented to  
Environmental Quality Commission  
August 6, 1998



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### DEQ'S UMATILLA PROGRAM

- ◆ UMATILLA HAS BEEN ESTABLISHED AS A SEPARATE HAZARDOUS WASTE PROGRAM WITHIN THE EASTERN REGION
- ◆ DEQ'S UMATILLA PROGRAM MANAGER AND STAFF ARE NOW CENTRALIZED IN HERMISTON
- ◆ HERMISTON OFFICE SPACE HAS BEEN EXPANDED TO ACCOMMODATE THE ADDITIONAL STAFF
- ◆ DEQ ALSO MAINTAINS AN OFFICE ON-SITE AT THE FACILITY

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### PERMITTING HISTORY

- ◆ EQC and DEQ issued hazardous waste and air permits in February, 1997
- ◆ "Petition for Reconsideration" filed with EQC in March, 1997
- ◆ Facility Groundbreaking in May, 1997
- ◆ Petition denied by EQC in June, 1997
- ◆ "Petition for Review" filed in Oregon Circuit Court (Multnomah County) in August, 1997

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## PETITION FOR REVIEW



- ◆ Petitioners include "GASP" (local Hermiston group), Sierra Club, and Oregon Wildlife Federation, and 23 individuals.
- ◆ The Army has intervened in support of Oregon's position.
- ◆ The Petition is a case of judicial review under the Oregon Administrative Procedures Act.
- ◆ The complete administrative record has been submitted to the court and a schedule of briefs developed.

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## FACILITY CONSTRUCTION



- ◆ NUMBER OF EMPLOYEES: 645
- ◆ CONSTRUCTION IS 25% COMPLETE  
(Expected completion: April, 2000)
- ◆ ALL FURNACES (EXCEPT DUNNAGE INCINERATOR) HAVE BEEN INSTALLED
- ◆ 14,000 CUBIC YARDS OF CONCRETE HAVE BEEN PLACED (OF AN ESTIMATED 24,000)

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## EQC PERMIT CONDITIONS



- ◆ ADD RAYTHEON TO PERMIT
- ◆ STAFFING OF EMERGENCY OPERATIONS CENTER
- ◆ COMPREHENSIVE ENVIRONMENTAL MONITORING PLAN
- ◆ CSEPP READINESS
- ◆ CARBON FILTER SYSTEM

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## PERMIT MODIFICATIONS

	APPROVED	IN PROCESS
CLASS 1:	8	3
CLASS 2:	0	2
CLASS 3:	1	0

THE DEPARTMENT EXPECTS NUMEROUS  
ADDITIONAL PERMIT MODIFICATION  
REQUESTS WILL BE SUBMITTED

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## ENFORCEMENT ACTIONS

### NOTICE OF NON-COMPLIANCE (NON) ISSUED APRIL, 1998

The Permittee failed to repair surface defects in concrete in accordance with the specifications contained in the hazardous waste permit application.

### DEQ'S WATER QUALITY DIVISION (EASTERN REGION) HAS ISSUED THREE NOTICES OF NON-COMPLIANCE

The Permittee (on two separate occasions) operated holding tanks without a water permit. The Permittee also received an NON for failure to conduct wastewater analysis.

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## PUBLIC PARTICIPATION

- ✦ INTEREST REMAINS HIGH
- ✦ CITIZENS ADVISORY COMMISSION MEETINGS ARE HELD EVERY OTHER MONTH
- ✦ DEQ IS WORKING ON A DEDICATED WEB PAGE FOR THE UMATILLA PROJECT
- ✦ PERMITTEES HOLD INFORMATIONAL MEETINGS AS REQUIRED FOR PERMIT MODIFICATIONS

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## SUMMARY



- IN ACCORDANCE WITH THE WISHES OF THE COMMISSION, CONSTRUCTION HAS PROCEEDED "EXPEDITIOUSLY"
- THE DEPARTMENT CONTINUES TO CLOSELY MONITOR ACTIVITIES AT THE DEPOT

FOR MORE INFORMATION

WAYNE C. THOMAS  
UMATILLA PROGRAM MANAGER  
OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY  
(541) 567-8297, EXT. 22

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State of Oregon  
Department of Environmental Quality

Memorandum

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**To:** Environmental Quality Commission **Date:** July 23, 1998  
**From:** Debra Sturdevant, DEQ  
**Subject:** Supplement to Agenda Item D, Informational Report on the 401 Certification Program for Livestock Grazing, EQC Meeting August 6, 1998

The U.S. 9<sup>th</sup> Circuit Court of Appeals has reversed the ruling of the District Court on the ONDA v. Dombeck case which required State water quality certifications (CWA Section 401) for federal grazing permits. An Oregonian article is attached to this supplement. If you would like to receive a copy of the Circuit Court's opinion, please contact Debra Sturdevant at 503-229-6691 or Susan Greco at 503-229-5213.

# Court says states lack authority on federal land

■ A federal appeals panel overturns a ruling requiring Oregon ranchers to meet state standards for water pollution

From staff and wire reports

SAN FRANCISCO — In a victory for ranchers, a federal appeals court ruled Wednesday that Oregon and other states cannot regulate water pollution caused by cattle grazing on federal lands.

The 9th U.S. Circuit Court of Appeals overturned a 1996 U.S. District Court ruling that required a ranching couple grazing 50 head of cattle on federal lands to also meet state permits conditions for polluted streams.

Following that lower court decision, Oregon state officials were forced to develop a new state permit system to regulate cattle-grazing on U.S. Forest lands.

Ranchers said those permits could require more than \$4,000 in consulting fees to obtain and as much as \$200 a day in monitoring costs to assure compliance. They were delighted by Wednesday's decision striking down the state permitting system.

"It's a major victory," said Jean Wilkinson, an attorney representing the Oregon Cattlemen's Association. "And those are few and far between."

Conservationists were dismayed by the ruling, and they hope to bring the case to the U.S. Supreme Court.

They had counted the 1996 lower court decision as a major victory in a broader effort to reduce grazing on public lands. The ruling imbued the state with new powers to regulate federal grazing along thousands of miles of polluted streams.

Following the decision, conservationists fought to tighten grazing standards under the new state system. And while many of their proposals were not included in the permits, they still hope for more changes.

"We weren't ready to flush those (state) rules down the toilet," said Bill Marlett, of the Oregon Natural Desert Association, a lead plaintiff in the initial lawsuit.

State officials could not be reached late Wednesday for comment, and it was unclear what would now happen to the new state permit system.

The lawsuit arose from concerns about heavy stream-side grazing along a steelhead trout stream flowing through Malheur National Forest.

Ranchers Robert and Diana Burril in 1993 obtained a U.S. Forest Service permit to graze cattle in and around Camp Creek and the Middle Fork of the John Day River.

Conservationists contended, and a U.S. District judge in Portland agreed, that the grazing created pollution subject to state permitting under the federal Clean Water Act.

Citing "undisputed evidence" of cattle-caused creek pollution, U.S. District Court Judge Ancer Haggerty then required a new state approval process. Conservationists hoped that power could be extended to include permitting of federal mining and logging activities around polluted streams.

The case was then appealed by the U.S. Forest Service.

In its ruling, the appeals court said the federal Clean Water Act authorizes states to require permits only for "point sources" of water pollution, such as pipes, and not for runoff from cattle grazing or other agricultural operations.

States can regulate that type of pollution only indirectly, through water pollution control plans that are federally funded and require Environmental Protection Agency approval, said Judge Mary Schroeder in the 3-0 ruling.

Such pollution control plans have not yet been developed but could help heal many damaged waterways in the West, said Mary Scurlock of the Pacific Rivers Council, which was a plaintiff in Wednesday's case.

Despite the ruling, she said, "states are still on the hook to ensure that federal land managers protect and restore water quality on federal land," she said.

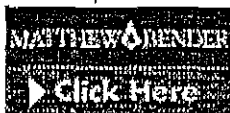
"Fifty percent or more of the federal lands (in the West) are not meeting water quality standards, many in significant part due to grazing."

OREGON NATURAL DESERT v DOMBECK, 9735065

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Page 1 of 9

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### U.S. 9th Circuit Court of Appeals

### OREGON NATURAL DESERT v DOMBECK 9735065

OREGON NATURAL DESERT  
ASSOCIATION; REST THE WEST;  
PORTLAND AUDUBON SOCIETY;  
TROUT UNLIMITED; OREGON  
WILDLIFE FEDERATION; NORTHWEST  
ENVIRONMENTAL DEFENSE CENTER;  
OREGON NATURAL RESOURCES  
COUNCIL; PACIFIC RIVERS COUNCIL;  
OREGON NATURAL RESOURCES  
COALITION,  
No. 97-35065  
Plaintiffs-Appellees,  
D.C. No.  
and  
CV-94-00522-ALH  
THE CONFEDERATED TRIBES OF THE  
OPINION  
WARM SPRINGS RESERVATION OF  
OREGON,  
Plaintiff-Intervenor-Appellee,

v.

MICHAEL P. DOMBECK, in his  
official capacity as CHIEF OF THE  
UNITED STATES FOREST SERVICE,  
Defendant-Third Party  
Defendant-Appellant,

7825

OREGON NATURAL DESERT  
ASSOCIATION; REST THE WEST;

Post-it Fax Note	7671	Date	7/23	# of Pages	9
To	Debra Stuebeland	From	Kurt B.		
Co/Dept.	DEQ - W/R	Co.	DOS		
Phone #	229-6037	Phone #			
Fax #		Fax #	229-5797		

Thursday, July 23, 1998

10:15 AM



## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 2 of 9

PORTLAND AUDUBON SOCIETY;  
TROUT UNLIMITED; OREGON  
WILDLIFE FEDERATION; NORTHWEST  
ENVIRONMENTAL DEFENSE CENTER;  
OREGON NATURAL RESOURCES  
COUNCIL; PACIFIC RIVERS COUNCIL;  
OREGON NATURAL RESOURCES  
COALITION,  
Plaintiffs-Appellees,

and

THE CONFEDERATED TRIBES OF THE  
Nos. 97-35112  
WARM SPRINGS RESERVATION OF  
97-35115  
OREGON,  
D.C. No.  
Plaintiff-Intervenor-Appellee,  
CV-94-00522-ALH  
v.

JACK WARD THOMAS, in his official  
capacity as Chief of the United  
States Forest Service,  
Defendant,

and

EASTERN OREGON PUBLIC LAND  
COALITION; ROBERT BURRIL, GRANT  
COUNTY, a Political subdivision of  
the State of Oregon,  
Defendants-Intervenors/Third  
Party Plaintiffs-Appellants.

Appeals from the United States District Court  
for the District of Oregon  
Ancer L. Haggerty, District Judge, Presiding  
Argued and Submitted  
February 10, 1998--San Francisco, California

Filed July 22, 1998

Before: Mary M. Schroeder, Jerome Farris, and  
A. Wallace Tashima, Circuit Judges.

Opinion by Judge Schroeder

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COUNSEL

Nancy B. Firestone, Assistant United States Attorney, Wash-  
ington, D.C.; Daniel E. O'Leary, Davis Wright Tremaine,  
Portland, Oregon; Ronald S. Yockim, Roseburg, Oregon, for  
the appellants.

Michael Axline, Western Environmental Law Center, Eugene,  
Oregon; Howard G. Arnett, Karnopp, Petersen, Noteboom,  
Hubel, Hansen & Arnett, Bend, Oregon, for the appellees.

Thursday, July 23, 1998

10:15 AM

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 3 of 9

## OPINION

SCHROEDER, Circuit Judge:

The United States Forest Service appeals the district court's ruling that pollution from cattle grazing is subject to the certification requirement of S 401 of the Clean Water Act, 33 U.S.C. S 1341. This appeal requires us to consider whether the term "discharge" in S 1341 includes releases from non-point sources as well as releases from point sources. We conclude from the language and structure of the Act that the certification requirement of S 1341 was meant to apply only to point source releases. Accordingly, we reverse.

The background of this case can be briefly described. In 1993 the Forest Service issued a permit allowing Robert and Diana Burril to graze 50 head of cattle in Oregon's Malheur National Forest. The cattle graze several months a year in and around Camp Creek and the Middle Fork of the John Day River, polluting these waterways with their waste, increased sedimentation, and increased temperature. In 1994 Oregon Natural Desert Association (ONDA) filed an action under the citizen suit provision of the Clean Water Act, 33 U.S.C. S 1365, as well as the Administrative Procedures Act, 5 U.S.C. S 702. ONDA alleged that the Forest Service had violated 33 U.S.C. S 1341 by issuing the grazing permit without first obtaining the State of Oregon's certification that the grazing would not violate the state's water quality standards. The Burris, Grant County, and the Eastern Oregon Public Lands Coalition intervened as defendants and the Confederated Tribes of the Warm Springs Reservation intervened as plaintiffs. The district court granted the plaintiffs' summary judgment motion, concluding that the Forest Service must obtain certification for activities that will potentially cause nonpoint source pollution.

## Standing

[1] We first address the Intervenor/Appellants' contention that ONDA lacks standing to bring this suit. To establish standing a plaintiff must demonstrate: (1) the invasion of a legally-protected interest; (2) a causal connection between the injury and the defendant's conduct; and (3) a likelihood that the court can redress the injury by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 -61 (1992). ONDA is an environmental group whose members live adjacent to the John Day River and use it for recreation. There is no question that the river's pollution has injured them. See *Sierra Club v. Morton*, 405 U.S. 727, 734 (1972) (Harm to a plaintiff's aesthetic and environmental well-being is a cognizable injury.); *Fund for Animals, Inc. v. Lujan*, 962 F.2d 1391, 1396 (9th Cir. 1992) (An organization has standing by alleging injury to individual members.).

[2] The Intervenor/Appellants argue that by challenging the lack of certification, ONDA has alleged "only a procedural injury," and thus has not demonstrated a concrete injury or the likelihood of redressability. The legal requirement ONDA seeks to impose is one that would affect the reality of the environment. This is a case, therefore, where plaintiffs seek "to enforce a procedural requirement the disregard of which could impair a separate concrete interest of theirs." *Lujan*, 504 U.S. at 572. We have held threatened harm to "health, recre-

Thursday, July 23, 1998

10:15 AM

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 4 of 9

ational use, and enjoyment" from the use of herbicides constitutes an impairment of a concrete interest. *Salmon River Concerned Citizens v. Robertson*, 32 F.3d 1346, 1355 (9th Cir. 1994). Certainly, ONDA has demonstrated a concrete interest where its members reside and engage in recreational activities along polluted waterways.

[3] For similar reasons, the appellants' argument that there is no redressable injury must fail. Appellants suggest that ONDA must prove either that the state would deny certification or that certification would necessitate a change in the grazing operation. To establish redressability, however, the plaintiffs need not demonstrate that the ultimate outcome following proper procedures will benefit them. See *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1518 (9th Cir.

1992). The Supreme Court has recognized that the assertion of a procedural right is "special" and reduces the plaintiff's burden of proving immediacy and redressability. *Lujan*, 504 U.S. at 572 n.7. ONDA stands in a similar position to the hypothetical plaintiff, discussed in *Lujan*, who lives adjacent to the construction site for a federally-licensed dam. The Court noted that such a plaintiff could challenge a federal agency's failure to prepare an Environmental Impact Statement, even though the plaintiff could not establish that the EIS would alter the construction plan for the dam or even that the dam would be completed in the near future. See *id.* Here, ONDA asserts a similar procedural right of certification under S 1341.

#### Citizen Suit Provision

[4] Appellants argue that even if ONDA has standing to sue under Article III, its suit is not authorized under the Clean Water Act's citizen suit provision. That statute provides that any citizen may bring a civil action against an agency alleged to be in violation of an effluent standard or limitation. 33 U.S.C. S 1365(a). "Effluent standard or limitation" is defined to include "certification under section 1341 of this title." 33 U.S.C. S 1365(f)(5).

[5] Appellants contend that the statute authorizes suits to enforce only the discharge limitations already contained within state certifications. The statute on its face is not so limited. Section 1365(f) cross-references the entirety of section 1341, which provides in relevant part that "No license or permit shall be granted until the certification required by this section has been obtained . . ." 33 U.S.C. S 1341(a). An agency that has issued a permit without the appropriate certification is in violation of the certification requirement under S 1341 and therefore in violation of an "effluent standard or limitation" under S 1365. The statute authorizes any citizen to bring a suit against such an agency, in this case the Forest Service.

Appellants' reliance on *Bennet v. Spear*, 117 S. Ct. 1154 (1997), is misplaced. The Court there held that a citizen could not invoke the Endangered Species Act's general civil suit provision to sue the Secretary of the Interior for a discretionary act, when a separate, specific provision authorized suits against the Secretary only for nondiscretionary acts. See *id.* at 1166. There is no similar limitation in the Clean Water Act that would restrict citizen suits to challenges of certifications already granted. It authorizes suits for violation of certifica-

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 5 of 9

tion requirements.

#### The Merits

The crux of this case is whether the Burrils' Forest Service grazing permit requires certification from the State of Oregon. The resolution of this question hinges on the interpretation of the term "discharge" as used in S 1341. That section provides:

Any applicant for a Federal license or permit to conduct any activity . . . which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates . . . that any such discharge will comply with the applicable provisions of sections 1311, 1312, 1313, 1316, and 1317 of this title. . . . No license or permit shall be granted until the certification required by this section has been obtained or has been waived . . . .

[6] The Clean Water Act defines point sources as "discernible, confined and discrete conveyances " such as a pipe, ditch, or machine. 33 U.S.C. S 1362. Other pollution sources, such as runoff from agriculture or in this case, animal grazing, are nonpoint sources. See *id.*; Oregon Natural Resources Council v. United States Forest Serv., 834 F.2d 842, 849 n.9 (9th Cir. 1987).

The appellees argued before us and the district court that "discharge" in S 1341 refers to pollution from both point sources and nonpoint sources. In accepting this argument below, the district court relied exclusively on S 502 of the Act, which provides:

(12) The term "discharge of a pollutant" [means] any addition of any pollutant to navigable waters from any point source . . . .

(16) The term "discharge" when used without qualification includes a discharge of a pollutant . . . .

33 U.S.C. S 1362. The district court reasoned that because the unqualified term "discharge" is defined as including, but not limited to, point source releases, it must include releases from nonpoint sources as well. The court therefore concluded that the term "discharge" encompassed nonpoint source pollution like runoff from grazing. It rejected the government's position that the unqualified term "discharge" is limited to point sources but includes both polluting and nonpolluting releases.

We review this question of law de novo. See *Torres-Lopez v. May*, 111 F.3d 633, 638 (9th Cir. 1997). We examine "the language of the governing statute, guided not by a single sentence or member of a sentence, but look[ing] to the provisions of the whole law, and to its object and policy." *John Hancock Mut. Life Ins. Co. v. Harris Trust and Sav. Bank*, 510 U.S. 86, 94-95 (1993) (quoting *Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41, 51 (1987)). The Clean Water Act, when examined as a whole, cannot support the conclusion that S 1341 applies to nonpoint sources.

We have discussed at length the impact of the 1972 enactment of the Clean Water Act, which largely supplanted the 1970 Water and Environmental Quality Improvement Act by

Thursday, July 23, 1998

10:15 AM

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 6 of 9

replacing water quality standards with point source effluent limitations.

Prior to 1972, Congress attempted to control water pollution by focusing regulatory efforts on achieving "water quality standards," standards set by the states specifying the tolerable degree of pollution for particular waters. See *EPA v. State Water Resources Control Board*, 426 U.S. 200, 202 -03 (1976). This scheme had two important flaws. First, the mechanism of enforcement was cumbersome. Regulators had to work backward from an overpolluted body of water and determine which entities were responsible; proving cause and effect was not always easy. Second, the scheme failed to provide adequate incentives to individual entities to pollute less; an entity's dumping pollutants into a stream was ignored if the stream met the standards. *Id.* The scheme focused on "the tolerable effects rather than the preventable causes" of pollution. *Id.*

In 1972, Congress passed the Clean Water Act, which made important amendments to the water pollution laws. The amendments placed certain limits on what an individual firm could discharge, regardless of whether the stream into which it was dumping was overpolluted at the time. . . . The Act thus banned only discharges from point sources. The discharge of pollutants from nonpoint sources--for example, the runoff of pesticides from farmlands--was not directly prohibited. The Act focused on point source polluters presumably because they could be identified and regulated more easily than nonpoint source polluters.

*Natural Resources Defense Council v. EPA*, 915 F.2d 1314, 1316 (9th Cir. 1990) (footnote omitted).

[7] The Clean Water Act thus overhauled the regulation of water quality. Direct federal regulation now focuses on reducing the level of effluent that flows from point sources. This is accomplished through the issuance of permits under the National Pollutant Discharge Elimination System (NPDES). See 33 U.S.C. § 1342. The Act prohibits the release of pollutants from point sources except in compliance with an NPDES permit. 33 U.S.C. § 1311.

[8] Nonpoint source pollution is not regulated directly by the Act, but rather through federal grants for state wastewater treatment plans. Section 208 of the Act requires each such plan to contain procedures for the identification and control of nonpoint source pollution. 33 U.S.C. § 1288(b)(2). If the EPA approves a state's plan, it may make grants to the state to defray the costs of administering the plan, see 33 U.S.C. § 1288(f), or to construct facilities, see 33 U.S.C. § 1288(g). Thus, the Act provides no direct mechanism to control nonpoint source pollution but rather uses the "threat and promise" of federal grants to the states to accomplish this task. *Shanty Town Assocs. Ltd. Partnership v. EPA*, 843 F.2d 782, 791 (4th Cir. 1988); see also *Natural Resources Defense Council v. EPA*, 915 F.2d at 1316 n.3 (CWA does not penalize nonpoint source polluters). Section 1329, added to the Act in 1987, requires states to adopt nonpoint source management programs and similarly provides for grants to encourage a

Thursday, July 23, 1998

10:15 AM

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 7 of 9

reduction in nonpoint source pollution. See *Natural Resources Defense Council v. EPA*, 915 F.2d at 1318.

We recognized the Act's separate treatment of point and nonpoint source pollution in *Oregon Natural Resources Council v. United States Forest Service*, 834 F.2d at 842. There, an environmental group attempted to use the Act's citizen suit provision to enjoin a logging operation that caused nonpoint source pollution. The Act allows a citizen to sue for the violation of an effluent limitation under 33 U.S.C. § 1311. See 33 U.S.C. § 1365(f)(2). The plaintiffs argued that the effluent limitations of § 1311 applied to nonpoint sources by virtue of § 1311(b)(1)(C), which referenced state water quality standards. We rejected this argument as contrary to the structure and plain language of the Act. "The title and construction of section 1311(b)(1) lead us to the logical conclusion that the limitations set forth in section 1311(b)(1)(C) are 'effluent limitations' and, therefore, by definition, applicable only to point sources." *Id.* at 850.

[9] We must reach the same conclusion with regard to the scope of the term "discharge" in § 1341. Prior to 1972, the provision required the state to certify that a licensed activity would "not violate applicable water quality standards." Pub. L. 91-224, § 21(b)(1), 84 Stat. 91 (1970). Now, the statute requires certification that any discharge from the licensed activity "will comply with the applicable provisions of sections 1311, 1312, 1313, 1316, and 1317" of Title 33, 33 U.S.C. § 1341(a)(1). The statute was thus amended "to assure consistency with the bill's changed emphasis from water quality standards to effluent limitations based on the elimination of any discharge of pollutants." S. Rep. No. 414, at 69 (1971), reprinted in 1972 U.S.C.C.A.N. at 3764, 3735. The term "discharge" in § 1341 is limited to discharges from point sources.

[10] All of the sections cross-referenced in § 1341 relate to the regulation of point sources. Appellees contend section 1313, requiring states to establish water quality standards, relates to nonpoint source pollution because it addresses water quality standards and implementation plans. The section does not itself regulate nonpoint source pollution. Water quality standards are established in part to regulate point source pollution. They provide "a supplementary basis . . . so that numerous point sources, despite individual compliance with effluent limitations, may be further regulated to prevent water quality from falling below acceptable levels." *EPA v. California ex. rel. State Water Resources Control Bd.*, 426 U.S. 200, 205 n.12 (1976). In *Oregon Natural Resources Council*, 834 F.2d at 850, we held that the reference to water quality standards in § 1311(b)(1)(C) did not sweep nonpoint sources into the scope of § 1311. For similar reasons, § 1313 does not sweep nonpoint sources into the scope of § 1341.

Appellees' reliance on the Supreme Court's decision in *PUD No. 1 v. Washington Dep't of Ecology*, 511 U.S. 700 (1994), is similarly misplaced. In that case, the State of Washington issued a § 1341 certification for a dam, conditioned on minimum stream flows in order to protect fisheries. The Court held that such a condition was permissible under § 1341 even though it did not relate to an effluent discharge from the dam. Thus, a state is free to impose such water-quality limitations "once the threshold condition, the existence of a discharge, is satisfied." *Id.* at 712. The Supreme Court in *PUD No. 1* did

Thursday, July 23, 1998

10:15 AM

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 8 of 9

not broaden the meaning of the term "discharge" under S 1341. All parties conceded that the construction of the dam would result in discharges from both the release of dredge and fill material and the release of water through the dam's tailrace. See *id.* at 711. Both of these releases, however, would involve point sources; the tailrace is a conveyance and the dredge and fill operation presumably would involve a conveyance or rolling stock. See 33 U.S.C. 1362(14).

[11] The terminology employed throughout the Clean Water Act cuts against ONDA's argument that the term "discharge" includes nonpoint source pollution like runoff from grazing. Neither the phrase "nonpoint source discharge" nor the phrase "discharge from a nonpoint source" appears in the Act. Rather, the word "discharge" is used consistently to refer to the release of effluent from a point source. By contrast, the term "runoff" describes pollution flowing from nonpoint sources. The term runoff is used throughout 33 U.S.C. S 1288, describing urban wastewater plans, and 33 U.S.C. S 1314(f), providing guidelines for identification of nonpoint sources of pollution. Section 1341 contains no reference to runoff.

[12] Had Congress intended to require certification for runoff as well as discharges, it could easily have written S 1341 to mirror the language of S 1323, which directs federal agencies "engaged in any activity which may result in the discharge or runoff of pollutants" to comply with applicable water quality standards. 33 U.S.C. S 1323(a). Section 1323 plainly applies to nonpoint sources of pollution on federal land. ONDA does not seek relief under this provision, however, because absent the issuance of an NEDES permit under S 1342, a citizen suit under the Clean Water Act may not be based on a violation of 33 U.S.C. S 1323. See 33 U.S.C. S 1365(f).

[13] We have recognized the distinction between the terms "discharge" and "runoff":

Nonpoint source pollution is not specifically defined in the Act, but is pollution that does not result from the "discharge" or "addition" of pollutants from a point source. Examples of nonpoint source pollution include runoff from irrigated agriculture and silvicultural activities.

Oregon Natural Resources Council, 934 F.2d at 849 n.9. We have further noted that "Congress had classified nonpoint source pollution as runoff caused primarily by rainfall around activities that employ or create pollutants. Such runoff could not be traced to any identifiable point of discharge." Trustees for Alaska v. EPA, 749 F.2d 549, 558 (9th Cir. 1984).

Appellees contend that we must adopt the district court's interpretation of "discharge" because that term is defined more broadly than "discharge of pollutants . . . from any point source." They argue that "discharge" may only be the broader term if it includes releases from nonpoint sources. This is incorrect. "Discharge" is the broader term because it includes all releases from point sources, whether polluting or nonpolluting. The D.C. Circuit reached this conclusion in *National Wildlife Fed'n v. Gorsuch*, 693 F.2d 156 (D.C. Cir. 1982). There, the court interpreted "discharge" in S 1362(16) of the Act to include the release from a point source of turbid water

## OREGON NATURAL DESERT v DOMBECK, 9735065

Page 9 of 9

that did not contain any pollutant. This is the logical interpretation of S 1362(16) that comports with the structure and lexicon of the Clean Water Act.

[14] Intervenor/Appellee Confederated Tribes suggests that the grazing of cattle is "sufficiently similar" to point source pollution to require its inclusion in the definition of the term "discharge." The cattle in question wade in the John Day River and thus introduce their waste directly into the stream. The Tribes argue that we should not distinguish between the manmade conveyances that define a point source and cattle, whose range is normally controlled by manmade structures such as fences. The Clean Water Act, however, does not include animals in its definition of point sources. See 33 U.S.C. S 1362(14). It would be strange indeed to classify as a point source something as inherently mobile as a cow. We agree with the Second Circuit that the term "point source" does not include a human being, or any other animal. See *United States v. Plaza Health Labs., Inc.*, 3 F.3d 643, 649 (2d Cir. 1993).

[15] The Tribes also suggest that these cattle may constitute a "concentrated animal feeding operation" under S 1362(14). This position is not tenable. Even assuming that open range grazing could be classified as a concentrated animal feeding operation, a question we do not reach, the controlling regulations make the determination as to whether feeding operations of this size must be certified a discretionary decision of the state NPDES program Director. See 40 C.F.R. 122.23(c). Neither the Director nor the record of any state administrative proceeding is before us.

## CONCLUSION

For these reasons we hold that certification under S 1341 is not required for grazing permits or other federal licenses that may cause pollution solely from nonpoint sources.

The judgment of the district court is REVERSED and the matter REMANDED for entry of judgment in favor of the defendant.

the end

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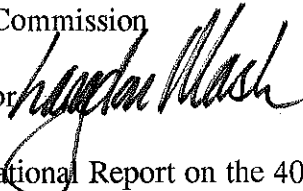
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State of Oregon  
Department of Environmental Quality

Memorandum

Date: July 21, 1998

To: Environmental Quality Commission  
From: Langdon Marsh, Director   
Subject: Agenda Item D, Informational Report on the 401 Certification Program for Livestock Grazing, EQC Meeting August 6, 1998

**Statement of Purpose**

The purpose of this report is to inform the Commission about the implementation of Water Quality (401) Certifications for livestock grazing during the 1998 season and to discuss the direction of program development from this point forward. The Commission requested this report when it adopted the grazing 401 rules in February of this year.

**Background**

In late 1996, a federal court ruled that the water quality certification provision (Section 401) of the federal Clean Water Act applies to US Forest Service permits for livestock grazing. In early 1997, the EQC and the Oregon Department of Agriculture (ODA) adopted temporary rules so the 1997 grazing season could proceed without undue delay. During the fall of 1997 and the winter of 1998, ODA and DEQ worked with a joint rulemaking advisory committee and developed proposed rules for the grazing 401 program. These rules were adopted by the Commission and the ODA Director in February of 1998.

There are two court cases on 401 certification for grazing pending. First, the original federal District Court ruling is being appealed by the Federal Government in the 9<sup>th</sup> Circuit Court. Second, a similar suit on a BLM grazing lease has been brought in federal District Court which, if successful, would make 401 certifications required for BLM grazing leases as well.

This year we have received 38 applications for 401 certification to date: 27 from USFS permittees and 9 from BLM lessees. USFS permittees are required to obtain certification before their federal permit may be issued. To date, all but 2 of these certifications have been granted with conditions. Action on these final 2 will be taken in late July when their respective public comment periods close. A table showing the applications received this year and certification dates is provided in Attachment 1.

No action was taken on the BLM applications. BLM applicants are not yet legally required to obtain a 401 certification. Therefore, the State's first priority was to act on the Forest Service

Memo To: Environmental Quality Commission  
**Agenda Item D**, Informational Report on the 401 Certification Program for Livestock  
Grazing, EQC Meeting  
Page 2

applications. Unfortunately, the Forest Service certifications occupied all the staff resource available until the BLM turn out dates had past and these leases were issued without certification. The BLM leases generally had early turn out dates. The BLM would still like to receive certifications for these leases to cover them for the remainder of the ten year permit term. Therefore, ODA and DEQ will continue to review and act on the BLM applications.

Each certification issued this year contained conditions. For example, all certifications contained the condition that the grazing activity be conducted in the manner described in the application and consistent with the federal permit or lease. In addition, they all contained the condition that they meet the INFISH, PACFISH or Aquatic Conservation Strategy Objectives, as applicable, and the standards and guidelines in their Forest Plan. Similarly, if the allotment is subject to a Biological Opinion or Assessment, portions of that document relevant to water quality and livestock grazing were referenced as well. Finally, each contained site condition objectives and monitoring requirements which varied according to the current site and water quality condition, the grazing management proposed, the objectives and monitoring proposed by the applicant, and the monitoring the Forest Service has planned for the area.

ODA and DEQ are conducting a telephone survey of this year's 401 applicants to gather information on the amount of time and/or money spent completing the 401 application and feedback on the process. The results of these telephone interviews will be reported at the August EQC meeting. This far we have talked with three applicants. One applicant completed the application without the assistance of a consultant, spent about 7 hours on it, got a couple hours of assistance from the federal agency and spent \$65 on clerical assistance such as typing and copying. On the high end, one applicant spent 2 weeks of his time plus travel and hired a consultant for 55 hours plus travel. This included two separate applications for two different allotments.

#### **Authority of the Commission with Respect to the Issue**

The Commission has the authority to implement the federal Clean Water Act, including Section 401 in Oregon. However, according to State law, the Oregon Department of Agriculture has the sole authority to directly regulate farming practices for the purpose of complying with water quality regulations. Therefore, there is shared authority in the grazing 401 program between DEQ and ODA.

Memo To: Environmental Quality Commission  
**Agenda Item D**, Informational Report on the 401 Certification Program for Livestock  
Grazing, EQC Meeting  
Page 3

### **Alternatives and Evaluation**

Not applicable. This is simply a report on program implementation for the 1998 grazing season.

### **Summary of Public Input Opportunity**

There has been an opportunity for public comment on each grazing 401 application. After an application is determined to be complete, DEQ mails a public notice to a list of interested persons. The public has 30 days to comment on the application. In addition, 4 public hearings were held this spring. We have received public comment on 8 or 9 applications to date; most very brief, one quite extensive. The hearing reports are provided in Attachment 2.

### **Conclusions**

There is certainly much work yet to be done to fully develop the grazing 401 program. Our goals are to provide timely and consistent responses to applicants and to follow the intent of the court order and the Clean Water Act to implement this provision for the protection of water quality and beneficial uses. We are making reasonable progress with limited staff resources and learning much as we go.

### **Intended Future Actions**

The following activities are planned for the next 6 months:

1. Meet with the USDA Forest Service, USDI Bureau of Land Management and Oregon Department of Agriculture to debrief and evaluate this year's program and discuss program needs over the next year.
- 2.. Work with ODA and the US Forest Service, and possibly the BLM, to develop general certifications
3. Work with ODA to review and revise the 401 certification application form and develop instructions. Develop program information materials for applicants and the general public. Part of this process will include visits to sites certified this year.
4. Review certification conditions under various circumstances to check for consistency. Consider, together with ODA, developing template conditions to be applied in particular circumstances so that consistency is improved.

Memo To: Environmental Quality Commission  
**Agenda Item D**, Informational Report on the 401 Certification Program for Livestock  
Grazing, EQC Meeting  
Page 4

**Department Recommendation**

It is recommended that the Commission accept this report, discuss the matter, and provide advice and guidance to the Department as appropriate.

**Attachments**

1. Table on the 'Status of 401 Certifications for Livestock Grazing, July, 1998.'
2. Hearing Officer's Reports for 4 public hearings on grazing 401 certification applications.
3. The grazing 401 certification application form.
4. Sample certification and conditions.


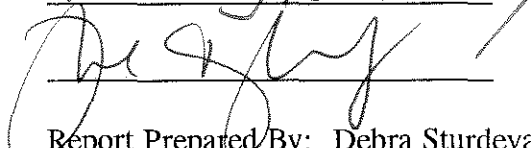
**Reference Documents (available upon request)**

1. The Oregon administrative rules on 401 certification (OAR 340, Chapter 48).

Approved:

Section:

Division:

Report Prepared By: Debra Sturdevant

Phone: 229-6691

Date Prepared: July 21, 1998

<b>Status of 401 Certification Applications</b>				
Oregon Department of Environmental Quality, July 20, 1998				
<b>Application Number</b>	<b>National Forest or BLM District</b>	<b>Forest District or BLM Resource Area</b>	<b>Allotment</b>	<b>Status of Certification</b>
GR-98-001	Medford District BLM	Butte Falls Res. Area	Crowfoot	No action*
GR-98-002	Umatilla NF	John Day District	Hidaway	Issued June 11
GR-98-003	Umatilla NF	John Day District	Texas Bar	Issued June 3
GR-98-004	Fremont NF	Bly District	Meryl	Issued May 13
GR-98-005	Fremont NF	Bly District	Five Mile	Issued May 26
GR-98-006	Fremont NF	Silver Lake District	Bear Flat	Issued May 26
GR-98-007	Medford District BLM	Butte Falls Res. Area	Big Butte	No action*
GR-98-008	Wallowa Whitman NF	National Rec. Area	Dunn Creek	Issued May 12
GR-98-009	Umatilla NF	North Fork John Day Dist.	Texas Bar	Issued June 3
GR-98-010	Umatilla NF	North Fork John Day Dist.	Spring Mountain	Issued June 1
GR-98-011	Mt. Hood NF	Barlow District	Wapinitia	Issued June 24
GR-98-012	Wallowa Whitman NF	Unity District	South Burnt River	Issued June 1
GR-98-013	Wallowa Whitman NF	National Recreation Area	Marr Flat and Saddle Creek	Issued May 27
GR-98-014	Ochoco NF	Prineville District	Double Cabin	Issued May 28
GR-98-015	Malheur NF	Burns District	Myrtle	Issued June 1
GR-98-016	Malheur NF	Burns District	Blue Creek	Issued June 8
GR-98-017	Wallowa Whitman NF	Unity District	North Burnt River	Issued June 1
GR-98-018	Medford District BLM	Butte Falls Resource Area	Summit Prairie (Carney Pasture)	No action*
GR-98-019	Rogue River NF	Butte Falls District	Lodgepole and Innaha	Issued June 11
GR-98-020	Medford District BLM	Ashland Res. Area	Ferns Lease	No action*
GR-98-021	Medford District BLM	Butte Falls Res. Area	Lost Creek	No action*
GR-98-022	Malheur NF	Burns District	Trout Creek	Issued June 15
GR-98-023	Malheur NF	Burns District	Alkali	Issued May 28
GR-98-024	Medford District BLM	Ashland Res. Area	Grizzly	No action*
GR-98-025	Medford District BLM	Ashland Res. Area	Deer Creek-Reno Lease	No action*
GR-98-026	Wallowa Whitman NF	Baker District	Hawley Gulch	Issued June 25
GR-98-027	Malheur NF	Bear Valley District	Deadhorse and Hanscomb	Issued June 4
GR-98-028	Umatilla NF	Walla Walla District	Brock	Issued June 8
GR-98-029	Prineville Dist. BLM	Central OR Res. Area	Ratray	No action*
GR-98-030	Wallowa Whitman NF	Wallowa Valley Dist.	Teepee-Elk	Issued June 4
GR-98-031	Malheur NF	Bear Valley District	Joaquin	Issued June 8
GR-98-032	Umatilla NF	John Day District	Hidaway	Issued June 11
GR-98-033	Medford District BLM	Ashland Res. Area	Lake Creek Spring and Lake Crk. Sum.	No action*
GR-98-034	Malheur NF	Bear Valley District	Sugarloaf, Seneca, Pearson, and County Road	Issued June 19
GR-98-035	Malheur NF	Bear Valley District	Aldrich	Issued July 8
GR-98-036	Rogue River NF	Butte Falls District	Butler Butte	Issued July 10
GR-98-037	Ochoco NF	Big Summit District	Indian Creek	Public com. closes July 21
GR-98-038	Fremont NF	Bly District	Horsefly	Public com. closes July 24

\*401 Certifications are not yet required for BLM leases. Due to staff limitations we were unable to act on these applications prior to their scheduled turn out dates.

State of Oregon  
Department of Environmental Quality

## Memorandum

Date: June 8, 1998

To: Langdon Marsh, Director  
From: Debra Sturdevant, for Tim Davison, Hearing Officer  
Subject: Presiding Officer's Report on Public Information Hearing

Hearing Date and Time: May 26, 1998, beginning at 3:00 PM.  
Hearing Location: United States Forest Service Offices in La Grande, Oregon  
Hearing Purpose: Water Quality (401) Certification for Livestock Grazing on Public Lands  
Administered by USFS and BLM

The certification hearing was convened at 3:05 PM. John Straughan, DEQ, and Tom Straughan, Oregon Department of Agriculture, were introduced. The Hearing Officer read the numbers of the applications for certification and their respective Forest or BLM districts and allotments. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

Six people were in attendance, one of whom gave testimony.

Prior to receiving testimony, Tim Davison briefly explained the purpose of the hearing, and procedures and deadlines for submitting written testimony. He responded to questions from the audience.

Due to lack of testimony, the hearing was taken off the record at 3:11 PM. The hearing was reconvened at 3:23 PM.

#### Summary of Oral Testimony

##### **1. Teresa Smergut**

Testified regarding Application for Certification GR-98-030.

I am in favor of 401 Certification for the Teepee-Elk allotment and any others that we're trying to certify on behalf of the grazing programs from the Wallowa Whitman National Forest and other forests. I feel that the PACFISH standards, the annual operating plan and procedures we go through, the monitoring, the forest plan, the consultation we've done... We have agreed to keep the water quality up to create habitat for steelhead, Chinook and (other?) Section 7 endangered species. What is being done now is very adequate to ensure that the water quality is of high standards. Our permittees are very willing and anxious to meet these high standards because it's part of their livelihood to do so—in order to keep their cattle grazing.

#### Written Testimony

No written comments were submitted at the hearing.

There was no further testimony and the hearing was closed at approximately 3:40 PM.

State of Oregon  
Department of Environmental Quality

Memorandum

Date: July 6, 1998

To: Langdon Marsh, Director  
From: Mack Barrington, Hearing Officer  
Subject: Presiding Officer's Report on Public Information Hearing

Hearing Date and Time: April 20, 1998, beginning at 3:00 PM.  
Hearing Location: Oregon Department of Transportation Offices in Bend, Oregon  
Hearing Purpose: Water Quality Certification for Livestock Grazing on Public Lands  
Administered by USFS and BLM

The certification hearing was convened at 3:05 PM. The Hearing Officer read the numbers of the applications for certification and their respective Forest or BLM districts and allotments. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

Four people were in attendance, none gave testimony.

Prior to receiving testimony, the Hearing Officer briefly explained the purpose of the hearing, and procedures and deadlines for submitting written testimony. He responded to questions from the audience concerning 401 topics.

Due to lack of testimony, the hearing was taken off the record at 3:10 PM. The hearing was reconvened at 5:00 PM.

Summary of Oral Testimony

No oral testimony was given at this hearing.

Written Testimony

No written comments were submitted at the hearing.

There was no further testimony and the hearing was closed at approximately 5:05 PM.

State of Oregon  
Department of Environmental Quality

Memorandum

Date: June 8, 1998

To: Langdon Marsh, Director  
From: Debra Sturdevant, for Dick Nichols, Hearing Officer  
Subject: Presiding Officer's Report on Public Information Hearing

Hearing Date and Time: May 13, 1998, beginning at 3:00 PM.  
Hearing Location: John Day, Oregon  
Hearing Purpose: Water Quality (401) Certification for Livestock Grazing on Public Lands  
Administered by USFS and BLM

People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

Thirteen people were in attendance, four of whom gave testimony.

Prior to receiving testimony, Dick Nichols briefly explained the purpose of the hearing, and procedures and deadlines for submitting written testimony. He responded to questions from the audience.

Summary of Oral Testimony

**1. Sharon Beck, President of the Oregon Cattlemen's Association**

We support certification of all of the permits before the DEQ today because all of the requirements have been met for AMPs to move on to public land to graze and that should fulfill all the requirements that a certification would require. The rules do not require a public hearing unless someone gives compelling written evidence that application lacks information to grant certification. Because DEQ has discretion not to hold hearings I suggest that DEQ should shorten the process by not requiring people to have to defend [in a hearing] all the correct information they have provided to DEQ. The expense, and time and work people have gone to indicates that they have fulfilled all those obligations so the permits should be granted. DEQ should look at its recent rules and see where the process can be shortened.

**2. Conrad Bateman**

I am commenting on the South Burnt River allotment and the North Burnt River allotment. Photographs and the data in the applications show that the FS has found that the creeks are in proper functioning condition. The State's water temperature standards can't be met in Eastern Oregon, under extreme conditions. The State should review its standards. Photographs in certifications show that they are all in proper functioning condition. These permits should be issued for the South fork and the North fork.

**3. John Hays, President-elect of the Oregon Cattlemen's Association**

I've followed the law and did the process but want it to be known that I'm not in favor of this process. It's very expensive and time consuming. Our allotments have spoken for themselves through the Forest Service and our



annual operating permits. If there has been a problem it should have come out before. The government should do better work of letting out the story of how good a job we're doing on some of our permits. We've ranched here since the 1880s and have done a pretty good job of making things work. We have been misled on the time element of the process. I was promised that I would be able to turn out the first of June, need to have the permit by May 20<sup>th</sup> or 21<sup>st</sup>. We have to build 100 miles of fence. The process is overkill. I hope it gets resolved in the courts. I'm not in favor but I did it because its according to the law.

**4. Fred Otley, rancher in Diamond, Oregon**

I have reviewed John Hays' applications for South Burnt River and North Burnt River. It's obvious that they've done an extensive job working in cooperation with all the agencies to consider water quality at a number of different planning levels. The 401 certification process is duplicative. Evidence is overwhelming, with stream-side data and other information, that there should be no question about these allotments receiving certification. There's a lot of information not even included in the application. The cost for certification has been tremendous. There should be no question about the acceptance and permit issuance. If anyone could possibly have enough information to counter the application it would be amazing. There should be no consideration of any appeal.

Written Testimony

No written comments were submitted at the hearing.

There was no further testimony and the hearing was closed at 5:00 PM.

State of Oregon  
Department of Environmental Quality

Memorandum

Date: July 6, 1998

To: Langdon Marsh, Director  
From: Mack Barrington, Hearing Officer  
Subject: Presiding Officer's Report on Public Information Hearing

Hearing Date and Time: May 12, 1998, beginning at 3:00 PM.  
Hearing Location: United States Bureau of Land Management Offices in Medford  
Hearing Purpose: Water Quality (401) Certification for Livestock Grazing on Public Lands Administered by USFS and BLM

The certification hearing was convened at 3:10 PM. The Hearing Officer read the numbers of the applications for certification and their respective Forest or BLM districts and allotments. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

Nine people were in attendance, one gave testimony.

Prior to receiving testimony, the Hearing Officer briefly explained the purpose of the hearing, and procedures and deadlines for submitting written testimony. He responded to questions from the audience regarding 401 issues.

Due to lack of testimony, the hearing was taken off the record at 3:12 PM. The hearing was reconvened at 3:50 PM to receive testimony and taken off record again at 3:53 PM due to lack of testimony.

Summary of Oral Testimony

**1. Bill Drewien**

Testified regarding concerns with the water quality standards.

Presently, if there are streams on an allotment or ranch that sustain water temperatures above the standard (64 degrees) for a seven day period then the permittee or landowner is out of compliance. This situation may exist on all allotments. The DEQ has set standards that are not realistic nor enforceable. This has set up ranching to fail. This is a serious issue that must be addressed. The water quality standards should be changed. Stream temperatures have more to do with ambient air temperature than anything else.

Written Testimony

No written comments were submitted at the hearing.

There was no further testimony and the hearing was closed at approximately 5:10 PM.

**Application for Water Quality Certification of Livestock Grazing on Public Lands**  
the Oregon Department of Environmental Quality and the Oregon Department of Agriculture

Application Number GR-98  
(for office use only)

1a. Legal name and address of applicant. <hr/> <hr/> <hr/>	1b. Telephone <hr/>
2a. Legal name and address of the designated official representative (if any) of the person seeking a federal grazing permit. <hr/> <hr/> <hr/>	2b. Telephone <hr/>
3a. Name and address of the federal land management agency with authority to approve the grazing permit (U.S.F.S. Please indicate Forest, District, and <u>Allotment</u> ) <hr/> <hr/> (BLM Please indicate District, Resource Area, and <u>Allotment or Grazing Area</u> ). <hr/> <hr/>	3b. Contact <hr/> Name <hr/> Telephone <hr/>

4. Has the federal agency imposed any conditions relating to the protection of water quality? Yes _____ No _____ If yes, please attach conditions.		
_____ Signature of Lessee or Authorized Agent	_____ Print Name	_____ Date
Submittal Instructions: Submit this completed and signed form with a copy of the completed federal agency permit or lease application and attachments and submit to:  <b>Water Quality Division - 401 Grazing</b> <b>Oregon Department of Environmental Quality</b> <b>811 SW Sixth Avenue</b> <b>Portland, OR 97204</b>	Date Received (for office use only)	

5. Documents that must be included or referenced in this application.	
Include	Reference
Term Grazing Permit	Allotment Management Plan (s) (date completed)
Annual Operating Plan	Other Documents that address pollution prevention and control <sup>1</sup>
Allotment Map (see 9a)	

1 - This could include Biological Opinions, Habitat Conservation Plans or others resulting from Endangered Species Act consultation.

6. Please list other documents included or referenced in this application (check all that apply and add others as needed).					
Range Management Plan		Photographs (aerial, landscape, or site)		Annual Review or Inspection Conference	Utilization Information
Environmental Impact Studies					

7. Please describe herd management	
a. Date of turnout. _____	d. Number of animals. _____
b. Type of animals (cattle, sheep,...). _____	e. Season of use. _____
c. Class of animals (cows, cow/calf, ...). _____	f. Grazing system (continuous, rotation, deferred..) _____

8. Please describe range improvements.
a. List existing range improvements or reference attached documents describing improvements (fences, spring developments, seedings) that address pollution prevention and control (If improvement is proposed, identify funds and timeframe needed to implement). _____
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9. Please delineate water quality conditions.
a. Include a map(s) (8.5 x 11 inch, or other readable format) of the allotment showing significant waterbodies and any water quality limited streams (303(d) and jurisdictional boundaries (USFS, BLM, State, Private)
b. List, on a separate sheet, each water quality limited stream and the water quality parameters of concern (temperature, nutrients, sediment, etc.).

**Application for Water Quality Certification of Livestock Grazing on Public Lands**  
the Oregon Department of Environmental Quality and the Oregon Department of Agriculture

Application Number GR-98 \_\_\_\_\_  
(for office use only)

1a. Legal name and address of applicant. _____ _____ _____	1b. Telephone _____ _____
2a. Legal name and address of the designated official representative (if any) of the person seeking a federal grazing permit. _____ _____ _____	2b. Telephone _____ _____
3a. Name and address of the federal land management agency with authority to approve the grazing permit (U.S.F.S. Please indicate Forest, District, and <b>Allotment</b> ) _____ _____ _____ (BLM Please indicate District, Resource Area, and <b>Allotment or Grazing Area</b> ). _____ _____ _____	3b. Contact _____ Name _____ Telephone _____

4. Has the federal agency imposed any conditions relating to the protection of water quality? Yes _____ No _____ If yes, please attach conditions. _____ _____		
_____ Signature of Lessee or Authorized Agent	_____ Print Name	_____ Date
Submittal Instructions: Submit this completed and signed form with a copy of the completed federal agency permit or lease application and attachments and submit to:  <b>Water Quality Division - 401 Grazing</b> <b>Oregon Department of Environmental Quality</b> <b>811 SW Sixth Avenue</b> <b>Portland, OR 97204</b>	<b>Date Received</b> <b>(for office use only)</b>	



11. Please describe the proposed Site Condition Objectives and Monitoring Plans.

a. Identify the Pollution Prevention and Control Measures to be used to protect water quality in this grazing program.

PACFISH	Individual Forest Plan	Name:
INFISH	BLM Resource Area Plan	Name:
NW Forest Plan	Other	Name:

b. List Site Condition Objectives and the water quality variables those objectives address.

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c. Describe the proposed monitoring activities to be conducted during the term of the permit that will indicate attainment of Site Condition Objectives.

c1. Describe permittee conducted monitoring activities.

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c2. Describe federal agency conducted monitoring activities.

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10. In the blanks below, please describe the current upland, riparian and water quality conditions, and identify historic (background) and present livestock contributions to water quality limitations.

a. Identify any assessments or monitoring done on the allotment and the year completed. These might include Proper Functioning Condition, Allotment Management Plans, Riparian and Stream Surveys, Allotment Evaluations, Watershed Analyses, or other monitoring systems,...)

	Date

b. Summarize the results from assessments and monitoring that describes upland, riparian, and water quality conditions.

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c. If you have knowledge of the historic management and conditions on the allotment please describe how management has changed to address resource concerns.

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12. Please state how the proposed grazing activity will comply with State of Oregon water quality standards and how the proposed grazing activity will address waterbodies listed as water quality limited under the Clean Water Act section 303 (d).

Lined area for response.

13. (Optional - You are not required to respond to these questions) Please describe any disturbances (fires, excessive wildlife use, climatic effects, weed encroachment, other management activities,...) that may influence the site conditions and water quality on your allotment.

a. Identify and describe any disturbances on your allotment (you may wish to delineate these on the map requested in 9a).

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b. Identify and describe any disturbances adjacent to your allotment.

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c. Describe how these disturbances might influence site conditions and water quality on your allotment.

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12. Please state how the proposed grazing activity will comply with State of Oregon water quality standards and how the proposed grazing activity will address waterbodies listed as water quality limited under the Clean Water Act section 303 (d).

Lined area for text response.

[Date]

[Name]

[Address]

RE: 401 Certification Application GR-98-[ ]

The Department of Environmental Quality (DEQ) hereby grants the request by [Name] for a Section 401 water quality certification of a term grazing permit as conditioned below. The permit authorizes livestock grazing on the [ ] Allotments of the [ ] National Forest. DEQ grants this certification based on the review and recommendations of the Oregon Department of Agriculture. The proposed grazing activity as conditioned below is expected to be consistent with the applicable provisions in Sections 301, 302, 303, 306 and 307 of the federal Clean Water Act and the water quality rules of the EQC.

ODA has reviewed the application materials provided and finds it is reasonably assured that the proposed activity, as described in the application and conditioned below, will be conducted in a manner which will not violate water quality standards or other appropriate requirements of state law, and which meets or exceeds the criteria listed in OAR 340-048-0140 (also OAR 603-76-0065).

Certification Conditions:

1. The permitted activity shall be conducted in the manner described in the application and shall be consistent with the federal permit or license and the conditions of certification stated here.
2. The permitted activity will be conducted in a manner consistent with attainment of the following site condition objectives related to water quality:
  - a. PACFISH and INFISH (where applicable) standards and guidelines and Riparian Management Objectives.
  - b. Standards and guidelines in the [Forest] Land and Resource Management Plan.
  - c. Maintain "proper functioning condition" (PFC) on reaches assessed at PFC (BLM, 1993) and establish an improving trend on reaches assessed as "at risk" or "nonfunctioning."
  - c. Maintain streambank stability level of 90% or more.
  - d. Decrease trampling on spring sources and streambanks.
  - e. Decrease livestock use and trampling along Bear Creek.
  - f. Continue to encourage upward or stable trends in vegetation.
  - g. Allow riparian sedges and rushes to expand and vegetate channels.
  - h. Increase the establishment and reproduction of riparian shrubs.

3. The following monitoring activities will be conducted in order to assure maintenance of or progress towards site condition objectives related to water quality:

- a. Utilization monitoring as specified in the permit or Annual Operating Plan and some shrub utilization checks.
- b. Continue photo point monitoring to track stream and riparian area conditions through time on representative reaches of Canyon Creek, Bear Creek and other streams on the allotment. Photo points should be located in consultation with Forest Service technical personnel and monitoring should be done according to a USFS recommended methodology (i.e. permanent photo points with a reference point and pictures taken at roughly the same time of year). Ensure that an adequate number of photo points are located on 303d listed streams.
- c. Conduct PFC (BLM, 1993) assessments OR riparian vegetation condition and trend monitoring on representative reaches of Canyon and Bear Creeks.
- d. The federal agency will conduct stream temperature and streambank stability monitoring and on Canyon Creek, Middle Fork Canyon Creek, Bear Creek and possibly additional locations.

4. The permitted activity shall protect rangelands, stream banks, channels, wetlands, estuaries, ponds, lakes and riparian areas in a manner that is consistent with water quality standards and other applicable water quality rules.

5. The permitted activity shall be consistent with applicable federal standards and guidelines, records of decision and management plans established to protect water quality. These include 'PACFISH,' 'INFISH' or the Aquatic Conservation Strategy from the 'Northwest Forest Plan,' Allotment Management Plans, USFS Land and Resource Management Plans, BLM Resource Area or District Management Plans, BLM Rangeland Health Standards, Biological Opinions resulting from ESA consultation, and others as applicable.

6. DEQ reserves the right to modify, suspend or revoke this certification in the event that new information indicates that the permit or lease activities are having a significant adverse impact on state water quality or beneficial uses; or in the event that the permit or documents referenced in the application or certification conditions, which constitute the grazing management plan for the permittee and which are part of the term grazing permit by reference, are altered in a manner which may allow an adverse impact to state water quality or beneficial uses.

7. Following consultation with the federal permitting agency, the applicant shall notify DEQ if the nature of the certified activity changes significantly in a manner that may adversely impact water quality. DEQ, in consultation with ODA, may revise or withdraw the certification based on the proposed changes in the permitted activity. The permitting agency (e.g. USFS or BLM) may perform this task on behalf of the applicant.

8. A copy of this water quality certification letter shall be kept on file with the federal agency issuing the grazing permit.

9. This water quality certification may be suspended or revoked if the applicant allows livestock to be grazed in a manner which is not consistent with the term grazing permit and the conditions stated above and hereby made a part of that permit.

If you have questions or wish to discuss this certification, please contact Debra Sturdevant at DEQ, 503-229-6691 (1-800-452-4011 X6691), or Mack Barrington at ODA, 503-986-4715 X 409.

Sincerely,

Langdon Marsh  
Director

cc: [range con., USFS or BLM address]  
Mack Barrington, Oregon Department of Agriculture, Salem

[Date]

[Name]

[Address]

RE: 401 Certification Application GR-98-[ ]

The Department of Environmental Quality (DEQ) hereby grants the request by [Name] for a Section 401 water quality certification of a term grazing permit as conditioned below. The permit authorizes livestock grazing on the [ ] Allotment of the [ ] National Forest. DEQ grants this certification based on the review and recommendations of the Oregon Department of Agriculture. The proposed grazing activity as conditioned below is expected to be consistent with the applicable provisions in Sections 301, 302, 303, 306 and 307 of the federal Clean Water Act and the water quality rules of the EQC.

ODA has reviewed the application materials provided and finds it is reasonably assured that the proposed activity, as described in the application and conditioned below, will be conducted in a manner which will not violate water quality standards or other appropriate requirements of state law, and which meets or exceeds the criteria listed in OAR 340-048-0140 (also OAR 603-76-0065).

Certification Conditions:

1. The permitted activity shall be conducted in the manner described in the application and shall be consistent with the federal permit or license and the conditions of certification stated here.
2. The permitted activity will be conducted in a manner consistent with attainment of the following site condition objectives related to water quality:
  - a. INFISH Riparian Management Objectives (RMOs) and standards and guidelines, where applicable.
  - b. Standards and guidelines in the [Forest] Land and Resource Management Plan.
  - c. 60-100% shade on perennial and intermittent streams.
  - d. 80% or more of the total linear distance of the streambank in stable condition.
  - e. Less than 15% fine inorganic sediment covering stream substrate.
  - f. 80% or more of the potential streambank vegetation cover (grass, forb, shrub and tree) is present.
  - g. Where natural potential exists, stream temperatures will meet the applicable temperature criteria in OAR 340-41-765.
  - h. Detrimental soil impacts from livestock bank trampling will be no more than 5% of the total riparian area being impacted by livestock grazing.

3. The following monitoring activities will be conducted in order to assure maintenance of or progress towards site condition objectives related to water quality:

- a. Utilization monitoring.
- b. The federal agency should continue utilization oversight and condition and trend monitoring at representative locations to ensure that stream and riparian areas meet the above stated objectives or are improving.

4. The permitted activity shall protect rangelands, stream banks, channels, wetlands, estuaries, ponds, lakes and riparian areas in a manner that is consistent with water quality standards and other applicable water quality rules.

5. The permitted activity shall be consistent with applicable federal standards and guidelines, records of decision and management plans established to protect water quality. These include 'PACFISH,' 'INFISH' or the Aquatic Conservation Strategy from the 'Northwest Forest Plan,' Allotment Management Plans, USFS Land and Resource Management Plans, BLM Resource Area or District Management Plans, BLM Rangeland Health Standards, Biological Opinions resulting from ESA consultation, and others as applicable.

6. DEQ reserves the right to modify, suspend or revoke this certification in the event that new information indicates that the permit or lease activities are having a significant adverse impact on state water quality or beneficial uses; or in the event that the permit or documents referenced in the application or certification conditions, which constitute the grazing management plan for the permittee and which are part of the term grazing permit by reference, are altered in a manner which may allow an adverse impact to state water quality or beneficial uses.

7. Following consultation with the federal permitting agency, the applicant shall notify DEQ if the nature of the certified activity changes significantly in a manner that may adversely impact water quality. DEQ, in consultation with ODA, may revise or withdraw the certification based on the proposed changes in the permitted activity. The permitting agency (e.g. USFS or BLM) may perform this task on behalf of the applicant.

8. A copy of this water quality certification letter shall be kept on file with the federal agency issuing the grazing permit.

9. This water quality certification may be suspended or revoked if the applicant allows livestock to be grazed in a manner which is not consistent with the term grazing permit and the conditions stated above and hereby made a part of that permit.



If you have questions or wish to discuss this certification, please contact Debra Sturdevant at DEQ, 503-229-6691 (1-800-452-4011 X6691), or Mack Barrington at ODA, 503-986-4715 X 409.

Sincerely,

Langdon Marsh  
Director

cc: [Federal agency contact]  
Mack Barrington, Oregon Department of Agriculture, Salem

Minutes are not final until approved by the EQC

## Environmental Quality Commission Minutes of the Two Hundred and Sixth-Ninth Meeting

**June 11-12, 1998  
Regular Meeting**

The Environmental Quality Commission toured the Montezuma West Spill Site before the regular meeting was convened at 10:10 a.m. on Thursday, June 11, 1998, at the Smullin Education Center, 2825 Barnett Road, Medford, Oregon. The following members were present:

Carol Whipple, Chair  
Melinda Eden, Member  
Linda McMahan, Member  
Mark Reeve, Member

Also present were Larry Edelman and Larry Knudsen, Assistant Attorney Generals, Oregon Department of Justice; Langdon Marsh, Director, Department of Environmental Quality; and other staff.

Note: Staff reports presented at this meeting, which contain the Department's recommendations, are on file in the Office of the Director, 811 SW Sixth Avenue, Portland, Oregon 97204. Written material submitted at this meeting is made a part of the record and is on file at the above address. These written materials are incorporated in the minutes of the meeting by reference.

Items were taken in the following order:

### A. Minutes

Commissioner Reeve made the following correction to the April 3, 1998 minutes: on page 6 the agenda item should read, E. Rule Adoption: Area Source NESHAP Standards for the Following Source Categories Including Perchloroethylene Dry Cleaning, Commercial Ethylene Oxide Sterilization, Halogenated Solvent Cleaning/Degreasing, and Chromium Electroplating/Anodizing. Commissioner Reeve moved the minutes be approved as corrected. The motion was seconded by Commissioner McMahan and was passed with "four" yes votes.

### B. Approval of Tax Credits

Maggie Vandehey, Tax Credit Coordinator, presented the following 51 tax credits for approval.

Application #	Applicant
4727	Teledyne Industries, Inc. Wah Chang(ABN)
4825	Far West Fibers, Inc.
4828	Ernst Hardware Co., Inc.
4853	United Disposal Service, Inc.
4854	United Disposal Service, Inc.
4865	United Disposal Service, Inc.
4871	United Disposal Service, Inc.
4878	United Disposal Service, Inc.
4886	United Disposal Service, Inc.
4887	United Disposal Service, Inc.

4897	United Disposal Service, Inc.
4898	United Disposal Service, Inc.
4900	Stein Oil Co., Inc.
4901	Laughlin Oil Company
4902	PED Manufacturing, LTD
4904	Willamette Industries, Inc.
4907	Albany-Lebanon Sanitation, Inc.
4908	Albany-Lebanon Sanitation, Inc.
4909	United Disposal Service, Inc.
4913	Albany-Lebanon Sanitation, Inc.
4919	Neher: Larry Neher, Inc.
4922	Capitol Recycling & Disposal, Inc.
4923	United Disposal Service, Inc.
4924	United Disposal Service, Inc.
4925	Albany-Lebanon Sanitation, Inc.
4930	Jenks-Olsen Farms, Inc.
4931	United Disposal Service, Inc.
4932	United Disposal Service, Inc.
4933	Mt. Hood Metals, Inc.
4943	Willamette Industries, Inc.
4949	Pacific Petroleum Corp.
4950	Blount, Inc.
4951	Ronald Schmidt
4952	Corvallis Disposal Co.
4953	Corvallis Disposal Co.
4954	Corvallis Disposal Co.
4955	Mullen Farms, Inc.
4958	Capitol Recycling & Disposal, Inc.
4960	United Disposal Service, Inc.
4961	United Disposal Service, Inc.
4962	Truitt Bros., Inc.
4964	Dardanelles
4967	Wilco Farmers, INC.
4970	Corvallis Disposal Co.
4971	Cain Petroleum, Inc.
4981	Willamette Industries, Inc.
4991	Priscilla E. Thompson
4994	United Disposal Service, Inc.
4995	United Disposal Service, Inc.
4998	Estherwin, Inc.
5002	Russell Oil Co.

Due to the relative importance and the revenue impact of the decisions they make regarding tax credits, the Commission asked if anyone questioned or audited their findings or if there was any review of facilities issued certificates to determine if the facility was still being used as claimed on the application. Ms. Vandehey indicated the Department does not have the resources to audit these facilities. The Department of Revenue does not have any resources to audit these tax credits and would only review the claimed credits if they audit a tax payer's return for some other reason.

Several clarifying questions regarding the reduced percentage allocable to pollution control for tank systems and alternatives to field burning were asked. Ms. Vandehey responded that the DEQ and the Department of Agriculture review these two types of facilities, as well as automotive refrigerant recycling

equipment facilities, based on early 1990 methods approved by the Commission. When asked if these methods had been placed in rule, Ms. Vandehey responded they had not been placed into rule. Statute requires owners of underground storage tanks to upgrade their systems by the end of 1998. Jim Britton, Department of Agriculture, explained the statute also requires a reduction in the number of acres that are open field burned by the end of 1998.

A motion was made by Commissioner Eden to approve all tax credit application presented in Attachment B. The motion was seconded by Commissioner Reeve and carried with "four" yes votes.

Ms. Vandehey asked that three of the four tax credits presented for denial be removed from consideration at this date for the following reasons:

- Columbia Steel Casting (application number 4826) intends to reduce their claimed facility to just the pollution control rather than the entire installation.
- Unable to make the trip to Medford, Don Rhyne Painting (application number 4837) expressed the desire to postpone consideration until the August EQC meeting. They also intend to reduce their claimed facility to just the pollution control rather than the entire installation.
- Pioneer Truck Equipment intends to clarify how they use the equipment washing facility claimed on application number 4892.

Albany-Lebanon Sanitation's application number 4873 was presented for denial because it does not meet the definition of pollution control facility in ORS 468.155. The truck would have been eligible if it were used directly and exclusively for recycling rather than for transporting recycling equipment.

A motion was made by Commissioner Eden and seconded by Commissioner Reeve to deny Albany-Lebanon Sanitation's application number 4873 presented for denial in Attachment C. The motion carried with four "yes" votes.

Staff reported the impact of the Commission's direction regarding Far West Fibers/E Z Recycling's application number 4825. The report included the number of all material recovery facilities, transfer stations, solid waste collection companies, recyclable material processing facilities, transfer stations, and composting facilities in the state. It also included an estimate of how many companies might build eligible facilities in the near future with the following qualifications:

- It is not possible to know how many pollution control facilities will have a similar relationship to the applicant's overall business as the relationship between Far West Fibers/E Z recycling and their facility claimed on application number 4825.
- Even if the facility is not integral to the operation of the applicant's business, the applicant will still have to consider the return on investment in the facility.
- All claimed costs will have to be eligible costs.
- Less than 25% of all companies who build eligible facilities apply for a tax credit.

Ms. Vandehey indicated the unqualified impact of the decision could double the program.

### **C. Rule Adoption: Addition to OARs Affirming the Director's Intent to Respond to Comments on Confirmed Release and Inventory Listing Proposals**

Anne Price, Manager of the Hazardous Waste Program, presented a brief summary of the proposed regulatory change, indicating that it merely codifies an already existing practice of responding in writing to substantive comments and any material new data submitted during the Confirmed Release List and Inventory Listing proposal comment period.

Commissioner Reeve asked whether under OAR 340-122-075(3)(b) the new language should read "Whenever the Director makes a decision to add a facility to the inventory, the Director shall . . .", instead of using the term "list" as noted in the proposed rule. After consultation with the Department program staff, the Department agreed with Commissioner Reeve's recommended language change, such that OAR 340-122-075(3)(b) now reads: "Whenever the Director makes a decision to add a facility to the Inventory, the Director shall . . ."

Commissioner Reeve indicated a preference for definitional terms and terms of art to be presented throughout the rules with initial capital letters. The Department agreed this rule formatting change could be made throughout the Department's rules.

A motion was made by Commissioner McMahan to adopt the proposed rules with the modification in language to OAR 340-122-075(3)(b) and the proposed formatting change. The motion was seconded by Commissioner Reeve and was carried with four "yes" votes.

#### **D. Rule Adoption: Amend Oregon Hazardous Waste Administrative Rules**

Anne Price presented a brief overview of the rules, the major comments received and the Department's response to comments. Commissioner Reeve reiterated his request for definitions and terms of art to be represented in initial capital letters. The Department agreed to this modification to rule formatting. Commissioner Reeve express some concern at the 10% late fee the rule imposes on full or partial invoices that remain unpaid after each 30 day period for a total of 90 days. The other Commissioners in attendance indicated they believed the Department does not receive full reimbursement for many of its costs and given the ample degree of notice provided to those who will be receiving these invoices, the 10% late charge is not excessive. One change to the staff report (in two locations in the report) was made for the record:

- Page 6, May 29, 1998, Staff Report Cover Letter, from Lang Marsh to the EQC. In the last paragraph before the heading Conclusions, the parenthetical should read "(the Department does not view elemental screening of wood chips from waste water as reclamation)".
- Page 10, Attachment D, last paragraph – the parenthetical should read "(the Department does not view elemental screening of wood chips from waste water as reclamation)".

Anne Price also clarified that treatment, storage and disposal facilities operating under their Part A, interim status, a 3008(h) order, Part B application or any other administrative mechanism prior to an approved Part B application are subject to these rules, including any cost recovery and fee schedules applicable to the facility or the activities at the facility.

A motion was made by Commissioner Reeve to adopt the rules as presented, with the identified change to the formatting and the recognized changes to the staff report. The motion was seconded by Commissioner Eden and was carried with four "yes" votes.

#### **E. Rule Adoption: Toxic Use Reduction and Hazardous Waste Reduction Rule Revisions and Amendments to OAR Chapter 340, Division 135**

Anne Price presented a brief overview of the rules, the major comments received and the Department's response to comments. Commissioner Reeve raised a concern that OAR 340-135-050(2)(c), due to the language "This section is repealed on December 1, 1998.", may inappropriately contain a repeal within the rule language itself. A discussion followed which clarified the Department's intent was to extend the amnesty from penalty to small quantity generators who had not previously submitted a plan only until December 1, 1998 and not after that date. Department counsel agreed this intent was met by eliminating the sentence "This section is repealed on December 1, 1998." from OAR 340-135-050(2)(c), with all other language remaining the same. The Commission accepted this modification.

A motion was made by Commissioner Eden to adopt the rules be adopted as presented with the identified change to the formatting and the modification to OAR 340-135-050(2)(c). The motion was seconded by Commissioner Reeve and was carried with four "yes" votes.

#### **G. Update on the Southwest Community Center at Gabriel Park**

Neil Mullane, Regional Administrator of the Northwest Region (NWR) office, provided the Commission with an update on the City of Portland's Stormwater permit at the Gabriel Park. The Department had completed its enforcement action since the last EQC meeting resulting in a \$4,500 civil penalty assessed against the City. The City paid the penalty. When the site was last inspected it was in compliance. The site, however, will continue to be a difficult site because of its physical location and the amount of area opened.

The Department is in the very early stages of budget proposals which would include additional staff (potentially two additional staff) for Water Quality (WQ) permit activity in the NWR. The Southwest Community Groups would like to see five new stormwater inspectors added to the NWR WQ Staff.

The NWR region's stormwater inspector has resigned and the Department is currently recruiting to fill this position. It is not expected to have this position fill until August at the earliest.

#### **K. Appeal of Hearing Officer's Findings of Fact, Conclusions of Law and Final Order in the Matter of the City of Coos Bay, Case No. WQMW-WR-96-277**

The Department of Environmental Quality appealed a hearing officer's decision on a contested case involving a civil penalty assessment for the City of Coos Bay. The City cross-appealed. The facts in the case were that a pressure line carrying partially treated sewage sludge from the City's Treatment Plant #1 to a facultative sludge lagoon for final treatment broke and released sewage sludge to tidal wetlands and Coos Bay. The Department's Notice of Noncompliance contained three violations:

- (1) ORS 468B.050(1)(A) by discharging wastes into waters of the state without a permit allowing the discharge;
- (2) ORS 468B.025(1)(b) by discharging waters that reduced the quality of state waters below the water quality standard established for the body of water; and
- (3) ORS 468B.025(2) by violating a condition of its NPDES permit by causing or allowing a sewage bypass of the treatment facility.

The Department assessed civil penalties in the amounts of \$3,900 for violation #1 and \$1,500 for violation #2. The Final Order issued by the hearings officer found the City had not violated ORS 468B.050(1), thus they were only liable for the \$1,500 penalty. After hearing arguments from the City attorney, C. Randall Tosh and the Department's representative, Jeffrey R. Bachman, Commissioner Reeve made a motion to affirmed the hearings officer's finding of facts but reversed the conclusions of law. The motion was seconded by Commissioner Eden and carried with four "yes" votes. The Commission requested legal counsel draft an order for their consideration at the next meeting which would find the City liable for violations of ORS 468B.050(1), ORS 468B.025(1)(b) and ORS 468B.025(2) and for a civil penalty in the amount of \$3,900 for the violation #1 and \$1,500 for violation #2.

#### **F. Amendment to the Tualatin Basin Total Maximum Daily Load Compliance Order**

Presentations to the Commission were made by John Jackson, Unified Sewerage Agency(USA); Dennis Lynch, United States Geological Survey (USGS); Dr. Wes Jarrell, Chair of the Tualatin Basin Technical Advisory Committee; and Dr. Jack Smith.

John Jackson presented an overview of the pollution control actions undertaken by the designated management agencies (DMAs) in the Tualatin Basin. Dennis Lynch described the studies undertaken by the USGS in cooperation with USA to better understand water quality in the Tualatin Basin. Dr. Wes Jarrell presented the results of the technical advisory committee recommendations. Dr. Jack Smith presented concerns with the existing approach and appealed for more defined actions and timelines. Dr. Smith presented an alternative to the proposed strategy presented by the Department.

Bob Baumgartner, Water Quality Manager, Northwest Region, explained the request and responded to questions from the Commission following the panel presentation.

Commissioner Eden made a motion to accept the proposal with two modifications to the Order. In the second paragraph presenting the second purpose of the order the reference to "...Agenda Item E ..." was changed to correctly reference "Agenda Item F". On page two, the reading of the fifth task was changed from "... programs for future development ..." to "programs for existing and future development." The motion was seconded by Commissioner Reeve and carried with four "yes" votes.

The Commission also provided guidance the Department and the DMAs. They were interested in knowing what the DMAs could do to address the pollution problems in the area and encouraged actual

implementation of pollution control efforts as opposed to planning exercises. The Commission wanted the TMDLs to be an objective and measurable guidance that could be measured and used by the DMAs to determine the success of the programs, and they are also interested in the cost and effectiveness of alternative strategies. The guidance will be used to develop the TMDL and focus subsequent presentations to the Commission.

#### **H. Rule Adoption: LRAPA Rules and Modification of the State Implementation Plan (SIP)**

Andy Ginsburg, acting Air Quality Administrator, introduced the topic and described how the Clean Air Act is implemented with the EPA establishing national air quality standards and the state or local agencies developing plans and methods to achieve those standards. Barbara Cole (Director of Oregon's only regional air quality authority--Lane Regional Air Pollution Authority or LRAPA) described her organization and the general nature of the regulations before the Commission. Dave Nordberg, State Implementation Plan Coordinator, indicated LRAPA's regulations were reviewed by the Department and were found to be at least as stringent as the State's requirements.

Commissioner Reeve questioned how "stringency" was determined. Staff responded that a regional authority's rules must require the same universe of regulated parties to meet at least the level of control dictated by state rules. Staff further explained when dissimilar measures are considered, the Department determines stringency by applying EPA's interpretation of the question.

A motion was made by Commissioner Reeve to approve LRAPA's regulations and adopt them as a revision to the State Implementation Plan under OAR 340-020-0047. The motion was seconded by Commissioner McMahan and carried with four "yes" votes.

#### **I. Rule Adoption: Increase in Title V Operating Permit Fees**

Andy Ginsburg, Manager of Air Quality Program Development, presented this item. The Clean Air Act and state statutes require the Title V program to be fully funded by fees, and authorizes increases to adjust the fees for inflation if needed. Costs are projected to increase by three percent in the next fiscal year primarily due to salary increases approved by the legislature. As a result, the Department proposed to increase the Title V base fee and emission fee by the change in the Consumer Price Index during 1997 of 2.29 percent. For special activity fees, which had never been increased since originally adopted, the Department proposed an increase of 11.07 percent based on the change in the Consumer Price Index from 1993 to 1997. Mr. Ginsburg noted there was only one comment which neither supported nor opposed the proposal but asked for additional information about the Title V program.

In response to questions from the Commission, Mr. Ginsburg clarified that the synthetic minor fees, while listed in the Air Contaminant Discharge Permit (ACDP) fee table, are actually special activity Title V fees. The other fees in the ACDP fee table were increased last year and are not proposed for increases at this time. He also explained the proposed new subcategories of permit revision fees and noted the guidance included in the staff report on how these fees will be implemented.

A motion to approve the package was made by Commissioner Reeve and seconded by Commissioner Eden. The motion was carried with four "yes" votes.

The Commission recessed for dinner. The meeting reconvened at 6:00 p.m.

#### **General Public Comment:**

Carter Rose of Wolf Creek presented comment on the challenge of maintaining high standards for the quality of life in the Bear Creek Basin.

Corinne Weber representing the Maplewood and Hayhurst Neighborhood Associations in Portland presented public comment on the contamination of Vermont Creek due to the building of the Community Center adjacent to Gabriel Park.

## **L. Medford Urban Growth Boundary Carbon Monoxide Maintenance Plan Status**

Steve Greenwood, Western Region Administrator, introduced the informational report on the status of the Medford Urban Growth Boundary Carbon Monoxide Maintenance Plan. The plan process involved a diverse group of local citizens working as a DEQ advisory committee over a two-year period. Mr. Greenwood also remarked on the great progress that had been made in the Medford area to clean up the airshed.

Annette Liebe, Air Quality Division/Airshed Planning Manager, presented an overview of the proposed maintenance plan. This included the health basis of the carbon monoxide air quality standards, information on the course of the long-term trend in measured carbon monoxide, strategy choices considered by the citizens advisory committee, and carbon monoxide emission trend data to 2015. The advisory committee decided to retain the wintertime oxygenated fuel program, with the understanding that the new Mobile model from the Environmental Protection Agency might show that total airshed carbon monoxide emissions could stay below the 1993 level without oxygenated fuel. In response to a question from Commissioner Reeve about whether the last data point on the trend graph represented an upward trend, Ms. Liebe explained carbon monoxide measurements were especially sensitive to meteorology and year to year fluctuations could be expected.

### **Public Comment Regarding the Medford Carbon Monoxide Maintenance Plan Only**

Chair Whipple announced the Commission would take testimony on the proposed Medford Area Carbon Monoxide Maintenance Plan. The following citizens testified.

Mike Montero, representing the Jackson County Chamber of Commerce, served as the Chair of the Medford-Ashland Air Quality Advisory Committee. He cited the broad-based membership of the Committee that represented a diversity of interests with a common goal to preserve and enhance the quality of the air in Medford. He remarked on the range of alternatives considered by the Committee and noted some frustration in dealing with the oxygenated fuel program. Mr. Montero expressed appreciation for the work of the DEQ staff and strongly urged the Commission to adopt the CO maintenance plan in its present form.

Mr. Skyrman, representing the Coalition to Improve Air Quality, read his written comments into the record. He noted the Coalition's support of air quality-related regulation and enforcement and the great progress that had been made to improve air quality in the Medford area. He indicated the area should be able to meet the health standards for carbon monoxide, even with the phase out of oxygenated fuel. He also advocated for the control of heavy duty diesel vehicles through a testing program.

Matthew Hart, representing the Medford City Council, stated the city was very happy about coming into compliance with the carbon monoxide health standards. Oxygenated fuel was a hot topic and he understood that updated modeling might make the provision unnecessary in the future. The program could then be dropped if the city endorsed that type of action. He strongly recommended adoption of the plan and forwarding it to EPA for acceptance, so the whole country can recognize the Medford area.

Ric Holt briefly cited the progress of the Medford area on implementing alternative fuel projects and obtaining a Clean Cities designation. He focused on oxygenated fuel and on the oxygenate, methyl tertiary butyl ether (MTBE). He said Jackson County had held three public hearings on the oxygenated fuel issue, with citizen complaints indicating the program destroyed cars and endangered lives. He indicated that MTBE had caused groundwater problems in California and urged testing of local groundwater for MTBE contamination. He suggested citizens were being harmed by forcing them to use oxygenates.

Stuart Foster, representing the Oregon Transportation Commission, stated the plan was in the best interest of the area and oxygenated fuel was a critical element. He cited past involvement in the development of air quality strategies in the Medford area and urged adoption of the plan.

Tom Koehler, representing Parallel Products, stated there is quite a bit of conflicting information on oxygenated fuel and ethanol gets confused with MTBE. MTBE has some peculiarities and real problems



with groundwater, but ethanol does not. He said the citizen's recommendation on the maintenance plan was appropriate and noted that retention of the oxygenated fuel program in the Portland area was supported by local governments.

Carter Rose stated that he understood MTBE was a byproduct of the refining industry and suggested the Commission delve into the actual history of the approval of MTBE as an additive to gasoline.

Larry Worch, representing Henry's Lady Chapter—Model A Club, handed out a flyer put out by the Vintage Car Club of Canada. He said oxygenates are tough on old cars and that ARCO uses oxygenates all the time.

Steve Schultz stated he owns an older car and the mileage drops way off during the oxygenated fuel season. His older car does not run well on oxygenated fuel, and he questioned what we were gaining.

Following public testimony on the proposed Medford Area Carbon Monoxide Maintenance Plan, DEQ staff members including Merlyn Hough, Western Region/Underground Storage Tanks Manager; Steve Greenwood; Annette Liebe; and Howard Harris, Air Quality Division/Airshed Planning, assembled to answer questions from the Commission. Director Marsh commented about alternative-fueled, zero emission vehicles (ZEVs) mentioned in the public testimony. He stated the Department does not require ZEVs, but encourage them. He noted DEQ has started an advisory committee to guide the Department on setting up a program to begin testing heavy duty Diesel vehicles in the year 2000. The program could be implemented in Portland and Medford.

Steve Greenwood indicated Jackson County Commissioner Ric Holt was asking a different question about oxygenated fuel (with his focus on methyl tertiary butyl ether--MTBE) than what the advisory committee addressed in its deliberations. Annette Liebe explained ethanol is the oxygenate of choice in Oregon and is cheaper than MTBE. Most of the gas comes into Oregon from the Washington refineries, where there is no MTBE capability. She also stated the State was limited by the Environmental Protection Agency in its ability to regulate fuels and fuel additives. When asked whether MTBE came from the tailpipe and was a source of contamination, Annette Liebe indicated the amount of MTBE from the tailpipe was small in comparison to leaking tanks and spills. Howard Harris cited the Interagency Assessment on Oxygenated Fuels (National Science Technology Council, 1997) which indicated that washout (from tailpipe exhaust) was a very minor route for water contamination.

Merlyn Hough followed up with information on testing of leaking sites in the Western Region. MTBE has been detected in groundwater at some gasoline-contaminated sites in cities where there is no requirement for an oxygenated fuel program. Benzene is the most prevalent toxic found in testing. He stated testing results in Medford have been non-detect for MTBE.

Annette Liebe clarified that the "new tool" mentioned in the testimony referred to the new Mobile model expected to be released by EPA in 1999. Chair Whipple asked about the role of prescribed burning. Annette Liebe responded there were no emissions from prescribed burning within the Urban Growth Boundary CO area, but that this was a particulate issue.

Commissioner Reeve noted the split vote of the advisory committee directed at the particulate plan and asked that the staff be very inclusive in its treatment of public comment on the particulate plan.

The meeting was adjourned until Friday morning.

Friday morning the Commission made a field trip to the Ashland area. The Commission went to the Ashland wastewater treatment plant. A tour of the facility and experimental wetland project was conducted by Paula Brown, Ashland Public Works Director; Dick Marshall, treatment plant operator; and Bob Eimstad, Carollo Engineers. The group then went to the Roca/Paradise Creek 319 site where Steve Koskella of K&C Environmental gave a short presentation about the project.

The regular meeting resumed at 9:45 a.m.

## **M. Briefing on Bear Creek Water Quality Actions and Issues**

Gary Arnold, technical support for the Southwest Oregon Basin Teams, gave a short introduction on the history of the Bear Creek TMDL process, the 1995 EQC meeting on Bear Creek TMDL progress, and concluded with a brief introduction of the physical and cultural setting of Bear Creek in Jackson County. A number of speakers representing Designated Management Agencies (DMA's) gave updates on their progress with their Bear Creek TMDL tasks.

A panel from the Rogue Valley Council of Governments (RVCOG) presented their update. Most of the urban DMA's are members of the RVCOG, so many of the compliance schedule tasks have been coordinated by RVCOG staff. Marc Prevost, Bill Meyers and Dave Jacobs gave updates on work done in the areas of public awareness, stream/stormwater monitoring, reviews of local ordinances and Rogue Basin restoration plans developed under Governor Kitzhaber's Oregon Plan for Salmon and Watersheds.

Mike Wolf, Oregon Department of Agriculture (ODA), gave an update on the inspections that have been done of dairies and container nurseries. He also talked about the SB 1010 Bear Creek farm plan and ODA's upcoming role under the Healthy Streams Partnership.

Dan Thorpe, Oregon Department of Forestry (ODF), gave an update on ODF's involvement in Bear Creek and an update on the Oregon Forest Practices Act.

Henry Montes, Jackson County Parks and Roads; and Vivian Payne, Oregon Department of Transportation, gave a presentation on an effort to begin a program of Integrated Vegetation Management along Jackson County roads. This would use native plants and change maintenance practices to reduce problems with sedimentation and exotic weed species.

Jim Hill, City of Medford, gave a presentation on projects unique to urban areas. He talked about stormwater management, urban stream management and ended with an update on the Jackson Street dam removal this fall.

Jon Gasik, DEQ Water Quality Engineer, gave an update on incorporating the existing TMDL load allocations into the NPDES permit for the Medford Boise Cascade mill.

Steve Greenwood described where the Bear Creek TMDL efforts will go from here. Existing DMA efforts to address current Bear Creek TMDL and new water quality problems, identified through subsequent 303(d) listings, as well as evolving requirements under the Endanger Species Act will be addressed with water quality management plans developed with DEQ's Healthy Streams Partnership staff. The scope of this effort will also expand to the entire Rogue Basin.

A short period of questions and answers ensued. The Commission commended the Bear Creek DMA team for their efforts so far, and asked to be advised if they could somehow aid in bringing in additional future funding for efforts in the Bear Creek Watershed.

## **N. Waiver of the Dilution Rule for the City of Ashland**

Jon Gasik presented this item. The City of Ashland is proposing to upgrade their wastewater treatment facility to meet the requirements of Bear Creek Total Maximum Daily Load (TMDL). The City has chosen to spray irrigate during the summer months and discharge during the winter months. The dilution rule requires there be a minimum of 30-to-1 dilution during the winter months. The waiver was requested because historic flow data indicate there are periods during the winter months when this dilution ratio would not be met.

The Department's evaluation showed that water quality criteria would be met and beneficial uses would be protected. There was a brief discussion. Commissioner Reeve asked whether the project had been reviewed and approved. Jon Gasik, with the assistance of Paula Brown, Public Works Director for the City of Ashland, explained that final plans and specifications for Project A (wastewater treatment facility upgrades) have been received and are under review. While the DEQ has reviewed predesign reports for Project B (effluent irrigation and biosolids management off-site), final plans and specifications have not been submitted. Commissioner Reeve also asked about neighbor concerns about Project B. Paula

Brown explained that several public meetings have been held and will be continued through the design process.

Commissioner Eden moved to approve the waiver. Commissioner McMahan seconded the motion and it was carried with four "yes" votes. Commissioner Eden stated the Commission has recently received similar requests from other cities, and it is likely they will receive more requests in the future. She suggested the Commission consider reviewing and perhaps modifying the "Dilution Rule" so the Department does not have to bring every request for waiver to the Commission.

The Commission recessed for lunch with local officials. The meeting resumed at 1:30 p.m.

## **O. Commissioners' Reports**

Linda McMahan currently serves on the Oregon Community Foundation Advisory Committee. They are responsible for the administration of the Tualatin Valley Water Quality Endowment Fund. The Committee just awarded \$260,000 to various groups for education and water quality improvement.

Chair Whipple reported on the Governor's Water Enhancement Board (GWEB). She indicated that she would like to have an informational item presented to the Commission at one of their upcoming meetings regarding GWEB.

## **P. Director's Report**

In the Portland metropolitan area over 400 businesses voluntarily promote air quality pollution prevention activities at their worksites on days DEQ issues advisories (Clean Air Action Days). This list has grown considerably in the past year due to extensive outreach to the business community in the form of presentations to Chambers of Commerce, civic organizations and so on.

An Oregon Magistrate ruled that the National Marine Fisheries Service (NMFS) decision not to list Coho Salmon on the Oregon Coast was inappropriate. NMFS based its no list action upon the work effort promised under the Oregon Coastal Salmon Restoration Plan. Magistrate Stewart determined NMFS cannot rely on plans for future actions to reduce threats and protect a species as a basis for deciding that listing is not currently warranted. Governor Kitzhaber announced Oregon would be appealing the decision; it is uncertain whether NMFS will appeal.

A steering committee will be established due to the recent Steelhead listing on the Willamette River. The committee will guide the effort to develop water quality and fish restoration efforts for the Willamette.

Director Marsh recognized a number of employees whose work had been acknowledged by citizens and other agencies.

There being no further business, the meeting was adjourned at 2:25 p.m.

New Source Review  
In The  
Medford-Ashland AQMA

NSR Changes

- **NSR establishes analysis and control requirements for new or expanding major industry.**
- **Once PM10 plan is approved by EPA, nonattainment area designation is revoked.**
- **Less stringent PSD program would apply. (Requirements for Attainment Areas).**
- **Committee did not want backsliding on requirements applicable to major industry.**

## Committee Recommendation

- **Maintain current nonattainment area NSR requirements in Medford-Ashland AQMA after designation is revoked.**
- **LAER (More stringent than BACT under PSD).**
- **Emission Offsets (ratio1:1.2)**
- **Net Air Quality Benefit Analysis.**
- **Maintains low Significant Emission Rate at 5 tons/year. (Trigger for NSR)**

## Timing

- This rule would take effect when the pre-existing PM10 standard and PM10 nonattainment area designation is revoked.

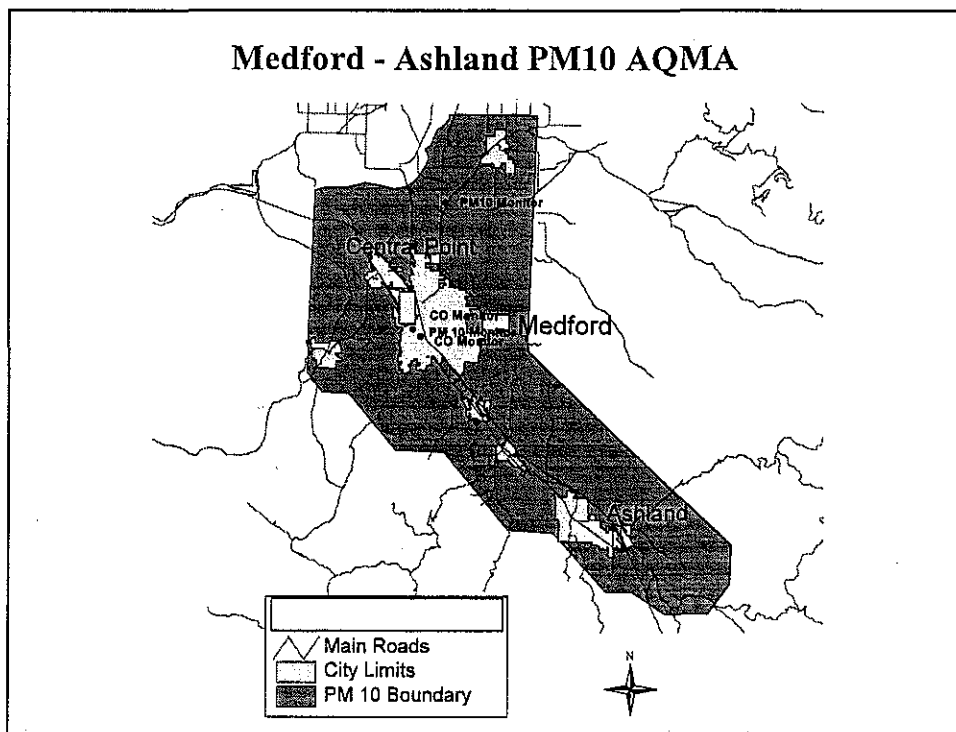
## Public Comment

- **Hearing June 16th**
- **Coalition To Improve Air Quality Supported Proposal (No Backsliding)**
- **No opposition from major industry (Industry Committee members supported proposal).**
- **EPA commented that sources with emissions greater than federal PSD emission thresholds would have to assess impacts on wilderness areas.**

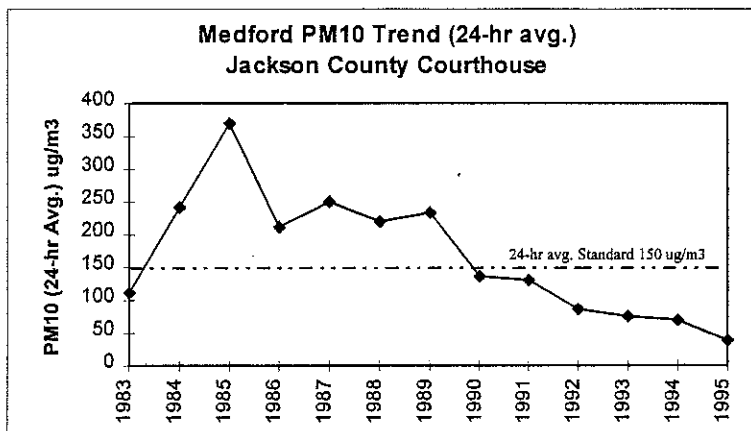
## Summary

- **Department Agrees With EPA. Proposes Change.**
- **Require Sources > Federal PSD Threshold To Meet Nonattainment Area Requirements and Most Requirements Of PSD (Primarily Assessment of Wilderness Impacts)**
- **Department Recommends Commission Adoption.**

# Revision to PM10 Attainment Plan Medford-Ashland AQMA



### Medford PM10 Trends 1983-1995

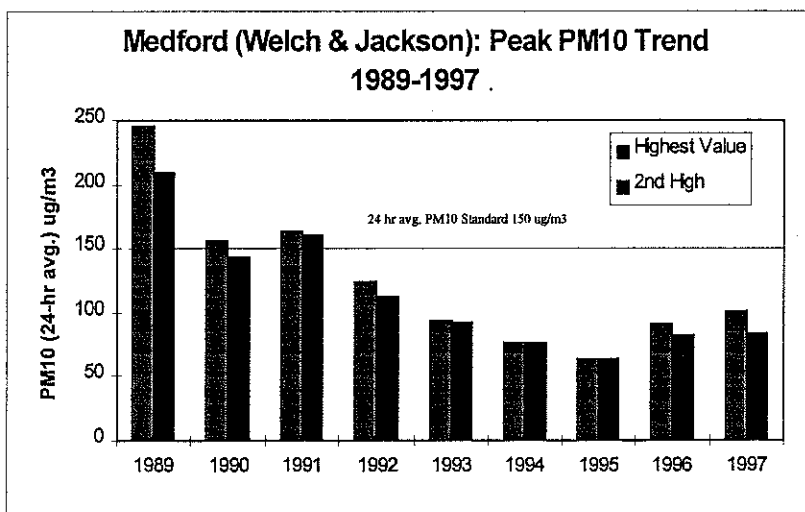


Voluntary Woodsmoke Curtailment Program begun in 1985

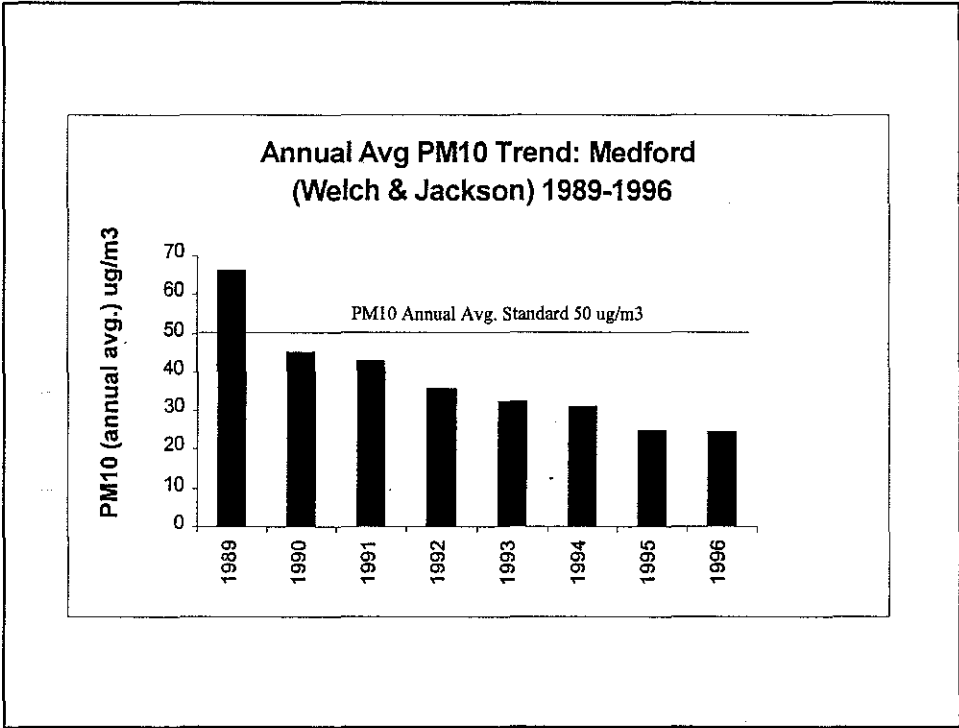
Mandatory Woodsmoke Curtailment Program Implemented in 1990

To date, using federal grant funds, approximately 600 noncertified woodstoves have been replaced in low income homes.

### Medford (Welch & Jackson): Peak PM10 Trend 1989-1997

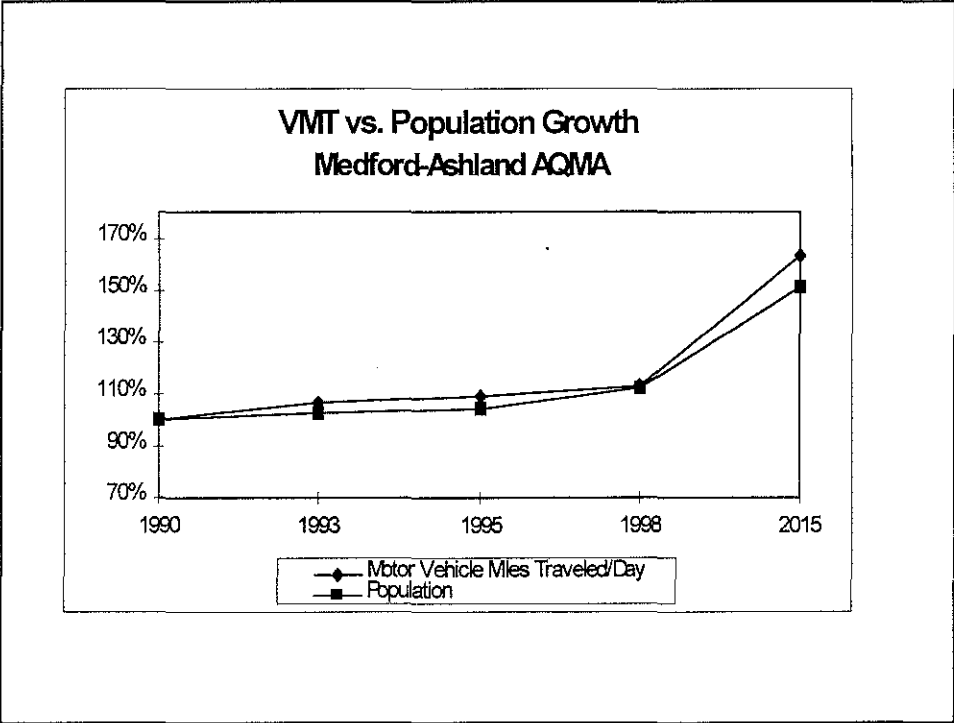
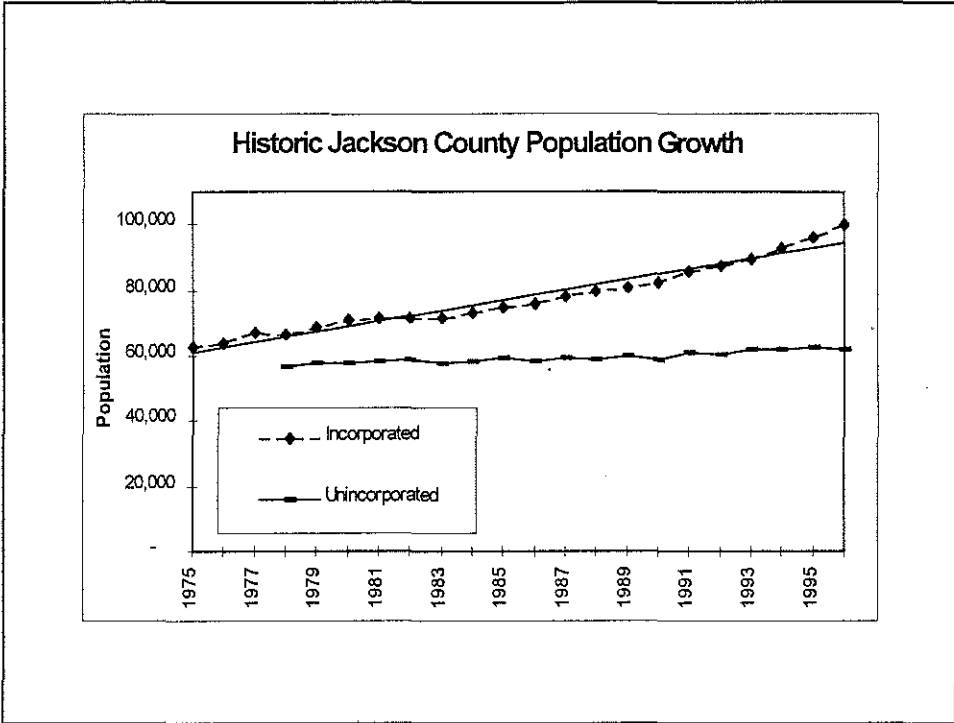




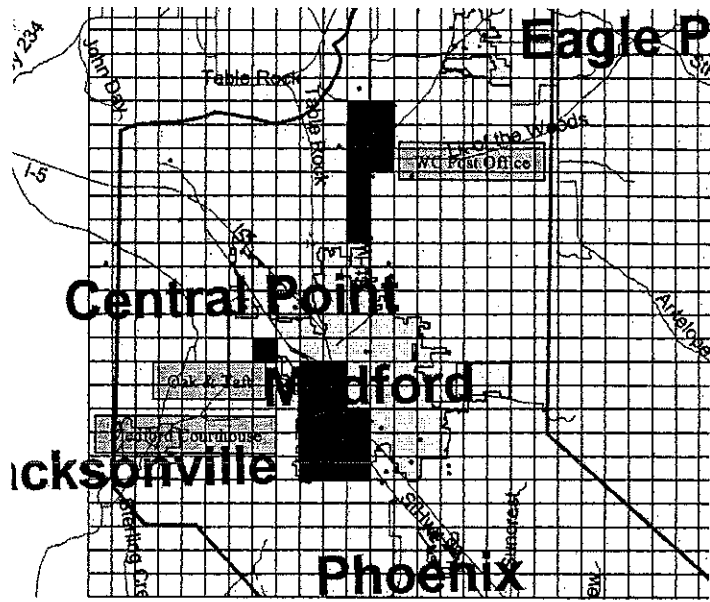


### Reasons For Plan Update

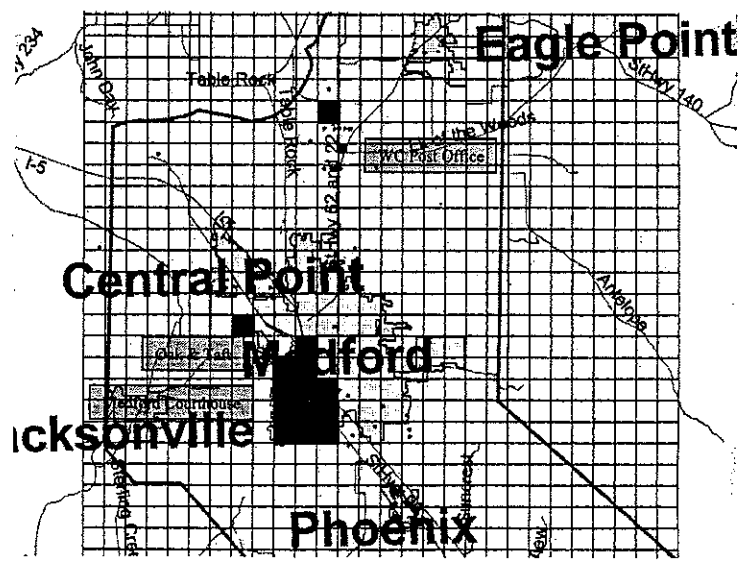
- **1991 Plan not approved by EPA.**
- **New Regional Transportation Plan could not demonstrate conformity.**
- **PM10 Plan withdrawn from EPA. Sanctions Clock triggered; Dec. 1998 Deadline.**
- **Advisory Committee Formed. Local stakeholders, review growth and air quality analysis.**



**Model Predicted Impacts in 2015**  
24-hr avg. NAAQS (No New Strategies)



**Model Predicted Impacts in 2015**  
24-hr avg. NAAQS (New Strategies)



## Revised PM<sub>10</sub> Standard

### Old PM<sub>10</sub> Standard

- Annual = 50 µg/m<sup>3</sup>
- 24 Hour = 150 µg/m<sup>3</sup>
- 4th Highest Value in 3 Years must be < 150 µg/m<sup>3</sup>

### New PM<sub>10</sub> Standard

- Annual = 50 µg/m<sup>3</sup>
- 24 Hour = 150 µg/m<sup>3</sup>
- 99th Percentile for 24 hour average
- 3 Year Average  
(Less Stringent)

The new PM<sub>10</sub> standard requires 3 years of air quality data to determine compliance.

Under the old PM<sub>10</sub> standard, one bad year could cause a violation.

## New Fine Particulate Standard PM<sub>2.5</sub>

- Annual Average = 15 µg/m<sup>3</sup>
- 24 Hour Average = 65 µg/m<sup>3</sup>
- 98th Percentile for 24 Hr Avg.
- Three year average

## Change in Approach

- **EPA Changes Guidance**
- **Modeling no longer required, maintenance plan no longer required.**
- **Several planning options available.**

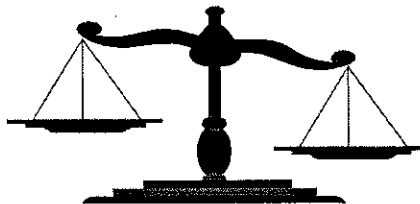
## Three Options for Particulate Plan Approach

**Submit Original PM10 Strategies**  
• No New Measures

### Committee Choice

- Original Strategies,  
Plus
- Some New Prevention Strategies

**Full Maintenance Plan**  
• Original Strategies  
• Stringent new measures that show attainment under worse-case conditions



## **Summary of Particulate Strategies Medford-Ashland AQMA**

### **Main Strategies from 1991**

- **A mandatory woodstove curtailment program.**
- **Major industrial control technology requirements.**
- **Local open burning ordinances.**
- **Use of cleaner road sanding materials.**
- **Forestry burning restrictions.**

## **Summary of Particulate Strategies Medford-Ashland AQMA (Cont)**

### **Additional Measures**

- **A unified woodstove curtailment program of all jurisdictions in the AQMA.**
- **Specific roadway paving projects in Medford and White City.**
- **An education program for orchardists about dirt trackout.**

## **Summary of Particulate Strategies Medford-Ashland AQMA (Cont)**

### **Additional Measures**

- **Continued street vacuuming program in Medford; improved street vacuuming program in White City plus other voluntary measures.**
- **New control technology for key wood products industries (expected by the year 2003).**
- **Enhancement to Industrial Fugitive Dust Control Plans (OAR 340-030-043)**

## **Committee Recommendation**

- **Middle Ground Approach. Proactive Strategies, Stops Sanctions Clock.**
- **Plan Recommended By Majority Vote (Three members voted for full maintenance plan).**
- **Ongoing Committee Process.**

## Public Comment

- **Hearing June 16th.**
- **Testimony supported the work done so far.**
- **Some thought more should be done.**
- **Several concerns already addressed in plan.**
- **Others addressed in on-going committee process.**

## Testimony

### Concerns Addressed In Plan

- **No Backsliding For Major Industry.**
  - Plan maintains current requirements, 90% reduction in 2003; and maintains LAER and Offsets for new or expanding major industry to ensure no backsliding.
- **Meditate And Timber Products Should Reduce Press Vent Emissions.**
  - Plan includes Commitment for 90% reduction.
- **Should Have A Unified Approach To Woodstoves.**
  - Plan includes Unified Curtailment Program.



## Testimony

### Concerns Addressed By On-Going Committee Work

- **Emissions From Diesel Vehicles Should Be Controlled.**
  - New DEQ Committee looking at testing programs.
- **Prescribed Burning Should Be Restricted.**
  - Meetings with BLM/Forest Service have begun.
- **Smoke From Residential Open Burning Should Be Reduced Further.**
  - Committee will discuss additional measures.

## Testimony (Modeling)

- **Modeling Should Be Used To Demonstrate Attainment Under Worse-Case Conditions.**
  - EPA no longer requires modeling.
  - Results are no longer relevant for new form of the PM10 standard.
  - Under current circumstances, majority of Committee elected not demonstrate attainment using worse-case modeling.

## Summary

- **Proposed plan satisfies many concerns expressed in testimony.**
- **On-going Committee process will continue to work on other issues.**
- **Plan is cooperative, proactive approach, supported by a majority of the Committee and testimony. (No changes proposed)**
- **Department recommends adoption.**

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## Medford CO Maintenance Plan



*A Plan for Maintaining  
National Health Standards for  
Carbon Monoxide*

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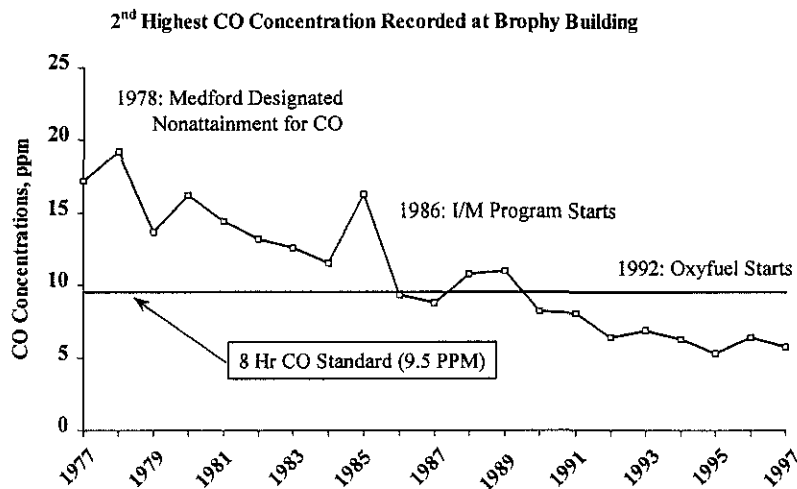
## Why Adopt A Maintenance Plan?

- Designed to protect public health
  - Allows redesignation of an area to compliance
  - May also allow removal of restrictions on industrial growth
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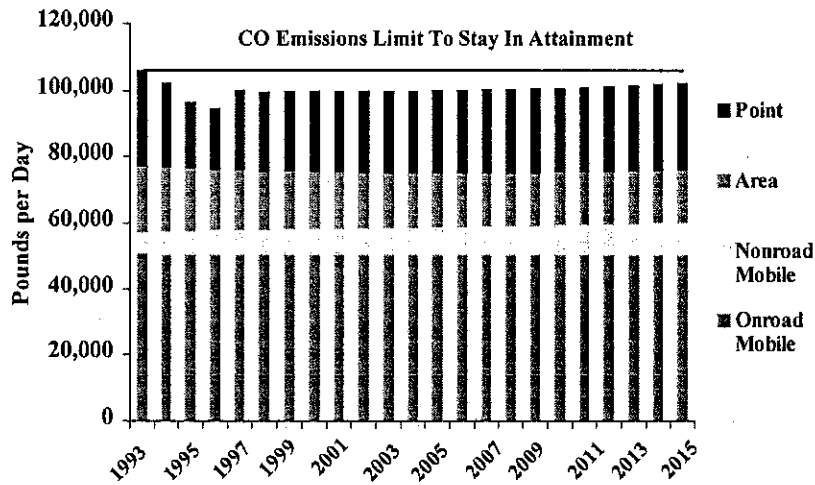
## Requirements for a Maintenance Plan

- Must show attainment of the standard
- Must project continued compliance with standard
- Must provide enforceable measures to ensure continued attainment

## Air Quality Is Improving



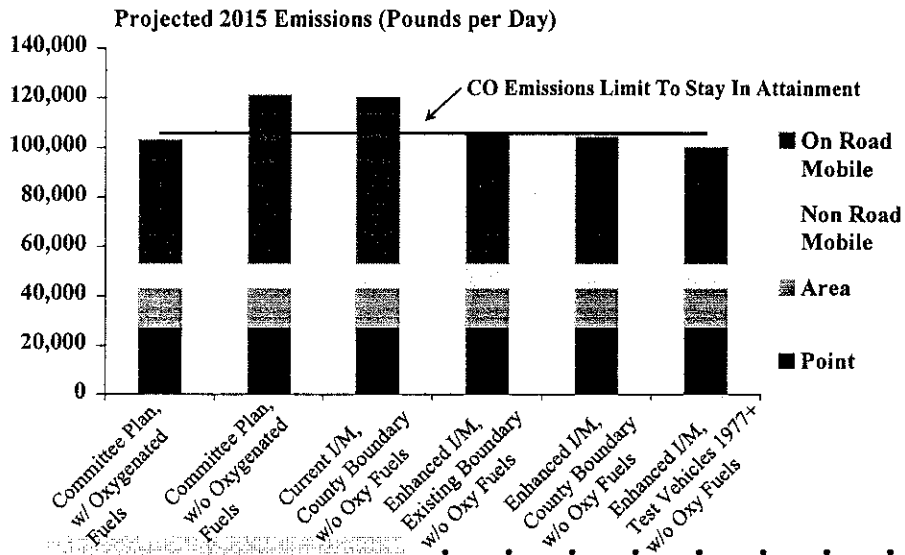
## Medford CO Emission Growth



## Proposed Elements of Maintenance Plan

- Federal New Car Emission Standards
- Existing Motor Vehicle Inspection Program
- Oxygenated Fuels
- Industrial Emission Tracking
- Flexibility in New Industrial Source Control Requirements

## Choices for CO Air Quality



## Public Comment Received

- Support expressed for the plan
- Reservations, concerns and objections about oxygenated fuel
- CO benefits of woodstove control programs

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## Response to Comments

- Oxygenated fuel
  - Negative effects on older cars and reduced fuel economy
  - MTBE health concerns
  - Department committed to re-evaluate need for oxy fuel once revised mobile emission model becomes available

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## Changes Proposed to Plan

- Acknowledge the CO emission benefit associated with changes in woodstove technology, usage and the curtailment programs

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## Medford CO Maintenance Plan

- Addresses an important public health issue
- Reasonably focuses on effects of growth impacts on air quality
- Provides assurance of regulatory limits, controls and expectations through 2015
- Allows for responsible planning



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## New Source Review - CO Maintenance Areas



*Environmental Protection*  
*Economic Growth*

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## What is New Source Review?

- Emission control requirements for new or expanding major industrial sources
  - Requirements vary by type of pollutant and location of the source
- .....

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## Current Requirements

CO Maintenance Areas:

- Control emissions with BACT
- Remaining emissions subject to
  - Offsets or
  - Growth Allowance

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## Problem in Current Requirements

In Medford,

- CO maintenance plan prepared without growth allowance
- Offsets are unavailable

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## Proposed Rule Amendment

- Creates additional option to address remaining emissions
  - Modeling to demonstrate no significant impact

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## Public Comment Received

- Concerns about additional pollutants allowed in a limited airshed

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## New Source Review in CO Maintenance Areas

- Business activity that results in no significant impact is encouraged
- Air quality is protected

# Environmental Quality Commission

- Rule Adoption Item
- Action Item
- Information Item

Agenda Item G  
August 7, 1998 Meeting

**Title:**

Revision to the PM10 Attainment Plan for the Medford-Ashland Air Quality Maintenance Area (AQMA).

**Summary:**

In 1996 the Department withdrew from EPA the 1991 Medford-Ashland PM10 Attainment Plan so that local transportation projects could continue while a revised attainment/maintenance plan was developed. Withdrawal initiated an 18 month sanctions clock for failure to submit an attainment plan. The sanctions clock began on June 13, 1997, and the Department has until December, 1998 to submit a revised plan to EPA. After considering planning options available under recent EPA guidance, as well as technical and policy analysis provided by the Department, the Medford-Ashland Air Quality Plan Advisory Committee has decided to forgo development of a maintenance plan using worse-case modeling, and re-submit the original 1991 PM10 control measures to EPA in order to stop the sanctions clock. The Committee also decided to add additional control measures as a proactive step to help protect public health and air quality.

**Department Recommendation:**

It is recommended that the Commission adopt the rules/rule amendments regarding proposed changes to the Medford-Ashland PM10 plan as a revision to the State Implementation Plan (SIP), as presented in Attachment A of the Department Staff Report.

Report Author

Division Administrator

Director

State of Oregon  
Department of Environmental Quality Memorandum

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**Date:** June 22, 1998  
**To:** Environmental Quality Commission  
**From:** Langdon Marsh  
**Subject:** Agenda Item G, August 7, 1998, EQC Meeting

Proposed changes to the Medford-Ashland PM<sub>10</sub> attainment plan as a revision to the State Implementation Plan (SIP); and proposed revision to OAR 340-030-043 as a revision to the State Implementation Plan (SIP).

**Background**

On May 8, 1998, the Director authorized the Air Quality Division to proceed to a rulemaking hearing on proposed rules which would revise the current PM<sub>10</sub> attainment plan for the Medford-Ashland Air Quality Maintenance Area (AQMA).

Pursuant to the authorization, hearing notice was published in the Secretary of State's Bulletin on June 1. The Hearing Notice and informational materials were mailed to the mailing list of those persons who have asked to be notified of rulemaking actions, and to a mailing list of persons known by the Department to be potentially affected by or interested in the proposed rulemaking action on May 11, 1998.

A Public Hearing was held June 16, 1998 with DEQ staff member Mary Heath serving as Presiding Officer. Written comment was received through June 19th at 5:00 pm. The Presiding Officer's Report (Attachment C) summarizes the oral testimony presented at the hearing and lists all the written comments received. (A copy of the comments is also attached).

Department staff have evaluated the comments received (Attachment D). Based upon that evaluation, no substantive modifications to the initial rulemaking proposal are being recommended by the Department.

The following sections summarize the issue that this proposed rulemaking action is intended to address, the authority to address the issue, the process for development of the rulemaking proposal including alternatives considered, a summary of the rulemaking proposal presented for public hearing, a summary of the significant public comments and any changes proposed in response to those comments, a summary of how the rule will work and how it is proposed to be implemented, and a recommendation for Commission action.

**Issue this Proposed Rulemaking Action is Intended to Address**

In 1991 a PM<sub>10</sub> attainment plan was adopted by the Oregon Environmental Quality Commission and submitted to the Environmental Protection Agency. Since then, successful implementation of PM<sub>10</sub> control strategies has resulted in the Medford-Ashland AQMA demonstrating compliance with both daily and annual average PM<sub>10</sub> standards\*. EPA found the 1991 plan complete but was unable to grant approval because the modeling demonstration did not show compliance in all areas of the AQMA under worse-case conditions. In 1997 the Department withdrew the PM<sub>10</sub> plan from EPA so that transportation funding could continue while the attainment plan was revised and a long term maintenance plan developed. Withdrawing the plan from EPA started an 18 month federal sanctions clock requiring re-submittal of the plan no later than December, 1998.

**Relationship to Federal and Adjacent State Rules**

The Clean Air Act requires states to develop and adopt State Implementation Plan (SIP) revisions to assure that areas exceeding standards are brought into attainment within the time frames prescribed by the Clean Air Act. Because the proposed plan adds strategies to those adopted in 1991, it exceeds EPA requirements as expressed in the recently released guidance for implementing the new PM<sub>10</sub> and PM<sub>2.5</sub> standards (Interim Implementation Guidance).

**Authority to Address the Issue**

ORS 468A.035	Comprehensive Air Pollution Control Plan
OAR 340-020-0047	State of Oregon Clean Air Act Implementation Plan
42 U.S.C 7401, etc. seq.	Clean Air Act Amendments of 1990

**Process for Development of the Rulemaking Proposal (including Advisory Committee and alternatives considered)**

In 1997, the Department assembled a local air quality advisory committee to assist in revising the PM<sub>10</sub> attainment plan. The Committee includes a diverse group of local interests including, local government and business interests, major industry, environmental organizations and other community groups. Over the past year the committee has reviewed information on growth in the AQMA, projected air quality impacts, and policy guidance from EPA.

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\* The PM10 standard in effect since 1987 has recently been replaced by new particulate standards for PM10 and PM2.5. Compliance determinations for the new form of the PM10 standard will be made by EPA in the year 2000. It is expected that Medford-Ashland will be in compliance with the new PM10 standard as well. Additional monitoring data is needed to assess compliance with the new PM2.5 standard.

Memo To: Environmental Quality Commission, Agenda Item G, August 7, 1998, EQC Meeting

Based on this information, the committee has made strategy recommendations to the Department culminating in a revised particulate plan.

Alternatives considered by the Committee included:

1. Develop complete maintenance plan using analysis techniques no longer required by EPA (supported by three members of the advisory committee).
2. Submit only the 1991 strategies, minimum required by EPA's guidance.
3. Submit the 1991 strategies and additional strategies, (supported by a majority of the Advisory Committee).

**Summary of Rulemaking Proposal Presented for Public Hearing and Discussion of Significant Issues Involved.**

PM<sub>10</sub> measurements taken in Medford in the mid to late 1980's showed that air quality in the Medford-Ashland Air Quality Maintenance Area (AQMA) exceeded both the daily and annual average PM<sub>10</sub> health standard. At that time the major sources contributing to PM<sub>10</sub> exceedances were residential wood combustion, major wood products industry, and road dust. PM<sub>10</sub> control strategies were developed in cooperation with local stakeholders to reduce emissions and bring air quality into compliance with standards. A PM<sub>10</sub> plan implementing these strategies was adopted by the Environmental Quality Commission (EQC) and submitted to the Environmental Protection Agency (EPA) in 1991. EPA found the plan complete but was unable to grant approval because the dispersion modeling did not show compliance in all areas of the AQMA under worst-case conditions.

The dispersion model predicted that PM<sub>10</sub> standards would be attained at the principal reference monitoring site of Welch & Jackson. However, the model did predict exceedances of PM<sub>10</sub> standards at a nearby location. PM<sub>10</sub> measurements at Welch & Jackson are used to determine compliance with particulate standards, and modeled attainment at this location was of primary concern. At that time, the Department judged the model predicted exceedances to be an over estimation of PM<sub>10</sub> impacts. The Department believed that the adopted control strategies would be sufficient to bring the area into compliance with PM<sub>10</sub> standards. This issue was not resolved with EPA. The strategies have been very successful in reducing emissions and lowering PM<sub>10</sub> to levels well below the standards.

Figures 1 and 2 show the trend since 1989 of daily (24-hr average) and annual average PM<sub>10</sub> values at the key monitoring site of Welch & Jackson Streets in Medford.



Figure 1:

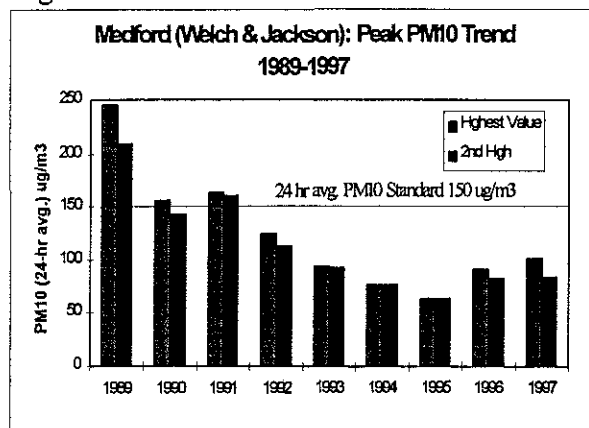
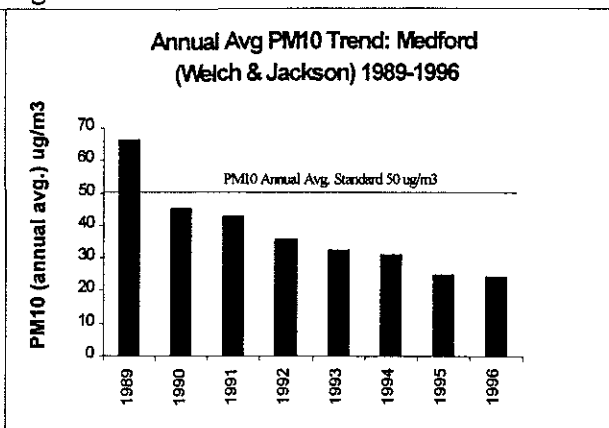


Figure 2:



When the most recent Rogue Valley Regional Transportation Plan (RTP) was proposed in 1996, the projected emissions for transportation sources were not compatible with the 1991 PM<sub>10</sub> Plan. This meant that transportation projects and funding could not go forward in the Rogue Valley until the air quality and transportation plans were reconciled\*.

To address the air quality-transportation problem, the Department decided to withdraw the 1991 PM<sub>10</sub> plan from EPA so that transportation funding could continue while the attainment plan was revised and a long term maintenance plan developed. Withdrawal of the 1991 PM<sub>10</sub> attainment plan initiated an 18 month sanctions clock for failure to submit an attainment plan. The sanctions clock began on June 13, 1997, and the Department has until December, 1998 to submit a revised plan to EPA.

In 1997, the Department assembled a local air quality advisory committee to assist in revising the PM<sub>10</sub> attainment plan and developing a long term maintenance plan. Over the past year the committee has reviewed technical analysis and strategy options as well as modeling analysis that estimates the ambient PM<sub>10</sub> concentrations caused by the emissions inventory. Federal guidance in place at the time required that the modeling be conducted under worse-case conditions. That meant modeling major industry at their maximum allowable permitted emission level, and using severe air stagnation meteorology measured in Medford during the mid 1980's. The modeling identified two potential problem areas in Medford and White City where PM<sub>10</sub> exceedances could occur.

\* The interactive process between air quality and transportation planning is governed by the Department's Transportation Conformity Rule, OAR 340-020-0710 et. seq.

During the committee process, EPA issued guidance for implementing the new particulate standards that were adopted in the fall of 1997. This guidance changes the long standing approach to PM<sub>10</sub> planning in nonattainment areas by no longer requiring that maintenance plans be developed, or that compliance with the pre-existing PM<sub>10</sub> standard be demonstrated through modeling.

The change in EPA policy provided the Committee with several options for how to proceed. The options ranged from simply re-submitting the original 1991 PM<sub>10</sub> strategies to EPA, to developing a full maintenance plan with new control strategies sufficient to demonstrate compliance with PM<sub>10</sub> standards through modeling to the year 2015. After considering the available planning options, the Committee decided to forego development of a full maintenance plan. The Committee decided to re-submit the original 1991 PM<sub>10</sub> control measures to EPA, and add additional control measures as a proactive step to help protect public health. While a majority of Committee members voted to proceed with this middle-ground approach, three members supported the development of a maintenance plan, supported by modeling under worse-case conditions, even though it was no longer required by EPA.

The original control measures identified in the 1991 PM<sub>10</sub> plan include:

- A mandatory woodstove curtailment program (within the critical PM<sub>10</sub> control area);
- Control technology requirements for major wood products industry;
- Local open burning ordinances;
- Requirements for minimizing smoke intrusions from forestry burning year round, and special restrictions during AQMA stagnation episodes; and
- Use of cleaner road sanding materials.
- A program to work with private land owners in the White City area to reduce trackout.

New control measures recommended by the Committee (added to the original measures) include:

- A unified mandatory woodstove curtailment ordinance in all towns of the AQMA (including the current Jackson County curtailment boundary);
- Emission reduction of at least 90 percent from particleboard press vents at Timber Products and hardboard press vents at Medite by no later than November, 2003.
- Targeted roadway paving projects in select areas of Medford and White City;
- Revision to the Oregon Administrative Rule (OAR 340-030-043) requiring major point sources to control fugitive dust emissions;
- An education program for orchard owners about roadway soil trackout reduction; and
- Improved street vacuuming programs in White City, continued street cleaning in Medford.

A more detailed discussion of each strategy can be found in the PM<sub>10</sub> Attainment Plan (Attachment A).

The amendment to OAR 340-030-043 enhances the current requirements for major industrial sources to control fugitive emissions. It places more emphasis on protecting public roadways from contamination by soil or other fugitive materials. It requires a source to submit a site specific fugitive dust control plan to the Department within 60 days of a permit issuance or renewal.

In addition to the new strategies above, a voluntary agreement has been reached with Timber Products Co. to temporarily "freeze" or "escrow" approximately 80 tons per year of permitted PM<sub>10</sub> emissions until particleboard press emissions are reduced by at least 90 percent. This means that Timber Products could not increase the permitted emission level of their current operation until the 90 percent reduction is achieved (expected by November, 2003). At that time, the escrowed emissions will again become available to Timber Products. The Department has signed a formal PSEL agreement with Timber Products that applies until the facility's operating permit is renewed. Reductions in press vent emissions may not be banked by the facility but will be returned to the airshed. A copy of the agreement is included in the PM<sub>10</sub> Plan as Appendix A-11.

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

Certain wood products facilities will further reduce emissions under this plan. The Medite and Timber Products facilities have committed to reduce particulate emissions from press vents by at least 90 percent by no later than November, 2003.

The City of Medford will reduce PM<sub>10</sub> emissions through the paving of certain roads, and through continuing their current road cleaning program. The jurisdiction of White City is pursuing the purchase of an advanced vacuum sweeper to enhance their road cleaning program. White City has also committed to pave certain roadways as a PM<sub>10</sub> strategy.

The public will reduce smoke emissions by participating in a woodstove curtailment program. State and federal land managers will comply with requirements of the Oregon Smoke Management Plan. Local orchardists have developed a policy for management practices to reduce soil trackout onto roadways.

**Summary of Significant Public Comment and Changes Proposed in Response**

Key points raised during the public hearing are as follows:

- Several commentors supported the plan revision as proposed.
- Several commentors supported the plan and thought that additional control measures were needed to adequately protect public health .
- Several commentors are concerned about the emissions and air quality impacts of future growth in population, motor vehicle travel, and expansion of the Medford airport.
- Several commentors would like to see heavy duty diesel vehicles subject to an emissions testing program.

A complete summary of public comment and the Department's response are enclosed as Attachments C and D. No changes are proposed to the Medford-Ashland PM<sub>10</sub> Plan.

**Summary of How the Proposed Rule Will Work and How it Will be Implemented**

This plan revision will continue the implementation of PM<sub>10</sub> strategies already adopted. Local government and Department staff have been trained to implement the existing and new strategies.

The Advisory Committee requested an on-going process to evaluate additional strategies to reduce vehicle miles traveled in the AQMA (and associated emissions), as well as to reduce emissions from heavy duty diesels, industry and prescribed forest burning. The on-going process is currently not a budgeted activity and can not be supported with permit fees. Therefore, the Department has requested funding for the on-going advisory committee process in a policy option package. This on-going process will be staffed jointly by the Airshed Planning Section in HQ and the regional office. Increasing regional involvement in the air quality planning process was identified as a priority in the Division's Strategic Plan. Additional funding for local programs will also continue to be explored.

**Recommendation for Commission Action**

It is recommended that the Commission adopt the rules/rule amendments regarding proposed changes to the Medford-Ashland PM10 plan as a revision to the State Implementation Plan (SIP), as presented in Attachment A of the Department Staff Report.

**Attachments**

- A-1. Revision to OAR 340-030-043
- A-2. Revision to Medford-Ashland PM<sub>10</sub> Plan
- B. Supporting Procedural Documentation:
  - 1. Legal Notice of Hearing
  - 2. Fiscal and Economic Impact Statement
  - 3. Land Use Evaluation Statement
  - 4. Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements
  - 5. Cover Memorandum from Public Notice
- C. Presiding Officer's Report on Public Hearing
- D. Department's Evaluation of Public Comment
- E. Detailed Changes to Original Rulemaking Proposal made in Response to Public Comment.
- F. Advisory Committee Membership

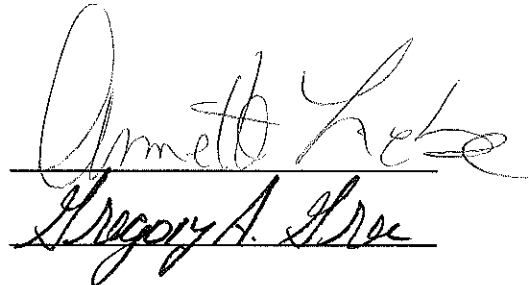
**Reference Documents (available upon request)**

Written Comments Received (listed in Attachment C)  
Committee briefing materials and meeting summaries.

Approved:

Section:

Division:



Arnette L. Lutz  
Gregory A. Lutz

Report Prepared By: David L. Collier

Phone: (503) 229-5177

Date Prepared: June 22, 1998

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# Attachment A-1

Proposed Revision to OAR 340-030-0043  
Control of Fugitive Emissions  
(Medford-Ashland AQMA Only)

Proposed Revision to Fugitive Dust Control Plan Rule Language  
OAR 340-030-0043

**Control of Fugitive Emissions  
(Medford-Ashland AQMA Only)  
340-030-0043**

- (1) ~~Large~~ All Sawmills, all plywood mills and veneer manufacturing plants, particle board and hardboard plants, charcoal manufacturing plants, ~~stationary~~ asphalt plants, ~~stationary~~ rock crushers, **animal feed manufacturers, other major industrial facilities as identified by the Department, and Ssources subject to OAR 340-21-245 or 340-30-230 must prepare and implement site-specific plans for the control of Ffugitive Eemissions. (The Aair Ceontaminant Ssources listed are described in OAR 340 20 155, Table 1, paragraphs 10a, 14a, 14b, 15, 17, 18, 29, 34a and 42a respectively OAR 340-028-1750, Table 4, paragraphs 10, 14, 17, 18, 29, 34 and 42 respectively).**
- (2) Fugitive Eemission control plans must identify reasonable measures to prevent Pparticulate Mmatter from becoming airborne. **Special care will be taken by the facility to avoid the migration of material onto the public road system.** Such reasonable measures shall include, but are not limited to the following:
  - (a) **The systematic paving of all unpaved roads and areas on which vehicular traffic occurs. Until an area is paved, Subsection (2)(b) applies;**
  - (a) (b) Scheduled application of asphalt, oil, water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust. **Dust suppressant material must not adversely affect water quality;**
  - (c) **Periodic sweeping or cleaning of paved roads and other areas as necessary to prevent migration of material onto the public road system.**
  - (b) (d) Full or partial enclosure of materials stockpiled in cases where application of oil, water or chemicals are not sufficient to prevent Pparticulate Mmatter from becoming airborne;
  - (e) (e) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dust materials;
  - (d) (f) Adequate containment during sandblasting or other similar operations;
  - (e) (g) Covering, at all times when in motion; open bodied trucks transporting materials likely to become airborne; and
  - (f) (h) Procedures for the prompt removal **of earth or other material** from paved streets. ~~of earth or other material which does or may become airborne.~~
- (3) **Reasonable measures may include landscaping and using vegetation to reduce the migration of material onto public and private roadways.**
- (4) **The facility owner or operator must supervise and control fugitive emissions and material that may become airborne caused by the activity of outside contractors delivering or removing materials at the site.**
- (5) **The site-specific Fugitive Emissions control plan shall be submitted to the Department prior to or within 60 days of permit issuance or renewal. The Department shall approve or deny the plan within 30 days.**

# Attachment A-2

## Proposed Revision To The Medford-Ashland PM10 Attainment Plan

Plan Document  
Appendices A-1 through A-12



**State of Oregon  
Department of Environmental Quality  
Air Quality Division**

**State Implementation Plan  
for Particulate Matter (PM<sub>10</sub>) in the Medford-  
Ashland Air Quality Maintenance Area**

**A Plan for Meeting  
The National  
Ambient Air Quality Standards  
For PM<sub>10</sub>**

**February, 1990  
Revised July, 1998**

## Table of Contents

Executive Summary .....	ii
4.14.0 State Implementation Plan for the Medford-Ashland AQMA PM <sub>10</sub> Nonattainment Area .....	1
4.14.0.1 Introduction .....	1
4.14.1.0 Area Description .....	2
4.14.1.1 Medford-Ashland Meteorology .....	4
4.14.1.2 Health Effects of PM <sub>10</sub> and Woodsmoke .....	5
4.14.2.0 Ambient Air Quality .....	7
4.14.2.1 PM <sub>10</sub> Air Quality in Medford .....	7
4.14.3 Emissions Growth in the Medford-Ashland AQMA .....	9
4.14.4 Nonattainment Area Analysis .....	11
4.14.5.0 Control Measures .....	11
4.14.5.1 Residential Wood Combustion Strategies .....	12
4.14.5.2 Wood Products Industry Strategies .....	16
4.14.5.3 Open Burning Strategies .....	18
4.14.5.4 Road Dust Strategies .....	18
4.14.5.5 Other Strategies .....	19
4.14.6.0 Transportation Conformity .....	20
4.14.6.1 Voluntary Measures Related to Transportation .....	21
4.14.7.0 Implementation of Control Strategy .....	22
4.14.7.1 Schedule for Implementation: On-Going Process .....	23
4.14.8 Rules Regulations and Commitments .....	23
4.14.9 Emergency Action Plan Provisions .....	26
4.14.10 Public Involvement .....	27
4.14.10.1 Citizen Advisory Committee .....	27
4.14.10.2 Public Notice .....	28
4.14.10.3 Public Hearings .....	28
4.14.10.4 Intergovernmental Review .....	28

## Appendices

- Appendix A-1: Ambient Air Quality and Monitoring Methods
- Appendix A-2: Proposed Revision to Fugitive Dust Control Plan Rule Language (OAR 340-030-043)
- Appendix A-3: Summary of Local Open Burning Ordinances
- Appendix A-4: List of Road Dust Control Projects
- Appendix A-5: Fruit Growers League Trackout Policy
- Appendix A-6: New Local Ordinances for Unified Woodstove Curtailment Program
- Appendix A-7: Letter from Jackson County regarding trackout.
- Appendix A-8: Transit Oriented Design Study
- Appendix A-9: Draft Medford Southeast Plan
- Appendix A-10: Phoenix - City Center Plan
- Appendix A-11: Draft PSEL Agreement with Timber Products
- Appendix A-12: Local Ordinances Supporting PM10 Plan

## List of Figures

<u>Figure</u>	<u>Title</u>	<u>Page</u>
Figure 4.14.0-1:	Map of Medford-Ashland AQMA.	3
Figure 4.14.1-1:	Trends in Air Stagnation.	5
Figure 4.14.2-1:	Medford PM <sub>10</sub> Trend: Welch & Jackson 1989-1997.	7
Figure 4.14.2-2:	Trends of Maximum PM <sub>10</sub> at Courthouse and Welch & Jackson 1983-96.	7
Figure 4.14.2-3:	PM <sub>10</sub> Trend: White City Post Office 1985-1997.	8
Figure 4.14.2-4:	Annual Average PM <sub>10</sub> Trend (Welch & Jackson) 1989-96.	8
Figure 4.14.2-5:	Annual Average PM <sub>10</sub> Trends (White City Post Office) .	9
Figure 4.14.3-1:	Historic Jackson County Population Growth.	10
Figure 4.14.3-2:	Projected Population and Housing Growth	10
Figure 4.14.5-1:	Project CLEAR Low Income Assistance for Woodstove Replacement.	13
Figure 4.14.5-2:	Percent Homes Burning Wood.	14
Figure 4.14.5-3:	Wood Heating Device Trend in 1995, Existing Housing.	14
Figure 4.14.5-4:	Estimated Annual Emissions from Residential Woodstoves.	15
Figure 4.14.5-5:	Forest Land Burning Emissions, Reduction from 1976-79 Baseline.	20

## Acknowledgments

Without the efforts of numerous individuals in state and local governments and private entities who are dedicated to healthy air; this supplement to the Oregon State Implementation Plan would not have been possible. Special appreciation goes to :

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- Medford-Ashland Air Quality Plan Advisory Committee, Mike Montero, Chair, Larry Medinger Co-Chair.;
- Oregon Department of Transportation for funding and technical support.

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## Executive Summary

The U.S. Environmental Protection Agency (EPA) adopted National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub> on July 1, 1987. Particulate matter measuring less than or equal to 10 micrometers (µm) is considered a risk to human health due to the body's inability to effectively filter out particles of this size. These particles can become lodged in the lungs aggravating chronic respiratory diseases such as asthma, bronchitis, and heart disease. At risk populations include children, the elderly, and those with existing health problems.

The federal Clean Air Act requires states to develop and adopt State Implementation Plan (SIP) revisions to assure that areas exceeding standards are brought into attainment within the time frames prescribed by the Clean Air Act. This document describes the original State of Oregon plan developed in 1991 to attain the PM<sub>10</sub> standards in the Medford-Ashland Air Quality Maintenance Area (AQMA) by the Clean Air Act deadline of December 31, 1994. This document also describes subsequent developments regarding the plan, the attainment of PM<sub>10</sub> air quality standards in Medford-Ashland, withdrawal of the plan from the Environmental Protection Agency in 1996, and the Advisory Committee process that has led to additional strategies being incorporated into this revised PM<sub>10</sub> plan.

PM<sub>10</sub> measurements taken in Medford in the mid to late 1980's showed that the 24-hour PM<sub>10</sub> health standard was exceeded an average of 20-25 days per year during the winter months. The maximum 24-hour PM<sub>10</sub> concentration measured in Medford was over 300 µg/m<sup>3</sup> as compared to the 24-hr average PM<sub>10</sub> standard of 150 µg/m<sup>3</sup>. The annual average PM<sub>10</sub> concentrations in Medford during the 1980s ranged from about 58 to 68 µg/m<sup>3</sup> compared to the average annual PM<sub>10</sub> standard of 50 µg/m<sup>3</sup>.

In 1990, the major sources of PM<sub>10</sub> in the Medford-Ashland Air Quality Maintenance Area (AQMA) were residential wood combustion, major industry, and road dust. PM<sub>10</sub> impacts were measured, calculated and verified at various locations within the AQMA through a combination of the air monitoring network (PM<sub>10</sub> measurement stations), dispersion modeling (mathematical modeling of diffusion in the atmosphere), and receptor modeling (chemical fingerprinting) techniques.

The highest PM<sub>10</sub> concentrations were measured in 1984-1989 in the area around the Jackson County Courthouse. Analysis of all of the available PM<sub>10</sub> air quality data from 1984-1986 indicated typical 24-hour average peak concentrations ranging from 266 to 309 µg/m<sup>3</sup>, and annual average concentrations ranging from 58 to 68 µg/m<sup>3</sup>.

Control strategies included in the 1991 attainment plan were designed to reduce 24-hour concentrations of PM<sub>10</sub> by at least 159 µg/m<sup>3</sup> (309-150 µg/m<sup>3</sup>) and the annual average by at least 18 µg/m<sup>3</sup> (68-50 µg/m<sup>3</sup>) by 1992. Control measures adopted in the plan are legally enforceable, adequate to achieve the needed air quality improvements, and designed to attain the standards within the time frames provided by the Clean Air Act. The principal means of achieving the

necessary air quality improvements within the 3-year period allowed were through PM<sub>10</sub> emission reductions from woodstoves and fireplaces (Residential Wood Combustion-RWC); reductions in major wood products industry emissions; reductions in open burning emissions; and reductions in road dust. Additional reductions were expected from statewide efforts to reduce slash burning smoke.

The initial PM<sub>10</sub> attainment plan was adopted by the Oregon Environmental Quality Commission and submitted to the Environmental Protection Agency in time to meet the 1991 Clean Air Act deadline. Successful implementation of the PM<sub>10</sub> control strategies resulted in the Medford-Ashland AQMA demonstrating compliance with both daily and annual average PM<sub>10</sub> standards by the December 1994 Clean Air Act deadline. Figures 1 and 2 show the trend in ambient daily PM<sub>10</sub> values at the monitoring sites of Welch & Jackson Streets and the White City Post Office. Figures 3 and 4 show the trend in the annual average PM<sub>10</sub> values.

Figure 1: Daily PM10 Trend Medford

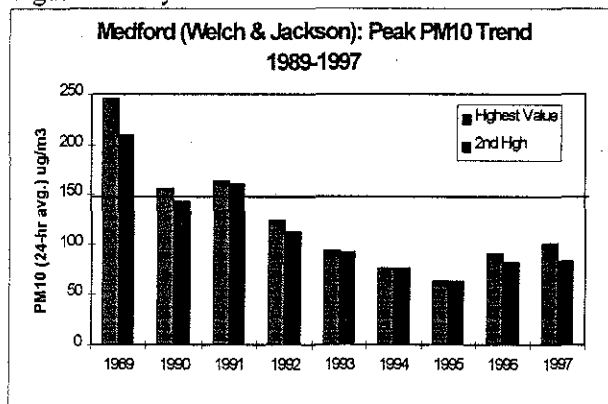


Figure 2: Daily PM10 Trend White City

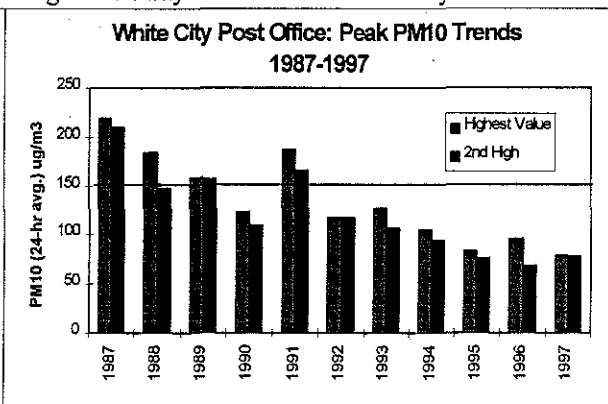


Figure 3: Annual Avg. PM10 Trend Medford

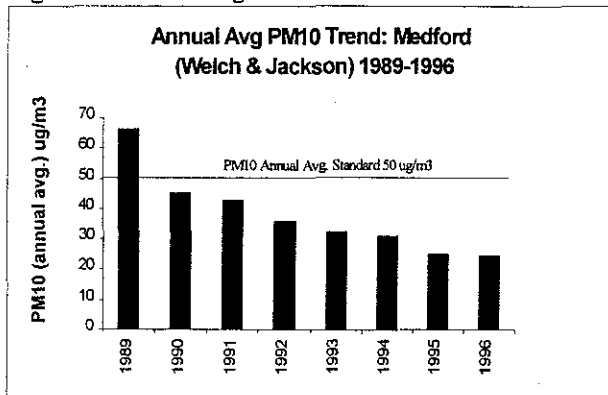
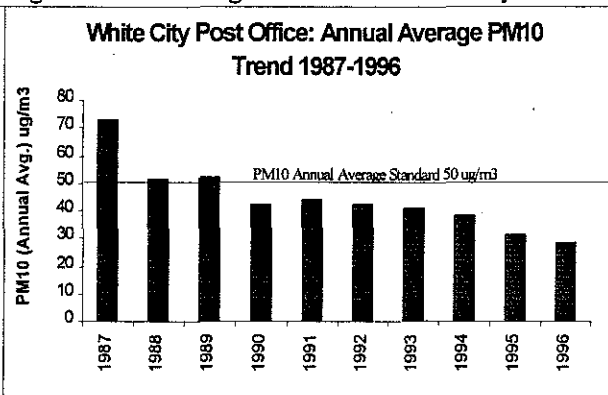


Figure 4: Annual Avg. PM10 Trend White City



## **PM<sub>10</sub> Attainment Plan Up-Date**

In January, 1997, the Rogue Valley Regional Transportation Plan (RTP) was completed. The Rogue Valley RTP defines the transportation systems for Medford, Central Point, Phoenix, White City, and that portion of Jackson County within the Metropolitan Planning Organization (MPO) boundary. The RTP uses demographic information in conjunction with a travel demand forecasting model to develop street network design options for regional automobile travel. Regional transportation plans in nonattainment and maintenance areas must also demonstrate that they will not conflict with air quality standards. This is accomplished through the transportation conformity program which ensures that future transportation emissions do not exceed the level of emissions allocated to the transportation sector during the air quality planning process. The RTP could not be adopted until transportation conformity was demonstrated.

During the conformity review process it was discovered that emission projections for the transportation planning horizon year of 2015 exceeded the emission projections for transportation identified in the 1991 PM<sub>10</sub> Plan (in the 1991 plan transportation emissions were only projected to the year 2000). The RTP could therefore not demonstrate conformity under the applicable "emissions budget" test, and could not be adopted by the Rogue Valley Council of Governments.

It was agreed that the 1991 PM<sub>10</sub> plan would be withdrawn from EPA so that the attainment plan could be revised and a long term maintenance plan developed to ensure good air quality out to 2015. This action allowed a different conformity test (Build/No-Build) to apply while the air quality plan was being revised. It also allowed the RTP to be adopted and for transportation funding to continue. The revised attainment and maintenance plan would have re-established emissions budgets for transportation conformity. Withdrawing the plan started a federal sanctions clock and imposed an 18 month deadline to resubmit a revised plan to EPA. The revised PM<sub>10</sub> plan must be submitted to EPA by December, 1998.

## **Planning Process**

The Department established an Air Quality Plan Advisory Committee to assist in the development of the revised PM<sub>10</sub> plan. The Committee represents local stakeholders from both local government and the private sector. The Committee reviewed information and analysis on population, traffic and emissions growth, as well as air quality modeling of potential future PM<sub>10</sub> impacts in the AQMA. While committee work was progressing, the EPA adopted new national ambient air quality standards (NAAQS) for particulate, specifically particulate matter equal to or less than 10 microns in size (PM-10) and particulate matter equal to or less than 2.5 microns in size (PM-2.5) (July 18, 1997). EPA also issued new guidance for implementation of the new particulate NAAQS.

EPA's guidance (Interim Implementation Guidance - IIG) changes the long standing approach to PM<sub>10</sub> planning in nonattainment areas. Under the policy, EPA no longer requires that a long term maintenance plan be developed, or that compliance with the pre-existing PM<sub>10</sub> standards be

demonstrated through modeling. EPA's new policy allows the pre-existing PM<sub>10</sub> standard and the PM<sub>10</sub> nonattainment area designation to be revoked once the Department has submitted, and EPA has concurred with, the following information: (1) monitored air quality data showing attainment for at least 3 years (1994-1996); (2) a letter from the Governor certifying that all of the control measures identified in the attainment plan are being implemented and will be continued; and (3) documentation verifying that ODEQ has the authority and ability to implement the new/revised PM standards.

After considering the planning options available under the guidance the Committee decided to forego development of a formal maintenance plan, and re-submit the original 1991 PM<sub>10</sub> control measures to EPA. The Committee also decided that additional control measures should be added to the plan as a proactive step to help protect future air quality. Submitting the original strategies is required to stop the plan withdrawal sanctions clock and as one of the necessary elements of revoking the pre-existing PM<sub>10</sub> standard. The additional measures focus on preventing future exceedances of the new PM<sub>10</sub> and PM<sub>2.5</sub> NAAQSs.

The original control measures identified in the 1991 PM<sub>10</sub> plan include:

- A mandatory woodstove curtailment program (within the critical PM<sub>10</sub> Control Area);
- Control technology requirements for major wood products industry;
- Local open burning ordinances;
- Use of cleaner road sanding materials.
- Management of prescribed forestry burning year round, special protection for nonattainment area during winter months.

New control measures recommended by the Committee include:

- A unified mandatory woodstove curtailment ordinance. This will apply consistent curtailment requirements in each AQMA town and within the Jackson County woodstove curtailment boundary.
- Targeted roadway paving projects in Medford and White City;
- An education program for orchard owners about reducing soil trackout onto roadways;
- Continued street cleaning program in Medford and enhanced street cleaning program in White City; and,
- A commitment from Timber Products and Medite to reduce particleboard and hardboard press emissions by at least 90 percent no later than November, 2003.

In addition to the new strategies above, Timber Products Co. has agreed to temporarily "freeze" or "escrow" approximately 80 tons per year of allowable permitted PM<sub>10</sub> emissions until particleboard press emissions are reduced by at least 90 percent. This means that Timber Products will not increase the permitted emission level of their current operation until the 90 percent reduction is achieved (expected by November, 2003). At that time, the escrowed emissions will again become available to Timber Products; while the 90 percent reduction in press vent emissions will lower permitted emission levels. The Department has developed a



formal agreement with Timber Products that applies until the facility's operating permit is renewed. The final agreement is included as Appendix A-11.

The revised PM<sub>10</sub> Plan including these new strategies will be submitted to EPA in August, 1998. In addition to completing this plan revision, the Committee has also requested an ongoing process to address significant air quality issues in the region. In an on-going process, the Committee will work to address the issues of major point source emissions; growth in motor vehicle travel; prescribed forest burning, and the potential for testing of heavy duty diesel vehicles.

-###-

## **4.14.0 State Implementation Plan for the Medford-Ashland AQMA PM<sub>10</sub> Nonattainment Area**

### **4.14.0.1 Introduction**

On July 1, 1987, the U.S. Environmental Protection Agency (EPA) promulgated federal ambient air quality standards for particles less than or equal to 10 micrometers in aerodynamic diameter (PM<sub>10</sub>) to replace the Total Suspended Particulate (TSP) standard<sup>1</sup>. The standard became effective 30 days later on July 31, 1987. On August 7, 1987, EPA classified the Medford-Ashland Air Quality Maintenance Area as a Group I PM<sub>10</sub> nonattainment area (52 FR 29383). Group I areas were those which had a greater than 95 percent probability of exceeding the PM<sub>10</sub> National Ambient Air Quality Standards (NAAQS). Air monitoring in the mid 1980's showed that air quality within the Medford-Ashland AQMA exceeded the PM<sub>10</sub> standards (NAAQS).

Section 110 of the federal Clean Air Act required States to adopt and submit plans (State Implementation Plans or SIPs) to EPA within nine months after the effective date of the standard. The plan must provide for attainment of the standard as expeditiously as practicable, but no later than the Clean Air Act deadline of December 31, 1994<sup>2</sup>.

The Air Quality Division of the Department of Environmental Quality developed this plan in consultation with officials of Jackson County, the cities within the Medford-Ashland AQMA, the Oregon Departments of Transportation and Forestry, the Rogue Valley Council of Governments, and EPA. This document contains strategies and analysis originally submitted to EPA in 1991, as well as additional emission reduction measures recommended by a local advisory committee in 1998 for the future prevention of PM<sub>10</sub> and PM<sub>2.5</sub> exceedances. The advisory committee represents a diversity of community interests. Stakeholders represented on the committee are listed in Section 4.14.10.1, Citizen Advisory Committee.

Control measures adopted as part of the 1991 PM<sub>10</sub> plan have been successfully implemented in the Medford-Ashland AQMA. These strategies included a mandatory residential woodsmoke curtailment program, restrictions on open burning, control measures for major wood products industry, and others. There has not been an exceedance of the 24-hr average or annual average PM<sub>10</sub> standard in the Medford-Ashland AQMA since 1991. These original control strategies are responsible for attaining standards within the time frame required by the Clean Air Act.

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<sup>1</sup>A micrometer (mm) is a unit of length equal to about 1/25,000 of an inch. For comparison, the thickness of a human hair is about 100 to 200 micrometers.

<sup>2</sup> Clean Air Act Section 188 (c)(1).

#### 4.14.1.0 Area Description

The following description of the topography is from the annual climatological summary for the Medford area prepared by the National Weather Service.<sup>3</sup>

Medford is located in a mountain valley formed by the Rogue River and one of its tributaries, Bear Creek. The major portion of the valley ranges in elevation from 1,300 to 1,400 feet above sea level. Mountains surround the valley on all sides: to the east, the Cascades, ranging up to 9,500 feet; to the south, the Siskiyou, ranging up to 7,600 feet; and to the west and north, the Coast Range and Umpqua Divide, ranging up to 5,500 feet above sea level. The valley exits to the ocean 80 miles westward through the narrow canyon of the Rogue River.

The Medford-Ashland Air Quality Maintenance Area (AQMA) is outlined in Figure 4.14.1-1. The AQMA covers about 228 square miles and approximates the Bear Creek Basin. The AQMA defines the current PM<sub>10</sub> nonattainment area, and will continue to define the planning boundary for particulate control and prevention strategies adopted in this plan.

At a minimum, the PM<sub>10</sub> nonattainment area must be large enough to include all of the local areas that violate ambient PM<sub>10</sub> standards. The ambient monitoring network indicates that the PM<sub>10</sub> problem areas are located within the AQMA and primarily include the Medford, Central Point, White City areas.

The boundary must also be large enough to include potential future PM<sub>10</sub> problem areas resulting from residential, industrial or transportation growth. In 1988 the AQMA included about 80% of the Jackson County population. The 1988 population was estimated to be 143,400 in Jackson County and 115,000 in the AQMA. The 1995 AQMA population<sup>4</sup> was estimated to be approximately 122,495. All of the major industries in Jackson County are located within the Medford-Ashland AQMA. Most of the traffic (vehicle-miles-traveled or VMT) in Medford is from vehicles registered within the AQMA.

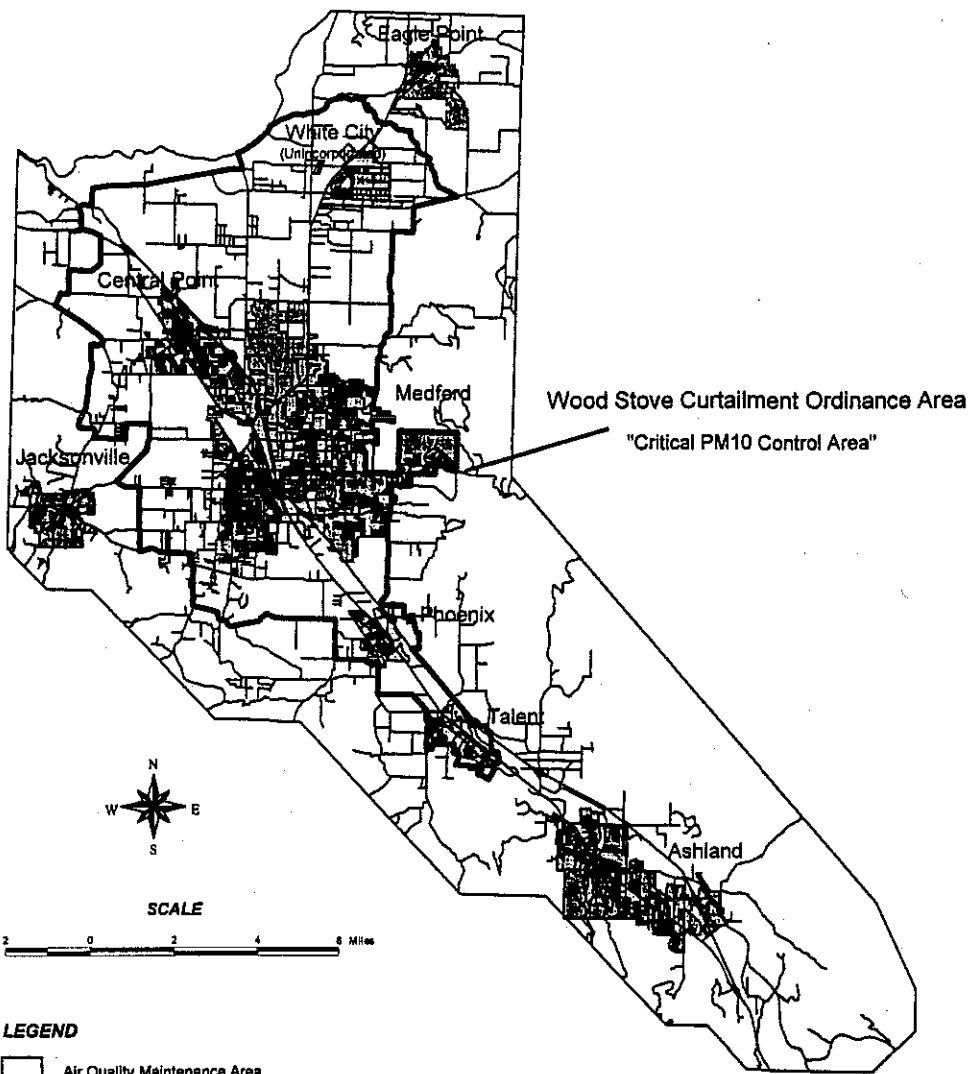
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<sup>3</sup> "Local Climatological Data, 1987 Annual Summary with Comparative Data, Medford, Oregon," National Oceanic and Atmospheric Administration, National Climatic Data Center, Ashville, North Carolina.





<sup>4</sup>Center for Population Research and Census, School of Urban and Public Affairs, Portland State University

Figure 4.14.1-1: Map of Medford-Ashland AQMA

### Medford - Ashland Air Quality Maintenance Area



**LEGEND**

-  Air Quality Maintenance Area
-  Woodstove Curtailment Ordinance Area
-  Roads
-  Urban Areas



The AQMA boundary has been used for the special industrial air pollution control rules adopted in 1978, 1983 and 1989.

The Department of Environmental Quality and Jackson County Health Department have also identified an area within the AQMA that is referred to as the critical PM<sub>10</sub> control area. This area includes all of the PM<sub>10</sub> problem areas, a significant portion of the AQMA population (about 79,000 of the 122,495 AQMA population in 1995), and all of the major industries. This critical PM<sub>10</sub> control area defines the historic mandatory wood burning curtailment program boundary.

#### **4.14.1.1 Medford-Ashland Meteorology**

The following description of climate and meteorology in the Medford-Ashland area is from the annual climatological summary prepared by the National Weather Service.<sup>5</sup>

Medford has a moderate climate of marked seasonal characteristics. Late fall, winter, and early spring months are damp, cloudy, and cool under the influence of marine air. Late spring, summer, and early fall are warm, dry, and sunny, due to the dry continental nature of the prevailing winds aloft that cross this area.

The rain shadow afforded by the Siskiyou and Coast Range results in a relatively light annual rainfall, most of which falls during the winter season. Summertime rainfall is brought by thunderstorm activity. Snowfall is quite heavy in the surrounding mountains during the winter. Valley snowfall is light. Individual accumulations of snow seldom last more than 24 hours and present little hindrance to transportation on the valley floor.

Few extremes of temperatures occur. High temperatures in the summer months average slightly below 90 degrees. High temperatures are always accompanied by low humidity, and hot days give way to cold nights as cool air drains down the mountain slopes into the valley. The length of the growing season is 170 days, from late April to mid-October. The last date of 32 degrees in the spring normally occurs in mid-June and the first date of 32 degrees in the fall occurs in mid-September.

Valley winds are usually very light, prevailing from the north or northwest much of the year. Winds exceeding 10 mph during the winter months nearly always come from the southerly quadrant. Highest velocities are reached when a well developed storm off the northern California coast causes a north or Chinook wind off the Siskiyou Mountains to the south; speeds to 50 mph are common and gusts to 70 mph have been recorded occasionally. Summer thunderstorms produce gusty winds to 40 or 50 mph which may come from any direction.

Fog often fills the lower portion of the valley during the winter and early spring months, when rapid clearing of the sky after a storm allows nocturnal cooling of the entrapped moist air to the saturation

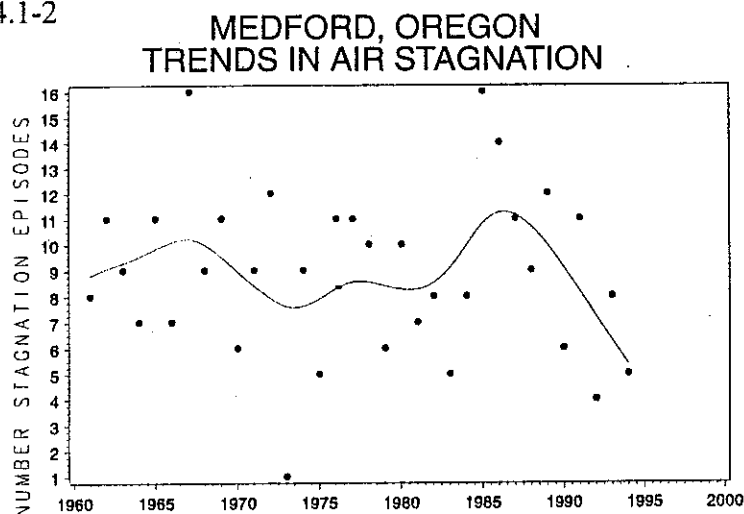
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<sup>5</sup> "Local Climatological Data, 1987 Annual Summary with Comparative Data, Medford, Oregon," National Oceanic and Atmospheric Administration, National Climatic Data Center, Asheville, North Carolina.

point. Duration of the fog is seldom more than three days. Geographical and meteorological conditions contribute to a potential smoke problem during the fall, winter, and early spring months. Smoke from local sources occasionally reduces visibility to 1 to 3 miles under stable conditions.

Stagnation episodes are the primary meteorological component of NAAQS exceedances in the Medford-Ashland AQMA. Figure 4.14.1-2 shows a generalized trend in stagnation episodes over the past 30 years. Stagnation episodes in the Rogue Valley were at or above normal from 1985 through 1989<sup>6</sup>.

Figure 4.14.1-2



#### 4.14.1.2 Health Effects of PM<sub>10</sub> and Woodsmoke

National ambient air quality standards are established by the U.S. Environmental Protection Agency (EPA) following extensive review by the public and the Clean Air Scientific Advisory Committee. The Clean Air Scientific Advisory Committee is a group of non-EPA scientists and medical experts that reviews health effects information and recommends appropriate air quality standards for protection of public health.

The health effects information that forms the basis of the PM<sub>10</sub> standards was compiled in 1982, updated in 1986, and again in 1997. Findings of the most recent Clean Air Scientific Advisory Committee and other peer-reviewers on the health effects of particulate are listed in the document Review of National Ambient Air Quality Standards for Particulate Matter, Policy Assessment of Scientific and technical Information, July, 1996, EPA-452R-96-013.

Particulate matter measuring less than or equal to 10 micrometers ( $\mu\text{m}$ ) is considered a risk to human health due to the body's inability to effectively filter out particles of this size. These particles can become lodged in the alveolar regions of the respiratory system where they trigger biochemical and morphological changes in the lungs.<sup>7</sup>

<sup>6</sup> EPA correspondence, William Puckett, EPA Region X, February 12, 1997.

<sup>7</sup> J. Koenig, T.V. Larson, P. Jenkins, D. Calvert, N. Maykut and W. Pierson, "Wood Smoke: Health Effects and

For example, constriction of air passages (i.e., reduced air flow) occurs rapidly upon exposure to PM<sub>10</sub>. Episodic and continuous exposure aggravates chronic respiratory diseases such as asthma, bronchitis, and emphysema which in turn restrict the lung's ability to transfer oxygen into the bloodstream. Traditionally, children, the elderly, and cigarette smokers are the most susceptible to lung dysfunctions and are, therefore, at greatest risk from PM<sub>10</sub> exposure.<sup>8</sup> Continuous exposure can inhibit this defense mechanism by introducing new particles into the lungs and redistributing those being swept out. This slows the clearance of the bronchial system thus increasing susceptibility to acute bacterial and viral infections. The increased stress on the pulmonary system caused by PM<sub>10</sub> exposure is usually tolerable for those with healthy respiratory systems, however, it can lead to irreversible or fatal damage in people already suffering from cardiopulmonary disease, typically children, the elderly, the ill, and cigarette smokers.<sup>8</sup>

Among the sources of PM<sub>10</sub> emissions, woodsmoke is of particular concern in the Medford-Ashland AQMA because it accounts for a significant portion of the small particulate matter measured in the nonattainment area. These particles are less than 1 µm in diameter and remain suspended in the air for long periods of time. Because of their small size and their ability to remain airborne, they are easily inhaled and lodged in the alveolar region of the lungs. These particles can also act as carriers for toxic chemicals which are transported deep into the respiratory system. Some of these toxic substances are then absorbed into the bloodstream.

Woodsmoke contains fourteen carcinogenic compounds including benzo(a)pyrene, benzo(a)anthracene, and other polycyclic organic materials.<sup>9</sup> Additionally, woodsmoke contains several other hazardous compounds such as aldehydes, phenols, carbon monoxide and volatile organic vapors. These compounds can cause or contribute to illness ranging from neurological dysfunctions and headaches to lung cancer. Because woodsmoke concentrations are highest in residential areas, a large segment of the population is routinely exposed to woodsmoke pollution in the winter months. Additionally, it is those people who are most sensitive, children, the elderly, and the ill, who spend the most time in their homes, thereby increasing their risk.

The recent review of medical research points to the need for an additional particulate standard that would focus on very fine particles known as PM<sub>2.5</sub> (particles with diameters of 2.5 micrometers or less). On July 18, 1997, EPA revised the national ambient air quality standards for particulate, establishing new standards for PM<sub>2.5</sub> and changing the form of the existing PM<sub>10</sub> standard. More information on the recent medical research and new particulate standards can be provided by the Department or can be found at the following EPA Internet site: <http://ttnwww.rtpnc.epa.gov/naaqsfm>.

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Legislation," Health Effects of Woodsmoke, Northwest Center for Occupational Health and Safety, January 20, 1988.

<sup>8</sup>U.S. Environmental Protection Agency, Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982: Assessment of Newly Available Health Effects. EPA 600/8-86-020-F. NTIS # PB-87-176574.

<sup>9</sup>P.G. Jenkins, Washington Wood Smoke: Emissions, Impacts and Reduction Strategies, Washington Department of Ecology, Olympia, Washington. December, 1986.

4.14.2.0

Ambient Air Quality

4.14.2.1 PM<sub>10</sub> Air Quality in the Medford Area.

PM<sub>10</sub> (Medium Volume) data (24-hour average) from 1989-1997 is plotted in Figure 4.14.2-1 for the Welch & Jackson monitoring site. The last exceedance event at any AQMA monitoring site was measured in 1991. Figure 4.14.2-2 shows the highest recorded PM<sub>10</sub> values at the (Welch & Jackson) and Medford Courthouse sites in the period 1983-1996. Peak PM<sub>10</sub> concentrations typically occur during December and January. This is due to poorer ventilation and increased woodheating emissions. A more detailed description of historic ambient air quality and air monitoring methodologies can be found in Appendix A-1.

Figure 4.14.2-1

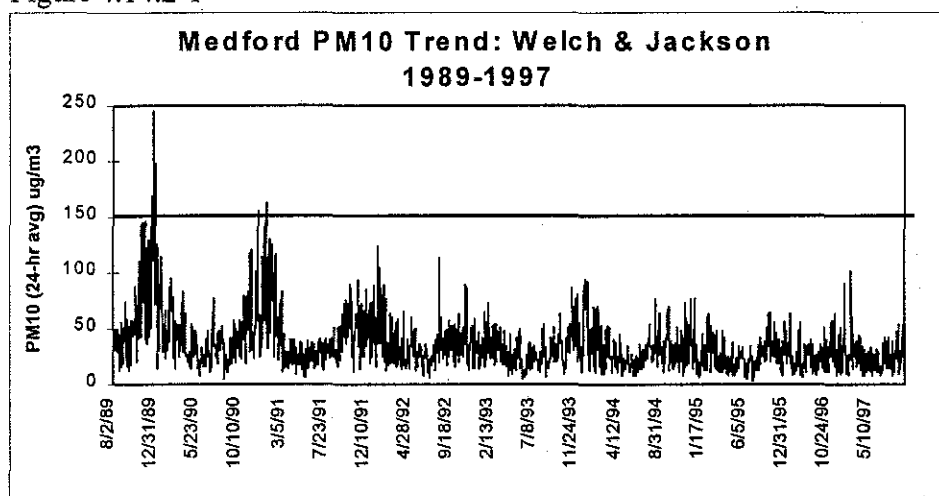
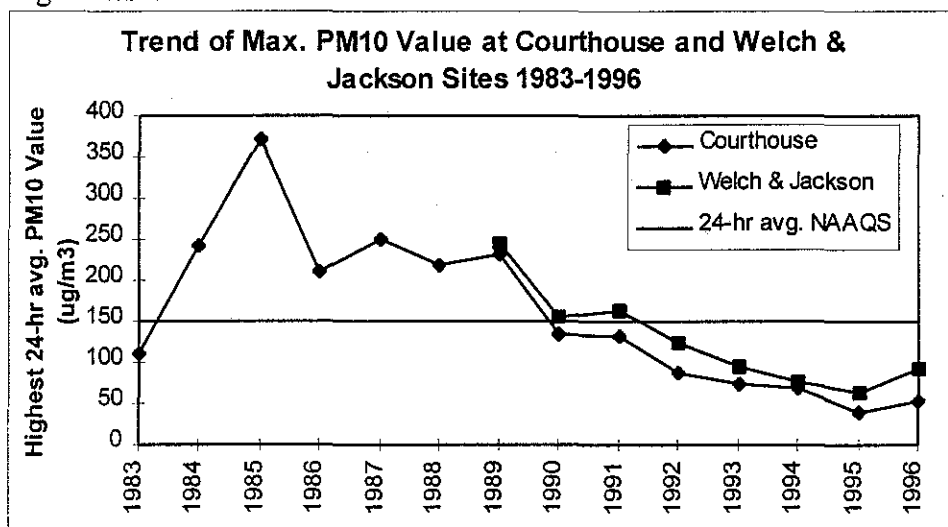


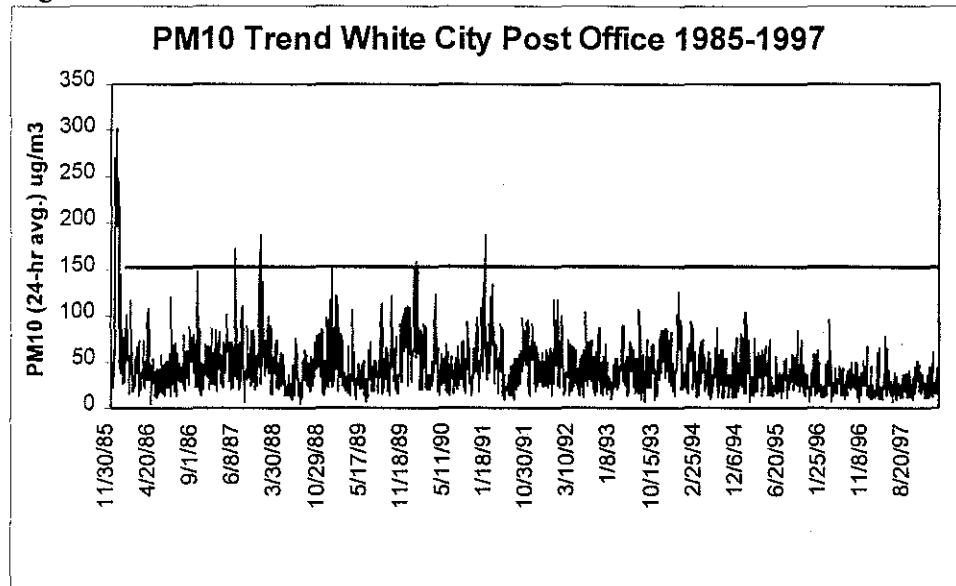
Figure 4.14.2-2



PM<sub>10</sub> monitoring data from the White City (Post Office) site also shows significant air quality improvement, with the last PM<sub>10</sub> exceedance measured in 1991.

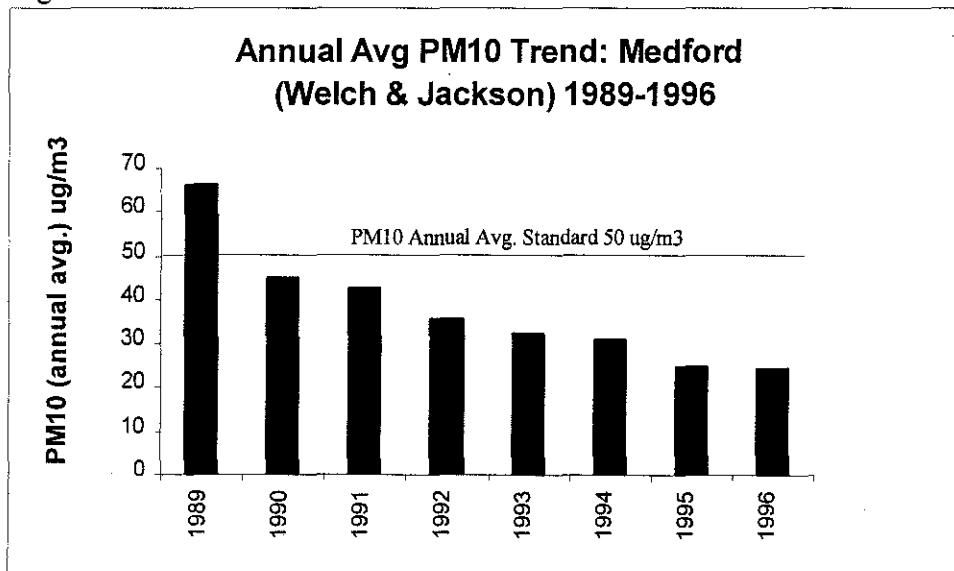


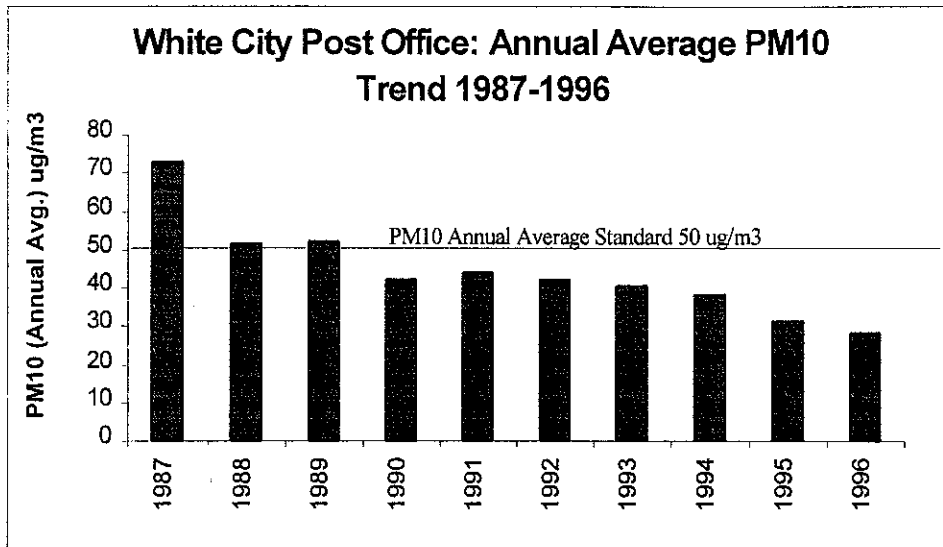
Figure 4.14.2-3



In addition to achieving compliance with the daily (24-hour avg.) NAAQS, the annual average in Medford-Ashland has been below the 50 ug/m<sup>3</sup> annual PM<sub>10</sub> NAAQS since 1990.

Figure 4.14.2-4





#### 4.14.3.0 Emissions Growth in the Medford-Ashland AQMA

PM<sub>10</sub> emission growth factors were used to estimate future year emission inventories and source category impacts. Key indicators used to estimate emissions include population growth, economic forecasts, increases in transportation (vehicle-miles-traveled, or VMT) and permitted emissions for major industrial sources. AQMA growth factors were re-evaluated in 1997 and new factors recommended by the advisory committee for use in the PM<sub>10</sub> plan revision. Key growth factors for the 1997 plan up-date are summarized below.

**Population:** Population growth was used together with information on housing and employment trends to proportionally increase emissions from area sources such as residential woodstove use and open burning. After considering various growth rates the Committee recommended a population growth rate based on a historic 20 year period as the best estimate of probable long term growth in the AQMA. The period 1976-96 was used to establish the 20 year trend. This period includes the economic recession of the early 1980's as well as the current period of rapid growth. The 20 year trend resulted in an annual growth rate of 2.6 percent per year for the incorporated areas of the AQMA. The long term trend for the unincorporated portion of the AQMA (based on 18 years of available data) is 0.5 percent per year. Growth rates in the urban and rural areas were weighted by relative populations to establish an overall average AQMA growth rate. For 1995, 21 percent of the AQMA population were located in unincorporated areas. The final population weighted average growth rate estimated for the entire AQMA was 2.2 percent per year. For comparison, the 1991 PM<sub>10</sub> plan estimated population growth at a rate of 1.6%/yr for the period 1986-1992.

Figure 4.14.3-1

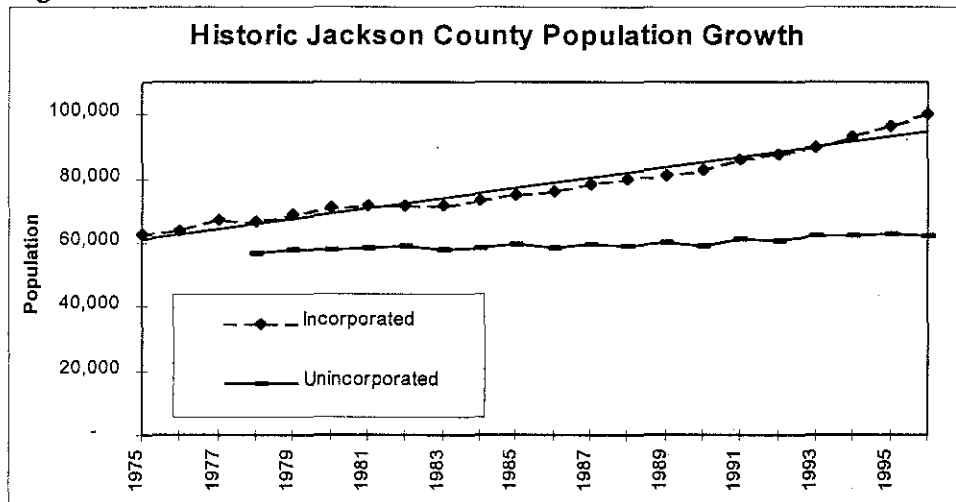
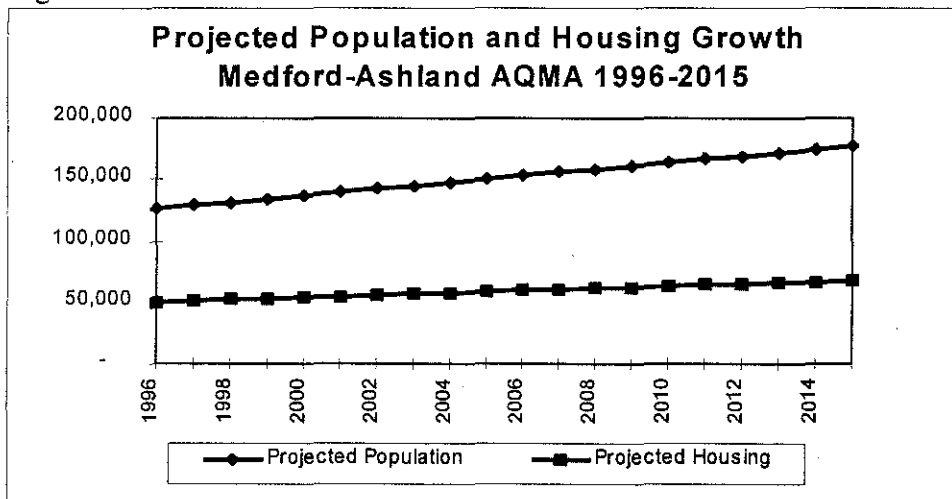


Figure 4.14.3-2



**Transportation:** Estimates of growth in vehicle miles traveled (VMT) was used to estimate emissions growth from motor vehicles (exhaust-tailpipe and road dust). The Rogue Valley Council of Governments (Metropolitan Planning Organization) modeled the existing and future roadway network in the core area of the AQMA. Growth in motor vehicle emissions was based on VMT estimates provided by RVCOG for the MPO boundary, and from the Oregon Department of Transportation for those areas between the MPO and AQMA boundaries. VMT within the MPO boundary was projected to grow at 2.9%/yr. VMT outside the MPO boundary was project by ODOT to increase at a rate of approximately 2.0%/yr. For comparison, the 1991 PM<sub>10</sub> plan estimated AQMA VMT growth at a rate of 2.0%/yr for the period 1986-1992.

**Woodburning:** Survey data from the 1996/97 woodheating season was compared to historic woodheating survey data to estimate trends in woodstove use. The analysis suggests a significant decrease in woodstove use in the AQMA over the past ten years (from an average 60% of AQMA homes burning wood in 1985-86 to approximately 30% of homes burning wood in 1996). In addition there has been a significant turnover of noncertified woodstoves in favor of certified stoves, pelletstoves and natural gas. The survey suggests flat to modest growth in AQMA woodheating from 1995 to 2015. Change over and growth trends were evaluated separately for different stove technologies and emissions estimated from the net effect of population growth and an overall declining trend in woodstove use. Woodheating trends were also estimated separately for existing housing stock in 1995 (woodstove changeover) and anticipated new construction in 1998 and 2015. Increasing trends in woodheating were estimated using a linear growth rate. Decreasing trends were conservatively estimated using a compound rate so that the removal of noncertified woodstoves from the AQMA would not be overstated.

**Industrial Emissions:** Emissions for major point sources can be considered in one of three ways. Actual emissions, current operating Plant Site Emission Limits (PSEL), or their maximum allowable permitted level. Actual emission levels are typically much lower than maximum allowable permitted limits, however a facility can increase emissions to allowable levels without evaluating the impact of the increase on air quality. EPA guidance required that industrial sources be analyzed at their allowable emission levels.

#### 4.14.4 Nonattainment Area Analysis

The 1991 PM<sub>10</sub> plan included an analysis of the relative contribution of each emission source category to ambient air quality (PM<sub>10</sub> impacts), and the overall reduction needed to demonstrate compliance at the key ambient monitoring sites. Source contribution estimates were used to target emission reduction strategies on the most cost effective source categories. These measures identified through the nonattainment analysis have been successful in reducing ambient PM<sub>10</sub> concentrations to levels below the standards.

In 1997, modeling was used again to identify problem areas in the AQMA and the significant emission sources contributing to predicted exceedences. The advisory committee used the modeling results to guide the development of additional prevention strategies.

#### 4.14.5.0 Control Measures

The PM<sub>10</sub> control strategy for the Medford-Ashland AQMA focuses primarily on PM<sub>10</sub> emission reductions from woodstoves and fireplaces (RWC), the wood products industry, open burning of debris, and road dust. An additional strategy is the requirement to minimize slash burning smoke impacts on the AQMA. The following control strategy elements have been set in place to assure compliance with the annual average and 24-hour average (daily) PM<sub>10</sub> NAAQS.

#### 4.14.5.1

### Residential Wood Combustion Strategies

The Jackson County Woodburning Task Force was appointed by the Jackson County Board of Commissioners in May 1987. The Task Force evaluated various control measures for reducing residential woodsmoke and made its recommendations to the Jackson County Board of Commissioners in December 1987. The woodsmoke reduction elements in this plan are closely patterned after the Task Force recommendations.

The plan focuses on two basic approaches to reducing woodsmoke from stoves and fireplaces: (1) improving the performance of the woodheating systems (i.e. certified woodstove program); and (2) burning less wood through woodstove curtailment programs. Some strategies have multiple advantages. Certified woodstoves, for example, improve emission performance by reducing the amount of woodsmoke per cord of wood burned while improving energy efficiency, thus reducing the amount of wood burned. Other examples are well designed public information, energy conservation, or firewood seasoning programs that result in better combustion (lower emissions) and better energy efficiency (less fuel burned).

The Medford-Ashland strategy has reduced woodstove and fireplace emissions through an expanded public information program, an effective mandatory wood burning curtailment program, the Oregon woodstove certification program, financial assistance programs for replacement of existing woodstoves with cleaner burning units and weatherization of homes, a ban on installation of non-certified woodstoves, and continued improvements in firewood seasoning and woodstove operation. No direct emission credit was taken for the public information program but it is considered critical to the success of the other woodburning elements.

**Home Weatherization:** Home weatherization incentives (free energy audits, low-interest loans, and rebates) have been available for several years to all homeowners regardless of heat source. ACCESS (the local Community Action Program) has provided free cost-effective weatherization to low-income households. Weatherization of homes prior to installation of a new woodstove has been required by local ordinances of the City of Medford (No. 4732) and Jackson County (No. 82-6) since 1982.

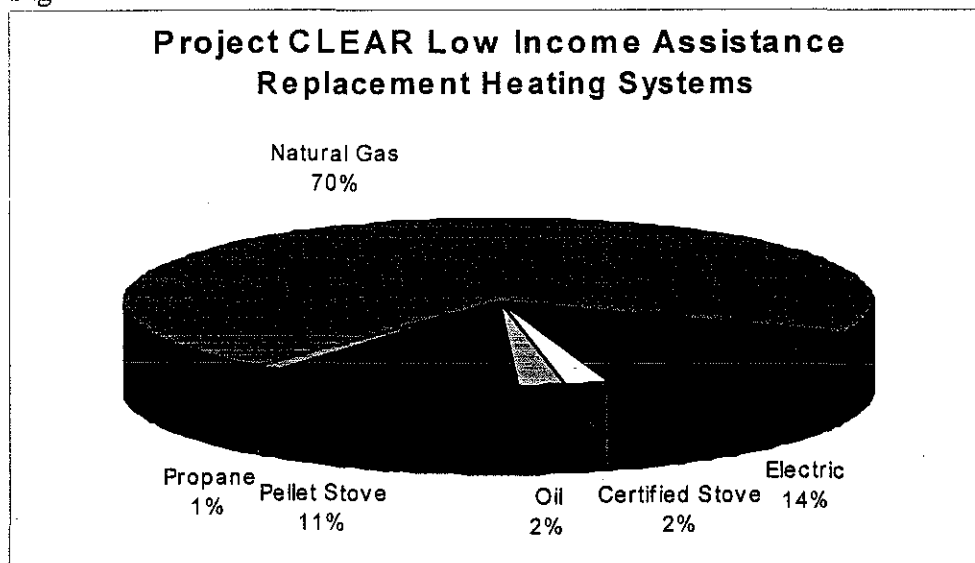
Weatherization programs, combined with programs assisting the replacement of existing woodstoves with cleaner burning units (CLEAR and SOLVE), were expected to reduce woodburning emissions by about 5% by 1992. Other weatherization financial assistance programs, based on current participation rates, were expected to reduce woodburning emissions by about 3% by 1992. In 1995 WP Natural Gas completed 132 weatherization upgrades in low income homes, and in 1996, 79 out of 298 upgrades were for low income homes.

**Woodstove Replacements:** The Housing Authority of Jackson County began Project CLEAR (Cooperative Local Effort for Air Resources) in 1988 to replace woodstoves with cleaner burning units and provide cost-effective weatherization in low-income homes. About \$1.8 million in funding from various sources has been obtained to date for this project. The City of Ashland proposed the SOLVE (Save Our Livability, View and Environment) Program which began in July

1990. The SOLVE program provides financial incentives (zero-interest or low-interest loans or rebates) for weatherization and the replacement of existing woodstoves.

As of 1995 the (CLEAR) low income woodstove replacement program alone had replaced approximately 560 noncertified woodstoves with cleaner burning alternatives, primarily natural gas.

Figure 4.14.5-1



**Woodstove Certification:** The Oregon Woodstove Certification Program became effective on July 1, 1986. New stoves sold in Oregon since then must meet specified emission standards. The woodstove emission standards became more restrictive on July 1, 1988. The EPA woodstove certification program increased again the stringency of woodstove emission performance standards. Jackson County adopted a ban on the installation of non-certified woodstoves (to prevent used non-certified stoves from being re-installed) on December 22, 1989. This complements 1992 changes to the Oregon state building code which prohibit the installation of noncertified woodstoves statewide.

**Woodheating Surveys:** The biennial woodheating surveys conducted by the Department indicate that firewood use and firewood emissions decreased slightly between 1981 and 1987, despite population growth. For example, the length of firewood seasoning time and the percent of firewood stored under cover both significantly increased between 1981 and 1987.

Survey data from the 1996/97 woodheating season was compared to historic woodheating survey data to estimate current trends in woodstove use. The analysis suggests a significant decrease in woodstove use in the AQMA over the past ten years. In addition there has been a significant turnover of noncertified woodstoves. The survey data was used to estimate trends (both increasing and decreasing) in stove use and stove technology distribution. These results were used to estimate woodstove emissions in 1998 and 2015.

Figure 4.14.5-2

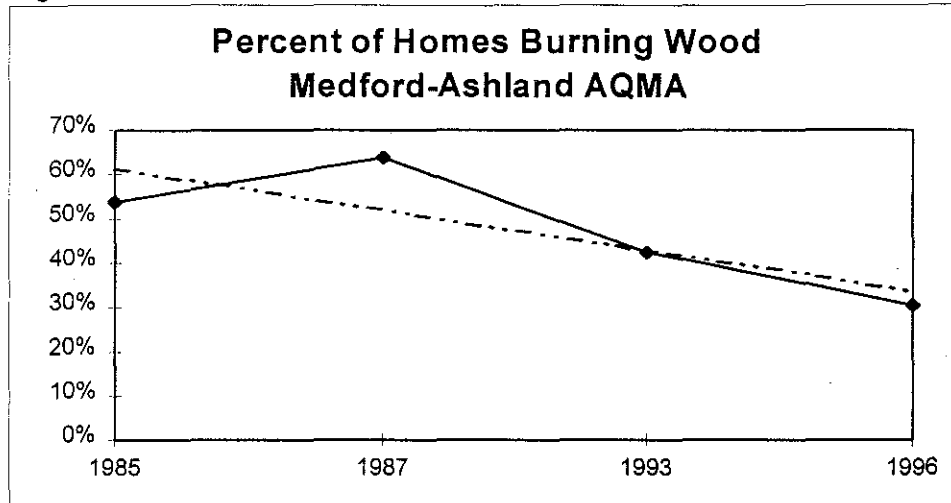
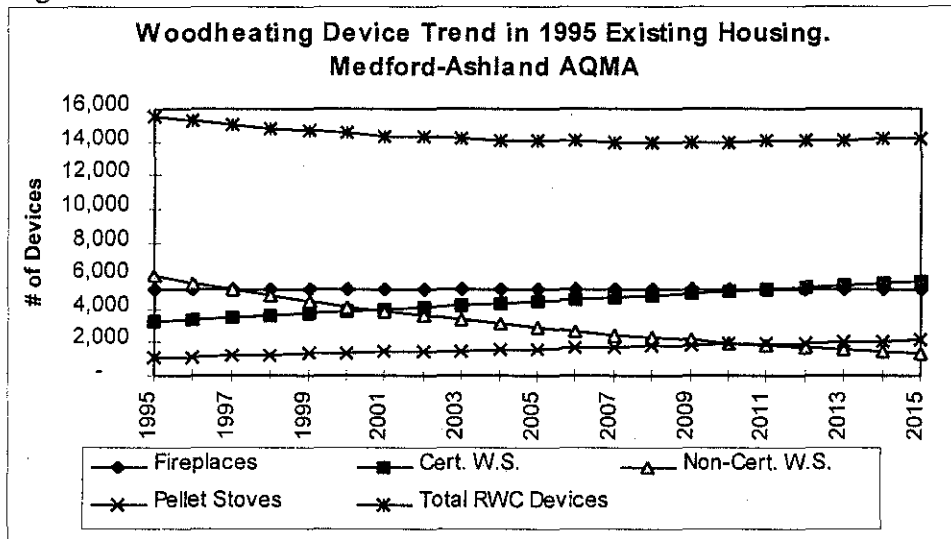


Figure 4.14.5-3

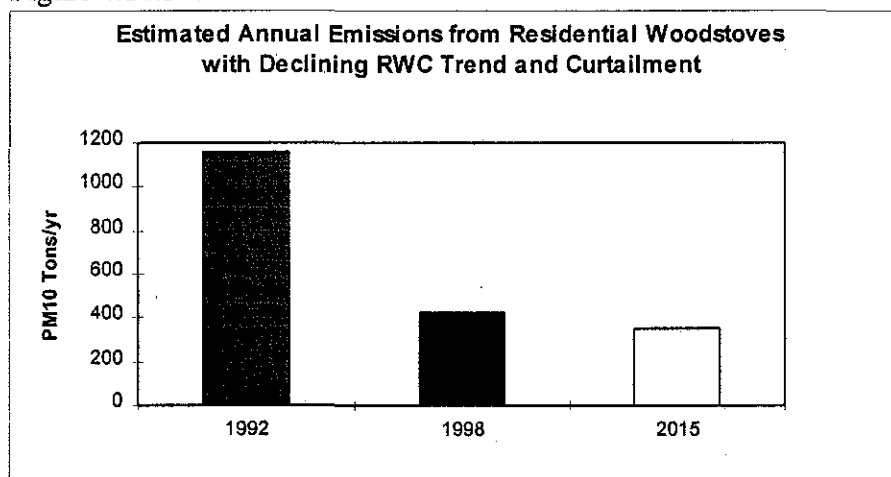


**Woodburning Curtailment:** A voluntary woodburning curtailment program (with daily advisories from November through February) began on November 19, 1985. Jackson County curtailment surveys during 1985-88 indicated an average compliance rate of about 25% under the voluntary program. The City of Medford adopted a mandatory woodburning curtailment program on November 2, 1989. Curtailment surveys within the City of Medford during 1989-90 indicate over 80% compliance. The City of Central Point adopted a mandatory woodburning curtailment program on December 21, 1989. A mandatory curtailment program was subsequently adopted for Jackson County as well.

The mandatory woodburning curtailment program, based on the 1989-90 compliance surveys in the Medford area, was expected to reduce curtailment day woodburning emissions by 85% and annual woodburning emissions by about 20% in the critical PM<sub>10</sub> control area. Voluntary woodburning curtailment, based on the 1985-89 compliance surveys, is expected to reduce woodburning emissions by 25% on worst days and 6% for the annual average in the remainder of the AQMA.

Curtailment participation surveys conducted during the last exceedance period (1990-1991) showed compliance rates averaging 90% in the critical Medford area, and 88% in the core Medford-Central Point area. Curtailment compliance averaged approximately 66% in other parts of the curtailment control area. The combination of curtailment and public education strategies, as well as an overall trend away from woodheating has significantly reduced woodstove emissions in the AQMA from historic levels. Current estimates of woodstove use indicates that 1998 emissions (controlled at historic curtailment rates) would decrease from estimated 1992 levels by approximately 725 tons/yr (-62%).

Figure 4.14.5-4



### Woodsmoke Program Up-date

In 1998, the Air Quality Advisory Committee recommended improvements to the existing residential woodsmoke strategy as a proactive step to reduce the risk of future violations of the new (PM<sub>2.5</sub>) particulate standards. Improving the current strategy involves adopting a model ordinance for woodstove curtailment that applies consistent requirements throughout the AQMA. This strategy would add the cities of Ashland, Phoenix, Talent, Eagle Point and Jacksonville to the mandatory curtailment program.



A model unified ordinance was developed by the Committee and is patterned closely after the existing ordinance in Jackson County. The main points of the ordinance include:

- Burning in noncertified woodstoves would be prohibited on yellow and red advisory days.
- Burning in certified stoves would be allowed on yellow and red advisory days but owners would be held to a “no visible emissions” standard.
- A 50% opacity limit would help reduce smoke year round.

Aligning the existing Medford and Central Point woodstove curtailment ordinances to a unified approach would require minor changes to incorporate the no visible emissions approach. On balance the Department and EPA believe that the unified approach (minor modification to existing ordinances, adding new areas to the curtailment program) will strengthen the overall woodstove strategy in the AQMA.

As of April 30, 1998 the unified ordinance had been adopted by the City of Talent. The cities of Ashland, Phoenix, and Jacksonville have supported adoption of the ordinance and are proceeding with their local public involvement process. The city of Eagle Point will be encouraged to join other AQMA communities in adopting the unified curtailment ordinance. Copies of local ordinances can be found in Appendix A-6.

#### 4.14.5.2

#### Wood Products Industry Strategies

The Oregon Environmental Quality Commission adopted specific industrial rules for the wood products industries in the Medford-Ashland AQMA in 1978, 1983 and 1989. The 1978 and 1983 rules included: (1) tighter pollution control requirements for particle dryers, fiber dryers, veneer dryers, large wood-fired boilers, charcoal furnaces, and air conveying systems for sanderdust and sawdust; (2) additional source testing requirements; (3) operation and maintenance plans to prevent or minimize excess emissions; and (4) site-specific fugitive dust control plans. These industrial requirements resulted in a 70% reduction in industrial particulate emissions between 1978 and 1986.

The 1991 PM<sub>10</sub> strategy for major industry requires: (1) tighter emission limits and better pollution control equipment on veneer dryers and large wood-fired boilers; (2) more extensive source testing and continuous emission monitoring in order to maximize performance of pollution control equipment; and (3) more restrictive emission offset requirements (1.2:1) for new or expanding industries. These new requirements were projected to reduce industrial PM<sub>10</sub> emissions by over 20% by the end of 1994, with most of this reduction occurring by 1992.

In 1998, additional strategies for major point sources were considered by the Advisory Committee. Two additional strategies were identified and recommended to the Department.

- **Particulate reduction from press vents at Medite and Timber Products:** EPA is expected to adopt rules in the year 2000 for Maximum Achievable Control Technology

(MACT) to reduce certain toxic air emissions from particleboard and hardboard manufacturing. It is expected that both the Timber Products and Medite facilities will be required to comply with MACT. It is expected that the final MACT technology will have the secondary benefit of reducing PM<sub>10</sub> emissions from particleboard press vents at Timber Products and hardboard press vents at Medite by at least 90 percent.

Based on the Committee's recommendation, any ancillary reduction in particulate emissions from MACT will be treated as if it were required by rule. Once MACT is installed at Medite and Timber Products the associated particulate reduction will be returned to the airshed. The reductions may not be retained "banked" by the source; and the facilities permitted operating emission level (Plant Site Emission Limit) and maximum allowable permitted emission level will be adjusted to reflect the reduction. Installation of MACT is anticipated in the 2000 to 2003 time frame. This strategy is expected to produce PM<sub>10</sub> reductions of about 250 tons per year combined for both facilities.

In the event MACT does not result in the anticipated particulate reduction, Medite and Timber Products have committed to reduce PM<sub>10</sub> emissions from their hardboard and particleboard press vents. Medite and Timber Products will reduce their respective press/cooling vent emissions by at least 90 percent no later than November, 2003. These reductions will be treated as if required by rule, and will be returned to the airshed. The reductions may not be retained "banked" by the source; and the facilities operating permit and maximum allowable permitted level will be adjusted to reflect the reduction.

**Timber Products Temporary PSEL Reduction:** Timber Products Co. has voluntarily agreed to temporarily "freeze" or "escrow" 79 tons per year of permitted PM<sub>10</sub> emissions until particleboard press emissions are reduced by at least 90 percent. This means that Timber Products could not increase the permitted emission level of their current operation until the 90 percent reduction is achieved (expected by November 2003). At that time, the escrowed emissions will again become available to Timber Products. The Department is developing a formal agreement with Timber Products that will apply until the facility's operating permit is renewed. The agreement is included as Appendix A-11

**Major Point Source; Enhanced Fugitive Dust Control:** To complement the new road dust strategy recommended by the Committee, the existing rule requirement for major point source fugitive dust control plans will be enhanced to place more emphasis on reducing material migration off-site, and contamination by soil or other fugitive materials of public roadways. It requires a source to submit a site specific fugitive dust control plan to the Department within 60 days of a permit issuance or renewal. A copy of the revised rule (OAR 340-030-043) is included in Appendix A-2. As is currently the case, rule compliance would be monitored by local DEQ staff.

**Royal Oak Special Project:** The Department has been working in partnership with the Royal Oak facility and the Oregon Economic Development Department (OEDD) to identify possibilities for reducing emissions at Royal Oak. The governor's Community Solutions Team is supportive of using public resources to help existing Oregon business meet air quality goals while maintaining their competitiveness. The OEDD is currently applying for a \$50,000 grant to help Royal Oak with a design study, potentially leading to redesign of equipment and pollution control. If found to be feasible, the \$2 million project would reduce PM<sub>10</sub> emissions from Royal Oak by over 100 tons per year. Also contributing to the project is the White City Urban Renewal Agency (WCURA). The WCURA may provide some additional funding for pollution control at Royal Oak in exchange for sole access to the resulting emission reduction credit. New major industry locating in the AQMA will be required to provide a 20 percent emission offset as part of the New Source Review program. The WCURA will be able to offer emission credits from the Royal Oak reduction to industries locating in White City to meet the offset requirement.

This cooperative approach is supported by the governor's Community Solutions Team and the Medford-Ashland Air Quality Plan Advisory Committee. The Department will continue to work with Royal Oak towards voluntarily reducing emissions at their facility.

#### **4.14.5.3**

#### **Open Burning Strategies**

Open burning emissions have been reduced during the critical November to February period by local ordinances banning open burning during these months. Annual open burning emissions will be reduced by a year around ban within the City of Medford, as well as restrictive ventilation criteria, and shorter burn seasons in unincorporated areas of Jackson County, Central Point, Jacksonville, Phoenix, Talent, Eagle Point and Ashland. A summary of local open burning ordinances can be found in Appendix A-3.

#### **4.14.5.4**

#### **Road Dust Strategies**

The City of Medford and other local governments have ongoing programs to control mud and dirt trackout onto roadways. The City of Medford also has an ongoing program using HUD funding and financial participation by affected landowners to pave unpaved roads and curb unpaved shoulders on paved roads. In general, road dust emissions were reduced by programs to pave unpaved roads, to curb and gutter shoulders on paved roads, and to control mud and dirt trackout from industrial, construction and agricultural operations.

In 1998, additional strategies for road dust was considered by the Advisory Committee. There were several achievable strategies identified and recommended to the Department that target specific problem areas identified for  $PM_{10}$ . The targeted road dust strategy is a combination of road paving, road cleaning, and other activities to reduce soil trackout or contamination of public roadways. Many road paving projects have been specifically identified and are already included in local planning documents for implementation in the near future. A list of projects is included as Appendix A-4. Other paving projects or cleaning efforts such as a street vacuum sweeper for the White City area, still need to be pursued.

Responsible parties have been identified, and are being identified, for implementing the strategies. CMAQ funding is being sought to finance the street cleaner and paving Medford's alleys. The city of Medford will pave most of its share of the identified unpaved streets from Housing and Urban Development grants. The series of unpaved streets near the intersection of Table Rock Rd and Highway 99 will be treated with dust suppressants for five years with the anticipation that planned roadway improvements in that area will include paving of those roads. The Urban Renewal Agency had already identified the targeted streets for paving in White City.

In addition to specific targeted paving projects, the Department has been working with Jackson County to address trackout from the parking lots and access roads of private and corporate landowners. Jackson County has proposed a collaborative approach with land owners in White City to develop an action plan for obtaining support for eliminating the majority of track out before the end of 1998. The Department will continue to work with Jackson County on this issue. If this collaborative approach does not lead to a reduction in sources of track out, the Department will work to revise the County track out ordinance.

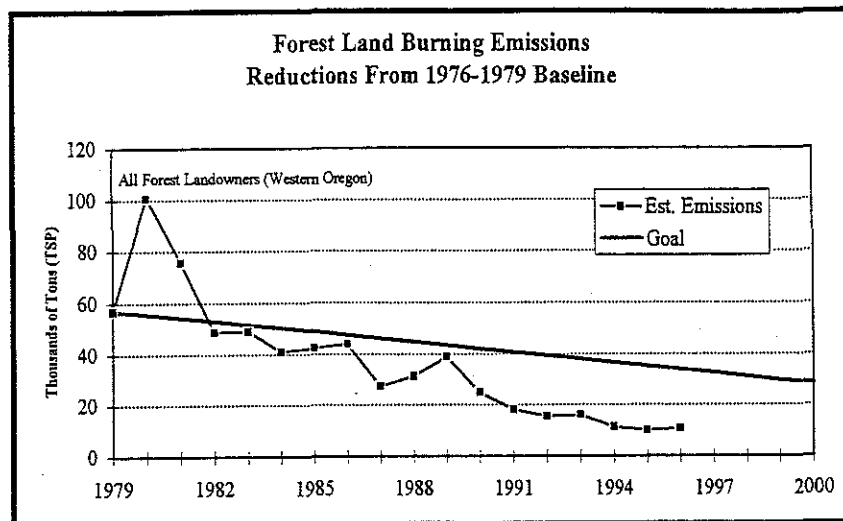
#### 4.14.5.5

#### Other Strategies

##### Prescribed Forestry Burning

The Oregon Smoke Management Plan established an emission reduction goal for prescribed burning in Western Oregon with steadily decreasing emission targets between the 1976-79 baseline and the year 2000. Burning levels in 1995 were approximately 69 percent below the emission target (goal for 1995). The intent of the federal land managers is to increase prescribed burning over current levels. In the short term, these levels will stay below the emission reduction goal established in the Smoke Management Plan (which established burning goals to the year 2000). The Department is concerned about proposed future increases in prescribed burning and will discuss the issue when the Smoke Management Plan is revised in 1999. In addition, the Medford-Ashland Air Quality Advisory Committee has identified prescribed burning as an area of concern and will focus on this issue during their on-going committee work.

Figure 4.14.5-5



Forestry slash burning impacts on the nonattainment area will be minimized through adherence to mandatory provisions of the Western Oregon Smoke Management Plan. This program will help assure that prescribed forestry burning does not adversely affect Medford-Ashland AQMA air quality on winter stagnation days. In an additional effort to provide monitoring of prescribed burning impacts, the Bureau of Land Management (BLM) will establish a special air quality monitoring network in the spring of 1998 to monitor for possible smoke impacts on the AQMA.

#### Agricultural Trackout

The Fruitgrowers League has developed a policy on roadway trackout and other particulate matter (PM) emission reduction efforts. The trackout policy will be distributed to members of the Fruitgrowers League and hobby agriculturists. Agriculturists will continue their voluntary efforts to reduce PM emissions by chipping and tub grinding their prunings and orchard removals. They will continue to use windmachines and irrigation-related frost protection as a means to reduce reliance on orchard heaters. A copy of the Fruitgrowers League policy is included as Appendix A-5.

#### 4.14.6.0

#### **Transportation Conformity**

Transportation conformity is the regulatory program that ensures that future transportation emissions do not exceed the level of emissions allocated to the transportation sector during the air quality planning process. The conformity rules also assure that transportation related strategies are funded and implemented during the transportation planning process.

Under EPA rules an emissions budget for transportation can only be established as part of a technical analysis demonstrating attainment of the standard. Since a modeled attainment and maintenance demonstration is no longer required by EPA to revoke the pre-existing PM<sub>10</sub> NAAQS, an emissions budget will not be established. Therefore, the existing conformity test

that requires a comparison of the build scenario in the regional transportation plan to the no-build scenario will continue to apply. In order to demonstrate conformity the build scenario must result in fewer emissions (and less VMT since emissions are directly linked to VMT) than the no-build scenario.

The Advisory Committee has expressed a desire to continue a long term process to address VMT growth in the region. The Department will continue to work closely with the Committee, local MPO, and Oregon Department of Transportation to help ensure that transportation planning in the Medford-Ashland AQMA is consistent with good air quality.

#### **4.14.6.1 Voluntary Measures Related to Transportation**

The following measures will help to reduce motor vehicle travel in the AQMA which in turn provides an air quality benefit. No specific emission reduction credit is claimed as part of the PM10 plan. Rather, these voluntary efforts are being added as supporting measures in recognition of there VMT and emission reduction potential.

##### Transit Oriented Design and Transit Corridor Development Strategies

The Rogue Valley Council of Governments, with financial assistance from the Department of Land Conservation and Development, will undertake a study to identify measures to reduce reliance on the automobile that could be used to update the Regional Transportation Plan (RTP). The study will focus on the development of transit oriented activity centers in nine key areas listed in the RTP. These nine areas were identified by RVCOG to have the greatest potential for change in mixed land use or denser development. The nine areas will be reevaluated as to their potential in supporting transit oriented development. Other areas may also be identified as having potential for implementing transit oriented design strategies. Transit corridors which connect the identified transit activity centers will be identified and detailed inventory of the corridors will be conducted. Transit oriented development designs for activity centers will also be developed. Based on this work and the review of current zoning ordinances, specific model land use and zoning ordinances will be developed and recommendations made for adoption. The RTP will also be amended as needed to support the results of this study. It is anticipated that this work would be completed by February 1999. A copy of the design study can be found in Appendix A-8.

##### Medford South East Plan

Adopted as a revision to the Comprehensive Plan for the City of Medford, this plan covers approximately 1,000 acres within the Urban Growth Boundary, east of North Phoenix Road, north of Coal Mine Road and south of Hillcrest Road. The intent of the planning effort is to create an area that is much less reliant on automobile travel, and that preserves the natural environment, incorporating it into a desirable, livable community. Goal 1 of the Southeast Plan is to assure that development in the SE Area occurs in a manner that reduces reliance on

automobile travel within the area and promotes multi-modal travel, including pedestrian, bicycle and transit<sup>10</sup>.

The Plan which provides for a neotraditional development pattern has as its primary purposes to:

- achieve minimum housing densities by limiting residential areas to specific zoning districts;
- establish a special central core - the Village Center - with commercial, institutional and residential uses;
- preserve natural waterways while providing routes for pedestrian and bicycle travel;
- require approval of most development through the City's Planned Unit Development ordinance;
- establish special design and development standards for the use of greenways, alleys and street trees.

Compared to "contemporary" development plans that uses single use zoning and a circulation system that fed all traffic onto collector and arterial streets, this development pattern will reduce off-peak traffic within the area and produce trips of shorter length. Additionally, it could increase pedestrian and bicycle trips within the area by as much as 60 percent. The draft Medford Southeast Plan can be found in Appendix A-9.

#### Phoenix Downtown Plan

Phoenix adopted a city center plan which calls for various elements to preserve and enhance the attractiveness of the downtown area as a destination for the region. The plan calls for a market building that will provide cover for markets in winter and inclement weather, a wetland park adjacent to Bear Creek, improved access to the Bear Creek Greenway from downtown, additional commercial buildings and housing for low, median and middle incomes. The plan calls for narrowing travel lanes in a downtown street with additional parking, providing wider sidewalks and other pedestrian amenities and bicycle lanes and bicycle parking in the core area. The Phoenix City Center Plan can be found in Appendix A-10.

#### **4.14.7.0 Implementation of the Control Strategy**

The initial 1991 PM<sub>10</sub> attainment strategy was adopted by the Environmental Quality Commission and local jurisdictions in 1991. Compliance by major industry has been monitored by the Department. Implementation of the woodsmoke strategies has been accomplished through intergovernmental agreements between the Department and Jackson County. County air quality program staff operate the public information program, provide daily curtailment forecasting, and perform woodstove and open burning monitoring, compliance, and enforcement. County staff also facilitate on-going partnerships between air quality program staff from all jurisdictions in the AQMA.

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<sup>10</sup> Medford Southeast Plan, February, 1998.

#### **4.14.7.1 Schedule for Implementation: On-Going Process**

The original control strategies adopted in 1991 will be maintained. Additional strategies adopted by the Environmental Quality Commission in 1998 will be implemented as quickly as possible. Road paving projects will be phased in over the next several years. Reductions in press/cooling vent emissions at Medite and Timber Products are expected in the 2000-2003 time frame. Adoption of a unified woodstove curtailment ordinance will be completed by mid 1998.

The Committee has also committed to an ongoing process to address significant air quality issues in the region. The Committee has stated their desire to meet regularly and continue work to prevent future NAAQS exceedances in the Medford-Ashland AQMA. The Committee has identified four main issues for discussion.

- Major Point Source emissions;
- Growth in motor vehicle travel;
- Prescribed forestry burning, and
- The potential for testing of emissions from heavy duty diesel vehicles.

Other air quality issues may be addressed as well.

#### **4.14.8 Rules, Regulations and Commitments**

The following rules and commitments have been adopted to assure the enforceability of the control strategies.

##### **State of Oregon Rules**

The Oregon Revised Statutes (ORS) 468.020, 468.295 and 468.305 authorize the Oregon Environmental Quality Commission to adopt programs necessary to meet and maintain state and federal standards. The mechanisms for implementing these programs are the Oregon Administrative Rules (OAR).

Specific air pollution rules applicable to the Medford-Ashland AQMA (OAR 340-30-005 to 070) are included in Section 3.1 of the Oregon State Implementation Plan.



<u>OAR</u>	<u>Subject</u>
340-30-005	Purposes and Application (General)
340-30-012	Application (Medford-Ashland AQMA)
340-30-015	Wood Waste Boilers
340-30-021	Veneer Dryer Emission Limitations
340-30-025	Air Conveying Systems
340-30-030	Wood Particle Dryers at Particleboard Plants
340-30-031	Hardboard Manufacturing
340-30-040	Charcoal Producing Plants
340-30-043	Control of Fugitive Emissions
340-30-044	Operation and Maintenance Plans
340-30-046	Compliance Schedules
340-30-050	Continuous Monitoring
340-30-055	Source Testing
340-30-065	New Sources
340-30-067	Rebuilt Sources
340-30-070	Open Burning
340-30-111	Emission Offsets

Additional rules applicable statewide include, but are not limited to:

<u>OAR</u>	<u>Subject</u>
340-28-1000 to 1060	Plant Site Emission Limits
340-28-1900 to 2000	New Source Review
340-28-2100 to 2740	Rules for Federal Operating Permits
340-34-001 to 215	Residential Woodheating
340-27-005 to 035	Air Pollution Emergencies

### **Jackson County Ordinances and Orders**

Air Quality Ordinance 90-4 amending, Chapter 1810 of the Codified Ordinances of Jackson County, May, 1990. (It is expected that Chapter 1810 will be amended in 1998 to align with the Unified Woodstove Curtailment Strategy)

Air Quality Improvement Plan, Order No. 364-88, adopted November 30, 1988

### **City of Medford Ordinances and Resolutions**

Control Strategies for Particulate Air Pollution, Ordinance No. 4740, adopted November 11, 1982, Section 4 repealed February 17, 1984

Outside Burning Ordinance, No. 6430, adopted August 17, 1989

Air Quality Improvement Plan, Resolution No. 6253, adopted December 1, 1988

Woodburning Restrictions, Ordinance No. 6484, adopted November 2, 1989. (It is expected that this ordinance will be amended in 1998 to align with the Unified Woodstove Curtailment Strategy)

### **City of Central Point Ordinances and Resolutions**

Title 8, Chapters 8.01, 8.02, 8.04: Woodstoves and Solid Fuel Burning Devices, Trackout

Air Quality Improvement Plan, Resolution No. 509, adopted December 1, 1988

Regulations and Permit Process for Outside Burning, Ordinance No. 1624, adopted October 19, 1989

Ordinance for Regulating Woodstoves and Other Solid Fuel Burning Devices for the Purpose of Reducing Health Hazards, Ordinance No. 1661, adopted August 16, 1991 (It is expected that this ordinance will be amended in 1998 to align with the Unified Woodstove Curtailment Strategy)

### **City of Ashland Ordinances**

Ashland Municipal Code (AMC) Chapter 9.24 ; Woodstove Curtailment and Opacity Limits.  
AMC Section 10.30; Restrictions on Outdoor Burning.  
AMA 9.08.060.J: Trackout restrictions

### **City of Talent Ordinances**

Ordinance No. 98-635-0: An Ordinance Regulating the Use of Solid Fuel Burning Devices Within The City Of Talent, Oregon  
Ordinance No. 98-633-O: Open Burning Restrictions

### **City of Phoenix Ordinances**

Ordinance No. 794: Establishing regulations for use of woodheating.  
Ordinance No. 792: Control of Dust and Trackout

### **City of Jacksonville Ordinances**

Ordinance 477, Unified Woodstove Curtailment. Expected to be signed July 21, 1998.  
City code 8.08.100: Open burning restrictions

## City of Eagle Point Ordinances

Unified Woodstove Curtailment Ordinance. Expected to be signed in mid August, 1998.  
Ordinance 7-7, Open Burning (1990)

### Interagency Commitments

Oregon Department of Forestry Smoke Management Plan,  
OAR 629-43-043

### Other Commitments

- Specific road paving projects identified as  $PM_{10}$  control strategies are included in Appendix A-4. Each responsible jurisdiction has committed to completing these projects in the near future.
- Reductions in particleboard and hardboard press vent emissions at Timber Products and Medite will be considered by the Department as if required by rule (expected no later than November, 2003).
- Agreement with Timber Products Co. for a voluntary PSEL reduction of 79 tons per year  $PM_{10}$  until the 90 percent reduction in particleboard press emissions is achieved.

#### 4.14.9

### Emergency Action Plan Provisions

OAR 340 Division 27 describes Oregon's Emergency Action Plan. The rule is intended to prevent the excessive accumulation of air contaminants during periods of air stagnation which, if unchecked, could result in concentrations of pollutants which could cause significant harm to public health. The rules establish criteria for identifying and declaring air pollution episodes below the significant harm level and were adopted pursuant to requirements of the Clean Air Act. The action levels found in the Plan were established by the Environmental Protection Agency and subsequently adopted by the Department.

The 24-hour average emergency action levels for  $PM_{10}$  (adopted by the Environmental Quality Commission April 29, 1988) are as follows: significant harm level of  $600 \text{ mg/m}^3$ , emergency level of  $500 \text{ mg/m}^3$ ; warning level of  $420 \text{ mg/m}^3$ ; and alert level of  $350 \text{ mg/m}^3$ . These  $PM_{10}$  levels, coupled with meteorological forecasts for continuing air stagnation, trigger the Emergency Action Plan.  $PM_{10}$  concentrations have never been measured at the warning, emergency or significant harm level in the Medford-Ashland AQMA. Alert levels were measured during a severe air stagnation episode in December 1985 and during wildfire impacts in September 1987.

Authority for the Department to regulate air pollution sources during emergency episodes is provided under Oregon Revised Statutes (ORS) Chapter 468, including emissions from woodstoves. When there is an imminent and substantial endangerment to public health, ORS

468.115 authorizes the Department, at the direction of the Governor, to enforce orders requiring any person to cease and desist actions causing the pollution. State and local police are directed to cooperate in the enforcement of such orders.

#### **4.14.10 Public Involvement**

Development of the 1991 Medford-Ashland AQMA PM<sub>10</sub> control strategy included several areas of public involvement including a citizen advisory committee, public participation at hearings on proposed industrial source rules, and attendance at hearings conducted by the Jackson County Board of Commissioners and cities within the AQMA. Public involvement in the 1998 plan revision included a stakeholders advisory committee, public workshop and public hearing.

##### **4.14.10.1 Citizen Advisory Committee**

The Jackson County Board of Commissions appointed members to the Jackson County Woodburning Task Force in May 1987 to assist the County, cities within the AQMA, and the Department in the development of control programs for the Medford-Ashland AQMA. The Task Force considered alternative control strategies and provided recommendations to the Board in December 1987.

The 1998 Clean Air Plan Advisory Committee has evaluated analysis and strategy options for PM<sub>10</sub> and PM<sub>2.5</sub> prevention. Their recommendations have been incorporated into this revised attainment plan. A record of materials submitted to the Committee and summary reports of Committee meetings are on file with the Department.

The Committee membership is listed below:

- City of Ashland
- City of Central Point
- City of Eagle Point
- City of Jacksonville
- City of Medford
- City of Phoenix
- City of Talent
- Clean Cities Coalition
- Fruit Growers League
- Greater Jackson County Chamber of Commerce
- Home Builders Association
- Jackson County
- Jackson County Health Department
- League of Women Voters
- Oregon Department of Transportation
- Oregon Department of Forestry
- Rogue Valley Council of Governments
- Rogue Valley Transit District
- Sierra Club, Oregon Chapter
- Southern Oregon Timber Industries Association
- Transportation Advisory Committee (TRADCO)

A public workshop was held on April 8, 1998 to receive public opinion on the proposed additional strategies. The results of the workshop were summarized for the Committee on April 9, 1998.

#### **4.14.10.2 Public Notice**

Public notice of proposed rule revisions is done through mailing lists maintained by the Department, through notifications published in local newspapers, and through Department press releases.

#### **4.14.10.3 Public Hearings**

Public hearings on the original 1991 PM<sub>10</sub> plan (including new industrial rules for the Medford-Ashland AQMA) were held on January 10 and 12, 1989. Local public hearings were held on the local ordinances in accordance with the public notice and hearing requirements of the city or county involved.

A public hearing on the revised PM<sub>10</sub> plan was held on June 16, 1998. Local public hearings regarding the unified woodstove curtailment ordinance were held in accordance with the public notice and hearing requirements of each jurisdiction.

#### **4.14.10.4 Intergovernmental Review**

Public hearing notices regarding adoption of this revision to the State Implementation Plan will be distributed for local and state agency review prior to adoption by the Environmental Quality Commission.

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# APPENDICES

# Appendix A-1

## Ambient Air Quality and Monitoring Methods

## Appendix A-1: Ambient Air Quality and Monitoring Methods

Particulate ambient air quality monitoring for Total Suspended Particulate (TSP) began in Medford in 1969 at the Jackson County Courthouse near Oakdale/Main Streets. TSP monitoring in White City near Agate Road began in 1977.

The Medford Aerosol Characterization Study (MACS) was conducted during 1979-81 in order to determine the sources contributing to the TSP and respirable particulate (particles smaller than 2  $\mu\text{m}$ ) problems in the Medford and White City areas. MACS included both dispersion modeling (climatological dispersion model, or CDM) and receptor modeling (chemical mass balance, or CMB).

An automated particulate monitor (APM) was installed in 1978 in Medford at the Brophy Building at Central/Main Streets. An integrating nephelometer was added at Central/Main in 1980. The APM and nephelometer provide hourly average data that can be used to estimate particulate concentrations. These instruments have been used to report the daily particulate subindex for the Air Pollution Index since 1978.

PM<sub>10</sub> monitoring began in Medford and White City in 1983. Based on measured violations of the PM<sub>10</sub> standards during 1983-86, the Medford - White City area was identified as a Group I PM<sub>10</sub> area in August 1987. During 1984-86, the PM<sub>10</sub> concentrations on worst days were over 300 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), or over twice the 24-hour PM<sub>10</sub> standard of 150  $\mu\text{g}/\text{m}^3$ , and the annual average was over 60  $\mu\text{g}/\text{m}^3$ , or about 20% above the annual PM<sub>10</sub> standard of 50  $\mu\text{g}/\text{m}^3$ .

A Medford particulate gradient study was conducted from September 1985 to February 1986 in order to characterize the TSP and PM<sub>10</sub> gradients and determine if additional monitoring sites should be established. This gradient study included the extended air stagnation episode of December 1985 which resulted in the highest PM<sub>10</sub> levels measured to date in the Medford area. TSP levels were generally higher at the Oak/Taft and Haven/Holly gradient study sites than at the historical monitoring site at Oakdale/Main; but PM<sub>10</sub> levels were similarly high during December 1985 at the historical monitoring site at Oakdale/Main and the special monitoring sites at Oak/Taft and Haven/Holly. As a result of this study, an additional PM<sub>10</sub> monitoring site was established at the Oak/Taft site (1985-88) and the Welch/Jackson site (1989 on) in order to insure that the monitoring network included the site of maximum impact.

### Air Monitoring Methods

Several sampling methods have been used to measure TSP or PM<sub>10</sub> concentrations in Medford:

The TSP High-Volume air sampler collects TSP samples on pre-weighed 8" X 10" filters through which air is drawn at 50 cubic feet per minute (CFM) over a 24-hour period. Because these samplers are not equipped with a size selective inlet, the upper limit of particle size captured on the filter may reach 100  $\mu\text{m}$ . Prior to EPA's



adoption of the PM<sub>10</sub> NAAQS, this method was the standard reference method for measurement of airborne particulate matter.

The PM<sub>10</sub> Medium-Volume (MV) sampler collects PM<sub>10</sub> aerosol using a 12 port, 47 mm filter sequencing system that is programmed to collect 24-hour samples. The sampler pulls ambient air at a 4 CFM flow rate through a 10 µm Sierra-Anderson 254 inlet providing a PM<sub>10</sub> cut point. A dual-port system capable of simultaneously collecting aerosol on both Teflon and quartz filter substrate is used to allow complete chemical analysis for CMB receptor modeling purposes. EPA has designated the MV sampler as a reference method. Sampling typically occurs every day during the winter months and every sixth day during the remainder of the year.

The PM<sub>10</sub> High-Volume Size-Selective-Inlet (HV-SSI) is a sampler equipped with a Sierra-Anderson SA321A, SA321B or SA1200 PM<sub>10</sub> cut-point inlet. This method (except for the SA321A) has been designated by EPA as a reference method. Sampling typically occurs every sixth day.

Integrating Nephelometer measurements of light scattering (a surrogate for PM<sub>10</sub>) have been conducted at Central/Main. This method provides hourly light scattering averages which are highly correlated to PM<sub>10</sub> concentrations measured using the MV or HV-SSI reference methods.

**Table A-1.1: Data Collection Periods/Methods at Jackson County Courthouse (Oakdale/Main) or Brophy Building (Central/Main).**

Measurement Method	Began	Terminated
TSP High-Volume (TSP)	Jan-69	Current
Automated Particulate Monitor (APM)	Apr-78	Aug-88
Integrating Nephelometer	Apr-80	Current
PM <sub>10</sub> Dichotomous Virtual Impactor (VI)	May-83	Sep-87
PM <sub>10</sub> High-Volume (SSI)	May-83	Oct-89
PM <sub>10</sub> Medium-Volume (MV)*	Dec-87	Current

\* Both Teflon and quartz filter substrate are used.

PM<sub>10</sub> concentrations in a given 24-hour period can vary by about +/-10% depending on the monitoring method used. The differences between methods have decreased over time as the sampler manufacturers have improved the units; as a result, several units have recently been designated as reference methods by EPA. The reference methods include the following units that have been used in Medford: the Medium-Volume PM<sub>10</sub> samplers, the High-Volume SSI samplers (Models SA321B and SA1200), and similar but not identical Low-Volume Dichotomous VI samplers.

Because of the differences in monitoring methods, especially in the period prior to designation of reference methods, PM<sub>10</sub> data in the following sections is sometimes referred to as PM<sub>10</sub>MV, PM<sub>10</sub>SSI, or PM<sub>10</sub>VI to indicate the monitoring method used to collect the data. EPA guidance<sup>11</sup> indicates that: non-reference PM<sub>10</sub>SSI data prior to August 1988 should be multiplied by a factor of 0.8-1.0 in order to reflect the "grey-zone" around true PM<sub>10</sub> concentrations (i.e., the PM<sub>10</sub>SSI data is biased high relative to the other PM<sub>10</sub> monitoring methods); and non-reference PM<sub>10</sub>VI data prior to August 1988 should be taken at face value, since the VI samplers had excellent performance in the EPA intercomparison studies. DEQ intercomparisons between the SSI, VI and MV samplers indicated that the MV method produced results in between the SSI and VI methods (i.e., lower than the SSI but higher than the VI).

The composite of all available particulate data was used to calculate everyday PM<sub>10</sub>VI and PM<sub>10</sub>SSI values for 1984-86.<sup>12</sup> Since most of the recent and future PM<sub>10</sub> data will be collected as PM<sub>10</sub>MV, and in order to properly compare future PM<sub>10</sub> levels with the historical PM<sub>10</sub> levels, the historical PM<sub>10</sub> data has been converted to the PM<sub>10</sub>MV-equivalent using the following formula based on the Department's intercomparison studies:

$$PM_{10}MV = 1.044 (PM_{10}VI) + 5.38$$

The PM<sub>10</sub>MV data results in only slightly higher PM<sub>10</sub> values than using PM<sub>10</sub>VI data at face value (about 6% higher at the 24-hour design value). More importantly, the PM<sub>10</sub>MV agrees quite closely with the dispersion modeling results and provides the measured mass data for the chemical fingerprinting analysis in recent and future years.

### **PM10 Air Quality in Medford and White City**

The PM10 MV-equivalent data from the Courthouse and White City Post Office for the 1984-89 period are plotted in figures A1 and A2. Peak PM10 concentrations typically occur during December and January. This is due to poorer ventilation and increased woodheating emissions during these months. The peak PM10 levels measured or calculated during 1984-89, other than the forest fire smoke impacts in September 1987, are summarized in Table A-1.2.

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<sup>11</sup>Revision to Policy on the Use of PM<sub>10</sub> Measurement Data, November 21, 1988.

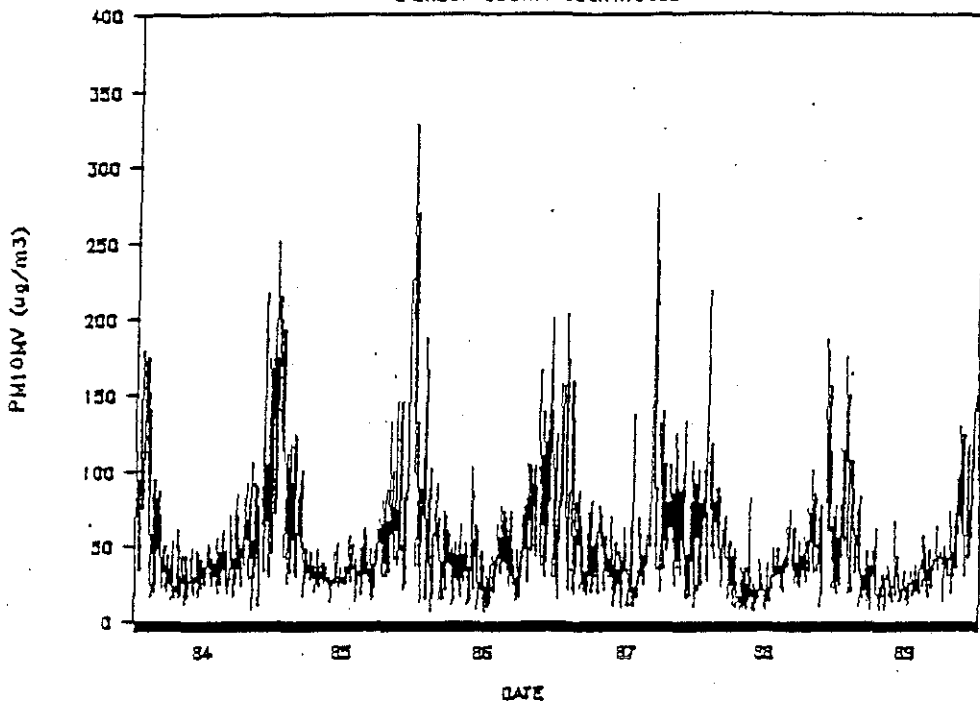
<sup>12</sup>M.L.Hough, Estimation of Everyday PM<sub>10</sub> Concentrations Using Non-reference Monitoring Methods, In Transactions, PM<sub>10</sub>: Implementation of Standards, Edited by C.V.Mathai and D.H. Stonefield, TR-13, APCA, Pittsburgh, PA (1988).

**Table A-1.2: Peak PM<sub>10</sub>MV and PM<sub>10</sub>VI Levels (µg/m<sup>3</sup>) During 1984-86 in the Medford-Ashland AQMA.**

Rank	PM <sub>10</sub> MV	PM <sub>10</sub> VI	Date	Location
Highest Value	327	308	851217	Courthouse
Second Highest	326	308	851223	Courthouse
Third Highest	295	277	851218	Courthouse
Fourth Highest	283	266	851220	Courthouse
Fifth Highest	269	253	851229	Courthouse
Highest Value	363	NA	851217	Oak & Taft
Second Highest	340	NA	851219	Oak & Taft
Third Highest	330	NA	851223	Oak & Taft
Fourth Highest	297	NA	851220	Oak & Taft
Fifth Highest	295	NA	851218	Oak & Taft

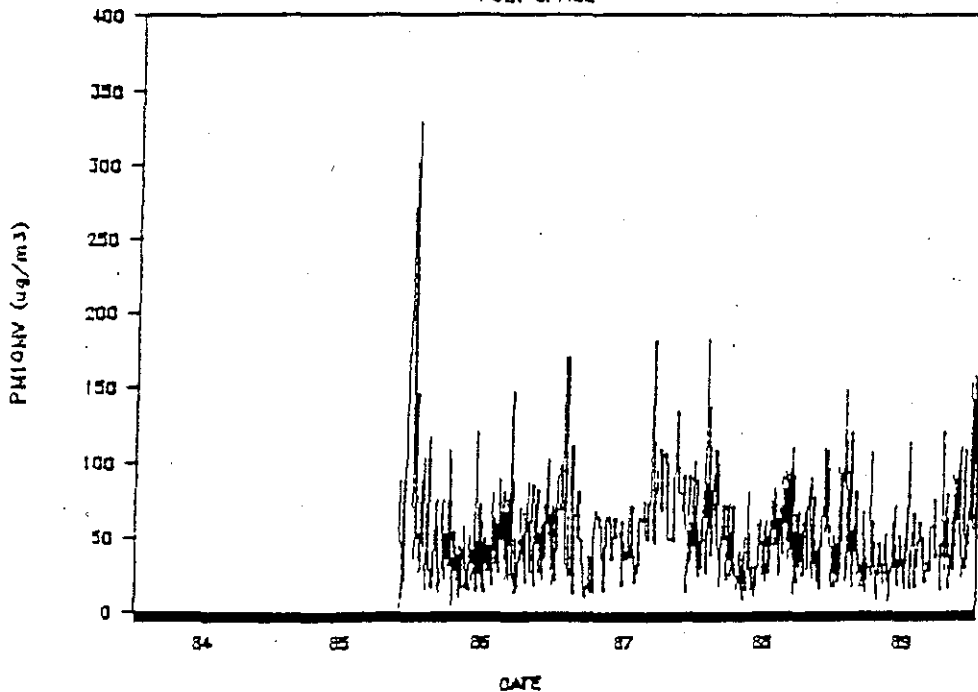
# MEDFORD PM10 TREND

JACKSON COUNTY COURTHOUSE



# WHITE CITY PM10 TREND

POST OFFICE



Figures: A1, A2 PM<sub>10</sub>MV Concentrations Measured or Estimated at the Jackson County Courthouse and White City Post Office During 1984-89.

## Appendix A-2

Proposed Revision to Fugitive Dust Control Plan Rule

OAR 340-030-0043

Control of Fugitive Emissions  
(Medford-Ashland AQMA Only)

Proposed Revision to Fugitive Dust Control Plan Rule Language  
OAR 340-030-0043

**Control of Fugitive Emissions**  
**(Medford-Ashland AQMA Only)**  
**340-030-0043**

- (1) ~~Large~~ **All** Sawmills, all plywood mills and veneer manufacturing plants, particle board and hardboard plants, charcoal manufacturing plants, ~~stationary~~ asphalt plants, ~~stationary~~ rock crushers, **animal feed manufacturers, other major industrial facilities as identified by the Department**, and sources subject to OAR 340-21-245 or 340-30-230 must prepare and implement site-specific plans for the control of fugitive emissions. (The air contaminant sources listed are described in ~~OAR 340-20-155, Table 1, paragraphs 10a, 14a, 14b, 15, 17, 18, 29, 34a and 42a respectively~~ **OAR 340-028-1750, Table 4, paragraphs 10, 14, 17, 18, 29, 34 and 42 respectively**).
- (2) Fugitive emission control plans must identify reasonable measures to prevent particulate matter from becoming airborne. **Special care will be taken by the facility to avoid the migration of material onto the public road system.** Such reasonable measures shall include, but are not limited to the following:
  - (a) **The systematic paving of all unpaved roads and areas on which vehicular traffic occurs. Until an area is paved, Subsection (2)(b) applies;**
  - (~~a~~) (b) Scheduled application of asphalt, oil, water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust. **Dust suppressant material must not adversely affect water quality;**
  - (c) **Periodic sweeping or cleaning of paved roads and other areas as necessary to prevent migration of material onto the public road system.**
  - (~~b~~) (d) Full or partial enclosure of materials stockpiled in cases where application of oil, water or chemicals are not sufficient to prevent particulate matter from becoming airborne;
  - (~~e~~) (e) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dust materials;
  - (~~d~~) (f) Adequate containment during sandblasting or other similar operations;
  - (~~e~~) (g) Covering, at all times when in motion; open bodied trucks transporting materials likely to become airborne; and
  - (f) (h) Procedures for the prompt removal **of earth or other material** from paved streets. ~~of earth or other material which does or may become airborne.~~
- (3) **Reasonable measures may include landscaping and using vegetation to reduce the migration of material onto public and private roadways.**
- (4) **The facility owner or operator must supervise and control fugitive emissions and material that may become airborne caused by the activity of outside contractors delivering or removing materials at the site.**
- (5) **The site-specific fugitive emission control plan shall be submitted to the Department prior to or within 60 days of permit issuance or renewal. The Department shall approve or deny the plan within 30 days.**

## Appendix A-3

### Summary of Local Open Burning Ordinances

**SUMMARY OF OPEN BURNING ORDINANCES FOR JACKSON COUNTY**  
 Provided by Jackson County Health and Human Services  
 Air Quality (541) 776-7318

Jurisdiction	Restrictions	V.I	Exceptions
Jurisdiction	Restrictions	V.I	Exceptions
Gold Hill Fire District #3 826-7100	Restricted during fire season. Open/Barrel Burning Advisory 776-7007	400	None.
Grants Pass 474-5431	No open burning permitted. Burn Advisory 476-9663	N/A	None.
Josephine County 474-5431	DEQ rules apply. No prohibited materials. No burning of industrial, construction or demolition waste.	400	Orchard prunings during February only with V.I >200 and agricultural burning for disease and pest control.
Jacksonville 899-1231 Fire Dept. 899-7246	No open/barrel burning permitted.	N/A	Outdoor cooking fires. As of January 1992 permits will be required for: tree prunings, agricultural pest and disease control, fire training, beehive disease/pest control.
Phoenix 535-1955 Fire Dept. 535-2883	Restricted during fire season. No burning November 1 - February 28. Open/Barrel Burning Advisory 776-7007	400	None.
Prospect 560-3333	No ordinance - Contact Oregon Department of Forestry (664-3328). Permit required during fire season only. Non-fire season: follow County regulations and contact local fire department.		
Rogue River Fire District #1 582-4411	Restricted during fire season. Open/Barrel Burning Advisory 582-BURN (2876)	400	None.
Shady Cove Fire District #4 878-2666	No ordinance - Contact fire department - follow County regulations.		
Talent 535-1566 Fire Dept. 535-1777	No permits issued when the State Forestry burn Index is >65 or wind is >10 mph.	400	None.



**SUMMARY OF OPEN BURNING ORDINANCES FOR JACKSON COUNTY**  
 Provided by Jackson County Health and Human Services  
 Air Quality (541) 776-7318

Jurisdiction	Restrictions	V.I	Exceptions
DEQ 776-6010	In the Rogue Basin Open Burning Control Area, open burns are prohibited for: Industrial, Commercial, Construction, Demolition, and land clearing. Agricultural burning is permitted pursuant to OAR 340-23-040 and OAR 340-23-042 and subject to local jurisdiction and the State Fire Marshall.	400	Letter permits required for Industrial, Commercial, Construction, Demolition and Agricultural burns. Agricultural open burns are prioritized as follows: 1) perennial grass seed; 2) annual grass seed crop; 3) grain crop; 4) all others.
Jackson County 776-7318	Restricted during fire season. Outside of AQMA burning permitted with a permit from local fire district. Inside AQMA no burning November 1 - February 28. Open/Barrel Burning Advisory 776-7007	400	Agricultural disease and pest control with permit from Jackson County Air Quality.
Medford (City) Medford Rural Fire District #2 770-4453	No open/barrel burning permitted within city limits. No open/barrel burning permitted November 1 - February 28 Open/Barrel Burning Advisory 776-7007	N/A 400	None. Permit required to open burn.
Ashland 482-2770	Restricted during fire season. No burning November 1 - February 28. Open/Barrel Burning Advisory 776-7007	400	None.
Butte Falls 865-3262	No burning during fire season. DEQ regulations apply all other times. Burning inside city limits allowed with permit.	400	Upon City Council approval.
Central Point Fire District #3 826-7100	Restricted during fire season. No burning November 1 - February 28. Open/Barrel Burning Advisory 776-7007	400	Agricultural disease and pest control with permit from Jackson County Air Quality.
Eagle Point 826-4212	No burning December and January. Restricted during fire season. February - November 30: permit required.	400	Permit required to open burn for: agricultural disease/pest control, beehive pest/disease control, fire

IV-A-1

## Appendix A-4

### List of Road Dust Control Projects

## List of Road Dust Control Projects

### White City

#### Pave or Dust Suppress

8<sup>th</sup> Street (0.28 miles)

Avenue F (0.34 miles)

Wildlife Refuge Approach Road (0.16 miles)

#### Trackout Control

Operate high efficiency street cleaner

### Medford

#### Pave or Dust Suppress

Priddy Street (0.03 miles)

Oak Street (0.13 miles)

Gore Avenue (0.11 miles)

Elm Avenue (0.08 miles)

Lynn Street (0.14 miles)

Welch Street (0.10 miles)

#### Trackout Control

Pave network of alleys on westside (~ 9.0 miles)

## Appendix A-5

### Fruitgrowers League Emission Reduction Policy

## FRUIT GROWERS LEAGUE

766 S. GRAPE ST. • P.O. BOX 27  
MEDFORD, OREGON 97501  
(503) 773-1060 or (503) 773-4088  
FAX (503) 779-0465

January 22, 1998 - TRACK-ON POLICY

The Jackson County Fruit Growers League (FGL) is a grower organization formed to facilitate the production of pears in Jackson County. As members of this organization we enjoy and value a health environment. The (FGL) policy, using available resources, is to encourage our members and other agricultural producers to reduce particulate matter pollution.

It is our belief that this can be accomplished by regular reminders to all who engage in the production of pears and other agricultural commodities in the Rogue River Valley. Track-on dirt to public roadways must be prevented. We encourage the practises listed below:

1. Clean the wheels of equipment before entering public roadways from the orchard or field.
2. Remove mud and dirt that is accidentally tracked on to the public road.
3. Avoid driving on public roadways with field equipment when wet muddy conditions exist.
4. Use the shoulder of the road whenever possible for the movement of equipment.
5. Provide drives from the orchard that will not become dusty or muddy.

The directors of the (FGL) believe that track-on is preventable when growers are aware of the problem. The experience of growers using these methods has proven successful.

The above policy has been formally adopted at the regular January 22, 1998 meeting of the Jackson County Fruit Growers League Board of Directors.

Ric Reno, President

SOUTHERN OREGON RESEARCH AND EXTENSION CENTER  
RESEARCH UNITOREGON STATE UNIVERSITY  
569 Hanley Road, Medford Oregon 97502-1206  
Telephone 541-772-5165 Fax 541-772-5110

February 20, 1998

Ric Reno, President  
Fruit Growers League  
766 S. Grape St.  
Box 27  
Medford, Oregon 97501

Dear Ric:

This is in reference to the proposed EPA "Track On" policy. Dan Hull has shared a copy of the policy adopted by the Fruit Growers League on January 22, 1998.

It appears that education of growers and others within the community is vital to maintain a practical approach to this situation. I would therefore offer our support to the League's policy and encourage you to consider using our March issue of the "Extender" to provide additional information and inform people of your policy.

I will be glad to work with Dan Hull in facilitating the process. Please contact my office if you have additional questions.

Sincerely,

Michael E. Howell, Superintendent  
Southern Oregon Research & Extension Center

## Appendix A-6

### New Local Ordinances for Unified Woodstove Curtailment Program

# City of Ashland



# City Hall

Office of the City Recorder  
Barbara Christensen, City Recorder  
Derek Severson, Assistant to the City Recorder  
(541) 488-5307 (phone)

20 E. Main St., Ashland, Oregon 97520  
e-mail: BarbaraC@ashland.or.us  
e-mail: DerekS@ashland.or.us  
(541) 488-5311 (fax)

July 2, 1998

David Collier  
Oregon Department of Environmental Quality  
Air Quality Division  
811 SW 6th  
Portland, OR 97204

I have enclosed copies of City of Ashland ordinances #2821, dealing with trackout, and #2822, dealing with woodheating. These ordinances were adopted by the Ashland City Council at their regular meeting on June 16<sup>th</sup>.

If you have any questions, or need further assistance, please don't hesitate to call the City Recorder's Office at 488-5307.

*Derek Severson*

Derek Severson  
Assistant to the City Recorder

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AIR QUALITY DIVISION  
Dept. Environmental Quality



ORDINANCE NO. 2822

**AN ORDINANCE AMENDING ASHLAND MUNICIPAL  
CODE (AMC) CHAPTER 9.24 AND AMC SECTION  
10.30.010 BY INCORPORATING THE PROVISIONS OF  
THE MODEL WOODHEATING ORDINANCE AND  
REPEALING ORDINANCE NO. 2555**

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.24 of the Ashland Municipal Code is amended to read as follows:

Chapter 9.24

**WOODSTOVE CURTAILMENT AND OPACITY LIMITATIONS**

Sections:

- |          |  |
|----------|--|
| 9.24.010 | Definitions.   |
| 9.24.020 | Requirements for Solid Fuel Heating Device Installation.         |
| 9.24.030 | Solid Fuel Burning Device Emission Standard.                     |
| 9.24.040 | Restriction of Woodburning and Emissions on High Pollution Days. |
| 9.24.050 | Prohibited Materials.  |
| 9.24.060 | Penalty.   |

9.24.010 Definitions. For the purposes of this Chapter, the following definitions apply:

- A. "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (further referred to in this chapter as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive days are designated as red or yellow, they shall all be considered a part of the same period.
- B. "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.
- C. "Oregon certified stove" means a solid fuel burning device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-34-045 through 340-34-115.

- D. "PM<sub>10</sub>" means airborne particles ranging from .01 to 10 microns in size, the breathing of which can be harmful to the human respiratory system.
- E. "Red day" means a 24-hour period beginning at 7 a.m. when PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human services to be 130  $\mu\text{g}/\text{m}^3$  and above.
- F. "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.
- G. "Residential Woodburning" means utilization of wood in a solid fuel heating device inside a residence.
- H. "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.
- I. "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.
- J. "Space Heating" means raising the interior temperature of a room.
- K. "Yellow day" means a 24-hour period beginning at 7 a.m. when the PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be 91  $\mu\text{g}/\text{m}^3$  and above but less than 130  $\mu\text{g}/\text{m}^3$ .

9.24.020. Requirements for Solid Fuel Heating Device Installation. The purpose of this section is to reduce the amount of particulate pollution resulting from woodburning for space heating.

- A. It shall be unlawful for any new or used solid fuel heating device to be installed in the City of Ashland after the effective date of this Ordinance, unless:
  - 1. The device is installed pursuant to the City Building Code and regulations of the Department of Planning and Development; and

2. The solid fuel heating device complies with the Oregon Department of Environmental Quality Particulate Emission standards for certified woodstoves; and
  3. For all new construction, the structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel heating device.
- B. If the conditions set forth in this subsection are not fulfilled, no person in possession of the premises shall cause or permit, and no public agency shall issue any permit for, the installation of the device.

9.24.030. Solid Fuel Burning Device Emission Standard.

- A. Within the City of Ashland, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than 40 percent.
- B. The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period not to exceed 30 minutes in any four-hour period.
- C. For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9, or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

9.24.040. Restriction of Woodburning and Emissions on High Pollution Days.

- A. Operation of Solid Fuel Burning Device Prohibition.
  1. The operation of a solid fuel burning device within the City of Ashland during a high pollution period shall be prohibited unless an exemption has been granted pursuant to section 9.24.040.B. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.
  2. Notwithstanding section 9.24.040.A.1, the operation of an Oregon certified stove shall be permitted during a high pollution period so

long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.

3. After June 30, 2000, no property owner within the City of Ashland shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel burning device, unless the landlord has a valid exemption under section 9.24.040.B.2. Should a violation of this section occur it shall be attributable to the property owner and not to the tenant or lessee.

B. Exemptions. It is permissible for a household to operate a solid fuel burning device within the City of Ashland during a high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

1. Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program, as administered by ACCESS Inc. or other approved entity.
2. Sole Source: An exemption may be issued to the heads of households who sign a statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after June 30, 2000, unless the residence is approved for installation of an alternative heating source through a woodstove replacement program guidelines or in the absence of such a program when the head of the household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development.
3. Special Need: Upon a showing of special need, as determined by the city administrator or designee, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding section 9.24.040.A.1. "Special need" shall include, but not be limited to occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

9.24.050. Prohibited Materials. It shall be unlawful for a person to cause or allow any of the following materials to be burned in a solid fuel burning device: garbage, treated wood, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, paint, animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which normally emits dense smoke or noxious odors.

9.24.060 Penalty. Any person violating or causing the violation of any of the provisions of this Chapter shall be punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. (Passed by voters November 6, 1990; wording from Resolution. 90-44, Sept., 1990)

SECTION 2. Section 10.30.010 is amended to read:

10.30.010 Outdoor Burning Restricted.

- A. No person shall start or maintain any outdoor fire except as authorized in this chapter.
- B. No person in charge shall cause or knowingly allow any outdoor fire to be started or maintained on any part of such premises, except as authorized in this chapter.
- C. Except for religious fires, any outdoor fire authorized in this chapter shall only be used to burn woody debris such as limbs or branches. No person shall start or maintain any outdoor fire authorized in this chapter in a barrel.
- D. No person shall start or maintain any campfire except as provided in this chapter. It is an affirmative defense to a prosecution of any charge under this subsection that the campfire was authorized by the person in charge.

SECTION 3. Ordinance No. 2555 is repealed.

(Note: Ordinance No. 2555 was adopted on February 8, 1990, but was not made a part of any specified chapter or section of the Ashland Municipal Code.)

The foregoing ordinance was first read by title only in accordance with Article X,

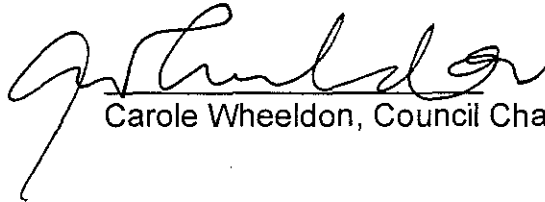
Section 2(C) of the City Charter on the 2 day of June, 1998,

and duly PASSED and ADOPTED this 16 day of June, 1998.



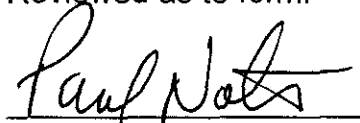
Barbara Christensen, City Recorder

SIGNED and APPROVED this 17 day of June, 1998.



Carole Wheeldon, Council Chairperson

Reviewed as to form:



Paul Nolte, City Attorney

Colli

Council Bill No. 98-69

ORDINANCE NO. 98-635-O

AN ORDINANCE REGULATING THE USE OF SOLID FUEL BURNING DEVICES WITHIN THE CITY OF TALENT, OREGON.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

I. DEFINITIONS.

As used in this ordinance:

(A) "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive days are designated as red or yellow, they shall all be considered a part of the same period.

(B) "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.

(C) "Oregon certified stove" means a solid fuel burning device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-34-045 through 340-34-115.

(D) "PM<sub>10</sub>" means airborne particles ranging from .01 to 10 microns in size, the breathing of which can be harmful to the human respiratory system.

(E) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human services to be 130 µg/m<sup>3</sup> and above.

(F) "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.

(G) "Residential Woodburning" means utilization of wood in a solid fuel heating device inside a residence.

(H) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

(I) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

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(J) "Space Heating" means raising the interior temperature of a room.

(K) "Yellow day" means a 24 hour period beginning at 7:00 am. when the PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be 91  $\mu\text{g}/\text{m}^3$  and above but less than 130  $\mu\text{g}/\text{m}^3$ .

## II. REQUIREMENTS FOR SOLID FUEL HEATING DEVICE INSTALLATION.

The purpose of this section is to reduce the amount of particulate pollution resulting from woodburning for space heating.

(A) It shall be unlawful for any new or used solid fuel heating device to be installed in the City of Talent after the effective date of this Ordinance, unless:

(1) The device is installed pursuant to the City Building Code and regulations of the Department of Planning and Development; and

(2) The solid fuel heating device complies with the Oregon Department of Environmental Quality Particulate Emission standards for certified woodstoves; and

(3) For all new construction, the structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel heating device.

(B) If the conditions set forth in this subsection are not fulfilled, no person in possession of the premises shall cause or permit, and no public agency shall issue any permit for, the installation of the device.

## III. SOLID FUEL BURNING DEVICE EMISSION STANDARD.

(A) Within the City of Talent, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than fifty (50) percent.

(B) The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period not to exceed 30 minutes in any four-hour period.

(C) For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9, or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

## IV. RESTRICTION OF WOODBURNING AND EMISSIONS ON HIGH POLLUTION DAYS

(A) Operation of Solid Fuel Burning Device Prohibition



(1) The operation of a solid fuel burning device within the City of Talent during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section IV(B) of this Chapter. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.

(2) Notwithstanding subsection (A)(1) of this section, the operation of an Oregon Certified solid fuel burning device shall be permitted during a high pollution period so long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.

(3) After two years from the effective date of this ordinance, no property owner within the City of Talent shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel burning device, unless the landlord has a valid exemption under Section IV(B)(2) of this Chapter. Should a violation of this section occur it shall be attributable to the property owner and not to the tenant or lessee.

#### (B) Exemptions

It is permissible for a household to operate a solid fuel burning device within the City of Talent during a high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

(1) **Economic Need:** An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS Inc. or its successor.

(2) **Sole Source:** An exemption may be issued to the heads of households who sign a statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this ordinance, unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program when the head of the household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this Chapter, may continue to rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this ordinance.

(3) **Special Need:** Upon a showing of special need, as further defined by administrative rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section IV(A)(1) of this Ordinance. "Special need" shall include, but not be limited to occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

V. PROHIBITED MATERIALS

It shall be unlawful for a person to cause or allow any of the following materials to be burned in a solid fuel burning device: garbage, treated wood, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, paint, animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which normally emits dense smoke or noxious odors.

Adopted as read in full the 4th day of March, 1998 by the following vote:

AYES: 7      NAYS: 0      ABSENT: 0      ABSTAIN: 0

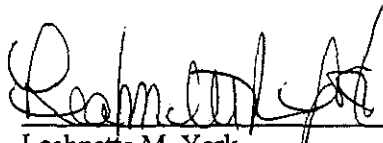
Adopted as read by title only on the 4th day of March, 1998 by the following vote:

AYES: 7      NAYS: 0      ABSENT: 0      ABSTAIN: 0

Signed by me, Frank D. Falsarella, Mayor, in authentication of its adoption and passage this 5th day of March, 1998.

  
\_\_\_\_\_  
Frank D. Falsarella  
Mayor

ATTEST:

  
\_\_\_\_\_  
Leahnette M. York  
City Administrator/Recorder

Effective Date: April 3, 1998

following (6-21-93) County's for burning  
adopted by vote

**CITY OF PHOENIX  
PHOENIX, OREGON**

**ORDINANCE NO. 794**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR USE OF WOODHEATING  
IN THE CITY OF PHOENIX.**

WHEREAS, the Oregon Department of Environmental Quality (DEQ) and the Jackson County Department of Health and Human Services have established regulations for woodheating, for the purpose of reducing pollution; and

WHEREAS, the City Council of the City of Phoenix desires to follow the same regulations.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Phoenix, Jackson County, Oregon, as follows:

I. DEFINITIONS.

As used in this ordinance:

(A) "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive days are designated as red or yellow, they shall all be considered a part of the same period.

(B) "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.

(C) "Oregon certified stove" means a solid fuel device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-34-045 through 340-34-115.

(D) "PM<sub>10</sub>" means airborne particles ranging from .01 to 10 microns in size, the breathing of which can be harmful to the human respiratory system.

(E) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human services to be 130 µg/m<sup>3</sup> and above.

(F) "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.

(G) "Residential Woodburning" means utilization of wood in a solid fuel heating device inside a residence.

(H) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

(I) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

(J) "Space Heating" means raising the interior temperature of a room.

(K) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the  $PM_{10}$  levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be  $91 \mu\text{g}/\text{m}^3$  and above but less than  $130 \mu\text{g}/\text{m}^3$ .

## II. REQUIREMENTS FOR SOLID FUEL HEATING DEVICE INSTALLATION.

The purpose of this section is to reduce the amount of particulate pollution resulting from woodburning for space heating.

(A) It shall be unlawful for any new or used solid fuel heating device to be installed in the City of Phoenix after the effective date of this Ordinance, unless:

(1) The device is installed pursuant to the City Building Code and regulations of the Department of Planning and Development; and

(2) The solid fuel heating device complies with the Oregon Department of Environmental Quality Particulate Emission standards for certified woodstoves; and

(3) For all new construction, the structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat with other than a solid fuel heating device.

(B) If the conditions set forth in this subsection are not fulfilled, no person in possession of the premises shall cause or permit, and no public agency shall issue any permit for, the installation of the device.

## III. SOLID FUEL BURNING DEVICE EMISSION STANDARD.

(A) Within the City of Phoenix, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than fifty (50) percent.

(B) The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period not to exceed 30 minutes in any four-hour period.

(C) For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9, or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

#### IV. RESTRICTION OF WOODBURNING AND EMISSIONS ON HIGH POLLUTION DAYS.

##### (A) Operation of Solid Fuel Burning Device Prohibition

(1) The operation of a solid fuel burning device within the City of Phoenix during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section IV(B) of this Chapter. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.

(2) Notwithstanding subsection (A)(1) of this section, the operation of an Oregon Certified solid fuel burning device shall be permitted during a high pollution period so long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.

(3) After two years from the effective date of this ordinance, no property owner within the City of Phoenix shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel burning device, unless the landlord has a valid exemption under Section IV(B)(2) of this Chapter. Should a violation of this section occur it shall be attributable to the property owner and not the tenant or lessee.

##### (B) Exemptions

It is permissible for a household to operate a solid fuel burning device within the City of Phoenix during high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

(1) **Economic Need:** An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS Inc. or its successor.

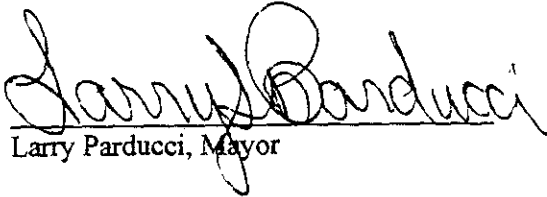
(2) **Sole Source:** An exemption may be issued to the heads of households who sign a statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this ordinance, unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program when the head of household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this Chapter, may continue to rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this ordinance.

(3) **Special Need:** Upon a showing of special need, as further defined by administrative rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section IV(A)(1) of this Ordinance. "Special need" shall include, but not be limited to occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

V. PROHIBITED MATERIALS

It shall be unlawful for a person to cause or allow any of the following materials to be burned in a solid fuel burning device: garbage, treated wood, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, paint, animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which normally emits dense smoke or noxious odors.

PASSED and adopted by the City Council and signed by me in authentication thereof this 4th day of May, 1998.

  
Larry Parducci, Mayor

ATTEST:

  
Betty S. Smith, City Recorder

ORDINANCE NO. 477

AN ORDINANCE ADDING CHAPTER 8.10, WOODHEATING, TO THE JACKSONVILLE MUNICIPAL CODE.

WHEREAS, the Jacksonville City Council has determined that Title 8, Health and Safety, of the Jacksonville Municipal Code does not fully meet the current needs of the City and should be amended, and

WHEREAS, the Jacksonville City Council heard testimony from the Department of Environmental Quality and Jackson County on March 3, 1998, indicating the urgency of adopting a unified ordinance, and

WHEREAS, the Jacksonville City Council has determined that it is in the best interests of the City to add Chapter 8.10 to the Jacksonville Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, OREGON, ORDAINS AS FOLLOWS:

The Jacksonville Municipal Code is hereby amended to include all the provisions included in Exhibit "A", attached hereto and incorporated herein.

Signed by me in open session in authentication of its passage this

\_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Kathy Hall, Recorder

## Chapter 8.10

### WOODHEATING

#### Sections:

- 8.10.010 Definitions.
- 8.10.020 Requirements for Solid Fuel Heating Device Installation.
- 8.10.030 Solid Fuel Burning Device Emission Standard.
- 8.10.040 Restriction of Woodburning and Emissions on High Pollution Days.
- 8.10.050 Prohibited Materials

#### 8.10.010 Definitions.

1. **High pollution period:** means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive days are designated as red or yellow, they shall be considered a part of the same period.
2. **Opacity:** means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.
3. **Oregon certified stove:** means a solid fuel burning device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-34-045 through 340-34-115.
4. **PM<sub>10</sub>:** means airborne particles ranging from .01 to 10 microns in size, the breathing of which can be harmful to the human respiratory system.
5. **Red day:** means a 24 hour period beginning at 7:00 a.m. when PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human services to be 130 ug/m<sup>3</sup> and above.
6. **Residence:** means a building containing one or more dwelling units used for habitation by one or more persons.
7. **Residential Woodburning:** means utilization of wood in a solid fuel heating device inside a residence.
8. **Sole source of heat:** means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the



residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

9. **Solid fuel burning device:** means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, with limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

10. **Space Heating:** means raising the interior temperature of a room.

11. **Yellow day:** means a 24 hour period beginning at 7:00 a.m. when the PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be 91 ug/m<sup>3</sup> and above but less than 130 ug/m<sup>3</sup>.

**8.10.020 Requirements for Solid Fuel Heating Device Installation.** The purpose of this section is to reduce the amount of particulate pollution resulting from woodburning for space heating.

(A) It shall be unlawful for any new or used solid fuel heating device to be installed in the City of Jacksonville after the effective date of this Ordinance, unless:

(1) The device is installed pursuant to the City Building Code and regulations of the Department of Planning and Development; and

(2) The solid fuel heating device complies with the Oregon Department of Environmental Quality Particulate Emission standards for certified woodstoves; and

(3) For all new construction, the structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel heating device.

(B) If the conditions set forth in this subsection are not fulfilled, no person in possession of the premises shall cause or permit, and no public agency shall issue any permit for, the installation of the device.

**8.10.030 Solid Fuel Burning Device Emission Standard.** (A) Within the City of Jacksonville, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than fifty (50) percent.

(B) The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period to exceed 30 minutes in any four-hour period.

(C) For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9,

or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

**8.10.040 Restriction of Woodburning and Emissions on High Pollution Days.**

**(A) Operation of Solid Fuel Burning Device Prohibition:**

(1) The operation of a solid fuel burning device within the City of Jacksonville during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 8.10.040 (B) of this Chapter. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.

(2) Notwithstanding subsection (A)(1) of this section, the operation of an Oregon Certified solid fuel burning device shall be permitted during a high pollution period so long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.

(3) After two years from the effective date of this ordinance, no property owner within the City of Jacksonville shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel burning device, unless the landlord has a valid exemption under Section 8.10.040(B)(2) of this Chapter. Should a violation of this section occur, it shall be attributable to the property owner and not to the tenant or lessee.

**(B) Exemptions:** It is permissible for a household to operate a solid fuel burning device within the City of Jacksonville during a high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

(1) **Economic Need:** An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS, Inc. or its successor.

(2) **Sole Source:** An exemption may be issued to the heads of households who sign a statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this ordinance, unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program when the head of the household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this Chapter, may continue to

rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this ordinance.

(3) Special Need: Upon a showing of special need, as further defined by administrative rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section 8.10.040(A)(1) of this ordinance. "Special need" shall include, but not be limited to, occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

**8.10.050 Prohibited Materials.** It shall be unlawful for a person to cause or allow any of the following materials to be burned in a solid fuel burning device: garbage, treated wood, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, paint, animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or any other material which normally emits dense smoke or noxious odors.

# Appendix A-7

## Jackson County Letter Regarding Trackout



# Jackson County Oregon

JACKSON COUNTY • 200 ANTELOPE ROAD • WHITE CITY, OREGON 97503

JOSEPH L. STRAHL, P.E.  
DIRECTOR, ROADS AND PARKS  
SERVICES  
(541)826-3122  
FAX:(541)830-6407

RECEIVED  
APR 27 1998

April 24, 1998

AIR QUALITY DIVISION  
Dept. Environmental Quality

Kevin Downing, Air Quality Planner  
Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204-1390

## **RE: White City Road Dust Control**

Dear Kevin:

This is in response to your letter of March 3 and subsequent conversations. As we have discussed, Jackson County Roads and Parks Services has responsibility for county roads but not for private lands in the White City area. We are capable of sweeping the roads and appreciate your help in efforts to secure funding for a vacuum style street sweeper to help reduce road dust. Trackout enforcement on the county road system is also within our purview. Enforcement of what happens off the county road rights-of-way is not, however. So, we are finding it difficult to accept your suggestions as presented in the March 3 letter. At the same time we are in agreement that our area and population will benefit from reduced air borne particulate loading and we have given much thought as to how to best achieve reduced road dust.

We propose taking a series of steps short of imposing harsher ordinances and penalties. First, a meeting with the industrial community in White City is proposed to take place in approximately two months. At this meeting the problem would be described and what this problem means in terms of health and potential federal sanctions. DEQ's help will be needed in presenting these facts. We anticipate a large turnout at this meeting. The objective of the meeting will be to develop an action plan for obtaining industry support for eliminating the majority of trackout before the end of 1998. As government officials our role will be one of supplying information and help, short of financial help for making improvements on private property.

There is at least one example of industry in our area acting to solve the problem of trackout. Every year the Fruit Growers League issues a reminder to orchardists about the problem of trackout onto public roads and offers a list of actions to take to avoid trackout. A copy of this years letter is enclosed.

Kevin Downing, Air Quality Planner  
Page 2  
April 23, 1998

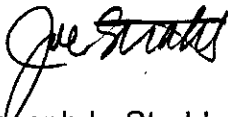
Further, we have an established history of working with industry in White City to solve problems. About twelve years ago the county received numerous complaints about storm drainage in White City. The county does not have a storm water utility and most of the problems were located off of the county road rights-of-way. Our response was to organize and participate in meetings with industry representatives to help solve this problem. Within a matter of months property owners had provided private funds for a consultant to study the problem and offer solutions. Soon afterward a special utility district was formed under the auspices of the Bear Creek Valley Sanitary Authority and the recommended work was being performed. Currently, the completed storm drainage system is being maintained by BCVSA and all property owners in the area pay a fee for the service.

We think that a similar approach to deal with road dust is the way to go. We feel that a collaborative approach would be more effective than a heavy-handed enforcement approach and will make all of our jobs much easier now and in the future.

The county has approached the Rogue Valley Council of Governments about leading this collaborative process. The RVCOG has agreed to help. They will be seeking funding to provide the requested service on a sustained basis. In addition to industry representatives and the RVCOG, DEQ, Jackson County Roads and Parks, Jackson County Planning and Development, and the White City Urban Renewal Authority need to attend the meeting and be a part of the process.

Before we can begin we need to obtain approval from you and collaborate with you on the preparation for the initial meeting. The person at RVCOG with responsibility for this project is Dan Moore (phone 664-6674) and you can contact him to discuss this project further. Please feel free to continue to work with me on this project also. I intend to remain on the road dust subcommittee and help any way I can to solve the road dust problems in White City.

Sincerely yours,

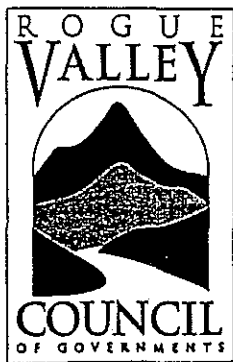


Joseph L. Strahl, P.E.  
Director, Roads and Parks Services

cc: Reeve Henion  
Cathy Conlow  
Burke Raymond  
Mike Montero

## Appendix A-8

### Transit Oriented Design and Transit Corridor Development Strategies for the Rogue Valley Transportation District



**Work Program**

**for**

***Transit Oriented Design and  
Transit Corridor Development Strategies  
for the Rogue Valley Transportation District***

**Transportation and Growth Management Program**

**DRAFT**

**October 1997**



# *Transit Oriented Design and Transit Corridor Development Strategies*

## **Scope of Work**

### **Project Description**

This project proposal is in response to DLCD's appeal of the City of Medford's adoption of the Rogue Valley Regional Transportation Plan (RVRTP). DLCD filed an appeal on the basis that the RVRTP does not comply with the Transportation Planning Rule (TPR) requirements of reducing reliance on the automobile, and a 10% reduction in VMT per capita within 20 years. DLCD indicated that the TPR requires transportation needs to be based on measures to reduce reliance on the automobile, such as planning for transit oriented design developments along existing and planned transit routes. DLCD agreed to withdraw their appeal if the their issues were addressed. The study will produce strategies to help the Rogue Valley MPO move closer to the VMT per capita requirements of the Transportation Planning Rule. The findings of this project will be used to update the RVRTP. The project period is February 1998 to February 1999.

The development of transit oriented design "nodes" or activity centers will focus on the 9 key areas listed in the RTP. These nine key areas were identified by the MPO to have the greatest potential for change in mixed land use or denser development. The nine areas will be reevaluated as to their potential in supporting transit oriented development. Other areas may also be identified as having potential for implementing transit oriented design strategies. Transit corridors which connect the identified transit activity centers will be identified and detailed inventory of the corridors will be conducted. Transit oriented development designs for activity centers will also be developed.

The Transit Oriented Design and Transit Corridor Development Strategies study area includes the area within the Rogue Valley Transportation District (RVTD) boundary encompassing the MPO Boundary.

### **What is Transit Oriented Development?**

Transit oriented development, or TOD, is a planning term that describes development influenced by and oriented to transit service, and responsive to the market created by transit patronage. Elements of TOD projects include good pedestrian access; moderate to high density housing; and mixed uses such as offices, retail businesses and services, all concentrated along the regional transit system.

### **Project Purpose and Objectives**

The RVTD Transit Oriented Design and Transit Corridor Development Strategies Plan's primary purpose is to create a plan which reduces the reliance on the automobile through increased usage of the transit system. The objectives of the project are:

- Identify transit corridors and major transit stops
- Explore transit oriented development at specific locations
- Develop ordinances for local governments to implement transit strategies
- Amend the Rogue Valley Regional Transportation Plan as necessary

## WORK TASKS

### 1. Form Committees

#### 1.1 Identify Stakeholders and Conduct Interviews

Rogue Valley Transportation District has identified stakeholders from previous projects. Additional stakeholders may need to be identified. Coordination with RVTD to obtain information will be important. Identified stakeholders will be interviewed for comments and concerns. A questionnaire will be developed with the assistance of the Technical Advisory Committee.

Product Roster and a summary of issues and concerns

Responsible Agency RVTD and RVCOG

#### 1.2 Formation of Technical Advisory Committee (TAC)

The TAC will provide oversight and coordination of the study. The initial meeting will be to identify issues and schedule meetings. TAC members will review and comments on the consultants' work. TAC will be comprised of members from the MPO Technical Advisory Committee and representatives from jurisdictions within RVTD's service boundary.

Product TAC roster and meeting schedule

Responsible Agency RVTD, RVCOG and consultant

#### 1.3 Formation of a Citizen Advisory Committee (CAC)

A CAC will be made up of identified citizen stakeholders. RVTD has previously identified stakeholders. Additional stakeholders may need to be added to the roster. Members of CAC will review and comment on the work of the consultant and identify community concerns and interests.

Product CAC roster and meeting schedule

Responsible Agency RVCOG

### 2. Public Involvement

A series of public meetings and design charrettes will be held for selected areas identified for implementing transit oriented development strategies. Property owners adjacent to the areas identified, stakeholders and interested citizens will be invited to attend the meeting.

#### 2.1 Kick Off Meeting

A public meeting will be held to give citizens an overview of the project and introduce the concept of transit oriented design, using examples from other communities (i.e. slide presentation). A summary of ideas and concerns gathered from the CAC and TAC will be presented. The meeting will also gather participants comments. The idea of the meeting is to give the community and other interested parties the opportunity to express ideas about how the development of transit oriented development should serve the neighborhoods/region. Participants will be encouraged to identify types of housing, commercial, and economic development projects which are suited for the area.

Product Summary of citizens issues and concerns. A vision of transit and transit

oriented development's role in the community.

Responsible Agency RVT, RCOG and Consultant

### 2.2 Design Charrette

The meeting will be used to present concepts of transit oriented development for areas within the RVT boundaries. Preliminary designs for transit activity centers will be presented. Designs will be based upon comments and input from the TAC and CAN. The location of activity centers will be based on land use analysis. The area or areas with the greatest potential for supporting transit oriented development will be used as a demonstration project for the design charrette.

The objective of the charrette is not to reach consensus, but to give the community and other interested parties the opportunity to express their concerns and ideas. This meeting will take place after the initial kick off meeting and the evaluation of the nine key areas identified in the RTP (the nine keys areas, as well as other areas identified, will be evaluated for their potential in supporting transit oriented development).

An option is to have the meeting organized into two sessions. The first part of the meeting could be open to comments from the citizen advisory committee, and the second half could open up for comments from the rest of the participants.

Product Summary of concerns and ideas, alternative strategies for Transit Oriented Development

Responsible Agency Consultant, RVT and RCOG

### 2.3 Final Public Meeting

A final public meeting will be held which includes several alternative design strategies. Designs should address issues raised at the design charrette and comments from CAN and TAC. Participants will be asked to comment on alternatives presented. Designs will be presented in a graphic format for display and inclusion in the final document.

Product Conceptual drawings of transit activity center alternatives  
Summary of issues and concerns

Responsible Agency Consultant, RVT and RCOG

## **3. Review Existing Plans, Policies and Ordinances**

Existing land use plans, ordinances and zoning designations, within RVT boundaries, will be compiled and examined for opportunities to implement transit oriented developments. Shortcomings will also be identified.

Product Technical Memorandum 1: Base information for preparation of transit development strategies and the creation of model zoning and subdivision ordinances.

Responsible Agency Consultant (RVT and RCOG will provide information)

## **4. Compile RVT Customer Surveys**

RVTD has conducted several customer surveys. As part of this project, the surveys and studies will be compiled and analyzed. The analysis will include a list of recommendations for improvements.

*Product* Technical Memorandum 2: Summary of customer surveys with a list of recommendations for improvements.

*Responsible Agency* Consultant

## 5. Land Use Analysis

### 5.1 Evaluate Nine Key Activity Centers Identified in the Rogue Valley Regional Transportation Plan and Determine High Growth Areas

Using existing model and TAZ structure included in the Rogue Valley Regional Transportation Plan (RV RTP), nine key "activity centers" will be reevaluated (The RV RTP identified nine nodes as having the greatest potential for mixed use development). Other high growth areas may be identified as a result of the analysis. The nine key areas, as well as other identified high growth areas will be reevaluated in terms of their *feasibility* of supporting transit oriented development.

#### Subtask: Land Use inventory

This task will involve an inventory activity centers identified. The inventory will include tax lot information, developable land, current and proposed land use and zoning, and the existing transportation system, including bicycle and pedestrian and transit facilities surrounding the area.

*Product* Technical Memorandum 3: Recommendations for the potential of transit oriented development to be implemented at the nine key areas identified in the RV RTP as well as other areas identified through the analysis process and an inventory activity centers.

*Responsible Agency* RVCOG

### 5.2 Travel Demand Modeling of Land Use Alternatives

The current RTP identifies 9 key activity centers throughout the Medford Urbanized Area as areas that are expected to experience high rates of growth and development within the time-frame encompassed by the RTP. These areas, as well as other areas identified, are under consideration as possible locations for transit oriented development centers. Because the current RV MPO Travel Demand Model does not include either mode choice or transit components, other means of analyzing these alternatives will have to be used. The effect of these nine centers on vehicle miles traveled and vehicle trips per day will need to be assessed along with the following:

- a. Using RVTD Alternative "C", as outlined in the Rogue Valley Metropolitan Organization Regional Transportation Plan, 1995-2015, perform model runs on Tier I Transportation Improvements including Bike, Pedestrian, and Transit-Oriented Design measures and RVTD's Transportation Demand Strategies.
- b. A reevaluation of transportation system needs identified near identified activity centers to determine if capacity increases are warranted.
- c. A level-of-service analysis to assess the effect of all or a combination of the activity centers.
- d. Measurement of VMT using build/no-build scenarios and reduction in vehicle trips to

determine vehicle trips per capita required to achieve a 10% reduction in VMT as required by the Oregon Transportation Planning Rule.

Product                      Technical Memorandum 4: Results of model run on RVTD Alternative "C" and Tier 1 projects, determination if capacity increases are needed near identified activity centers, LOS analysis for nine key activity centers and other high growth areas identified and a summary of VMT for a build/no build scenarios and vehicular trips per capita required to achieve a 10% reduction in VMT as required by the Oregon TPR.

Responsible Agency      RVCOG

5.3 Develop/Evaluate Alternatives

Once activity centers have been identified as having potential for implementing TOD strategies, and transportation needs have been identified, alternative TOD strategies can be developed.

Subtask: Determine the time line of the development of activity center.

Product                      Alternative TOD strategies for identified activity centers  
Time Line for the development of identified activity centers

Responsible Agency      Consultant

**6. Identify Transit Corridors Linking Activity Centers**

Transit corridors have been informally identified by RVTD. Further analysis may be needed in order to identify future transit corridors. Land use, transit service and transportation system inventory will be conducted. Once the inventory and analysis have been completed, a list of improvements to enhance transit service (i.e bus stops, shelters, bus only lanes, signange etc.) will be identified. A cost analysis for improvements will also be provided.

Product                      Identification and inventory of transit corridors, list and cost of transit improvements

Responsible Agency      Consultant

**7. Establish Design Standards for Transit Activity Centers**

Review existing MPO jurisdictions' transit related design standards for bus stops, transit stops, transit plazas, and transit activity centers. Additional design standards may be developed to include finding from the design charrette. Transit design standards should include full amenities: comfort, pedestrian scale, safety, functionality, ADA compliance, attractiveness and multi-modal support. Designs will be for both regional and neighborhood activity centers identified in land use analysis. Public support will be necessary when design standards are being developed.

Product                      Design standards for regional and neighborhood transit activity centers

Responsible Agency      Consultant (RVCOG and RVTD and the will provide information on exiting design standards)

**8. Prepare Model Ordinances/Codes**

Develop specific model land use and zoning ordinances that can be adopted to implement transit oriented development and design concepts by member jurisdictions having land use authority within the MPO and RVTB boundaries. Ordinances will be a result of model runs (i.e. land use changes to support transit activity center). Zoning maps and land development codes will also be updated to reflect proposed changes.

Product                      Model Ordinances/Codes to implement TOD strategies

Responsible Agency      Consultant

**9. Prepare Transit Oriented Development Plans**

Transit Oriented Development Plans will include: a street plan identifying street connections at identified activity centers; cross sections of a typical street incorporating multi-modal facilities such as wide sidewalks, transit stops, bicycle facilities; proposed land use changes (i.e. zoning changes, minimum density requirements, etc.); proposed design standards (i.e. setback requirements, awnings, front door orientation, location of parking, etc) and detailed plans of transit facilities.

Maps will include the location of transit corridors, transit activity centers, proposed zoning changes and land use changes.

Product                      Transit Oriented Development Plans will include detailed designs for activity centers, and transit facilities and maps showing location of transit corridors and activity centers, proposed zoning and land use changes

Responsible Agency      Consultant (Conceptual Drawings) and RVCOG (Maps)

**10. Capital Improvement Program**

A capital improvement program will be developed which will include costs to develop transit activity centers and transit corridors. Land use needs, (i.e. acreage and zoning changes) will also be determined. The CIP will also examine funding sources to implement projects, ( i.e. FTA's joint development program, state infrastructure bank, FTA grants, CMAQ, etc).

Product                      Capital Improvement program for transit activity centers and transit corridors. Identified funding sources.

Responsible Agency      Consultant

**11. Marketing Plan**

A marketing plan will examine the market potential for transit oriented development. This section of the study will look at marketing strategies to be used by the MPO to educate developers and the public on creating successful transit oriented development projects.

Products                      A marketing strategy to promote successful transit activity developments

Responsible Agency      Consultant

**11. Plan Adoption**

The proposed zoning, land use and design standards for activity centers and transit facilities will be

presented to MPO Policy Committee, and member City Councils and Planning Commissions. Also, the proposals will be presented at a scheduled public hearing which will coordinate with the City of Medford's Transportation System Plan.

Product                      Final presentations of proposed ordinances and proposed design standards

Responsible Agency      Consultant, RVCOG and RVTD

1997

1998

Work Tasks	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
1. Form Committees	■												
2. Review Existing Plans, Polices and Codes	■	■	■										
3. Compile RVTB Customer Surveys	■	■	■	■									
4. Land Use Analysis	■	■	■	■	■	■							
5. Identify Transit Corridors						■	■						
6. Develop and Evaluate Alternatives						■	■	■	■				
6. Prepare Model Ordinances/Codes								■	■	■	■		
7. Prepare Model Design Standards								■	■	■	■		
8. Prepare Maps ( as needed)													
9. Identify Funding Sources -CIP			■	■	■	■	■	■	■	■			
10. Marketing Plan			■	■	■	■	■	■	■				
Public Involvement/Meetings													
○ Public Meetings				○				○		○		○	
● Technical Advisory Committee Meetings	●	●			●		●		●		●		
☺ CAC Meetings			☺			☺		☺		☺			
❖ Planning Commission/City Council Presentations												❖	❖
Products													
📄 Technical Memoranda			📄	📄		📄	📄		📄	📄	📄		
▲ Draft Report										▲			
◆ Final Report												◆	



# Appendix A-9

Medford Southeast Plan  
February 1998



THE  
SOUTHEAST  
PLAN



# DRAFT SOUTHEAST PLAN

FEBRUARY 1998

## CONTENTS

### COMPREHENSIVE PLAN AMENDMENTS (File No. CP 97-97)

**PART 1:** Southeast Plan Map  
New Comprehensive Plan Language Establishing Goals and Policies  
for the Southeast Plan

**PART 2:** Amendment of Existing Comprehensive Plan Language  
Amendment of the Medford General Land Use Plan (GLUP) Map

### LAND DEVELOPMENT CODE AMENDMENTS (File No. DCA 98-01)

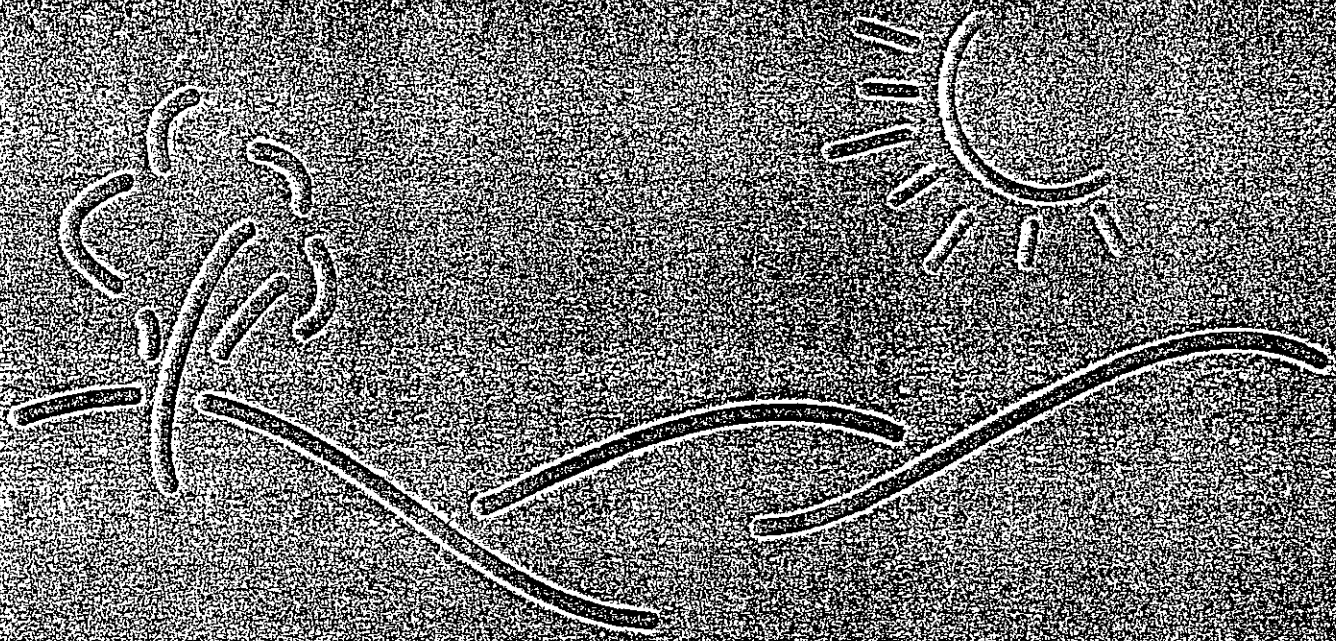
**PART 3:** New Land Development Code Language Establishing the  
Southeast (SE) Overlay District  
New Land Development Code Language Adopting Standards for  
Development within the Southeast (S-E) Overlay District

**PART 4:** Amendment of Existing Land Development Code Language  
Amendment of the Medford Zoning Map

Prepared By: City of Medford Planning Department and  
Craig Stone and Associates, LTD

Note that text in Part 2 and Part 4 that is shaded is new and text that is ~~[bracketed and struck out]~~  
is to be deleted. Text in Part 1 and Part 3 is all new.

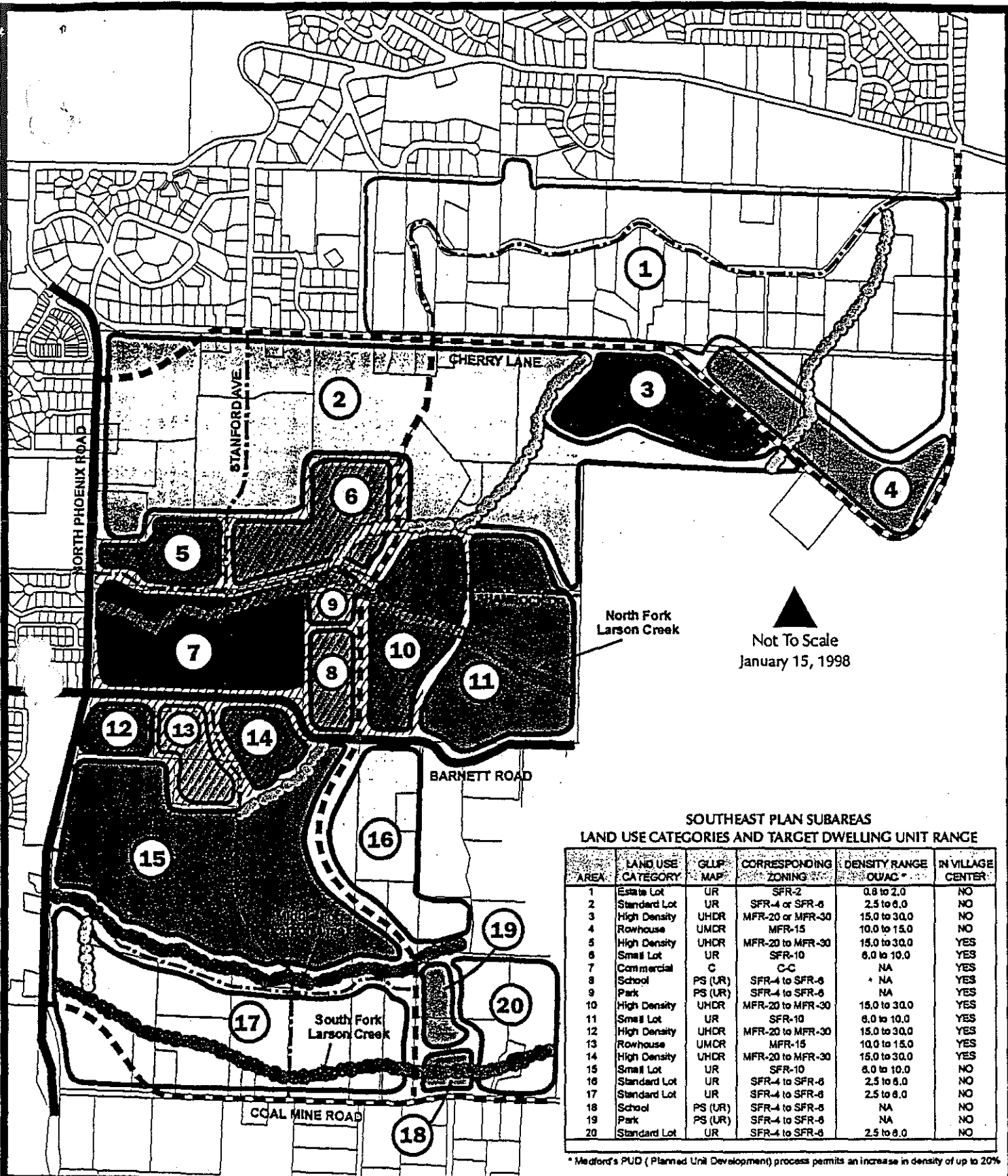
# COMPREHENSIVE PLAN AMENDMENTS



## The Southeast Plan Map And New Language Establishing Goals And Policies For The Southeast Plan



February 1998



**SOUTHEAST PLAN SUBAREAS  
LAND USE CATEGORIES AND TARGET DWELLING UNIT RANGE**

AREA	LAND USE CATEGORY	GLUP MAP	CORRESPONDING ZONING	DENSITY RANGE DU/AC *	IN VILLAGE CENTER
1	Estate Lot	UR	SFR-2	0.8 to 2.0	NO
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	NO
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0	NO
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0	NO
5	High Density	UHDR	MFR-20 to MFR-30	15.0 to 30.0	YES
6	Small Lot	UR	SFR-10	6.0 to 10.0	YES
7	Commercial	C	C-C	NA	YES
8	School	PS (UR)	SFR-4 to SFR-6	* NA	YES
9	Park	PS (UR)	SFR-4 to SFR-6	NA	YES
10	High Density	UHDR	MFR-20 to MFR-30	15.0 to 30.0	YES
11	Small Lot	UR	SFR-10	6.0 to 10.0	YES
12	High Density	UHDR	MFR-20 to MFR-30	15.0 to 30.0	YES
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0	YES
14	High Density	UHDR	MFR-20 to MFR-30	15.0 to 30.0	YES
15	Small Lot	UR	SFR-10	6.0 to 10.0	NO
16	Standard Lot	UR	SFR-4 to SFR-6	2.5 to 6.0	NO
17	Standard Lot	UR	SFR-4 to SFR-6	2.5 to 6.0	NO
18	School	PS (UR)	SFR-4 to SFR-6	NA	NO
19	Park	PS (UR)	SFR-4 to SFR-6	NA	NO
20	Standard Lot	UR	SFR-4 to SFR-6	2.5 to 6.0	NO

\* Medford's PUD (Planned Unit Development) process permits an increase in density of up to 20%

# SOUTHEAST PLAN MAP

- SPECIFIC PLAN SUBAREAS
- 1. GREENWAY
- 2. GREENWAY - Master Drainage Plan
- VILLAGE CENTER AREA
- ARTERIAL STREET
- COLLECTOR STREET
- STANDARD RESIDENTIAL
- ESTATE LOT
- STANDARD LOT
- SMALL LOT
- ROW HOUSE
- HIGH DENSITY
- COMMERCIAL
- PARKS
- SCHOOLS



**NEW SECTION**

## SOUTHEAST PLAN

### INTRODUCTION

This section of the "General Land Use Plan (GLUP) Element" of the Medford *Comprehensive Plan*, entitled *Southeast Plan*, is a special land use plan for the southeast area of the community (SE Area). Extensive planning studies for the SE Area, described below, have led to the adoption of this section and its implementing provisions in the Medford *Land Development Code*. The *Southeast Plan Map*, included within this plan element is the implementing map governing land use in the SE Area.

This mostly undeveloped area of approximately 1,000 acres lies within the Urban Growth Boundary (UGB) east of North Phoenix Road, north of Coal Mine Road, and south of Hillcrest Road. The location and boundaries of the area are depicted on the Medford *General Land Use Plan (GLUP) Map*. The area has slopes that range from moderate to nearly level, with some steep slopes, although rolling terrain predominates. It is characterized by south and west facing slopes which produce magnificent vistas and a near-perfect orientation for solar energy utilization. The SE Area also contains Medford's primary undisturbed natural areas, including stream corridors, wetlands, hilltops, and oak woodlands.

Much of the SE Area was historically devoted to fruit and cattle production, and some portions are still used for those purposes, although previous agricultural uses have diminished. The irrigated soils in the area are not classified as excessively productive for agriculture.<sup>1</sup> Besides dwellings on large homesites, the area contains a tennis club and two fraternal lodges on North Phoenix Road, riding stables, and a radio tower.

In 1988, the City undertook studies to determine whether additional land was required in the Medford UGB to satisfy future urbanization needs for a 20-year planning period. The City's work resulted in a documented need for additional land, and the SE Area was among several areas proposed for inclusion in the UGB. The amended UGB was adopted in October 1990 by the Medford City Council and Jackson County Board of Commissioners, and was later acknowledged by the Oregon Land Conservation and Development Commission (LCDC). The acknowledgment was not appealed. The entire SE Area was then designated for Urban Residential (UR) use on the GLUP Map, permitting single-family residential uses at a density of two to ten dwelling units per acre.

## SPECIAL CIRCULATION AND LAND USE PLANNING STUDIES IN SOUTHEAST MEDFORD

Following inclusion of the SE Area in the UGB, there were serious concerns that development of the SE Area might overwhelm Medford's already stressed transportation system. In 1992, the City undertook the first special planning study (See the *Southeast Medford Land Use and Transportation Study*, 1993) to

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<sup>1</sup> The USDA Soil Conservation Service classifies soils within the area as falling generally within the Class 4 category. Agricultural soils are ranked for agricultural productivity between Class 1 and Class 8, with 1 being the best, and 8 being the worst. Statewide Planning Goals 3 and 14 require the preservation of farm lands having a 1 through 4 agricultural capability.

## GENERAL LAND USE PLAN

compare the future traffic impacts produced by two different land use schemes in the SE Area. This study was funded through the State of Oregon's Transportation Growth Management (TGM) grant program. The first scheme considered in the study was a "contemporary" plan that used single-use zoning and a circulation system that fed all traffic onto collector and arterial streets. This type of development pattern with segregated land uses usually results in almost complete dependence upon auto travel for daily activities, such as shopping, education, recreation, etc. The second scheme was a "neo-traditional" development pattern facilitated by mixed-use zoning and an interconnected street system - a street system that distributed peak period (7-9 a.m. and 4-6 p.m.) traffic to all streets, not just collectors and arterials.

The analysis indicated that, during peak periods, both land use schemes would generate similar traffic levels due to employment locations outside the area. However, the neo-traditional development pattern would reduce off-peak traffic within the area, and produce trips of shorter length. Additionally, it could increase pedestrian and bicycle trips within the area by as much as 60 percent.

Based upon the findings of this first phase of the special land use planning for the area, the City began the second phase in 1994, again funded through a state TGM grant. The phase 2 study used the conceptual assumptions developed in the neo-traditional development scheme to prepare a generalized circulation and land use plan for the area (See the *Southeast Medford Circulation & Development Plan Project Report*, August 1995). Neo-traditional development design includes features such as narrow streets with short blocks in a grid pattern, alleys, housing of different types in the same blocks, accessory dwelling units, narrow building setbacks from streets, prominent public buildings and places, and mixed land uses. It places higher density housing near compact commercial centers and transit, and gives neighborhoods well-defined centers and edges.

The phase 2 plan was intended to guide the preparation of amendments to the Medford *Comprehensive Plan* and *Land Development Code* for the SE Area. The City worked closely with all interested parties in the preparation of the plan, including public facility and utility providers, Medford and Jackson County Planning Department staff, property owners, school districts, developers, and members of the Medford Planning Commission. The study included a market analysis that verified the marketability and potential absorption rate of the recommended type of development.

To facilitate future implementation of the phase 2 plan, the City then undertook several land use actions. One was the adoption of a new GLUP designation of Urban Medium Density Residential (UMDR) and corresponding zoning district of MFR-15 (Multiple-Family Residential - 15 units per acre) which permit a density range of 10 to 15 dwelling units per acre. The UMDR designation was needed to allow more specific placement of a "rowhouse" land use type in the SE Area. The Commercial GLUP designation and commercial zoning districts were then amended to limit the size of businesses in the Community Commercial (C-C) zoning district to 50,000 square feet, and to create a new Regional Commercial (C-R) zoning district. This action was needed to allow the use of C-C zoning in the SE Area without permitting large regional retail uses. Finally, changes to the Medford Street Classification Map were adopted which set a circulation pattern for the arterial, collector, and standard residential streets in the SE Area.

This section of the "General Land Use Plan Element," the *Southeast Plan*, represents the third phase of the special planning efforts in the SE Area. The intent of these extensive planning efforts was to create an area that is much less reliant on automobile travel, and that preserves the natural environment, incorporating it into a desirable, livable community. The principal function of the *Southeast Plan* is to apply detailed land

## GENERAL LAND USE PLAN

use planning and implementation techniques to a geographical area of the community that has important and unique physical qualities, including having a large tract of undeveloped land, rolling terrain, the general availability of public facilities and services, and few ownerships to divide the tract.

The primary purposes of the *Southeast Plan* include:

- A. To achieve minimum housing densities by limiting residential areas to specific zoning districts.
- B. To establish a special central core - the Village Center - with commercial, institutional, and residential uses.
- C. To preserve natural waterways while providing routes for pedestrian and bicycle travel.
- D. To require the approval of most development through the City's Planned Unit Development (PUD) ordinance.
- E. To establish special design and development standards for the use of greenways, alleys, and street trees.

The *Southeast Plan* and its implementing *Land Development Code* provisions also aid the City in meeting the requirements of Oregon's Transportation Planning Rule (TPR). The TPR requires cities to implement measures that reduce reliance on automobile travel. It requires the planned land use patterns and transportation system to promote an increase in the number of trips accomplished through walking, bicycling, and transit use. This can be achieved if safe and convenient opportunities are provided, and if land use types and density are appropriate. The *Southeast Plan* translates neo-traditional land uses developed in the phase 2 study into special categories to guide zone change and development approvals in the SE Area. As explained below, the special categories have been established to address the uses, needs, and issues specific to the SE Area.

### SOUTHEAST OVERLAY ZONING DISTRICT

The *Southeast Plan* is being implemented through various planning and zoning controls that currently exist, or which are being added through a new overlay zoning district in the Medford *Land Development Code*. The "Southeast (S-E) Overlay District" is the primary tool to carry out the *Southeast Plan*, and establishes special standards and criteria for planning and development approvals. The Southeast Overlay District requires most development in the SE Area to be approved through the Planned Unit Development process, and it lays out regulations for special design features such as alleys and street trees. The implementing provisions in the Medford *Land Development Code*, including creation of the Southeast Overlay District, are being simultaneously adopted with this plan element amendment.

### SOUTHEAST PLAN MAP

In 1990, when the SE Area was included in Medford's UGB, all of the land was placed under the "Urban Residential" GLUP Map designation. The phase 2 study proposed other land use categories to produce an environment of mixed land uses, housing types, and densities. The different land uses, identified in the study as "estate lot," "standard lot," "small lot," "rowhouse," "high density residential," "town center," "greenway," "park" and "school," were applied to specific subareas.

The existing GLUP Map designations that are most similar to each land use category have been applied to the SE Area on the GLUP Map, while the *Southeast Plan Map* (Figure 1) applies the special land use



**GENERAL LAND USE PLAN**

categories to each of 20 consecutively numbered subareas. Additionally, the boundaries of the phase 2 subareas have been slightly adjusted to accommodate existing parcel boundaries and land uses better. Regulations specific to the *Southeast Plan Map* land use categories are set forth in the "Southeast Overlay District" of the Medford *Land Development Code*. The approximate acreage and target dwelling unit range in each subarea is set forth in Table 1.

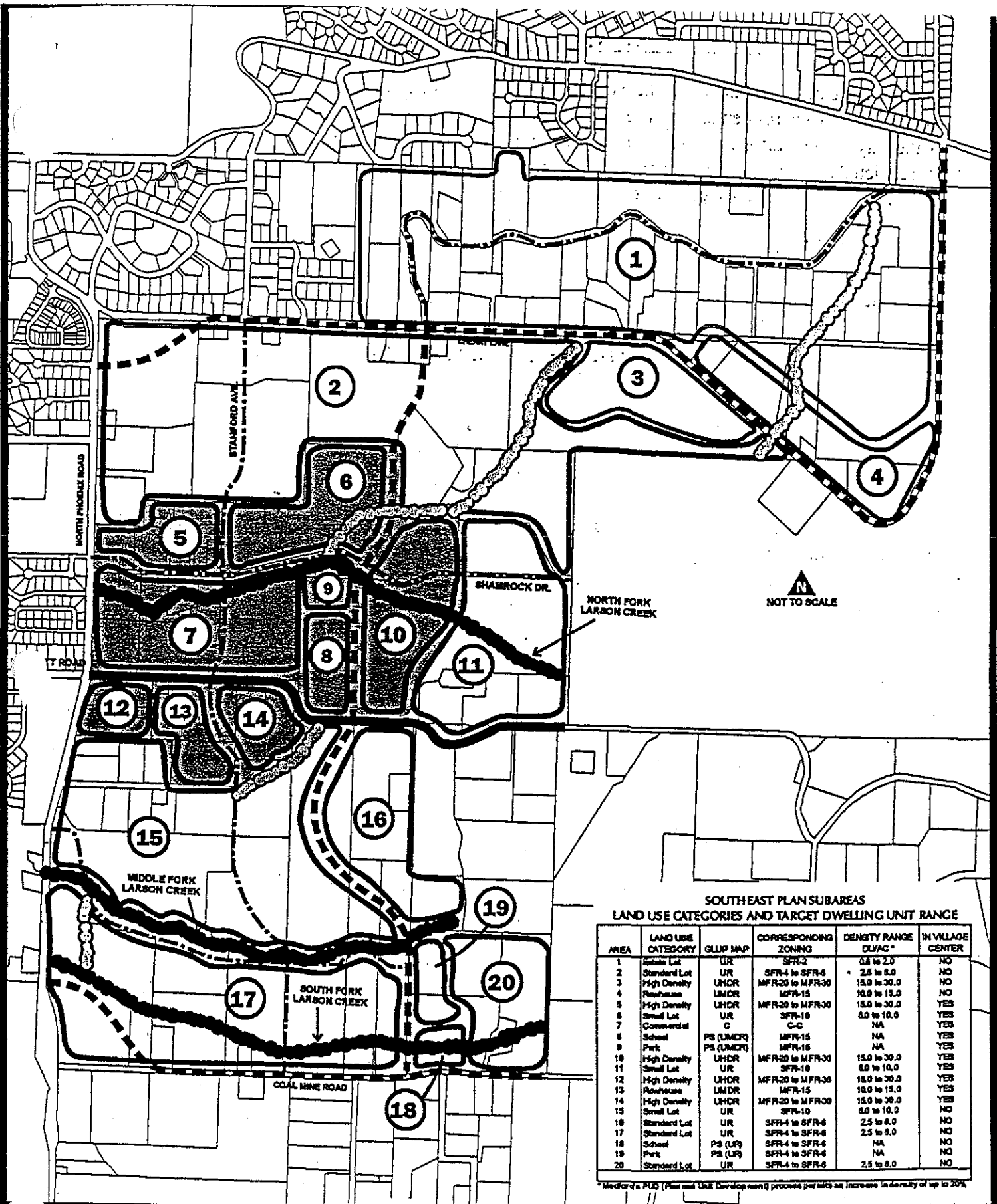
**TABLE 1**

**SOUTHEAST PLAN MAP SUBAREAS  
TARGETED LAND USE, ZONING, AND DENSITY AND  
ESTIMATED DWELLING UNIT RANGE**

Sub Area	Land Use Category	GLUP Map	Corresponding Zoning	Density Range Du/Ac (PUD)**	Gross Acres★	Vacant Acres★	Dwelling Unit Range (PUD)**
1	Estate Lot	UR	SFR-2	.8 to 2.0 (2.4)	217	197	160-395 (475)
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	202	190	475-1,140
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0 (36.0)	21	21	315-630 (755)
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0 (18.0)	30	27	270-410 (485)
5	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0 (36.0)	19	13	195-390 (470)
6	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	29	29	170-290 (350)
7	Commercial	C	C-C	NA	46	37	NA
8	School	PS (UR)	SFR-4 to SFR-6	NA	12	12	NA
9	Park	PS (UR)	SFR-4 to SFR-6	NA	5	5	NA
10	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0 (36.0)	21	21	315-630 (755)
11	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	58	55	330-550 (660)
12	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0 (36.0)	8	0	0
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0 (18.0)	12	10	100-150 (180)
14	High Density	UHDR	MFR-20 or MFR-30	15.0 to 30.0 (36.0)	12	11	165-330 (395)
15	Small Lot	UR	SFR-10	6.0 to 10.0 (12.0)	110	102	610-1,015
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	48	43	110-260 (310)
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	102	99	250-595 (715)
18	School	P (UR)	SFR-4 or SFR-6	NA	8	8	NA
19	Park	P (UR)	SFR-4 or SFR-6	NA	5	5	NA
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0 (7.2)	30	29	75-175 (210)
<b>TOTALS</b>				<b>4.2 to 8.2 (9.8)</b>	<b>993</b>	<b>914</b>	<b>3,540-6,960</b>

★ Estimated

\*\* Medford's Planned Unit Development process permits an increase in density of up to 20%.



# OUTHEAST PLAN MAP

- PLAN SUBAREAS
- GREENWAYS
- GREENWAYS - Master Drainage Plan

- VILLAGE CENTER
- ARTERIAL STREET
- COLLECTOR STREET
- STANDARD RESIDENTIAL STREET



The implementing provisions in the Southeast Overlay District ensure that the target housing densities anticipated for each residential land use category will be met at the time development approvals are granted by the City. A key difference between the SE Area and other parts of the community is that the subareas are restricted to specific zoning districts to meet the phase 2 density standards, rather than having a range of zones.<sup>2</sup> The overlay zone establishes permissible density ranges and one or two zoning districts for each of the special land use categories. Additional restrictions, discussed below, regulate the permitted uses within the SE Area's central core, the "Village Center," which encompasses several subareas. The amendment procedures for the *Southeast Plan Map* are the same as for a minor or major GLUP Map amendment.

## VILLAGE CENTER

Several *Southeast Plan Map* subareas in the central part of the SE Area have been combined to form the "Village Center." The land uses proposed for the Village Center include commercial, institutional, medium and high density residential, and a park and school. The Village Center's commercial area is surrounded by medium and high density residential uses to assure that many residents are within a five-minute walking distance. The Village Center is intended to be the main "neighborhood activity center" for the SE Area, and may include a church, school, park, community center, and fire station, besides locally-oriented shopping and services. Providing higher residential densities within one-quarter mile of shopping and employment areas, along with safe and convenient pedestrian and bicycle circulation, will also foster future transit viability. Specific Village Center regulations have been developed in the Southeast Overlay District.

The purpose of having a Village Center with special regulations is:

- A. To foster a clear sense of place by establishing a geographical focal point, central area, and gathering place for the social, cultural, political, and recreational interaction of people living and working in the SE Area.
- B. To provide convenient opportunities for shopping accessible by all modes of transportation to reduce traffic congestion, and facilitate greater convenience and community liveability.
- C. To provide a development design that produces a pedestrian-oriented central core ("pedestrian district") that endeavors to reduce reliance on the automobile.
- D. To provide a design that incorporates and promotes the existing waterway and wetland areas into the commercial center.
- E. To fulfill the *Rogue Valley Regional Transportation Plan's* Land Use Element as one of the nine proposed areas of mixed land use and denser residential development that increases future transit opportunities.

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<sup>2</sup> For example, the city's Urban Residential GLUP Map designation permits the application of four different zoning districts: SFR-2, SFR-4, SFR-6 and SFR-10. Under the regulatory scheme for the SE Area, each subarea is permitted to develop under only one or two zones that best approximate the development types and densities recommended in the Phase 2 study.

## GREENWAY GLUP MAP DESIGNATION

A new General Land Use Plan designation of "Greenway" has been created to apply to stream corridors and waterways in the SE Area, and to other locations in the City as they are identified in the future. This designation denotes linear parklands or open space, particularly those along stream corridors, commonly known as greenways. The "Environmental Element" of the Medford *Comprehensive Plan* and the *Medford Parks, Recreation, and Leisure Services Plan* (1996) identify the location of several potential Greenways for parks, open space, and recreational purposes. Based upon the *Comprehensive Medford Area Drainage Master Plan* (1996), some Greenways may require improvement for all-weather access by vehicles and equipment for storm drainage maintenance and storm observation. Such improvement can often include facilities for public pedestrian and bicycle circulation, fostering transportation goals simultaneously with storm drainage.

Land under the Greenway designation may be owned by the City or acquired in a variety of ways, such as: 1) negotiated purchase, 2) eminent domain, 3) benevolent dedication, 4) dedication in lieu of parks systems development charges (SDC's), 5) exaction at the time adjacent lands are approved for development, or 6) easements or less-than-fee acquisitions. Greenways may also be privately held and maintained. Greenways dedicated to the City, whether in fee-simple or as easements, are usually maintained by the City. The responsibility for improving Greenways to provide access to storm drainage facilities is often on the owners of land adjacent to the Greenway. The improvements needed for storm drainage maintenance and/or for pedestrian and bicycle circulation are usually determined on a case-by-case basis by the approving authority at the time of development approval. Adopting Greenway improvement plans in advance of development is recommended.

The *Greenway* designation serves the following purposes:

- A. To preserve and maintain natural waterways consistent with the *Comprehensive Medford Area Drainage Master Plan* (1996) in order to protect adjacent lands from flooding, to provide maintenance for natural storm drainage channels, and to provide a means for the observation of storm events.
- B. To protect and preserve natural riparian corridors, wetlands, and open space.
- C. To protect and enhance habitat for fish and wildlife species.
- D. To facilitate opportunities for outdoor education and recreation.
- E. To provide necessary and convenient pedestrian and bicycle circulation.
- F. To implement the following documents, incorporated by reference as part of the Medford *Comprehensive Plan*:

*Southeast Medford Circulation & Development Plan Project Report* (1995)

*Comprehensive Medford Area Drainage Master Plan* (1996)

*Medford Parks, Recreation, and Leisure Services Plan* (1997)

*Local Wetlands Inventory and Oregon Freshwater Assessment Method Analysis, City of Medford* (1995)

All zoning districts are consistent with the Greenway designation, provided that property designated as a Greenway is developed and used in compliance with Greenway provisions adopted in the *Medford Land Development Code*. The general location of Greenways is depicted on the GLUP Map, with the Greenway

## GENERAL LAND USE PLAN

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designation extending a specified distance from the top-of-bank on each side of the channel. The width of the Greenway from top-of-bank will be determined by state and federal regulations or the *Medford Land Development Code*, whichever is more restrictive. The size and location of Greenways may be altered when necessary to comply with state and federal regulations governing streams, wetlands, and fish and wildlife habitats.

Uses permitted within Greenways are usually limited to:

- A. Streets, road, and paths.
- B. Drainage facilities, utilities, and irrigation pumps.
- C. Water-related and water-dependent uses.
- D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- E. Benches and outdoor furniture.
- F. Interpretive and educational displays.

Removal of vegetation in Greenways is discouraged, except certain noxious weeds and nonnative plant species. Restoration of Greenways through appropriate planting of native species is often desirable. When feasible, rights-of-way for public streets should be collinear and adjacent to Greenways to allow the Greenways to become visible community assets. When opened for public view and access, they are not as likely to become unsafe dumping grounds as often happens when placed at the back of subdivision lots or commercial development.

## CONCLUSIONS SOUTHEAST PLAN

1. Special planning studies for the SE Area have determined that a neo-traditional circulation and development pattern could reduce the number and length of vehicle trips within the area.
2. The SE Area is the only area of the community where streams and waterways remain in a mostly natural state.
3. During the preparation of the special planning studies for the SE Area, the property owners indicated a very strong desire to preserve the natural resources, especially the streams, wetlands, and woodlands.
4. The creation of a Village Center in the SE Area with denser mixed land uses will be a primary means of reducing traffic within the SE area by serving the daily needs of residents through walking, bicycling, transit, and shortened vehicle trips.
5. Assuring that the minimum densities and housing types are achieved and located as proposed, particularly in the Village Center, is essential in carrying out the purposes of the *Southeast Plan*.
6. Steeper slopes in the SE Area will require expertise in hillside development techniques.

7. Residential design features such as placing garages on alleys, providing front porches, parkways with street trees, sidewalks, etc., promotes alternative forms of transportation such as walking.

## GOALS, POLICIES, AND IMPLEMENTATION MEASURES SOUTHEAST PLAN

*Goal 1: To assure that development in the SE Area occurs in a manner that reduces reliance on automobile travel within the area and promotes multi-modal travel, including pedestrian, bicycle and transit.*

**Policy 1-A:** The City of Medford shall assure that circulation and development design in the SE Area emphasizes connectivity and promotes multi-modal transportation viability.

**Implementation 1-A (1):** Do not allow private streets to prevent vehicular or pedestrian connectivity or public access to greenways, parks, schools, or other activity centers.

**Implementation 1-A (2):** Discourage gated or "dead-end" developments because they prevent connectivity and neighborhood formation. Require adjacent developments to integrate with one another.

**Implementation 1-A (3):** Assure that development design and street improvements on North Phoenix Road promote non-vehicular access across this major arterial.

**Implementation 1-A (4):** Discourage development site design along collector and arterial streets from creating a "walled" effect near the sidewalk.

**Implementation 1-A (5):** Encourage the Rogue Valley Transportation District (RVTD) to serve the SE Area with transit service as soon as feasible.

**Policy 1-B:** The City of Medford shall assure that the Village Center is developed as a pedestrian-oriented, mixed use, higher density central core for the SE Area.

**Implementation 1-B (1):** Require special design for development within the Village Center, affecting such elements as building location and orientation, lighting, signage, parking, outdoor storage and display, greenway/wetlands treatment, etc.

**Implementation 1-B (2):** Limit the commercial zoning districts and permitted uses within the commercial portion of the Village Center to assure pedestrian-oriented development.

**Implementation 1-B (3):** Require master planning of the entire commercial portion of the Village Center prior to development approval.

**Implementation 1-B (4):** Promote the location of public and quasi-public uses within the Village Center, such as a fire station, day care center, community center, church, school, park, public plaza, etc.

## GENERAL LAND USE PLAN

**Policy 1-C:** The City of Medford shall support the location of small neighborhood commercial sites in the SE Area outside the Village Center.

*Goal 2: To assure that development in the SE Area occurs in a manner that preserves its abundant natural features and resources.*

**Policy 2-A:** The City of Medford shall strive to provide a system of interconnected open spaces in the SE Area utilizing drainageways and stream corridors open to public view and access.

**Implementation 2-A (1):** Provide a "Greenway" GLUP designation that regulates land use activities along drainageways.

**Implementation 2-A (2):** Accentuate drainageways and stream corridors by locating street rights-of-way collinear and adjacent to open them for public view and access. Creekview Drive in particular should be placed adjacent to the Middle Fork of Larson Creek.

**Policy 2-B:** The City of Medford shall strive to protect natural features and resources in the SE Area, including restoration when necessary.

**Implementation 2-B (1):** Encourage clustered development to avoid alteration of important natural features.

**Implementation 2-B (2):** Apply best management practices for private and public development activities that affect streams, drainageways, and wetlands, including reducing impervious surfaces so that runoff is slowed and filtered.

**Implementation 2-B (3):** Require hillside development to meet stringent standards for reducing grading and vegetation disturbance, and for minimizing visual intrusion.

**Implementation 2-B (4):** Require tree preservation plans indicating existing trees of more than six inches in diameter, in conjunction with development applications.

**Policy 2-C:** The City of Medford shall pursue the future evaluation of the SE Area's natural resources to determine which should be protected by permanent use restrictions or public ownership, and which can be included in environmentally sensitive development.

*Goal 3: To provide for the implementation of the Southeast Plan.*

**Policy 3-A:** The City of Medford shall use zone change procedures as the timing mechanism to control development within the SE Area, based upon the availability and adequacy of public facilities and services, as required by the Medford *Comprehensive Plan* and Medford *Land Development Code*.

**Implementation 3-A (1):** Adopt a special overlay zoning district for the SE Area, and specify the permitted zoning districts and residential densities for each land use category on the *Southeast Plan Map*. Require development design and ultimate approval by the City to be through the Planned Unit Development (PUD) ordinance.

## GENERAL LAND USE PLAN

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**Policy 3-B:** Where a street functions as the boundary separating two land use designations or categories in the SE Area, changes to the street location resulting from planning actions shall shift the designations or categories accordingly.

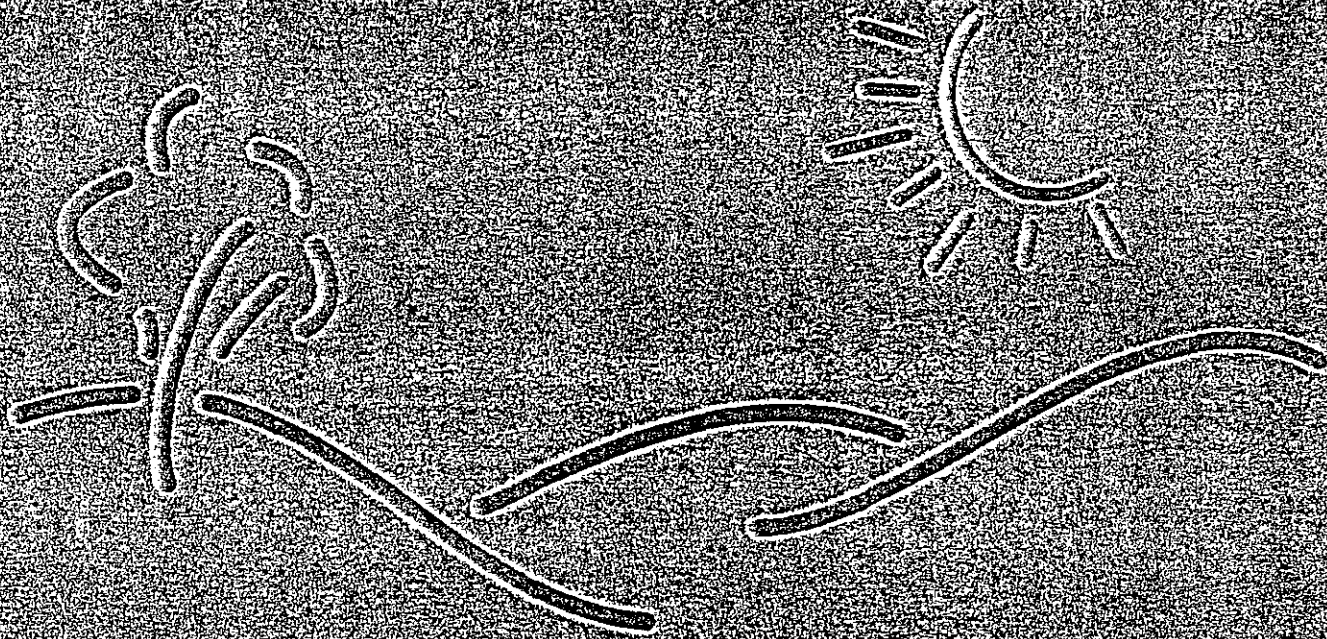
**Policy 3-C:** The City of Medford shall pursue the future adoption of regulations and design criteria that promote transportation oriented design in the SE Area pursuant to the recommendations of the *Rogue Valley Regional Transportation Plan* and other plans as adopted.

**Policy 3-D:** The City of Medford shall assure that notice is provided to the Medford and Phoenix-Talent School Districts that land designated for future school and/or parks in the SE Area may be acquired by the City or school district for such purposes. The City shall notify the applicable school district of pending development permit applications on such land. The City shall not withhold the approval of zoning or development permit applications solely on the basis that a school district or the City has not acquired title to the property. Nothing in this policy prohibits the location of a school or park from changing as part of an approved Planned Unit Development (PUD).

**Policy 3-F:** The City of Medford shall seek to expend parks systems development charges (SDC's) collected within the SE Area on park-related improvements within the same SE Area.



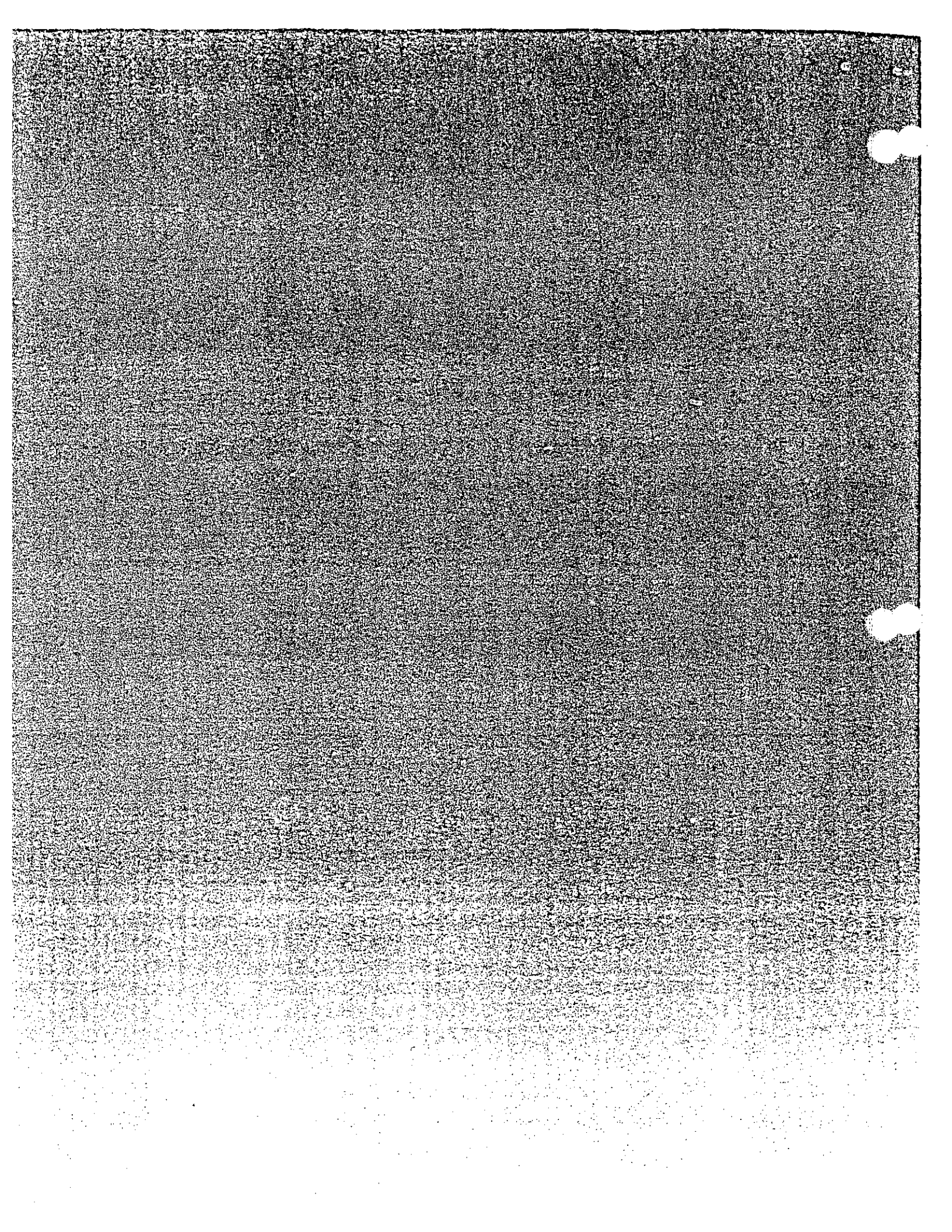
# COMPREHENSIVE PLAN AMENDMENTS



## Amendment To Existing Language And General Land Use Plan Map



February 1998



# GENERAL LAND USE PLAN (GLUP) MAP

## INTRODUCTION

The General Land Use Plan (GLUP) Map graphically represents the present and future land use patterns within the City of Medford, and the future patterns within the Urban Growth Boundary (UGB). ~~Medford's GLUP Map is maintained in a larger sized format and is a part of this element by reference.~~ The purpose of the GLUP Map is to project the probable land uses in the city at the end of the planning period, based on the needs analyses in the other elements of the Medford *Comprehensive Plan*. For example, the "*Housing Element*" provides a close look at residential land needs, while the "*Economic Element*" details commercial and industrial land needs.

To properly administer the GLUP Map, several things must be kept in mind. The first is that the GLUP Map is dynamic. The current projections for land needs are based on past and present trends, and assumptions about the future. However, community needs and priorities tend to change over time, so amendments to the GLUP Map must be possible.

The second is that the GLUP Map is "general." The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Although having the appropriate GLUP Map designation is a prerequisite for a zone change, all applicable *Comprehensive Plan* goals and policies must be considered as well. "Article II" of the *Medford Land Development Code* establishes specific criteria and procedures required for GLUP Map and Zoning Map amendments.

## [PLAN] GLUP MAP DESIGNATIONS

The GLUP Map has [12] ~~13~~ different land use designations, as listed below. Permitted land uses, as well as the development standards associated with each zoning district noted, are listed in "Article III" of the *Land Development Code*.

1. **Urban Residential** This designation permits lower density urban residential uses (one to ten units per gross acre), including standard and small lot detached single-family dwellings, accessory dwelling units, and mobile home parks. Depending upon the physical development constraints, the permitted zoning districts are SFR-2, SFR-4, SFR-6, and SFR-10 (Single-Family Residential - 2, 4, 6, or 10 dwelling units per gross acre). Such constraints that may affect the ultimate developed density, and, therefore, the most suitable zoning district, include steep slopes, unstable soils, wetlands and/or riparian habitat, woodlands, fire hazards, etc. When a ~~[PD (Planned Development) overlay zone is applied]~~ ~~Planned Unit Development (PUD) is approved,~~ the maximum residential density per gross acre can be increased.
2. **Urban Medium Density Residential** This designation permits medium density urban residential uses (10 to 15 units per gross acre), including townhouses (rowhouses),

## GENERAL LAND USE PLAN

duplexes, apartments, mobile home parks, and group quarters. The zoning district permitted in this designation is MFR-15 (Multiple Family Residential - 15 units per gross acre). When a ~~[PD (Planned Development) overlay zone is applied]~~ ~~Planned Unit Development (PUD)~~ ~~is approved~~, the maximum residential density per gross acre can be increased.

3. **Urban High Density Residential** This designation permits higher density urban residential uses (15 to 30 units per gross acre), and provides for multiple-family development, including duplexes, apartments, and group quarters. The zoning districts permitted in this designation are MFR-20 and MFR-30 (Multiple-Family Residential - 20 or 30 units per gross acre). When a ~~[PD (Planned Development) overlay zone is applied]~~ ~~Planned Unit Development (PUD)~~ ~~is approved~~, the maximum residential density per gross acre can be increased.
4. **Service Commercial** This designation permits offices, medical facilities, and other limited service-oriented businesses as well as residential development under certain circumstances. This designation may be located adjacent to residential designations. The corresponding zoning district permitted in this designation is the C-S/P (Service Commercial and Professional Office) zone which is intended to be customer oriented, while limiting the number of retail uses.
5. **Commercial** This designation permits the largest spectrum of commercial development as well as residential development under certain circumstances. The C-N (Neighborhood Commercial), C-C (Community Commercial), C-R (Regional Commercial) and C-H (Heavy Commercial) zoning districts are permitted in this designation.

The most appropriate zoning district for each site designated Commercial shall be determined based on the following:

The C-N zone provides land for the development of small integrated commercial centers servicing the frequent and daily convenience requirements and service needs of adjacent residential neighborhoods. The C-N zone shall be located in commercial designations which are under 3 acres in size and are within residential neighborhoods.

The C-C zone provides land for the development of commercial facilities servicing the shopping needs of the local community. The C-C zone shall be located on collector and arterial roadways and cohesive, integrated shopping facilities shall be encouraged.

The C-R zone provides land for the development of those service and commercial uses which serve shoppers from the surrounding region as well as from the local community. The C-R zone shall be located in areas served by adequate regional and local street systems to avoid the impact of regional traffic using neighborhood streets.

The C-H zone is primarily intended to accommodate existing heavy commercial development along highways. The C-H zone shall be located near industrial zones and away from zones permitting residential, retail commercial, and general office uses.

## GENERAL LAND USE PLAN

6. **General Industrial** This designation permits the I-L (Light Industrial) and the I-G (General Industrial) zoning districts. The most appropriate zoning district for each site designated General Industrial shall be determined based on the following:

The I-L zone is intended for office uses and light manufacturing. The I-L zoning district is suitable for areas near residential and commercial properties.

The I-G zone provides land for industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. The I-G zoning district is suitable for areas near the Heavy Commercial and the Heavy Industrial zoning districts due to the higher intensity of uses permitted in this zone.

7. **Heavy Industrial** This designation permits uses with a large amount of noise, vibration, air pollution, or other nuisance. It permits the I-G (General Industrial) and I-H (Heavy Industrial) zoning districts. The most appropriate zoning district for each site designated Heavy Industrial shall be determined based on the following:

The I-G zone provides land for industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. The I-G zoning district is suitable for areas near the Heavy Commercial and the Heavy Industrial zoning districts due to the higher intensity of uses permitted in this zone.

8. **Parks and Schools** This designation depicts existing and proposed public parks and schools. There is no specific zoning district associated with this designation.

9. **Greenway** This designation denotes linear parklands or open space, particularly those along stream corridors and waterways. All zoning districts are consistent with the Greenway designation, provided that property designated as a Greenway is developed and used in compliance with Greenway provisions adopted in the *Medford Land Development Code*. The general location of Greenways is depicted on the GLUP Map, with the Greenway designation extending a specified distance from the top-of-bank on each side of the channel. The width of the Greenway from top-of-bank will be determined by state and federal regulations or the *Medford Land Development Code*, whichever is more restrictive. The size and location of Greenways may be altered when necessary to comply with state and federal regulations governing streams, wetlands, and fish and wildlife habitats.

- [9]10. **City Center** This designation identifies the regional governmental, financial, and business service center complex in the downtown area. It encompasses the area defined as the "downtown core area" in the *City Center Revitalization Plan*, an urban renewal plan and program for the City of Medford, as well as the area identified in the *Civic Center Plan*.

The city center area exhibits tremendous potential for enhancement of its physical and economic linkages between the regional government, finance, and business service functions of the downtown core area, and the civic center. The enhancement of these linkages will further secure Medford's current competitive advantage as a regional service center. The enhancement of the area's physical and economic linkages will require a long-term vision

## GENERAL LAND USE PLAN

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and commitment. Therefore, it is the primary purpose of this land use designation to define a "City Center," and to encourage development to comply with the *City Center Revitalization Plan* and the *Civic Center Plan*.

There is no specific zoning district associated with this designation. However, the C-B (Central Business) overlay zone, which is intended to provide special standards that recognize the unique and historic character of the downtown, covers most of the area in the City Center designation, although the two are not exactly contiguous.

- 1[0]. **Airport** This designation identifies the area that makes up the Rogue Valley International - Medford Airport and its specifically affected environs. The I-L (Light Industrial) zoning district best accommodates the airport area and its associated uses. The A-A (Airport Approach) overlay zone, which is intended to minimize restrictions on airport operations caused by incompatible development, covers most of the area in the Airport designation, although the two are not exactly contiguous.
- 1[1]. **Limited Service Area Overlay** This overlay designation represents those areas within the Urban Growth Boundary (UGB) that are not presently serviced with adequate public facilities or other services required for development to urban densities. The fundamental objective of distinguishing such areas is to provide development management programs that will eventually facilitate the provision of necessary facilities and services. One such area is identified on the GLUP Map. The "Lone Pine/Foothills Limited Service Area," located in the northeast part of the city, lacks a sufficient water system. (See the *Public Facilities Element* for additional information regarding this area.)
- 1[2]. **Urban Growth Boundary** The City of Medford and Jackson County have established an Urban Growth Boundary (UGB), which delineates Medford's urban and urbanizable areas. Following the 1990 UGB amendment there was a total of 17,889 acres (27.95 square miles) within the UGB including that land within the City. The UGB is site specific. Since the GLUP Map does not indicate lot lines, the UGB is also specified on the City of Medford Zoning Map, a map having lot lines, so that the location of specific parcels inside or outside of the UGB can be determined.

## CONCLUSIONS

### GENERAL LAND USE PLAN

1. The General Land Use Plan (GLUP) Map represents Medford's future land use patterns based on anticipated growth and land needs.
2. The GLUP Map is dynamic, and, as such, must be amendable, to guide and reflect the needs and tastes of the city's residents.
3. The GLUP Map is non-site-specific, and is not intended to be the sole basis for making decisions on zone changes. The Zoning Map and the *Land Development Code* more specifically delineate permitted uses and development criteria.
4. The GLUP Map delineates three residential, two commercial, two industrial, a parks and schools, a ~~greenway~~ a city center, an airport, and a limited service area designation. It also indicates the Urban Growth Boundary (UGB).

## GOALS AND POLICIES

### GENERAL LAND USE PLAN

*Goal 1: To maintain and update the City of Medford General Land Use Plan Map.*

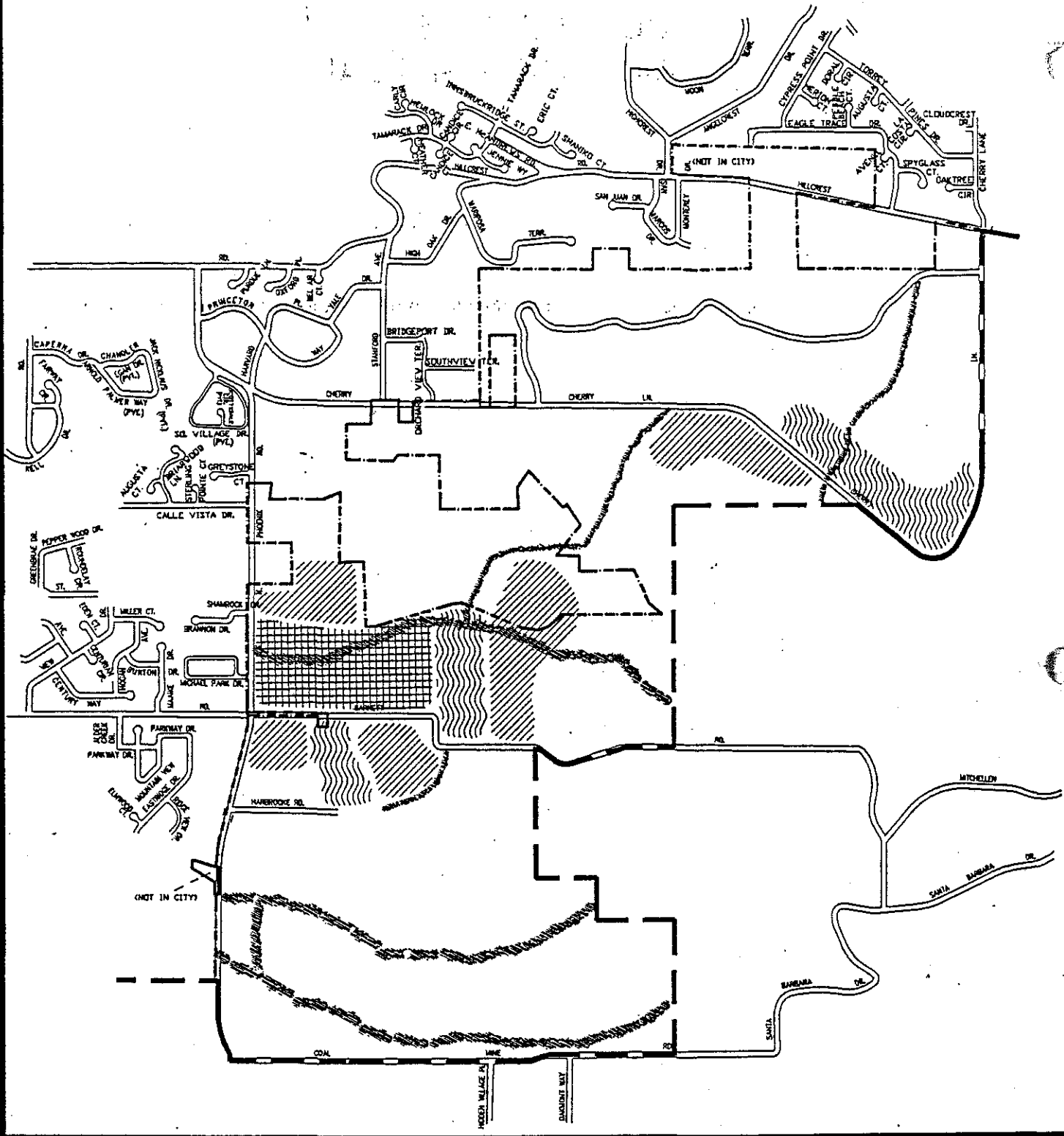
**Policy 1-A:** The City of Medford General Land Use Plan Map shall be reviewed at least every five years, and may be amended whenever it is determined that a change is warranted. Amendment criteria are contained in the *Review and Amendment* section of the *Comprehensive Plan*, and procedural requirements are contained in "Article II" of the *Land Development Code*.








*Goal 2: To administer the City of Medford General Land Use Plan Map so as to further the purposes of the Map and the Comprehensive Plan.*

**Policy 1-B:** The City of Medford General Land Use Plan Map shall not be used as the sole justification for making decisions on zone changes. However, zone changes must be consistent with the General Land Use Plan Map designation.

**Policy 2-B:** Because the City of Medford General Land Use Plan Map is general and non-site-specific, ambiguities may arise. If it is unclear whether a specific property is in a particular designation, the Planning Commission shall be requested to interpret the designation boundaries. The Commission shall consider the character of surrounding uses, past interpretations, and applicable goals and policies of the *Comprehensive Plan* when making an interpretation.

# SE MEDFORD PROPOSED GENERAL LAND USE PLAN MAP DESIGNATIONS

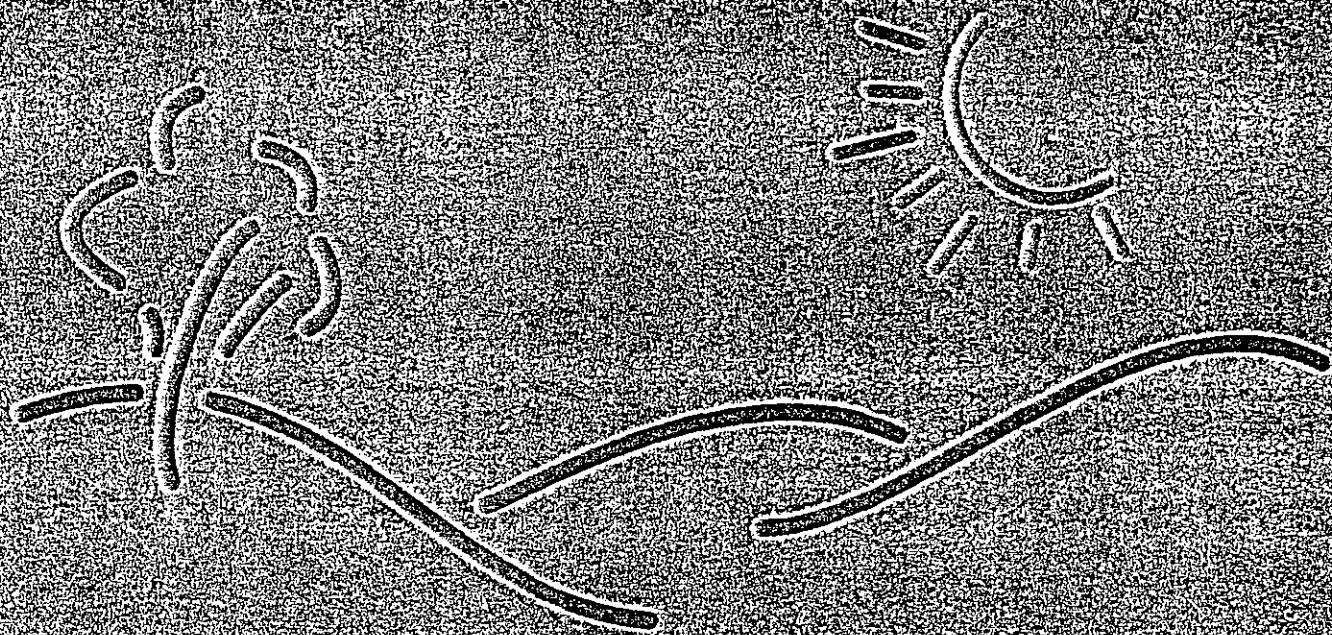


- |  |   |
|--|---|
|  URBAN RESIDENTIAL                |  COMMERCIAL            |
|  URBAN MEDIUM DENSITY RESIDENTIAL |  GREENWAY              |
|  URBAN HIGH DENSITY RESIDENTIAL   |  URBAN GROWTH BOUNDARY |
|  |  CITY LIMIT            |

FILE NO. CP97-97  
 APPLICANT: CITY OF MEDFORD



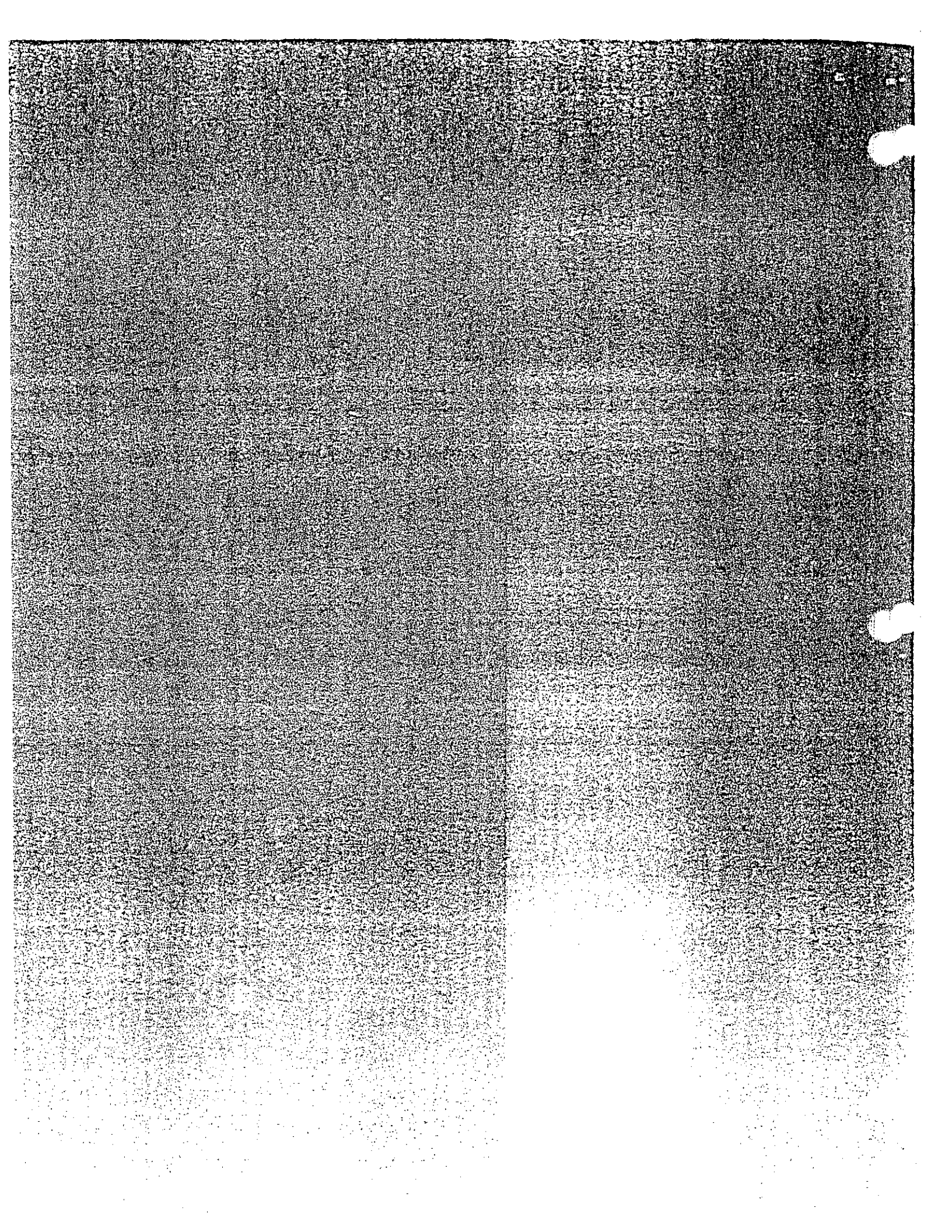
# LAND DEVELOPMENT CODE AMENDMENTS



New Code Language  
Establishing The Southeast Overlay District  
And  
Adopting Standards For Development Within  
Southeast Overlay District



February 1998



# SOUTHEAST OVERLAY DISTRICT

## SECTIONS 10.370 - 10.374

### 10.370 Purpose of the Southeast Overlay District, S-E.

The Southeast (S-E) Overlay District establishes special standards and criteria for planning and development controls which implement the Medford *Comprehensive Plan* and special planning policies that have dealt with this area of the community.

### 10.371 Scope and Applicability, S-E.

Sections 10.370 through 10.374 shall apply to the area denoted on the City of Medford Zoning Map as the S-E Overlay District, and shall be applied in addition to all other applicable regulations in this ordinance.

### 10.372 General Land Use Plan Map Consistency; Southeast Plan Map; Permitted Residential Density, S-E.

Within the S-E Overlay District, the Medford General Land Use Plan (GLUP) Map is further refined by the Southeast Plan Map that has been adopted as part of the Medford *Comprehensive Plan*. Within the S-E Overlay District, the Southeast Plan Map shall determine GLUP Map consistency for purposes of zoning and zone changes. The zoning district(s) with which each Southeast Plan land use category is consistent, and their permitted residential density ranges are set forth in Table 1.

**TABLE 1  
SOUTHEAST PLAN  
General Land Use Plan Map Consistency and Permitted Density Range**

General Land Use Plan Map	Southeast Plan Map Land Use Categories <sup>1</sup>	Corresponding Zoning District	Permitted Density Range DU/AC (PUD) <sup>2</sup>
UR	Estate Lot	SFR-2	0.8 to 2.0 (2.4)
UR	Standard Lot	SFR-4 or SFR-6	2.5 to 6.0 (7.2)
UR	Small Lot	SFR-10	6.0 to 10.0 (12.0)
UMDR	Rowhouse	MFR-15	10.0 to 15.0 (18.0)
UHDR	High Density	MFR-20 or MFR-30	15.0 to 30.0 (36.0)
C	Commercial	C-C	N/A <sup>4</sup>
Parks and Schools <sup>3</sup>	School	SFR-4, SFR-6 or MFR-15	N/A <sup>4</sup>
Parks and Schools <sup>3</sup>	Park	SFR-4, SFR-6 or MFR-15	N/A <sup>4</sup>
Greenway	Greenway	Any or All	N/A <sup>4</sup>

**Table Footnotes**

- <sup>1</sup> Southeast Plan Map land use categories are derived from the study entitled Southeast Medford Circulation & Development Plan, August 1995, as amended.
- <sup>2</sup> Development approval through Medford's PUD process permits an increase in density of up to 20% over the maximum permitted density in the underlying zone.
- <sup>3</sup> Land designated and planned for use as either a future park or future school shall be limited to either SFR-4 or SFR-6, except MFR-15 zoning within the Village Center, while under the Parks or Schools Southeast Plan Map land use categories.
- <sup>4</sup> N/A = Not Applicable.

**10.373 Planned Unit Development Required; Zone Changes; Amendments to the Southeast Plan Map, S-E.**

- A. Planned Unit Development Required.** Within the S-E Overlay District, all new residential development consisting of four or more housing units, or which occupies more than two acres, and all commercial, industrial, and institutional development that occupies more than two acres shall proceed as a Planned Unit Development (PUD) pursuant to Sections 10.230 through 10.245. The Planning Director may waive the required submittal of a PUD application when, in his/her discretion, a PUD application would be unnecessary to implement the S-E Overlay District, and the proposal would not conflict with Goals and Policies in the Medford *Comprehensive Plan* that relate to the Southeast Plan.
- B. Zone Changes.** Within the S-E Overlay District, and notwithstanding Sections 10.225 through 10.227, zoning consistent with the Southeast Plan Map and Table 1 in Section 10.372 shall be granted upon approval of a Preliminary PUD Plan, provided that:
- 1. Public Facility Adequacy; Single Phase PUD.** Approval of a Preliminary PUD Plan and zone change shall require demonstrating that Category "A" urban services and facilities are available and adequate to serve the PUD in the ways required by the Medford *Comprehensive Plan*, or that such services and facilities can be made available upon development.
  - 2. Public Facility Adequacy; Multiple Phase PUD.** For PUD's having multiple phases, compliance with Subsection 10.373(B)(1) shall be required for only the first phase. For each successive phase, compliance shall be established prior to or concurrent with approval of a Final PUD Plan. An applicant shall be entitled to seek compliance with Subsection 10.373(B)(1) for PUD phases as a matter separate from the approval of a Final PUD Plan.
  - 3. Zone Change as Separate Matter; Fees.** The City shall not charge separate zone change fees as part of the PUD process. However, an owner may apply for zoning as a separate matter at any time, and, if processed separately, shall be subject to fees established for zone changes. When processed as a separate matter, a zone change application, in addition to demonstrating compliance with the zone change criteria in Section 10.227, shall also demonstrate consistency with the Southeast Plan Map.
- C. Amendments to the Southeast Plan Map.** Amendments to the Southeast Plan Map shall follow the procedures below:
- 1. Land Use Categories.** The amendment of the Southeast Plan Map land use categories shall be the same as amendments to the GLUP Map designations as set forth in Article II of this Code, and in the Review and Amendments section of the Medford *Comprehensive Plan* for major and minor Comprehensive Plan amendments.
  - 2. Street Classifications.** The amendment of street classifications shown on the Southeast Plan Map shall be the same as amendments to the Medford *Comprehensive Plan* Street Classification Map. Such amendments shall be subject to the criteria in the Review and Amendments section of the Medford *Comprehensive Plan* required to amend the plan's Implementation Strategies.

**10.374 Special Design and Development Standards, S-E.**

Within the S-E Overlay District, the following design and development standards shall apply, and such standards shall be required through the PUD and/or Site Plan and Architectural Review processes:

**A. Greenways.** Development within the areas designated as Greenways on the Southeast Plan Map shall be consistent with the following regulations:

**1. Location and Extent of Greenway Designation.** Within the S-E Overlay District, the general location of Greenways shall be as depicted on both the GLUP Map and Southeast Plan Map, provided that, a more precise location shall be established as follows:

- a. The Greenway designation shall extend not less than 50 feet from the top of the bank on each side of the channel along the North, Middle, and South Forks of Larson Creek as shown on the Southeast Plan Map as Greenways. The top of the bank shall be as defined in Subsection 10.341(2).
- b. The Greenway designation shall extend not less than 20 feet from the centerline of the other drainageways shown on the Southeast Plan Map as Greenways.
- c. The size and location of Greenways may be altered by the City when needed to comply with state and federal regulations.

**2. Permitted Uses.** Notwithstanding the provisions of Section 10.306 through 10.337, and subject to any other provisions of this Code and law, only the uses listed below shall be permitted within areas designated as Greenways on both the GLUP and the Southeast Plan Map:

- a. Streets, road, and paths.
- b. Drainage facilities, utilities, and irrigation pumps.
- c. Water-related and water-dependent uses.
- d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- e. Other uses and activities permitted in the underlying zoning district, unless prohibited by state or federal regulations, as may be approved as part of a PUD, provided that the City may install or permit the installation of any use or activity permitted in the underlying zoning district without PUD approval.

**3. Greenway Improvements.**

- a. **Improvement Standards.** Greenways shall be improved according to the following standards:

1. Except for the Greenway that passes through the Village Center Commercial designation as shown on the Southeast Plan Map, and as may otherwise be approved as part of a PUD, Greenways shall consist of native vegetation and shall not be improved except as permitted in this Subsection 10.374 (A), provided that:
  - i. Additional canopy trees of a size, species, and variety approved by the City may be installed to augment the natural landscape and stabilize the banks of drainageways.
  - ii. Noxious weeds or non-native vegetation may be removed if replaced with native plant species.
  - iii. Nothing in this Section shall be construed to prohibit the preservation or enhancement of wetlands as may be required by any public agency having jurisdiction over wetlands consistent with the laws of the City, state, and federal governments.
2. Improved access for the equipment needed for maintenance of storm drainage facilities and for bicycle and pedestrian circulation shall be provided on at least one side of each drainageway within a Greenway. Said access shall be constructed to the standards of the City. Where acceptable access for the maintenance of storm drainage facilities and bicycle and pedestrian circulation is provided along a planned or existing street adjacent to a Greenway, the access requirement within the Greenway may be waived.
3. Greenways shall be improved at the time adjacent land is developed.
4. Where feasible, streets shall be collinear and adjacent to Greenways.
- b. **Responsibility for Greenway Improvements.** Required improvements in Greenways shall serve two principal purposes as explained in the Medford *Comprehensive Plan*: 1) for storm drainage based on the *Comprehensive Medford Area Drainage Master Plan (1996)*, or, 2) for pedestrian and bicycle circulation. The Southeast Plan Map denotes the principal purpose for each Greenway. The responsibility for installing Greenway improvements to the standards in this Subsection shall be based on the following:
  1. **Greenway Improvements for Storm Drainage.** The installation of improvements that provide required access to storm drainage facilities in Greenways based on the Southeast Plan Map and the *Comprehensive Medford Area Drainage Master Plan (1996)* shall be by, and at the sole expense of the owners of the land adjacent to either side of the Greenway, or segment of, unless otherwise approved by the City. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide access for storm drainage maintenance, and any other required or proposed improvements. The City may require all or any part of the Greenway to be dedicated for public use and ownership following the installation of the required improvements. However, the City, in its sole discretion, may permit the dedication of easements in lieu of fee-simple land dedication.

**2. Greenway Improvements Exclusively for Pedestrian and Bicycle Circulation.** The installation of a surfaced path in Greenways other than those connected with storm drainage based on the Southeast Plan Map, shall be by, and at the sole expense of the City unless otherwise agreed upon. Absent an adopted Greenway design plan, the City shall approve, on a case-by-case basis, the location of a surfaced path required to provide pedestrian and bicycle circulation, and any other required improvements. All or part of Greenways improved exclusively for pedestrian and bicycle circulation shall be acquired by the City through dedication or purchase of the land in fee-simple or through the acquisition of easements.

**3. Extent of Greenway Improvements.** Pursuant to Subsection 10.374(A), the portion of each Greenway required to be improved by a property owner at the time of development shall be that portion of his/her property contiguous to the property to be developed, including land within the channel to the top of the bank opposite the property. Where a Greenway passes through a parcel, the owner, pursuant to Subsection 10.374(A)(3)(b)(1), shall be required to improve the entire Greenway segment passing through his/her parcel.

**c. Maintenance of Greenway Improvements.** Greenway improvements dedicated to the City for any purpose, whether in fee-simple or as easements, shall be maintained by the City. However, the City may relinquish the maintenance of any Greenway improvements to an association of owners established pursuant to Subsection 10.230(E).

**B. Village Center.** Development within the area designated as the Village Center on the Southeast Plan Map shall be consistent with the following regulations and all other provisions of this Code, except as may be waived or altered through the PUD process in Subsection 10.230(D), but as limited by 10.375(B)(10):

**1. Pre-application Conference Required.** Applicants for a PUD in the Village Center shall undergo a pre-application conference before the City will accept a PUD application as complete. The pre-application conference shall be used to acquaint applicants with the special design regulations for the Village Center, and to discuss other aspects of the Southeast Plan that are important to the successful completion of a project.

**2. Lighting for Streets, Sites, and Buildings.** Street lighting, on-site pole lighting, and lighting affixed to buildings within the Village Center, including on lands in public or private ownership, shall be similar except for the existence or height of the lighting poles.

**3. Signs.** Notwithstanding Article VI of this Code, signs in the Village Center shall be similar in appearance and compatible with one another with respect to the method and materials of construction, color, and purpose.

**4. Outdoor Storage; Garbage and Recycling Receptacles.** The Village Center shall have no outdoor storage of materials other than garbage and recycling receptacles, which shall be concealed from view by solid wood fencing, concrete block walls or other approved materials consistent with the architecture of related buildings.

- 5. Limits of PUD Flexibility in Village Center.** Notwithstanding the flexibility accorded PUD's in Section 10.230, the PUD process shall not be used to relocate the residential land use categories and/or targeted residential densities, as shown on the Southeast Plan Map, outside the Village Center.
- 6. Village Center Commercial Designation.** Development in the Village Center Commercial designation shall be designed as follows:
  - a. Overall Master Plan Required.** There shall be an overall Master Plan covering the entire Village Center Commercial designation, including the Greenway encompassed by the Commercial designation. The Master Plan shall be adopted as a Preliminary PUD Plan prior to issuance of development permits. This requirement applies whether the Village Center Commercial designation covers one or multiple ownerships. After approval of the Preliminary PUD Plan, the owners of individual parcels may obtain individual approvals for Final PUD Plans and other development permits and land use applications consistent with the Preliminary PUD Plan, as amended. After initial approval, the Preliminary PUD Plan may be revised by the individual owners without the mutual consent of the other owners provided that all revisions are approved pursuant to Section 10.245. The Master Plan shall not expire in the same way as a Preliminary PUD plan pursuant to Section 10.240
  - b. City Assistance Available.** If different parcels within the Village Center Commercial designation are under different ownerships, the City will, at the request of the owners, assist in the preparation of the required Master Plan.
  - c. Commercial Designation Use Restrictions.** The following provisions shall govern land uses and activities within the Village Center Commercial designation.
    - 1. Permitted Uses.** Land uses and activities within the Village Center Commercial designation shall be those permitted and conditional uses listed for land zoned C-C (Community Commercial) in Section 10.337. Provided, however, that all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials of any kind shall be entirely within an enclosed building, except the uses specifically permitted below:
      - i. Temporary outdoor sales of merchandise pursuant to Section 10.831.**
      - ii. Temporary uses pursuant to Sections 10.841 through 10.851.**
      - iii. Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, small-scale retail uses, such as flower and newspaper stands, mobile food stands, and similar uses and facilities.**
      - iv. Other exceptions as may be approved through the PUD process.**
      - v. Gasoline service stations having a maximum improved area of 30,000 square feet.**



**2. Dwellings.** In addition to uses permitted in Subsection 10.374(B)(6)(c)(1), and notwithstanding any other provision of this Code, dwellings shall be permitted within the Village Center Commercial designation only as follows:

- i. A single dwelling unit, if attached to a commercial building and having less gross floor area than the commercial building to which it is attached.
- ii. Within that portion of the Village Center Commercial designation situated south of the North Fork of Larson Creek, multiple-family dwellings if located above the first story of a commercial building.
- iii. Within that portion of the Village Center Commercial designation situated north of the North Fork of Larson Creek, multiple-family dwellings meeting the MFR-30 (Multiple-Family Residential - 30 units per gross acre) zoning district standards, retirement or congregate care facilities, nursing and personal care facilities, and residential care facilities.

**3. Prohibited Uses.** Notwithstanding Section 10.337, the following uses are not permitted, and shall not be permitted through the PUD process:

SIC 271*	Newspaper Printing Facilities
SIC 6553	Cemeteries and Mausoleums
SIC 7218	Industrial Laundries
SIC 7692	Welding Shops
SIC 7699	Agricultural Equipment Repair, Engine Repair, Industrial Truck Repair, and Septic Tank Services
SIC 7948	Outdoor Race Tracks
SIC 805	Nursing and Personal Care Facilities**
SIC 836	Residential Care Facilities with more than 15 residents**
SIC 9223	Correctional Institutions

\* The SIC numbers correspond to the Standard Industrial Classification (SIC) Code number found in Section 10.337.

\*\* Except as permitted in Section 10.374 B. 6. C. 2. iii.

- 4. **Building Size Limitation.** Notwithstanding any other provision of this Code, no single business use shall exceed 50,000 square feet of gross floor area enclosed within a building.
- 5. **Special Use Regulations Not Required.** Unless otherwise provided in this Subsection, permitted uses shall not be subject to Sections 10.811 through 10.900.
- d. **Off-street Parking.** Notwithstanding any other provision of this Code, there shall be no requirement to supply a minimum number of off-street vehicle parking spaces in the Village Center Commercial designation. However, nothing in this Subsection prohibits the provision of off-street parking, and, when provided, parking shall comply with the regulations of the City, except as modified through the PUD process.

- e. **Greenway Improvements.** Unless prohibited by state or federal regulations, in the Village Center Greenway encompassed by the Commercial designation, undesirable shrubs, trees, and noxious vegetation may be removed, and ornamental vegetation installed to supplement the remaining native vegetation. Proposed Greenway improvements shall be incorporated into the Master Plan for the Village Center Commercial designation. Such improvements shall be made at the time of development, unless phased with the phased construction of buildings. When buildings representing greater than 50 percent of the approved square footage on either side of the North Fork of Larson Creek within the Commercial designation have been developed, then all required Greenway improvements on that side of the creek shall be installed at the sole expense of the property owner(s). If needed, the City shall facilitate a reimbursement agreement providing for future reimbursement to an owner required to install greenway improvements greater than his/her proportional share.
  
- f. **Creekside Development.** The development of land adjoining the Greenway within the Village Center Commercial designation shall conform with the following requirements unless waived or modified as part of the PUD process:
  - 1. **Architectural Orientation.** All principal buildings that adjoin the Greenway shall have a prominent architectural and functional orientation to the Greenway in addition to other orientations as may be provided. The principal building shall be located no farther than 40 feet from the edge of the Greenway.
  - 2. **Pedestrian Walkway Connections.** A pedestrian walkway as required in Sections 10.772 through 10.776 shall link the principal building of each creekside use or activity to the multi-use path within the Greenway, if on the same side of the drainageway as the path.
  - 3. **Pedestrian Walkway Lighting.** All pedestrian walkway connections to the multi-use Greenway path shall be lighted with the type of fixtures required in Subsection 10.374(B)(2) and meeting the definition of "pedestrian scale lighting" in Section 10.012.
  - 4. **Landscaping Between Creekside Development and Greenway.** Undeveloped land between each creekside building, use, or activity and the Greenway shall be landscaped in a manner compatible with Greenway vegetation, and irrigated with an automatic underground system. Such landscaping shall be designed to produce areas of high surveillance to reduce the potential for vandalism and criminal mischief. Landscaping to achieve high surveillance includes grass and ground cover, shrubs less than two and one-half feet in height, and deciduous trees that produce canopies having the lowest branches more than six feet from the ground. Such landscaping shall not conflict with or violate state and federal regulations related to the preservation of wetlands.

C. **Alleys.** Development having alleys shall be consistent with the following regulations:

- 1. **Planned Unit Development Required.** Where proposed, alleys are permitted only as part of a PUD. Alleys shall be considered the same as streets for the purposes of Section 10.230.
- 2. **Width and Curb Radius.** Alleys shall have a minimum width of 14 feet and a maximum width of 18 feet, with a curb radius of not less than five feet at an intersection with a street.

3. **Surface Materials and Structural Requirements.** Alleys shall have any hard permanent surface as may be approved by the City. Where alleys are paved with asphalt, there shall be a concrete edge not less than six inches wide and six inches deep. Except as described in this Subsection, the structural specifications for alleys shall be those for Minimum Access Streets as set forth in this Code.
4. **Trees and Landscaping.** Alleys shall have landscaping meeting the following requirements:
  - a. Trees shall be installed in alleys at the lesser rate of one tree per each dwelling or dwelling lot, or one tree per 40 feet of property frontage.
  - b. There shall be a planter strip not less than two feet wide between the edge of the pavement and perimeter fence. The planter strip shall be planted with evergreen ground cover and served by an automatic drip irrigation system. Trees may be placed within the planter strip, and shall be served by the automatic drip irrigation system. Trees located adjacent to or within a public right-of-way are subject to Sections 6.700 through 6.750.
  - c. Trees along alleys shall be of a species and variety approved by the City and have a minimum trunk diameter of two inches measured 12 inches from the ground.
  - d. Trees along each alley segment shall be of the same species and variety. For purposes of this Section, an "alley segment" shall mean an alley segment located between the intersections of an alley and a street, or such intersection and the terminus of an alley.
  - e. Trees along alleys shall be installed with root barriers of a type and design approved by the City. Installation of root barriers may be necessary before alley improvement or the installation of perimeter fencing.
5. **Fencing.** Perimeter fencing along alleys shall be identical in design and materials for each alley segment. This requirement shall be implemented by conditions attached to the PUD approval which require:
  - a. The installation of fencing at the time of initial PUD development; or
  - b. The developer to record detailed design and construction specifications for alley fencing in the official records of Jackson County at the time of Final PUD Plan approval. The City shall approve design specifications which bind all successors in interest, and which shall not be altered after approval without the City's written consent.
6. **Garbage and Recycling Receptacles.** The design of alleys shall incorporate space for garbage and recycling receptacles, provided that receptacles shall not be stored within alleys or areas visible from an alley except on days of pickup.
7. **Terminus.** Except as otherwise approved as part of a PUD, an alley shall terminate only at its intersection with a street unless provision is made for an adequate vehicular turnaround. Vehicular turnarounds shall be designed to accommodate passenger vehicles rather than emergency vehicles.

8. **Rear Yard Setbacks for Garages.** Notwithstanding other provisions in this Subsection, there shall be a minimum distance of 22 feet measured from a garage wall or any required parking space which faces an alley to the most distant edge of the paved alley surface.
9. **Access to Alley Required.** All lots, including corner lots, which abut an alley for 15 feet or more shall utilize the alley for access to garages, carports, and other forms of required on-site parking.
10. **Lighting.** All garages or carports having vehicular access to an alley shall have a permanently mounted light fixture facing the alley and operated by a photo-cell or motion-detector.
11. **Address Display.** Each dwelling having vehicular access to an alley shall display a house number and street name facing the alley to benefit service vehicles and guests.

**D. Street Trees.** Planting of street trees shall be consistent with the following regulations and all other provisions of this Code:

1. **Street Trees Required:** Street trees shall be planted and maintained along all public or private streets as a condition of the following actions. Nothing in this Subsection shall be construed to prohibit, limit, or require the selection, planting, removal, or maintenance of any tree on private property unless it is a required street tree. However, trees on private and public property are also regulated elsewhere in this Code, including in Sections 6.700 through 6.750, and through Site Plan and Architectural Review.
  - a. As a condition of approval for any subdivision, land partition, or PUD; or,
  - b. As a condition of approval for any development requiring Site Plan and Architectural Review; or,
  - c. As a condition for the issuance of a building permit for the construction of a single-family dwelling; or,
  - d. As part of the project when arterial and collector streets dedicated, or intended to be dedicated, for public use are constructed or improved by paving, curbs, or sidewalks by any public entity. However, street trees shall not be required under this Subsection if the Planning Director finds that water necessary for the nurture of street trees is not available; or,
  - e. As a condition for a permit to remove a street tree when replacement is required.
2. **Spacing Standards.** The following spacing standards for street trees shall be required:
  - a. **For streets abutting single-family lots:** One tree per lot for interior lots, and one tree for each street frontage for corner lots. The trees shall be planted within 10 feet of the midpoint of the lot along the street frontage. For through-lots abutting arterial and collector streets, the City shall install the street trees on the frontage abutting the arterial or collector.
  - b. **For all other streets:** Street trees shall be located to maintain a spacing of not less than

one tree per 40 feet of street frontage, except within 20 feet of the intersection of street right-of-way lines. Anywhere within 10 feet of the exact interval position shall be deemed to comply.

3. **Tree Types; Minimum Tree Size.** The species and variety of street tree shall be in accordance with the City of Medford Street Tree Plan. Absent such a plan, the developer shall select an appropriate species and variety of tree from the City's list of approved street trees. New street trees shall have a minimum trunk diameter of two inches measured 12 inches from the ground.
4. **Location of Street Trees.** Street trees shall be planted within the planter strips located between the curb and the sidewalk, no closer than three feet from the curb line. If no planter strip exists, required street trees may be planted within the street right-of-way or public utility easement adjoining such right-of-way, or on private property, subject to the following conditions:
  - a. Street trees may be planted between the edge of the road improvements and street right-of-way line provided that the tree is no closer than three feet from the planned curb line, and not within a planned sidewalk.
  - b. Written approval by public facility providers shall be obtained before any tree is planted within a public utility easement.
  - c. Any street tree planted within six feet of, or inside a public street right-of-way or a public utility easement shall be planted with a root barrier approved by the City.
  - d. For single-family lots, street trees may be planted on private property not more than 10 feet back from the street right-of-way line.
5. **Timing for Installing Street Trees; Security to Guarantee Street Tree Installation.**
  - a. **Single-Family Residential Land Divisions.** The planting of street trees may be deferred for new single-family lots until dwellings are constructed, at which time street trees conforming with this Subsection shall be planted, prior to occupancy of the dwelling. When the planting of street trees is deferred, the developer shall enter into an agreement with the City and post security to ensure compliance pursuant to Subsection 10.374(D)(5)(e).
  - b. **Multiple-Family Residential, Commercial, Industrial, and Institutional Development.** Street trees conforming with this Section shall be planted in conjunction with new multiple-family residential, commercial, industrial, and institutional development requiring Site Plan and Architectural Review. Required street trees may count toward the trees required in frontage landscaping pursuant to Section 10.797. As a condition of the PUD approval or Site Plan and Architectural Review approval, the developer shall enter into a Building Site Improvement Agreement that ensures compliance with this Section.
  - c. **New Dwellings; Relocated Dwellings.** Street trees conforming with this Section shall be

planted prior to occupancy of new or relocated dwellings on existing lots. As a condition of the issuance of the building permit, the developer shall enter into a Building Site Improvement Agreement that ensures compliance with this Section.

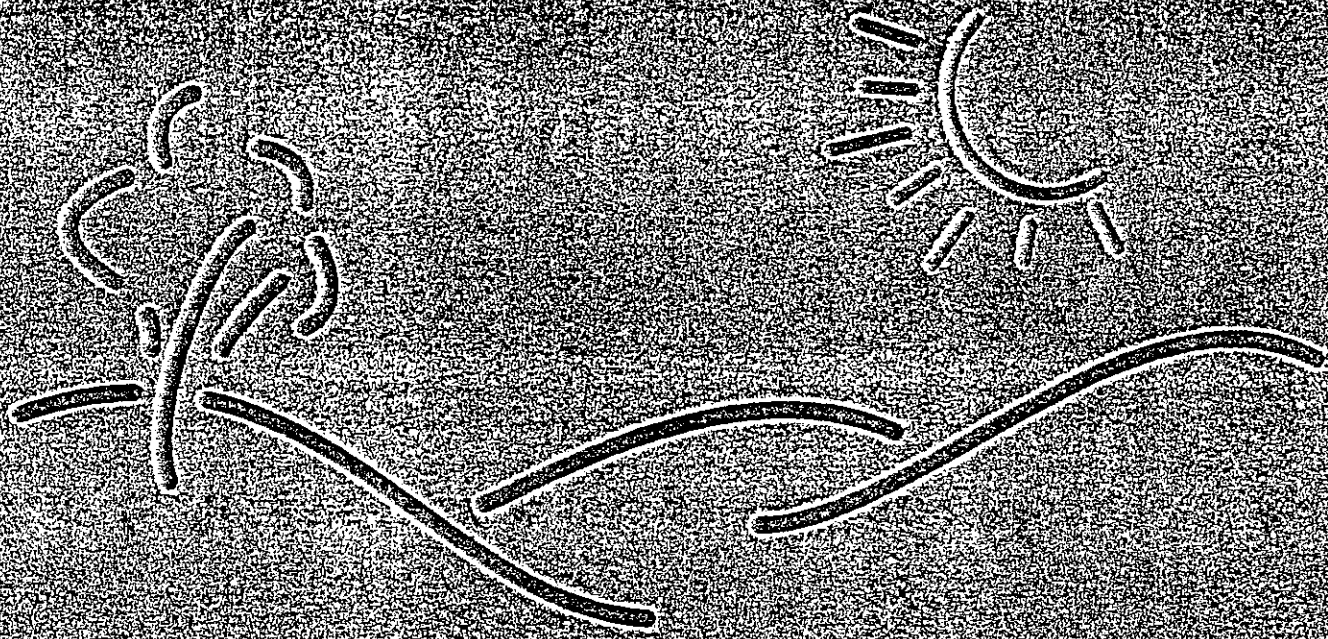
- d. **Street Construction or Improvement.** Street trees required in this Subsection shall be planted within six months following the completion of work by the City on each segment of roadway which requires the planting of street trees.
  - e. **Security to Guarantee Street Tree Installation.** If an agreement is required to defer street tree planting under this Subsection, the applicant and all owners of the subject parcel, prior to issuance of the building permit or final approval of an application, shall be required to sign an agreement with the City that assures planting of the trees required by this Section within 30 days after occupancy of the building. Such agreement shall specify the type, size, and location of the trees, and expressly assume financial responsibility for the planting. The City shall approve the agreement prior to execution, and it shall be accompanied by a certified check, surety bond, or other security acceptable to the City to cover 125 percent of the estimated cost of planting the deferred street trees. The security may be released incrementally as the street tree planting is completed to the satisfaction of the City.
6. **Street Tree Maintenance.** The care and maintenance of street trees shall be a continuing responsibility of the owners of land upon which the street tree is planted, or, if planted within a street right-of-way, of the owner of the abutting property, except for street trees abutting arterial and collector streets in single-family residential zoning districts, which shall be the responsibility of the City. Proper care and maintenance shall be pursuant to Section 6.730, and shall involve periodic irrigation and pruning as necessary to maintain the tree(s) in a healthy condition.
7. **Removal, Topping or Severe Pruning of Street Trees Prohibited.** Pursuant to Section 6.725, no required street tree shall be removed, topped or severely pruned (as defined in this Section), without the prior written approval of the Parks Director or designee.

**H. Definitions:** The following definitions apply to this Subsection:

*Street Tree:* Any tree located within the right-of-way, or within 10 feet of the right-of-way if there is no planter strip, of any street dedicated for public use, including private streets.

*Tree Topping or Severe Pruning:* The severing of the trunk, or the cutting back of the trunk or a limb to a stub larger than three inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

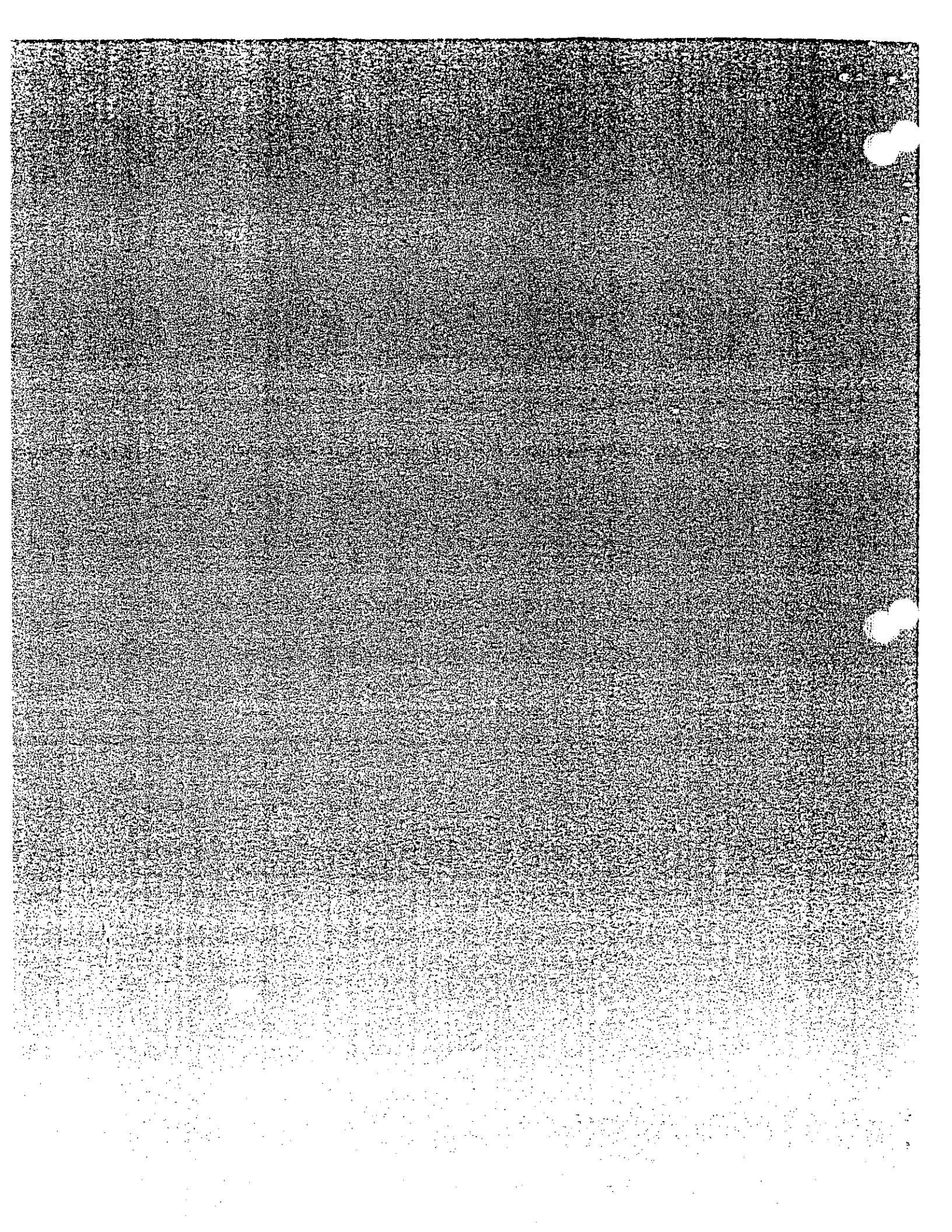
# LAND DEVELOPMENT CODE AMENDMENTS



## Amendments To Existing Land Development Code Language And The Zoning Map



February 1998





*DRAFT LAND DEVELOPMENT CODE AMENDMENTS AFFILIATED WITH  
THE PROPOSED SOUTHEAST OVERLAY DISTRICT*

Medford Code CHAPTER 10 PLANNING  
TABLE OF CONTENTS

\*\*\*

**ARTICLE III - ZONING DISTRICTS**

10.300 Establishment of Zoning Districts

\*\*\*

10.339 Bear Creek District, B-C

10.340 Bear Creek Use Sectors

10.341 The Waterway Area

10.342 Permitted Uses

10.343 Conditional Uses

10.349 Airport Approach District, A-A

10.350 Application of Airport Approach Provisions

10.351 Permitted Uses

10.352 Conditional Uses

10.353 Prohibited Uses

10.354 Height Regulations

10.355 Airport Radar Overlay

10.356 Planned Development District, P-D

10.358 Central Business District, C-B

10.360 Exclusive Agricultural, E-A

10.361 Development Standards, E-A

10.365 Freeway Overlay District

~~10.370 Purpose of the Southeast Overlay District, S-E~~

~~10.371 Scope and Applicability, S-E~~

~~10.372 General Land Use Plan Map Consistency, Southeast Plan Map, Permitted  
Residential Density, S-E~~

~~10.373 Planned Unit Development Required; Zones Changes; Amendments to the Southeast  
Plan Map, S-E~~

~~10.374 Special Design and Development Standards, S-E~~

10.401 Purpose of Historic Preservation District

10.402 Definitions for Historic Preservation Districts

10.403 Areas Affected

10.404 Designation of New Affected Areas

10.405 Historic Commission - Creation

10.406 Historic Commission - Officers, Meetings, Rules and Procedures

10.407 Historic Commission - Powers and Duties

10.408 Exterior Alteration and New Construction

10.409 Exemption from Public Improvement Requirements

10.410 Demolitions

## ARTICLE II - PROCEDURAL REQUIREMENTS

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### 10.145 Referral Agencies.

It is the responsibility of a referral agency to provide timely review and comment on all proposals referred by the City. The referral agency shall be requested to determine consistency of a proposal with the referral agency's operating policies and standards, and to recommend conditions on development.

### 10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those ~~plan authorizations~~ [proposals] indicated below, as shown on the Schedule which follows:

- A. ~~Major Comprehensive Plan Amendment~~
- B. ~~Land Development Code Amendment~~
- C. ~~Minor Comprehensive Plan Amendment~~
- D. Annexation
- E. Vacation
- F. Zone Change
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. ~~Site Plan~~ and Architectural Review
- L. Transportation Facility Development

Numerical references in the Schedule refer to the following:

1. ~~[Only]~~ When the proposal is ~~[located]~~ within, or ~~[is]~~ abutting the referral agency's jurisdiction.
2. ~~[Only]~~ When the proposal is ~~[located]~~ within, or ~~[is]~~ abutting the Airport Approach or Airport Radar Overlay Districts.
3. ~~[If a conditional use]~~ ~~When the proposal~~ is within the Bear Creek Overlay District.
4. When the proposal includes new buildings or building additions~~[, and if they]~~ ~~that~~ are within the referral agency's jurisdiction.
5. ~~When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.~~
6. ~~When the proposal is within or abutting a Greenway General Land Use Plan Map designation.~~

Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, ~~[they]~~ the agency may have an interest in the proposal.

**SCHEDULE OF REFERRAL AGENCY DISTRIBUTION**

<b>CITY DEPTS.</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Planning	X	X	X	X	X	X	X	X	X	X	X	X
Public Works	X	X	X	X	X	X	4		X	X	X	
Engineering Division	X	X	X	X	X	X	4		X	X	X	X
Police	X		X	X	X	X			X	X	X	
Fire [Chief]	X	X	X	X	X	X	4		X	X	X	
City Manager	X	X	X	X								
Water Commission	X	X	X	X	X	X	4		X	X	X	X
Parks & Recreation	X	X	X	X	X	X	4		X	X	X	
Parks Director	5	5	5	5	5	5	5	5	5	5	5	5
City Attorney	X	X	X	X	X	X	X	X	X	X	X	X
Building Safety	X	X	X	X	X	X	X	X	X	X	X	
<b>OTHER AGENCIES</b>												
Jackson Co. Health Dept.				X						X		
BCVSA*	1		1	1	1	1	4		1	1		
Irrigation Districts												
Medford	1		1	1	1		4		1			
Rogue River Valley	1		1	1	1		4		1			
School Districts												
Medford 549C	1		1	1		1	4		1			
Superintendent	5	5	5	5	5	5	5	5	5	5	5	5
Phoenix-Talent	1		1	1		1	4		1			
Superintendent	5	5	5	5	5	5	5	5	5	5	5	5
Jackson Co. Planning	X	X	X					1	1		1	
RVTD*	X		1	1	1	X	4		1	1	X	X
ODOT*	X		1	1		1	4		1	1	1	1
ODFW*							3	6	6	6	6	
DSL*							3	6	6	6	6	
[ECDC] DLCD*	X	X	X									
Garbage Company				X	X							
Telephone Company			X	X	X	X	4		X	X	X	X
Natural Gas Company			X	X	X	X	4		X	X	X	X

Power Company			X	X	X	X	4		X	X	X	X
CPAC*	X	X	X									
Cable Television Co.			X	X	X	X	4		X	X	X	X
U.S. Post Office									X	X	X	X
Water Districts	1		1	1		1			1			
R. V. - Medford Airport	1		1			1	2	2	2	2	2	
Urban Renewal Agency			1		1	1	1	1	1	1	1	1

**\*Acronyms:**

BCVSA	Bear Creek Valley Sanitary Authority
RVTD	Rogue Valley Transportation District
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
DSL	Department of State Lands (Oregon)
DLCD	Department of Land Conservation and Development (State)
CPAC	Citizens Planning Advisory Committee
R. V. - Medford Airport	Rogue Valley-Medford International Airport

[Amd. Sec. 5, Ord. No. 5820, March 19, 1987; Amd. Sec. 1, Ord. No. 6275, Jan. 5, 1989; Amd. Sec. 7, Ord. No. 7659, June 2, 1994.]

\*\*\*

**10.230 Planned Unit Development (PUD) - General Provisions.**

\*\*\*

**D. Deviations from Standards Authorized.** Authority is herewith granted for the approval of PUDs which deviate from the strict standards of this Code. The nature and extent of potential deviations shall be limited to the categories below described, provided that the City, in approving such deviations, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

\*\*\*

**9. Allowed Uses; Housing Types.** The following uses and housing types shall be permitted as part of a PUD, subject to the following:

- a. In addition to permitted uses, any portion of a PUD [~~situated within a residential zone~~] may contain any housing type listed in Subsection 10.314(1), or any conditional use listed for the underlying zone, without the requirement to obtain a Conditional Use Permit. In approving housing types and listed conditional uses, the Planning Commission may waive or reduce any of the special use regulations or standards contained in Sections 10.811 through 10.838 ("Special Use Regulations").

\*\*\*

**10. Mixed Land Uses.** Unless otherwise prohibited, PUDs that have more than one General Land Use Plan designation or Southeast Plan land use category shall have the flexibility to mix or relocate such designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission.

\*\*\*

### ARTICLE III - ZONING DISTRICTS

It is the purpose of Article III to divide the City into zoning districts according to land use by type and intensity of development.

#### 10.300 Establishment of Zoning Districts.

This Code separates the city into three (3) basic use classifications, fifteen (15) zoning districts, and ~~eight (8)~~ **nine (9)** special overlay districts, as follows:

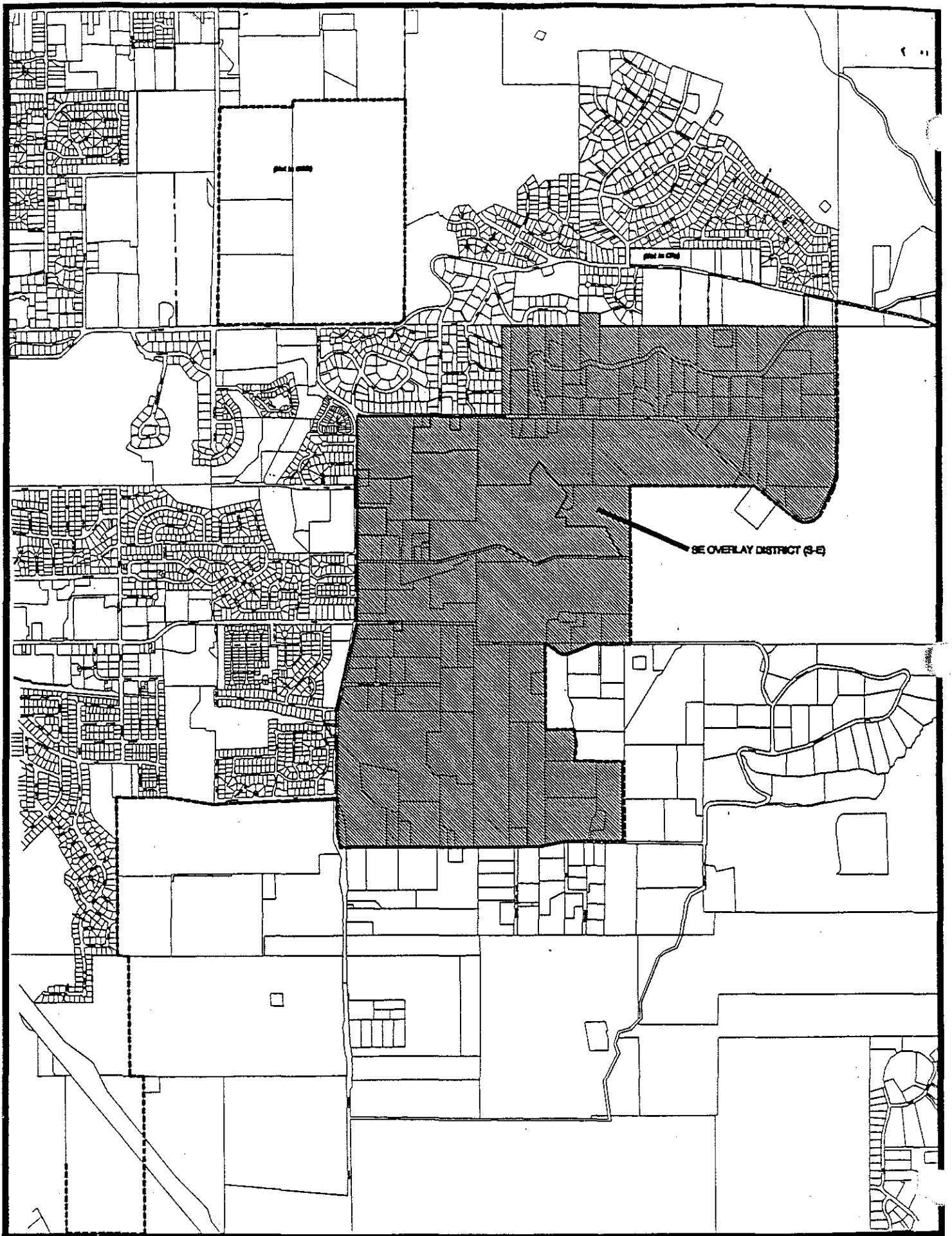
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### IV. SPECIAL OVERLAY DISTRICTS

- (a) B-C Bear Creek
- (b) A-A Airport Approach
- (c) P-D Planned Development
- (d) C-B Central Business
- (e) E-A Exclusive Agriculture
- (f) H Historic
- (g) F Freeway
- (h) A-R Airport Radar
- (i) S-E Southeast**

It is the intent in establishing the above districts to implement the "General Land Use Plan Element" ~~as set forth in~~ **of** the *Comprehensive Plan*, and to achieve compatibility of adjacent land uses.

[Amd. Sec. 2, Ord. No. 8207, Oct. 3, 1996; Amd. Sec. 2, Ord. No. 8285, Feb. 6, 1997.]



FILE NO.: DCA-98-1  
APPLICANT: CITY OF MEDFORD

# Appendix A-10

## Phoenix City Center Plan

# PHOENIX - CITY CENTER PLAN

**Adopted**

December 16, 1997

**PREPARED IN CONJUNCTION WITH:**  
THE RESIDENTS OF PHOENIX  
THE CITY OF PHOENIX PLANNING DEPARTMENT  
DENIS MURRAY - CITY PLANNER  
GARY SHAFF - COMPREHENSIVE PLANNER

**PREPARED BY:**  
DONALD B. GENASCI & ASSOCIATES  
ARCHITECTS & URBAN DESIGNERS  
2217 NW JOHNSON STREET  
PORTLAND, OREGON 97210

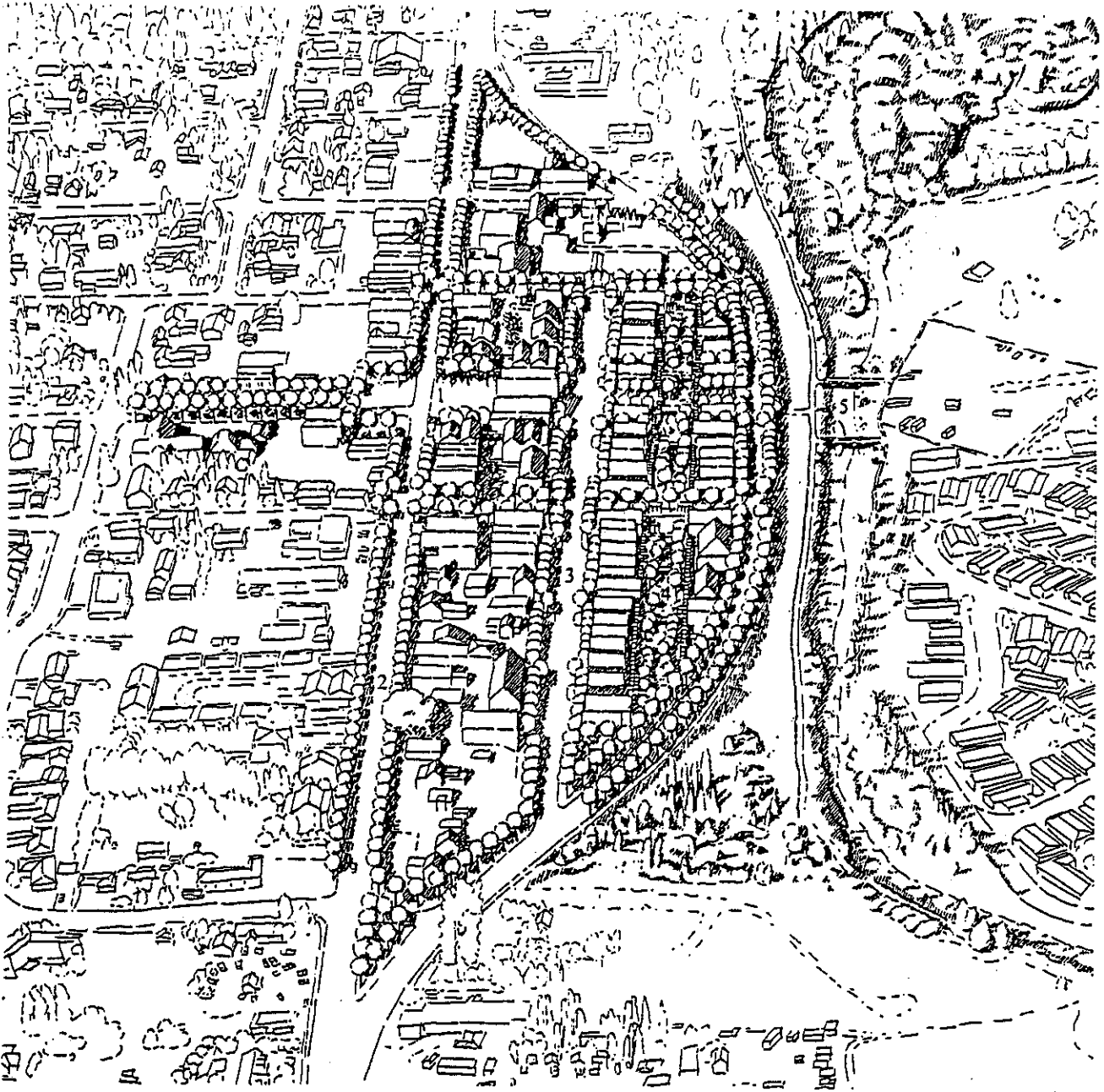




KEY

- 1. FIRST STREET
- 2. SECOND STREET
- 3. THIRD STREET
- 4. CHURCH STREET
- 5. MAIN STREET
- 6. MARKET SQUARE
- 7. PARKING STREET
- 8. WETLANDS BOARDWALK
- 9. BEAR CREEK DRIVE
- 10. BEAR CREEK TUNNEL
- 11. BEAR CREEK GREENWAY
- 12. BEAR CREEK
- 13. PEDESTRIAN BRIDGES
- 14. PARKS

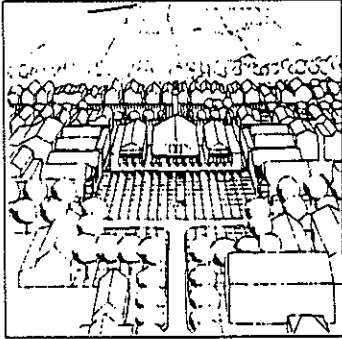
PHOENIX CITY CENTER PLAN - CENTRAL AREA



AERIAL VIEW OF CITY CENTER PLAN  
Looking North

KEY

1. MARKET SQUARE
2. MAIN STREET
3. NEW PARKING STREET
4. WETLANDS PARK / BOARDWALK
5. BEAR CREEK, BEAR CREEK GREENWAY & PEDESTRIAN BRIDGES

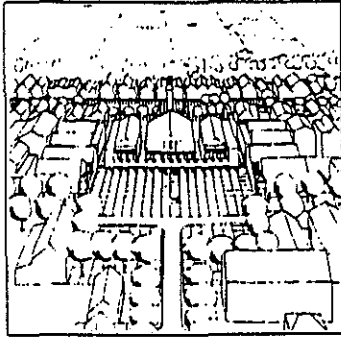


# **PHOENIX - CITY CENTER PLAN**

## **CONTENTS**

### **INTRODUCTION**

- 1. DESCRIPTION OF PLANNING PROCESS**
- 2. BASIC PLANNING CONCEPTS**
- 3. DESIGN / CHARACTER OF THE CITY CENTER**
- 4. MARKETING AND DEVELOPMENT STRATEGIES**
- 5. IMPLEMENTATION OF PLAN**
- 6. APPENDICES**



# PHOENIX - CITY CENTER PLAN

## INTRODUCTION

To build a city center where individuals take responsibility for the community, contributing to the betterment of all is an ideal that goes back to the ancient Greeks. Strong city centers have traditionally been built by people who acknowledge the center's potential as a place to bring residents together to form a community.

## INTRODUCTION

- PROCESS
  - CONCEPTS
  - DESIGN
  - MARKETING
  - IMPLEMENTATION
- 
- APPENDIX

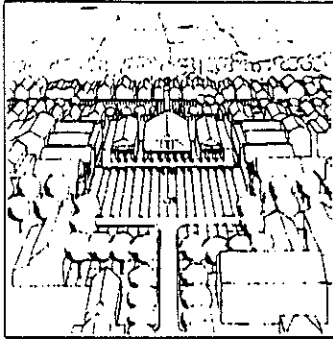
The importance of the city Center as a place where residents meet informally to socialize, undertake business, and shop has been devalued in recent years by single use shopping centers that are primarily for the convenience of retailing and car parking, rather than personal interaction. The shopping center disperses people, segregating them by activity, shoppers, city business, entertainment, recreation etc.

This dispersal, made possible by the motorcar has reduced our potential for human interaction and the satisfaction it can offer. Consequently our ability to test publicly a diversity of ideas and opinions has been diminished. This relative isolation has meant that people have become less social and less tolerant.

The Phoenix City Center Plan will provide a traditional interactive Center where individual activities overlap, bringing diverse people together. The development over time of a place that residents consider the Center of their city, a place to go, in close proximity where celebrations, recreation, entertainment, business and shopping are within walking distance of their home is the goal.

In order to accomplish this goal, residents will need to continue to develop and use the opportunities of the City Center Plan. The challenge is to make the Center an active and vital place that reflects the concerns and ideas of Phoenix. The Plan is a beginning but it will require stewardship and innovation to bring the ideas to fruition.

***Strong city centers have traditionally been built by residents who acknowledge the center's potential as a place to bring residents together to form a community***



## INTRODUCTION

## PROCESS

CONCEPTS

DESIGN

MARKETING

IMPLEMENTATION

## APPENDIX

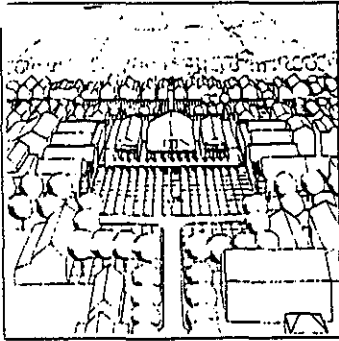
*New commercial buildings with mixed uses including offices, and housing, that support strong public activity in the Center should be encouraged.*

## I. DESCRIPTION OF PLANNING PROCESS

Based on interviews with stakeholders, workshop discussions and a charrette held with residents on May 2nd and 3rd, 1997, a draft City Center Plan was developed for review by Phoenix residents in a second workshop on May 31st, 1997. The main ideas that came out of the initial workshop discussion were :

- \* The character of Phoenix should remain like a farm community - with new buildings supporting this image.
- \* New commercial buildings with mixed uses including offices, and housing, that support strong public activity in the Center should be encouraged. Other types of uses desired are a health Center, craft Center and light industry.
- \* Phoenix's position between Ashland and Medford provides an opportunity that should be addressed by city Center improvements to the public and private realms. Tree plantings, widened sidewalks, better parking could be undertaken by the City. While individuals could maintain their own buildings to a higher standard and bring in new businesses.
- \* The Bear Creek Greenway should have a strong connection to the Center of Phoenix.
- \* The Bear Creek Wetlands should be incorporated into the new City Center Plan
- \* Traffic on Main Street should be slowed down and additional parallel parking returned to the street by reducing curb cuts.
- \* Develop new places for off street parking in the Center.
- \* Develop places for markets that will bring people into Phoenix to serve residents and visitors. Types of markets could include fruit and vegetable, crafts, art, antiques, fairs and flea markets.
- \* Develop places for public buildings near the Center to support the public places and commercial activities. Required are meeting facilities, day care, social services Center and a senior Center.
- \* Encourage businesses that support local needs.

To respond to these and many more ideas from the workshop, a draft Plan was developed that includes places for new commercial buildings (retail and offices), public market, public buildings, light industry and housing. The draft Plan was presented to the May 31st public workshop. The intention of this workshop was to receive criticism for the draft Plan and more ideas from residents. The final draft Plan included in this report is a response to initial ideas and the criticism.



INTRODUCTION

PROCESS

CONCEPTS

DESIGN

MARKETING

IMPLEMENTATION

APPENDIX

*Residents were strongly supportive of the idea of retaining the qualities and elements of existing historic buildings. Simple clapboard buildings of two and three floors with large vertical windows, bays, covered porches are favored. New buildings need to be compatible in terms of character, elements and scale with the historic buildings.*

## 2. BASIC CONCEPTS:

These basic concepts are principles that are specific to Phoenix. Many of these concepts came from residents in discussions that were part of the workshops and charrette. These concepts will give prospective developers an insight into the most important ideas of the Plan.

### 2.1 Retention of Existing Buildings

In developing the City Center Plan as many of the existing buildings as is practicable were retained. Retention of existing buildings will give continuity to the Center, even where the buildings retained are not historically important. Where buildings were not of significant character or economic value\* they were not retained.

\*The criterion for removal would be - if the value of the building in question did not equal the land value.

### 2.2. Building Character

Residents strongly supported the idea of retaining the qualities and elements of existing historic buildings. Simple clapboard buildings of two and three floors with large vertical windows, bays, covered porches are favored. New buildings need to be compatible in terms of character, elements and scale with the historic buildings.

### 2.3. Topography and Natural Features

Existing topography and natural features were taken into consideration in the design of the new Center. All of the existing major natural features, the change in elevation across the site, the wetlands and the Bear Creek Greenway are significant components of the design and the economic strategy.

2.3.1. Wetlands will be included in the new development as a park with water related vegetation. This park can be used as a public destination exhibit that educates visitors about wetlands and draws people into the downtown. The wetlands can also be used to filter stormwater from City streets before going back into Bear Creek.

2.3.2. The change in elevation across the site from Main Street to Bear Creek Parkway varies from 15 to 20 feet. This change in elevation is used to develop a lower level for the upper buildings that also face the new parking street. This adds a floor to the upper buildings and provides for a commercial edge for the parking street.

2.3.3. The Bear Creek Greenway is potentially a destination for visitors and an opportunity for recreation. The planning response is to provide entrances (3) from the Greenway into the Center. The entrances are two stairs with old fashioned light standards and a tunnel with a kiosk marker describing events (markets, festivals, entertainment etc.) to encourage green way participants to explore Phoenix.

#### 2.4. Concentration of Major Buildings

The new commercial and public buildings of the Center are strongly connected to existing public buildings, Library, Grange and First Presbyterian Church. Proposed is that the existing Church, Library, and Grange Hall be anchors for the new Center. The new Center includes a new market square, market building, public and commercial buildings, light industry and housing.

2.5. Parking for approximately 350 cars will be included adjacent to a new street between Main and Bear Creek Drive and three small parking lots behind buildings. The new street will provide significant new parking between the concentrations of new development. Stairs and street access will connect the new parking with the Market Square and Main Street.

2.6. Housing is an important component of the Center. A variety of sizes of housing units for diverse income groups provides a resident population in the Center. The idea that the Center will always have people in it is a significant economic and safety issue for the City. This resident population will tend to support activities and shops and to work in the Center. The people living in the Center will also provide "eyes on the street" to make the downtown a safer place.

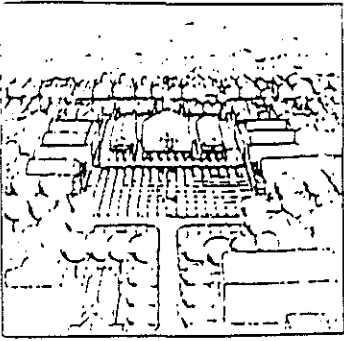
***The new commercial and public buildings of the Center are strongly connected to existing public buildings, Library, Grange, First Presbyterian Church. Proposed is that the existing Church, Library, and Grange Hall be anchors for the new Center.***



*Significant additional parking is proposed in the form of a landscaped parking street between Main and Bear Creek Drive. This two block long street will have head in parking maximizing the amount of parking available. The close proximity of this street to the Center will enable it to be a visible and effective place to park.*

VIEW OF NEW PARKING STREET WITH SHOPS AND BACK OF MARKET BUILDING





## INTRODUCTION

PROCESS

CONCEPTS

**DESIGN**

MARKETING

IMPLEMENTATION

APPENDIX

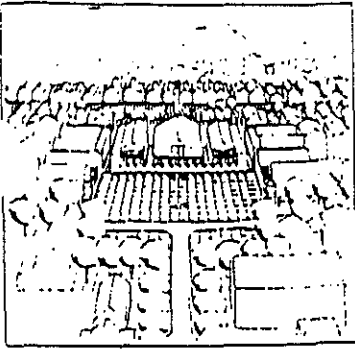
*New buildings should be visually interesting; the frequent use of architectural elements such as large windows, bays, covered porches, layering of facades and natural materials. New buildings should enhance visual and literal connections to adjacent or surrounding natural elements.*

### 3. DESIGN / Character of CITY Center:

In a citizen planning workshop and charrette held in Phoenix in April, 1997 the residents' consensus was for the downtown to have the character of a rural center. This suggests that buildings planned for the Center should have many characteristics of the best historic buildings currently found in the Center. For example, the new buildings should be two to three stories in height, located close to the back of the sidewalk, with generous windows, porches, bay windows and clad mainly with wood siding. New buildings should be of comparable scale and size to existing buildings and should not present excessive visual mass or bulk to public view or to adjoining properties. New buildings should be visually interesting in the frequent use of architectural elements such as large windows, bays, covered porches, layering of facades and natural materials. New buildings should enhance visual and literal connections to adjacent or surrounding natural elements. New buildings should enhance connections to streets and market square. Ground floor shop windows and entrances in commercial areas should be generous and conducive to their commercial functions. Mixed use projects containing commercial, light industrial and housing are encouraged. Building materials should have a durable, permanent quality, be of natural materials and support the character of a rural center described above.

The proposed Center is mainly mixed use (commercial and housing) buildings. This mix of uses will have a significant impact on the character of the Center. The mixture of uses also ensures activity and "eyes on the street" for safety in the Center during most of the day. The mixture of uses in the Center of Phoenix makes the downtown safe and attractive for pedestrians.

A major component of pedestrian usage of the Center is slowing the traffic along Main Street and Bear Creek Parkway. This can be accomplished by making these two arteries less like highways and more like city streets. Encourage parallel parking on Main Street by reducing curb cuts and introducing parking on Bear Creek Drive. Consider curb extenders, landscape, and other traffic calming methods. These methods will change the perception of the appropriate speed along downtown streets. In addition wide sidewalks will encourage pedestrians to use the streets and shops, and cafes and restaurants will spill out on to them.



## INTRODUCTION

PROCESS  
CONCEPTS  
DESIGN  
MARKETING  
IMPLEMENTATION

## APPENDIX

***Significant ongoing events will cause people to think of Phoenix when considering options for recreation and/or shopping. These events should be designed to be somewhat unique and of interest to a large number of people.***

Significant additional parking is proposed in the form of a landscaped parking street between Main and Bear Creek Drive. This two block long street will have head in parking to maximize the amount of parking available. The close proximity of this street to the Center will enable it to be a visible and effective place to park.

Bicycle lanes on Main Street and Bear Creek Drive and frequent bicycle parking are also proposed in the new Center.

## 4. MARKETING AND DEVELOPMENT STRATEGIES

The position of Phoenix between and in close proximity to Ashland and Medford, adjacent to Jacksonville and Talent brings a significant resident and tourist population in close proximity to Phoenix. Since it is on the route between Ashland and Medford, The Center of Phoenix can become a destination for people visiting the area. When Phoenix can distinguish itself by hosting events and supporting shops and services, people will consider it a destination. Phoenix should not emulate its neighbors, but should develop its own character and events to make it unique and memorable.

To utilize this opportunity of proximity to major centers and travelers, Phoenix should develop a qualitatively improved character, distinctly it's own. It should also sponsor events of interest to residents of the Rogue Valley Region and visitors alike. If the town is physically pleasing and there are strong reasons to stop, then there will be a growing demand for shopping, housing, services and light industry. Significant ongoing events will encourage people to think of Phoenix when they are considering options for recreation and/or shopping. These events should be designed to be somewhat unique and of interest a large number of people. The advantage of organizing events is that they require little investment and be profitable, if the right kind of events.

The interaction between the Market Square, Wetland Park, commercial and housing uses is critical for the economic well being, visual quality and character of the Center. Instigating and maintaining this dynamic, by encouraging projects that support particular plan areas, will be crucial in phasing the Center. The Market Square with it's events and Wetland Park will be the major draws.

The commercial and housing will provide services and continuity of people that will increase benefits from the market and park.

The strategy to bring people to Phoenix includes an organized market on a new market square that operates seven days a week, a designed wetland park with an educational display, greenway access and trout fishing on Bear Creek to be developed by the City of Phoenix. This investment by the City and residents (volunteer help) will also encourage development interest.

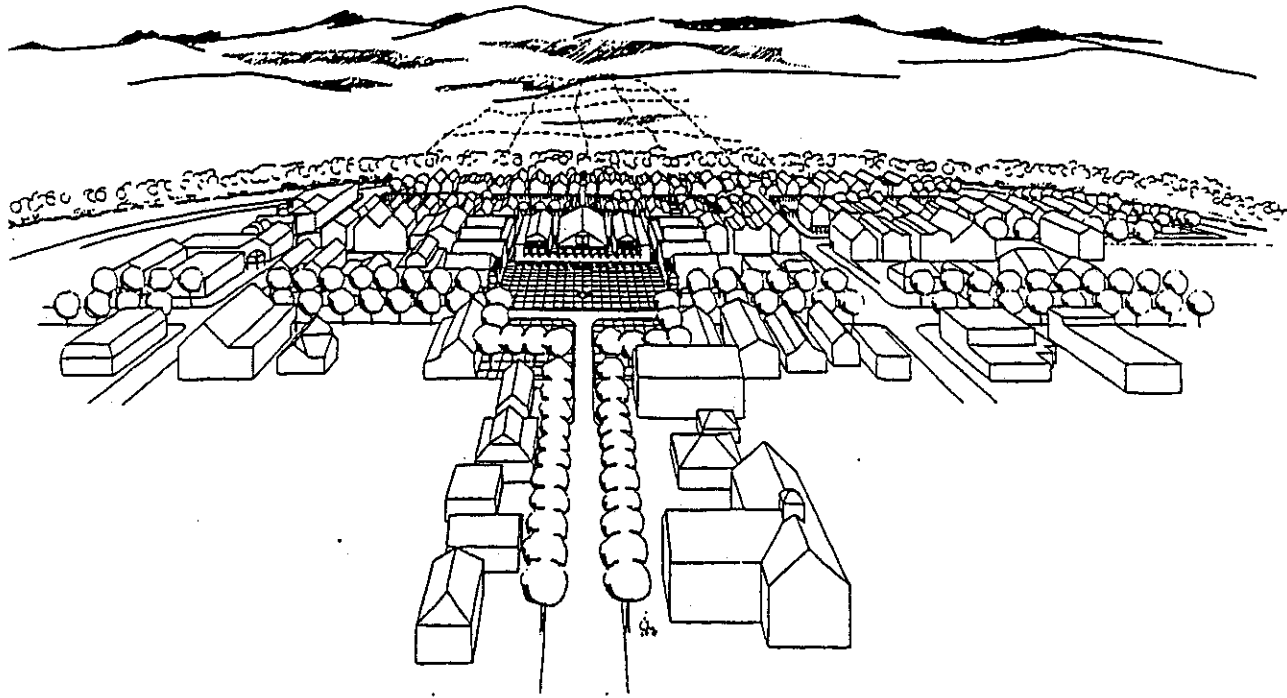
#### 4.1 Market:

Phoenix has a tradition of weekend markets. The Grange site, parking lots and other places throughout the town are used informally to hold markets. If this interest in public markets can be enhanced, they will become a significant draw from the surrounding area. Numerous types of markets could be regular features. Markets might include used and new furniture, fruits and vegetables, flea markets, crafts, art, antiques cars, etc. Events might include ethnic foods, bicycle races, town celebrations, music, etc.

However, to gain economic benefits from holding markets and events in the downtown, there should be new buildings with support services and shops that will encourage market users to spend additional time in Phoenix. For this reason a Market Square, market building and surrounding shops, cafes, restaurants, offices and housing that will support the market are proposed. The Market Square is located at Second and Main, adjacent to the Grange Hall and across Main and Second Streets. When there is no market these tree lined open spaces can be used for sitting, strolling, or parking.

*However, to gain economic benefits from holding markets and events in the downtown, there should be new buildings with support services and shops that will encourage market users to spend additional time in Phoenix.*

The market building is an important component of the success of the Market Square. This building will provide cover for markets in winter and inclement weather. There are many crafts, art and antique markets that require cover because of the value of the products. Important markets, such as at Christmas require cover. It is also important to maintain a continuity of markets so that people are accustomed to patronizing them. The market building can also include other uses such as meeting rooms, social services offices, day care for children, and/or a center for the elderly on the upper or lower levels.



AERIAL VIEW OF MARKET SQUARE

*The market building is an important component of the success of the Market Square. This building will provide cover for markets in winter and inclement weather. There are many craft, art and antique markets that require cover because of the value of the products. Important markets, such as at Christmas require cover. It is also important to maintain the continuity of markets so that people get used to patronizing them.*



*To respond to these and many more ideas from the workshop, a draft plan was developed that includes places for new commercial buildings (retail and offices), public market, public buildings, light industry and housing.*

#### PHOENIX CITY CENTER PLAN

#### 4.2. Public Buildings

An important component of the central area includes the development of public uses. Public buildings are significant draws for people and events. As new public uses are contemplated, they should be considered for location in the Market Square area. A greater intensity and mixture of uses concentrated in this area will make for a dynamic and interesting Center. People often visit a Center for a particular task or event and become interested in other things that are available there. Public buildings appropriate to the Center in addition to the market building could include meeting rooms, social services, craft center, day care, etc. The variety of public and private opportunities is the mark of a successful Center.

#### 4.3. Wetland Park:

The wetland adjacent to Bear Creek Drive will be used to attract people into the Center. The present ponds are repositioned and redesigned to provide an Interpretive Center that describes a wetland's role in nature, with living and visual displays interesting to children and adults. The plan shows a boardwalk and trellis surrounding the wetland to facilitate viewing the displays and to provide places to walk and sit in the shade. The wetlands will have a park-like atmosphere with the cooling effects of water. Numerous shops, restaurants, cafes and some housing will also be adjacent to the boardwalk, creating a pleasing place to shop, eat and live.

#### 4.4. Bear Creek and Bear Creek Greenway:

The Bear Creek Greenway is already part of a regional plan. When it is completed, this recreational link with Ashland and Medford will be a significant attraction for people stopping to explore the Center of Phoenix. Strong entrances (3), including stairs and a tunnel, to the Center from the Greenway is very important to let people know that there are events of interest in the downtown.

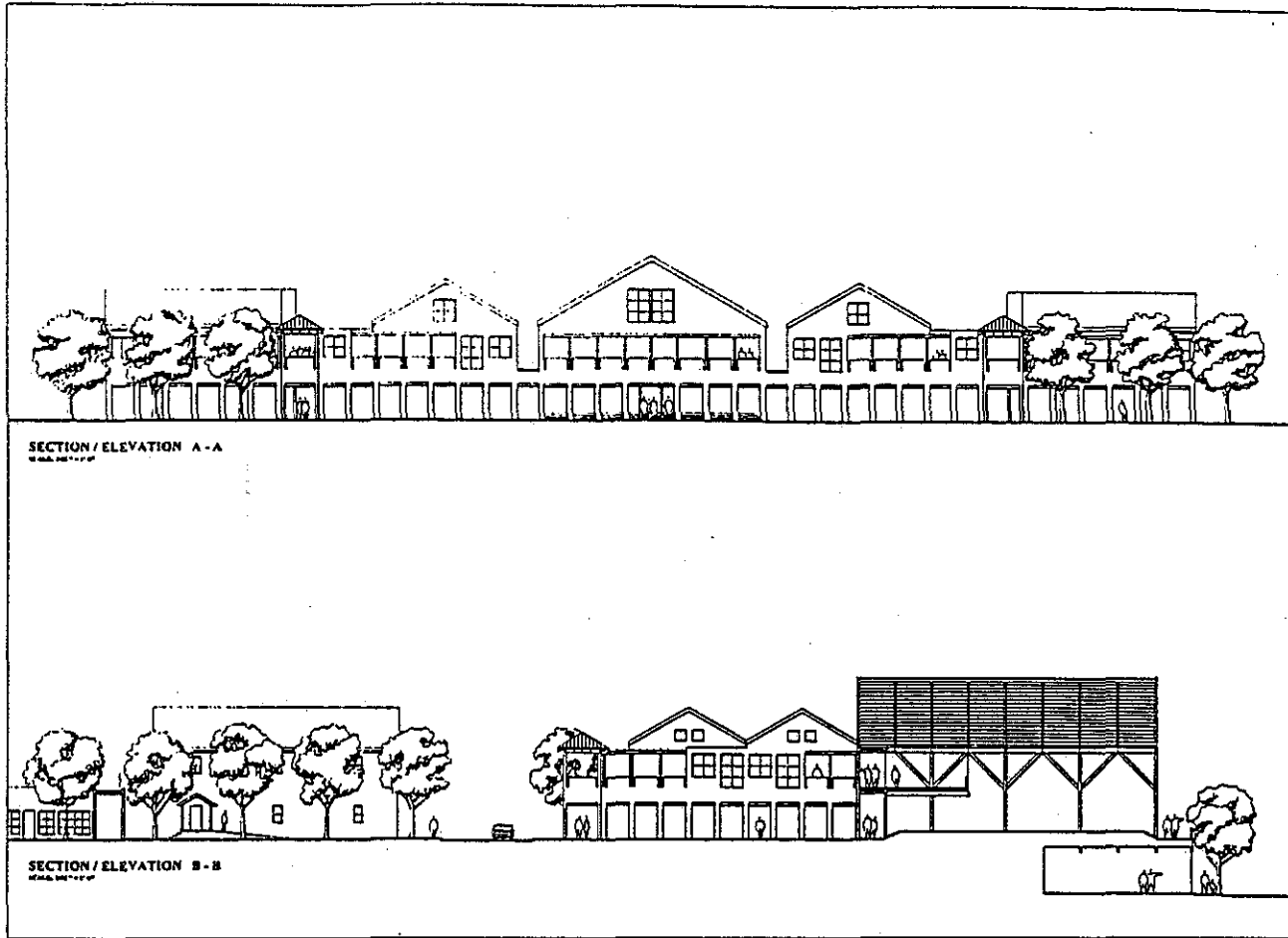
In addition, Bear Creek itself can be a source of interest if a section of it were to be made into a catch and release fishing stream for children. Considerable improvement of the stream bed for trout habitat would need to be undertaken, but as a draw for families this would be a significant event.

*The wetlands will have a park-like atmosphere with the cooling effects of water. Numerous shops, restaurants, cafes and some housing will also be adjacent to the boardwalk, creating a pleasing place to shop, eat or live.*



*The intensity and mixture of uses concentrated in the Market Square area will make for a dynamic and interesting Center. People often visit a Center for a particular task or event and become interested in other things that are available.*

VIEW OF MARKET SQUARE FROM SECOND STREET



ELEVATION AND SECTION OF MARKET SQUARE



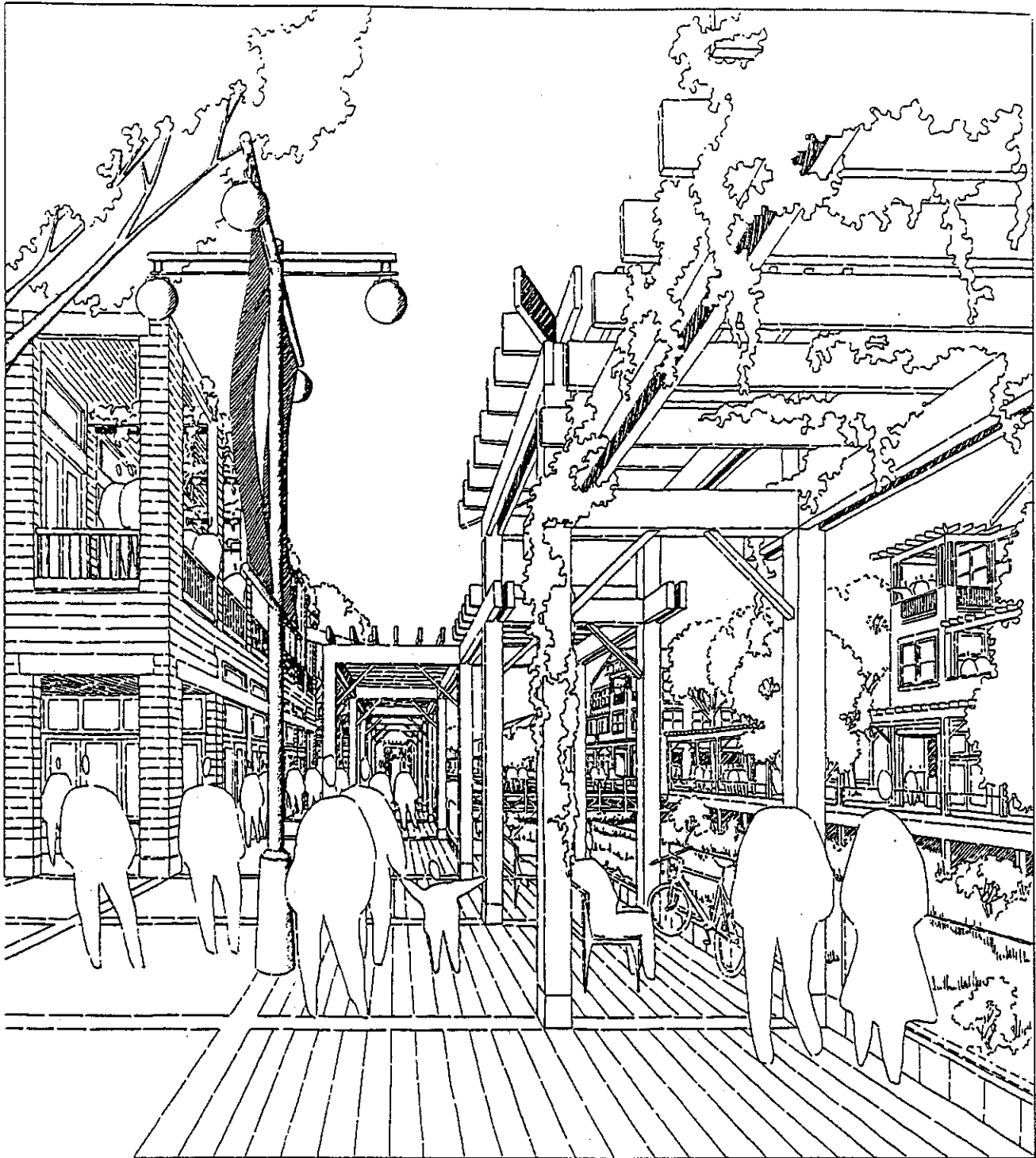
#### 4.5. Commercial and Housing

Proposed is approximately 180,000 square feet of new commercial (shops and offices) Housing of a variety of sizes of units appropriate for low, median and middle income levels is proposed. The majority of this housing is situated above commercial. Housing in the Center can be for rent or for purchase. Proposed are approximately 250 to 300 housing units of various sizes.

#### 4.6 Transportation Modes

The successful town Center will provide for alternate modes of transportation. The Plan establishes a balance between automobiles, pedestrians and bicycles. The parking street will provide for additional cars, increasing automobile access into the City Center. The Market Square, Wetlands Park, Boardwalk and wider sidewalks will make the area attractive for pedestrians. Each part of the Center should provide places for people to sit, in the sun or under cover. Covered bus stops with benches should also be part of the implementation of the pedestrian component of the Plan. Bicycle lanes on Main Street and Bear Creek Parkway and bicycle parking adjacent to mixed use buildings will support bicycle usage.

*The parking street provides for additional cars, increasing automobile access into the City Center. The Market Square, Wetlands Park, Boardwalk and wider sidewalks will make the area more attractive for pedestrians.*



*The plan shows a boardwalk and vine covered trellis surrounding the wetland to facilitate viewing the displays and to provide places to walk and sit in the shade. .*

VIEW OF WETLAND PARK AND ADJACENT MIXED USE BUILDINGS



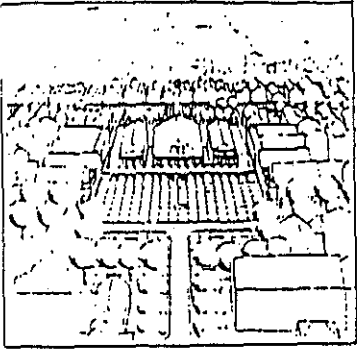
KEY

1. FIRST STREET
2. SECOND STREET
3. THIRD STREET
4. CHURCH STREET
5. MAIN STREET
6. MARKET SQUARE
7. PARKING STREET
8. WETLANDS / BOARDWALK
9. BEAR CREEK DRIVE
10. BEAR CREEK TUNNEL
11. BEAR CREEK GREEN WAY
12. BEAR CREEK
13. PEDESTRIAN BRIDGES
14. PARKS



PHOENIX CITY CENTER PLAN - CENTRAL AREA

*This Plan balances between automobiles, pedestrians and bicycles. The parking street provides for additional cars in the Center, increasing automobile access into the City Center.*



## INTRODUCTION

PROCESS

CONCEPTS

DESIGN

MARKETING

IMPLEMENTATION

APPENDIX

*The Market Square to be successful needs to have services, commercial and housing around it. The additional commercial to be successful needs the draw of the Market Square and Wetlands Park.*

## 5. IMPLEMENTATION

### 5.1 Phasing:

As previously mentioned phasing of public components and new buildings in the central area is crucial. For the Market Square to be successful, it needs to have services and commercial and housing around it. For the additional commercial to be successful, it will need the draw of the Market Square and Wetlands Park. It is important that the City take an active role in encouraging development that supports the priorities of the Plan. However, it is an advantage to have a Plan that gives direction to an individual or developer initiated project out of the phasing sequence.

Two alternative phasing strategies are described. Each has its advantages. A final phasing plan should be a major product of the second phase of the City Center Plan. The first is preferable, because it would make the greatest impact economically and visually on the Center in the shortest time. This intensity of phasing would probably be effected by private developers.

The second method of phasing is perhaps more easily accomplished by a community based effort. This level of development might be accomplished by a combination of CDC and a private developer with a significant initial contribution by community volunteers.

#### Phasing Plan #1

5.1.1. Market Square, market building, public buildings and adjacent mixed use buildings around the square and along Main Street - including landscaping.

5.1.2. Parking street north and adjacent mixed use buildings  
Parking street south and adjacent mixed use buildings

5.1.3. Wetland Park North and the adjacent mixed use buildings including board walk and trellis. Wetland Park South and the adjacent mixed use buildings including board walk and trellis.

## Phasing Plan #2

### 5.1.4. Market Square

Starting with the NW corner of Second and Main Streets adjacent to the Grange.

Followed by the SW corner of Second and Main Streets across Second Street

Then the E side of Main Street

### 5.1.5. Parking Street

North of First Street

South of First Street

5.1.6. Buildings Adjacent to the Market Square, including the market building

5.1.7. Wetland Park - design and implementation

5.1.8. Mixed use Buildings adjacent to the Wetland Park, including the boardwalk and trellis

## 5.2 Goals and Policies for the Center

5.2.1. Support small development projects for individual buildings that occupy a majority of the Center.

Most commercial development today is undertaken by specialist developers. This has the advantage of providing places for shops and offices with a minimum of involvement by merchant or office occupiers.

However, the disadvantage of this common arrangement is that there is a tendency for repetitious large scale buildings of dubious quality.

Usually specialist developers do not want to undertake mixed use projects because they are outside their expertise.

It is our view that a more successful outcome for the Center can be achieved by encouraging individual buildings on small lots (approximately 5,000 sq. ft.) This is a more traditional way to build up a Center; it encourages individual ownership and better quality buildings.

5.2.2. Consider siting public buildings adjacent to the Market Square and/or Wetland Park.

Public services are a major draw in the downtown. This type of use will strongly support the diversity of activities in the Center.

It is also a type of use that ensures activity in the Center and provides assurance to potential developers and owners that the Center will continue to be economically viable. It is difficult to over emphasize the importance of concentrating this type of use in the Center if the goal is to make a vital downtown. As discussions on siting public buildings occur, it is important that decision makers bear in mind the opportunity that these buildings represent to the vitality of the Center.

5.3. Adopt Design Standards to improve the quality of the new Center and developer certainty.

Attached to the appendices of this document are draft Design Standards. These Standards make visible to potential developers and individual owners the ideas and values of the residents of Phoenix. This information provides a considerable advantage for the owner of a potential project, because it increases certainty that having followed the standards, they will obtain planning approval in a timely manner.

The advantage for Phoenix residents is that the Standards represent their vision for the character and quality of the new Center. This consensus vision is articulated in the Standards and any potential developer must fulfill these Standards to obtain planning permission.

5.4. Support economic studies of the Center to provide potential developers more information about demographics, types of markets and markets for their tenant's products.

5.5. Develop implementation tools such as Community Development Corporation, Economic Improvement District, and Parking District.

We recommend that the City of Phoenix assist in the formation of a nonprofit Community Development Corporation. The CDC can be established to undertake nonprofit housing and commercial development that fits the community.

Housing at various income levels is an important component of a successful downtown. A community Development Corporation would be able to develop housing at various income levels from 60% of median income or below to market rate.

The CDC provides control over the type and quality of housing and commercial development in the Center. It is also conducive to undertaking smaller scale projects with social value.

We also recommend that the City of Phoenix examine the potential for an Economic Improvement District, and a Parking District.

5.6. Hire a Market Manager to initiate, market and coordinate types of markets and events. This person can also have responsibility for scheduling the market building and maintenance of the Wetland Park. The position can be self supporting from market, and market building revenues and wetland exhibition fees.

5.7. Initiate volunteer projects to begin rehabilitation of the Center.

5.7.1. Market square

Purchase and paving of land adjacent to the Grange at Second and Main and /or the land across Second Street to provide the beginning of the Market Square. The quality and scale of materials for paving the Square are important. Our suggestion is that brick in a pattern be interspersed in rows with concrete pavers be used for the paving. A campaign to obtain free or low cost materials can be undertaken to minimize the cost of paving the Square.

Action: Utilizing volunteer labor, undertake the first , second and third phases of the Market Square

#### 5.7.2. Wetlands Park

Hire a wetlands landscape specialist to work with interested residents to design a phased plan for the Wetlands Park

Action: With volunteer labor undertake the first phase of the park

#### 5.7.3. Tree Planting

Develop a phased tree planting plan and a timeline for the whole of the central area

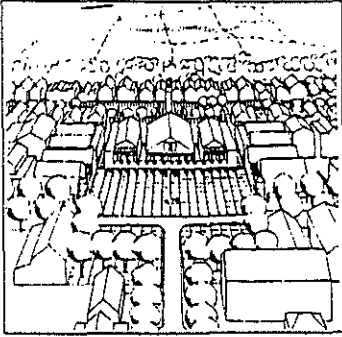
Action: With volunteer labor undertake the first phase of the tree planting plan.

#### 5.7.4. Trout Ponds in Bear Creek

Work with the Fish and Game Department and Corps of Engineers to develop a plan for improving the Bear Creek trout habitat and access for children.

Action: With volunteer labor undertake the first phase of the plan





## 6. APPENDIX

### 6.1. Design Standards

SEE ATTACHED DESIGN STANDARDS

INTRODUCTION

PROCESS  
CONCEPTS  
DESIGN  
MARKETING  
IMPLEMENTATION

**APPENDIX**

## 6.2. Supporting Materials From Workshop

### Phoenix Vision

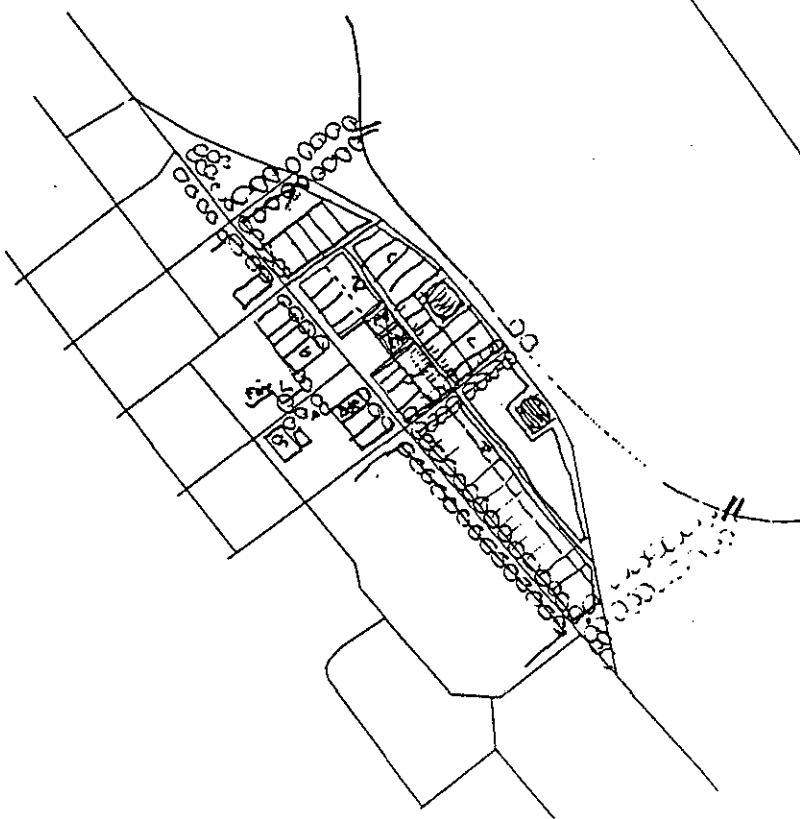
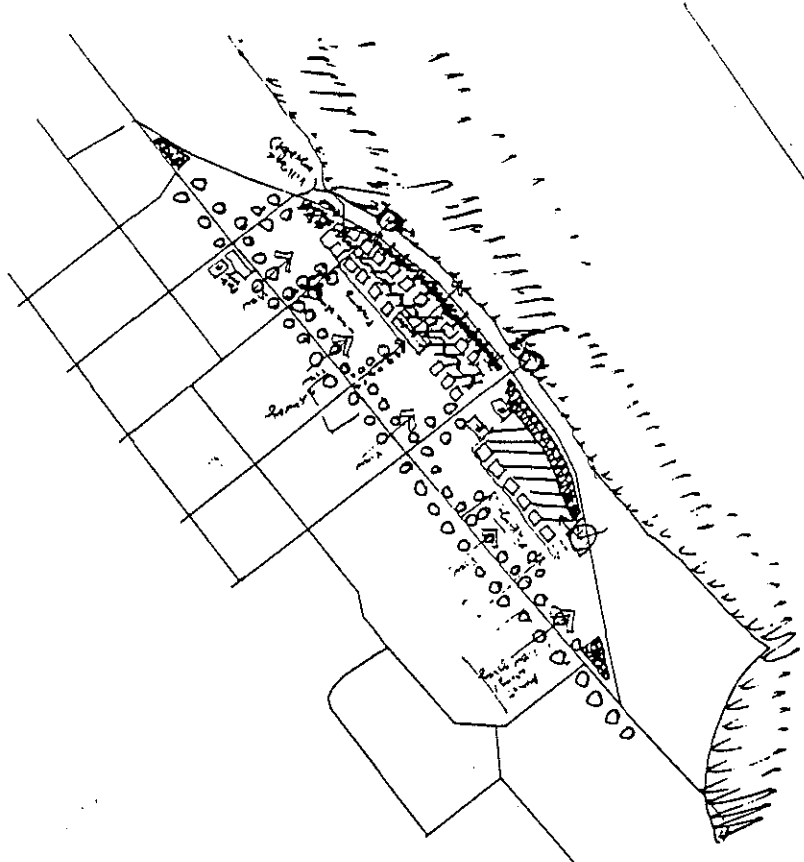
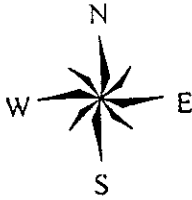
1. Rural and green
2. Home town "unpretentious"
3. Farm Community, log houses, churches, trees, old homes, historic buildings
4. Defining works: clapboard, hometown, green orchard, rural, greenway
5. Overall vision - Bedroom community, non polluting industry, rural setting, bicycles
6. A Phoenix look - park, shops, businesses hidden in bedroom community
7. Mix of businesses, rather than limited or defined
8. Look of businesses consistent with farm community
9. Want people in the Center at all times (of day and night)

### Charrette Drawings (3)



CONCEPT SKETCH OF WETLANDS BOARDWALK

# City Center



CHARRETTE PLANS #1 & #2

## Appendix A-11

### Timber Products PSEL Agreement

# VOLUNTARY PLANT SITE EMISSION LIMIT REDUCTION AGREEMENT

This Agreement is between Timber Products Co. Limited Partnership, the Oregon Department of Environmental Quality (Department), and the Environmental Quality Commission (EQC). The Department has the authority to enter into this Agreement under ORS 368.035. This Agreement is effective concurrent with the date of last signature.

## RECITALS

1. This Agreement affects the Air Contaminant Discharge Permit and Oregon Title V Operating Permit No. 15-0025, issued to Timber Products Co. Limited Partnership, currently on file with the Department. This permit authorizes Timber Products to discharge a total of 228 tons per year of PM10 emissions in conformance with the requirements, limitations and conditions set forth in the permit. This allowable Plant Site Emission Limit (PSEL) represents the Baseline Emission Rate with Rule Adjustment Corrections as specified in permit No. 15-0025.
2. Timber Products has agreed to an emission reduction of at least a 90 percent in PM10 emissions from particleboard press vents at Timber Products as an emission control strategy in the 1998 PM10 attainment plan for the Medford-Ashland Air Quality Maintenance Area (AQMA). It is expected that this reduction will occur no later than November, 2003.
3. Timber Products Co. and the Department recognize that the emission tonnages in permit 15-0025 may be subject to future emission factor revision or recalculation as a result of more current or updated emissions data. Increased emissions that occur as a result of such revisions or recalculations, excluding emissions that are the result of increased production reflected in permit modifications, will not be considered a violation of permit 15-0025 and will be accommodated through permit revision.

4. The emission reductions referred to in this agreement are intended solely to benefit the airshed and are not available for use by a third party.

#### AGREEMENTS

5. Timber Products Co. agrees to temporarily reduce its PM10 PSEL by 79 tons per year from permit No. 15-0025 until the expected 90 percent reduction in particleboard press vent emissions is achieved.

6. Based on the agreement referred to in paragraph 5 of this Agreement, the PSEL for Timber Products Co., permit No 15-0025 will be adjusted to 149 tons per year PM10 emissions until the expected 90 percent reduction in PM10 particleboard press vent emissions is achieved and verified by the Department.

7. The temporary PSEL reduction specified in paragraphs 5 and 6 of this Agreement will be incorporated as a permit condition into the Oregon Title V Operating Permit, No. 15-0025 when it is renewed on or before April 1, 2001.

8. Any additional voluntary reduction of PSEL by Timber Products Co. shall be addressed through this Agreement.

9. This Agreement is binding on the parties and their respective successors, agents, and assigns. The undersigned representative of each party certifies that he or she is fully authorized to execute and bind such party to this Agreement. No change in ownership or corporate or partnership status relating to the facility may in any way alter Timber Products obligations under this Agreement, unless otherwise approved in writing by the Department.

10. This Agreement and associated permit condition expire when the expected 90 percent reduction in PM10 particleboard press vent emissions is achieved and verified by the Department. Upon expiration of this Agreement, the 79 tons per year of PM10 emissions shall be restored to permit No. 15-0025, and the PSEL for Timber Products, permit No. 15-0025 will be reduced to reflect the 90 percent reduction in PM10 press vent emissions.

SIGNATURES

TIMBER PRODUCTS Co.

6-16-93

Date

Chuck Smith

DEPARTMENT OF ENVIRONMENTAL QUALITY

IT IS SO ORDERED

6-5-93

Date

Langdon Marsh  
Langdon Marsh, Director

## Appendix A-12

### Local Ordinances in Support of PM<sub>10</sub> Plan



BEFORE THE BOARD OF COMMISSIONERS OF JACKSON COUNTY OF THE STATE OF OREGON

IN THE MATTER OF AMENDING CHAPTER 1810 OF )  
THE CODIFIED ORDINANCES OF JACKSON COUNTY )  
TO PROVIDE FOR THE ENACTMENT OF A RESTRIC- )  
TION ON WOODBURNING ON HIGH POLLUTION DAYS )

ORDINANCE No. 90-4

WHEREAS, the health, safety, and welfare of the citizens of Jackson County are adversely affected by the degradation of the air quality within the Medford-Ashland Air Quality Maintenance Area; and

WHEREAS, wood combustion for space heating produces particulate matter which is physically harmful, aesthetically unpleasant, and contributes to the degradation of the air quality;

NOW THEREFORE, the Jackson County Board of Commissioners hereby ordains as follows:

Section 1.

Ordinance No. 86-5, entitled "The Codified Ordinances of Jackson County, 1985," is amended by amending Section 1810.01, adding Section 1810.04, and amending Section 1810.05, providing for the enactment of a restriction on emissions from solid fuel burning devices. The sections amended and added shall read as follows:

**SECTION 1810.01. DEFINITIONS**

As used in this chapter:

- (a) "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit by raising, harvesting, and selling crops or by raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose.
- (b) "Agricultural waste" means any material actually generated or used by an agricultural operation but excluding those materials described in Section 1810.07(d) of this Chapter.
- (c) "Board" means the Board of County Commissioners.
- (d) "Critical PM<sub>10</sub> Control Area" means that part of the County specifically identified by the Board as the Critical PM<sub>10</sub> Control Area. A map and written description of the Critical PM<sub>10</sub> Control Area are included as Exhibits "A" and "B" respectively, following the text of this Chapter.

- (e) "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ) or the Jackson County Department of Health and Human Services. In the event more than one consecutive days are designated as red or yellow, they shall all be considered a part of the same period.
- (f) "Medford-Ashland Air Quality Maintenance Area" (hereinafter referred to as AQMA) means that part of the County specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area, that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the AQMA are included as Exhibits "C" and "D," respectively, following the text of this chapter.
- (g) "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.
- (h) "Open Burning" means burning in burn barrels or incinerators, open outdoor fires, and any other burning where combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
- (i) "Oregon certified stove" means a solid fuel burning device certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-21-115.
- (j) "PM10" means airborne particles ranging from .01 to 10 microns in size, the breathing of which can be harmful to the human respiratory system.
- (k) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM<sub>10</sub> levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be 130 ug/m<sup>3</sup> and above.
- (l) "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.
- (m) "Residential Woodburning" means utilization of wood in a solid fuel heating device inside a residence.
- (n) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed, furnace or heating system utilizing oil, natural gas, electricity, or propane.
- (o) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning

stoves, fireplaces, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

- (p) "Space Heating" means raising the interior temperature of a room.
- (q) "Trackout" means the deposit of mud, dirt, and other debris on paved public roadways by motor vehicles. "Trackout" also means the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic where it becomes a part of the total suspended particulate level.
- (r) "Ventilation Index" means the National Weather Service's indicator of the relative degree of air circulation for a specified area and time period.
- (s) "Waste" means discarded or excess material, including:
  - (1) Agricultural waste resulting from farming or agricultural practices and operations; and
  - (2) Nonagricultural waste resulting from practices and operations, other than farm operations, including industrial, commercial, construction, demolition, and domestic wastes and yard debris.
- (t) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the  $PM_{10}$  levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to be  $91 \text{ ug}/\text{m}^3$  and above but less than  $130 \text{ ug}/\text{m}^3$ .

#### SECTION 1810.04 SOLID FUEL BURNING DEVICE EMISSION STANDARD

- (a) Within the Critical  $PM_{10}$  Control Area, no person owning or operating a solid fuel burning device shall at any time cause, allow, or discharge emissions from such device which are of an opacity greater than fifty (50) percent.
- (b) The provisions of this subsection shall not apply to emissions during the starting or refueling of a new fire for a period not to exceed 30 minutes in any four-hour period.
- (c) For the purposes of this section opacity percentages shall be determined by a certified observer using the standard visual method listed in 40 CFR 60A, Method 9, or operation of equipment approved by the Jackson County Department of Health and Human Services that is known to produce equivalent or better accuracy.

SECTION 1810.05 RESTRICTION OF WOODBURNING AND EMISSIONS ON HIGH POLLUTION DAYS

(a) Operation of Solid Fuel Burning Device Prohibition

- (1) The operation of a solid fuel burning device within the Critical PM<sub>10</sub> Control Area during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 1810.05(b) of this Chapter. A presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney after a time period of three hours has elapsed from the time of declaration of the high pollution period.
- (2) Notwithstanding subsection (a)(1) of this section, the operation of an Oregon Certified solid fuel burning device shall be permitted during a high pollution period so long as no visible emissions of smoke are discharged through a flue or chimney after a time period of three hours has elapsed from the time of the declaration of the high pollution period. The provisions of this subsection shall not apply to emissions of smoke during the starting or refueling of a fire for a period not to exceed 30 minutes in any four-hour period.
- (3) After two years from the effective date of this ordinance, no property owner within the Critical PM<sub>10</sub> Control Area shall rent or lease a residential unit that is not equipped with a secondary source of heat other than a solid fuel burning device, unless the landlord has a valid exemption under Section 1810.05(b)(2) of this Chapter. Should a violation of this section occur it shall be attributable to the property owner and not to the tenant or lessee.

(b) Exemptions

It is permissible for a household to operate a solid fuel burning device within the Critical PM<sub>10</sub> Control Area during a high pollution period when the head of that household has obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year.

- (1) **Economic Need:** An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Federal Department of Energy Low-income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS Inc. or its successor.
- (2) **Sole Source:** An exemption may be issued to the heads of households who sign a statement declaring their reli-

ance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this ordinance, unless the residence is approved for installation of an alternative heating source through the Jackson County Wood Smoke Abatement CLEAR program guidelines or in the absence of the CLEAR program when, the head of the household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this Chapter, may continue to rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this ordinance.

- (3) Special Need: Upon a showing of special need, as further defined by administrative rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section 1810.05 (a)(1) and (2) of this Ordinance. "Special need" shall include, but not be limited to occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

(c) Administrative Rules

The County Administrator shall develop administrative rules setting out the requirements necessary to qualify for the exemptions described herein and specifying the manner in which the ordinance will be enforced.

Dated this 2nd day of May, 1990.

APPROVED AS TO FORM:

JACKSON COUNTY BOARD OF COMMISSIONERS

Arminida Brown  
County Counsel

Sue Kupilas  
Sue Kupilas, Chair

ATTEST:

Katharine F. Bate  
Recording Secretary

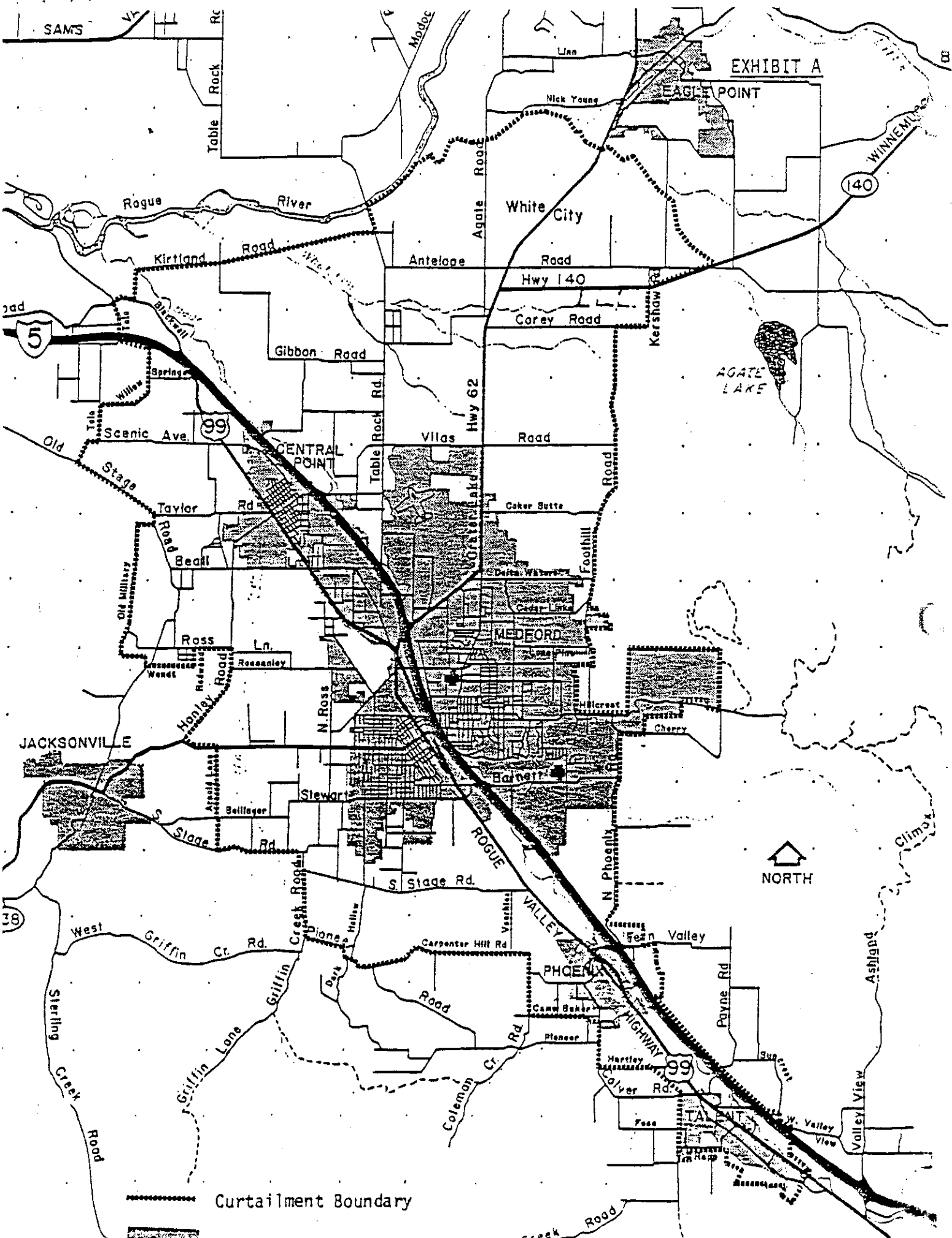


EXHIBIT A

140

5

99

Hwy 62

99

38

Curtailment Boundary

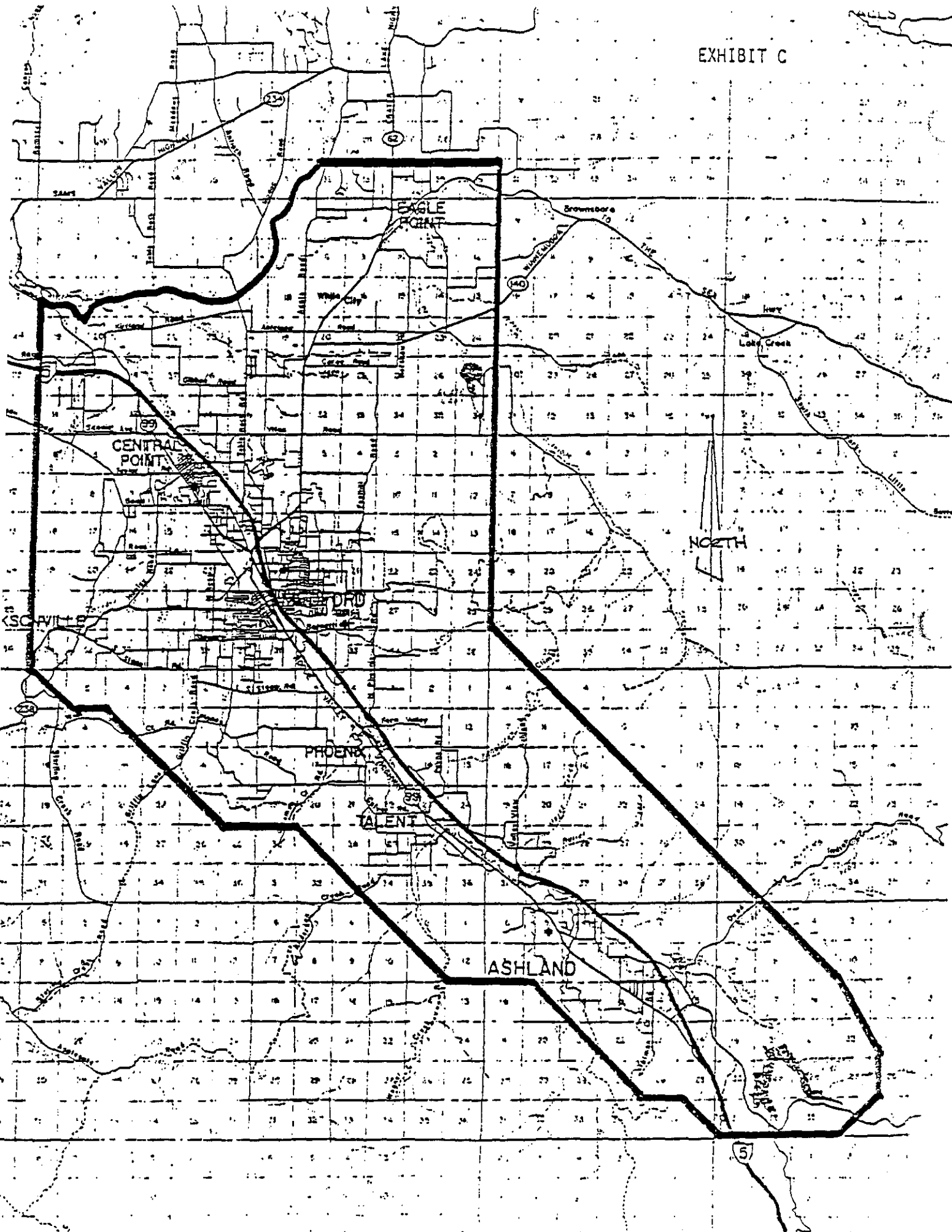


NORTH

## PROPOSED CURTAILMENT BOUNDARY - JACKSON COUNTY

Beginning on I-5 and Tolo Road, crossover north on Tolo Road to Old Hwy 99. East on Old Hwy 99 to Kirtland Road. Northeasterly on Kirtland Road to Tablerock Road. North on Tablerock Road to the Rogue River. Northeasterly along the southern bank of the Rogue River to the mouth of Little Butte Creek. Northeasterly along Little Butte Creek to Antelope Creek. Southeasterly along Antelope Creek to Dry Creek. Southeasterly on Dry Creek to Hwy 140. Southwesterly on Hwy 140 to Kershaw Road. South on Kershaw Road to Corey Road. West on Corey Road to Foothill Road. South on Foothill Road to Medford Urban Growth Boundary (UGB) (near Delta Waters Road). Follow eastern UGB south to North Phoenix Road. South on North Phoenix Road to Phoenix UGB. Follow eastern UGB south to I-5. Southeasterly on I-5 to Talent UGB. Follow the eastern southern and western UGB until intersection with Southern Pacific Railroad track. Southern Pacific Railroad track north to Hartley Lane. West on Hartley Lane to Talent-Phoenix Road. North on Talent-Phoenix Road to Phoenix UGB. West along southern boundary of Phoenix UGB to Camp Baker Road. West on Camp Baker Road to Coleman Creek Road. North on Coleman Creek Road to Carpenter Hill Road. West on Carpenter Hill Road to Pioneer Road. Northwest on Pioneer Road to Griffin Creek Road. North on Griffin Creek Road to Medford UGB. North along Medford UGB to South Stage Road. West on South Stage Road to Arnold Lane. North on Arnold Lane to Jacksonville Hwy. West on Jacksonville Hwy to Hanley Road. Northeast on Hanley Road to Ross Lane. West on Ross Lane to Redwood Drive. South on Redwood Drive to LaPine Avenue. West on LaPine Avenue to Old Stage Road. North on Old Stage Road to Old Military Road. North on Old Military Road to Old Stage Road. Northwest on Old Stage Road to Scenic Avenue. Northwest on Scenic Avenue to Tolo Road. North on Tolo Road to Willow Springs Road. East on Willow Springs Road to Ventura Lane. North on Ventura Lane to I-5. Northwest on I-5 to crossover of Tolo Road.

EXHIBIT C





## BOUNDARY DESCRIPTION

## MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

The Medford-Ashland Air Quality Maintenance Area is defined as beginning at a point approximately one mile NE of the town of Eagle Point, Jackson County, Oregon, at the NE corner of Section 36, T35S, R1W; thence south along the Willamette Meridian to the SE corner of Section 25, T37S, R1W; thence SE along a line to the SE corner of Section 9, T39S, R2E; thence SSE to the SE corner of Section 22, T39S, R2E; thence south to the SE corner of Section 27, T39S, R2E; thence SW to the SE corner of Section 33, T39S, R2E; thence west to the SW corner of Section 31, T39S, R2E; thence NW to the NW corner of Section 36, T39S, R1E; thence west to the SW corner of Section 26, T39S, R1E; thence NW along a line to the SE corner of Section 7, T39S, R1E; thence west to the SW corner of Section 12, T39S, R1W; thence NW along a line to the SW corner of Section 20, T38S, R1W; thence west to the SW corner of Section 24, T38S, R2W; thence NW along a line to the SW corner of Section 4, T38S, R2W; thence west to the SW corner of Section 5, T38S, R2W; thence NW along a line to the SW corner of Section 31, T37S, R2W; thence north along a line to the Rogue River, thence north and east along the Rogue River to the north boundary of Section 32, T35S, R1W; thence east along a line to the point of beginning.



# JACKSON COUNTY OREGON

10 S. OAKDALE • MEDFORD, OREGON 97501

## BOARD OF COUNTY COMMISSIONERS

Ric Holt (541) 776-7234  
Jack Walker (541) 776-7235  
Sue Kupillas (541) 776-7236  
FAX # (541) 776-7565

February 6, 1996

Fruit Growers League  
766 South Grape Street  
P.O. Box 27  
Medford, Oregon 97501

Dear Fruitgrowers League:

This letter is to grant the Fruit Growers an exception to the Jackson County Wood Smoke and Open Burning Ordinance through February, 1996. This exemption would be in effect only when the ventilation index is over 200 and it is a green burn day.

During the exemptions in the last six year, air quality standards have not been exceeded. The benefits of this exemption have allowed orchardists to dispose of orchard waste in a timely manner without excessive expense. The stacking of branches to delay disposal has been avoided, thus preventing a host place for insects, rodents and creating a fire hazard. This exemption period allows the open burning season to start over an extended period rather than a sudden start up on the first day of March.

It is understood that new practices and equipment will be employed to avoid open burning whenever possible and that open burning will be used only in hardship cases where the orchard is too small to employ other methods.

Enclosed is documentation of the annual orchard waste, the amount disposed of by open burning and the amount burned during the February exemption. The documentation shows that there is a concerted effort to avoid burning.

There is also evidence that the orchardists have worked to burn clean and hot so there is a minimum of smoke in the air.

The Jackson County Board of Commissioners will grant this exemption under the specific conditions as follows:

- ▶ *The burning index is over 200 and it is a green day.*

RECEIVED  
FEB 14 1996

AIR QUALITY DIVISION  
Dept. Environmental Quality

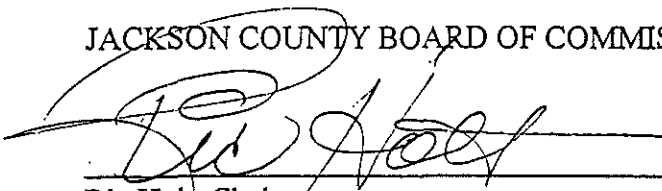
- ▶ *That no other method is economically feasible in a timely manner.*
- ▶ *That the Fruit Growers will NOT ask the Board of Commissioners for another TEMPORARY EXEMPTION, as it is understood that 1996 is the last year.*

Under these conditions, the Fruit Growers League is granted an extension for 1996.

It is also understood that if the Fruit Growers wish to change the federal regulations governing the Environmental Quality Commissions administrative rules permanently that they will pursue the process.

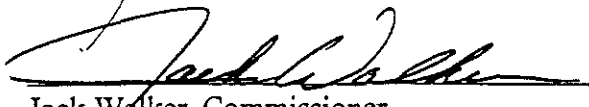
Sincerely,

JACKSON COUNTY BOARD OF COMMISSIONERS



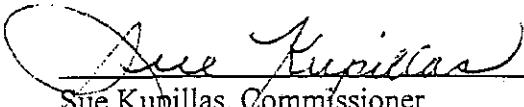
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Ric Holt, Chairman



---

Jack Walker, Commissioner



---

Sue Kupillas, Commissioner

Reg

BEFORE THE BOARD OF COMMISSIONERS  
STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF ALLOWING )  
ORCHARDISTS TO OPEN BURN ) ORDER NO. 30-94  
DURING THE MONTH OF FEBRUARY )

WHEREAS, Jackson County has adopted a woodsmoke and open burning ordinance; and

WHEREAS, Order 27-91 was adopted to allow orchardists to open burn during the month of February as long as the index is over 200 and it is a green burn day; and

WHEREAS, Order 345-91 was adopted to allow orchardists to open burn during the month of February through 1993.

NOW, THEREFORE,

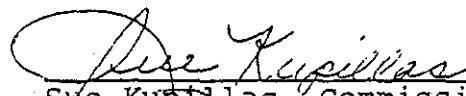
The Board of County Commissioners of Jackson County ORDERS:

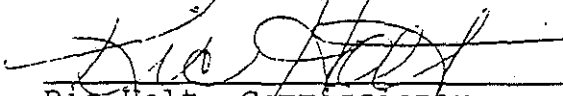
The orchardists of the Rogue Valley are allowed to continue open burning during the month of February as long as the index is over 200 and it is a green burn day through February 1995.

DATED this 26th day of January, 1994, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

  
Hank Henry, Chair

  
Sue Kupillas, Commissioner

  
Ric Holt, Commissioner

# FRUIT GROWERS LEAGUE

766 S. GRAPE ST. • P.O. BOX 27  
MEDFORD, OREGON 97501  
(503) 773-1060 or (503) 773-4088  
FAX (503) 779-0465

January 18, 1996

Jackson County Oregon  
Board of County Commissioners;

Jackson County Fruit Growers have been allowed to burn orchard waste during the month of February as long as the ventilation index is over 200 and it is a green burn day. This exemption from the Jackson County Wood Smoke and Open Burning Ordinance has been provided by Order #27-91 through February 1993 and then extended by Order #30-94 through February 1995.


During this five year exemption period air quality standards have not been exceeded. The benefits of this exemption have allowed orchardists to dispose of orchard waste in a timely manner without excessive expense. The stacking of branches to delay disposal has been avoided, thus preventing a host place for insects, rodents and the fire hazard. This exemption period allows the open burning season to start over an extended period rather than a sudden start up on the first day of March. New practices and equipment have been employed to avoid open burning, however there still remains a small percentage of orchard waste that is best disposed of by open burning.

To document the amount of waste generated by orchards here in Jackson County and the needs for disposal, the Fruit Growers League conducted a survey of orchard waste in 1995. There was a response from eighteen growers representing 7752 acres of an estimated 8500 acres of pear orchards in Jackson County. The results are as follows:

1. The annual orchard waste produced is - 15,084 tons
2. The amount of orchard waste disposed of by means other than open burning (disking, chopping, biomass ect.) - 13,744 tons
3. The amount of orchard waste disposed of by open burning - 1,057 tons
4. The amount of orchard waste disposed of by open burning during the February exemption period - 283 tons

Recognizing the importance and success of the February Exemption Period from the Jackson County Burning Ordinance the Board of Directors of the Jackson County Fruit Growers League cast a unanimous vote to support making this exemption permanent.

Therefore, the support of the Jackson County Commissioners is requested to extend the temporary exemption to allow growers to continue open burning while the necessary steps are made to make it permanent.

  
David Culbertson, President

ORDINANCE NO. 6484

AN ORDINANCE amending Chapter 7 of the Code of Medford by adding new sections 7.220 through 7.228 pertaining to woodburning restrictions.

WHEREAS, the health, safety, and welfare of the citizens of Medford are adversely affected by the degradation of the air quality; and

WHEREAS, wood combustion for space heating produces particulate matter which is physically harmful, aesthetically unpleasant, and contributes to the degradation of the air quality; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Chapter 7 of the Code of Medford is amended by adding new sections 7.220 through 7.228 pertaining to woodburning restrictions to read as follows:

"7.220 Definitions.

For purposes of Sections 7.220 through 7.228, the following definitions shall apply:

(1) "Alternative heat source" means a heat source other than a solid fuel burning device.

(2) "High pollution period" means a period of time commencing three hours after designation as a red or yellow day by the Oregon Department of Environmental Quality (hereinafter referred to as DEQ). In the event that DEQ designates consecutive days as red or yellow, they shall all be considered a part of the same period.

(3) "Medford-Ashland Air Quality Maintenance Area" means that part of the County specifically identified by DEQ as an air quality maintenance area, that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the Medford-Ashland Air Quality Maintenance Area

(hereinafter referred to as AQMA) are included as Exhibits "A" and "B" respectively, following the text of this ordinance.

(4) "Oregon certified stove" means a woodstove certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-21-115.

(5) "Red day" means a 24 hour period beginning at 7:00 a.m. when  $PM_{10}$  levels are forecast by the DEQ to be  $130 \text{ ug/m}^3$  and above in the AQMA.

(6) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.

(7) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

(8) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the  $PM_{10}$  levels are forecast by the DEQ to be  $91 \text{ ug/m}^3$  and above but less than  $130 \text{ ug/m}^3$  in the AQMA.

7.222 Operation of Solid Fuel Burning Device Prohibition.

(1) The operation of a solid fuel burning device during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 7.224. A rebuttable presumption of a violation for which a citation shall be issued shall arise if smoke is being discharged through a flue or chimney at any time during a high pollution period.

(2) After two years from the effective date of this Section, no property owner shall rent or lease a residential unit unless such unit is equipped with an alternative heat source complying with ORS 91.770. If the landlord violates this subsection (2), the tenant shall not be charged with any violation of subsection (1).

7.224 Exemptions.

It is permissible for a household to operate a solid fuel burning device during a high pollution period when the head of that household has previously obtained one of the following exemptions and possesses a certificate issued by the City granting the exemption. Exemptions granted under this section shall expire on September 1 of each year:

(1) Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Low-Income Energy Assistance Program (hereinafter referred to as L.E.A.P.), as administered by ACCESS, Inc. and as established by the United States Department of Energy.

(2) Sole Source: An exemption may be issued to the heads of households who sign a sworn statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after two years from the effective date of this Section unless the residence is approved for installation of an alternative heating source through the Jackson County Wood Smoke Abatement CLEAR program guidelines.

(3) Oregon Certified Stoves: An exemption may be issued to the heads of households for the operation of an Oregon Certified Stove in a residence on a day declared to be a yellow day by the DEQ. The operation of an Oregon certified stove shall be prohibited on a day declared to be a red day by the DEQ unless some other exemption applies and has been granted.

7.226 Abatement; Legal Proceedings.



Whoever violates or fails to comply with any of the provisions of this chapter shall be subject to appropriate legal proceedings to enjoin or abate such violation or noncompliance, in addition to the penalty provided in Section 7.300 below.

7.228 Administrative Regulations.

The City Manager shall prescribe administrative regulations governing the procedure for granting exemptions."

Section 2. This ordinance shall be effective on and after November 20, 1989.

PASSED by the Council and signed by me in open session in authentication of its passage this 2nd day of November, 1989.

ATTEST: Kathleen Ishiara James A. Lawrence  
City Recorder Mayor

APPROVED: November 3, 1989 James A. Lawrence  
Mayor

(CHAP7.ORD)

STATE OF OREGON )  
COUNTY OF JACKSON ) ss.

I, Kathleen Ishiara, City Recorder of the City of Medford, do hereby certify that I have prepared the foregoing copy of Ord. No. 6484, have carefully compared the same with the original thereof on file in my office, and that it is correct, true and complete transcript therefrom and of the whole thereof.

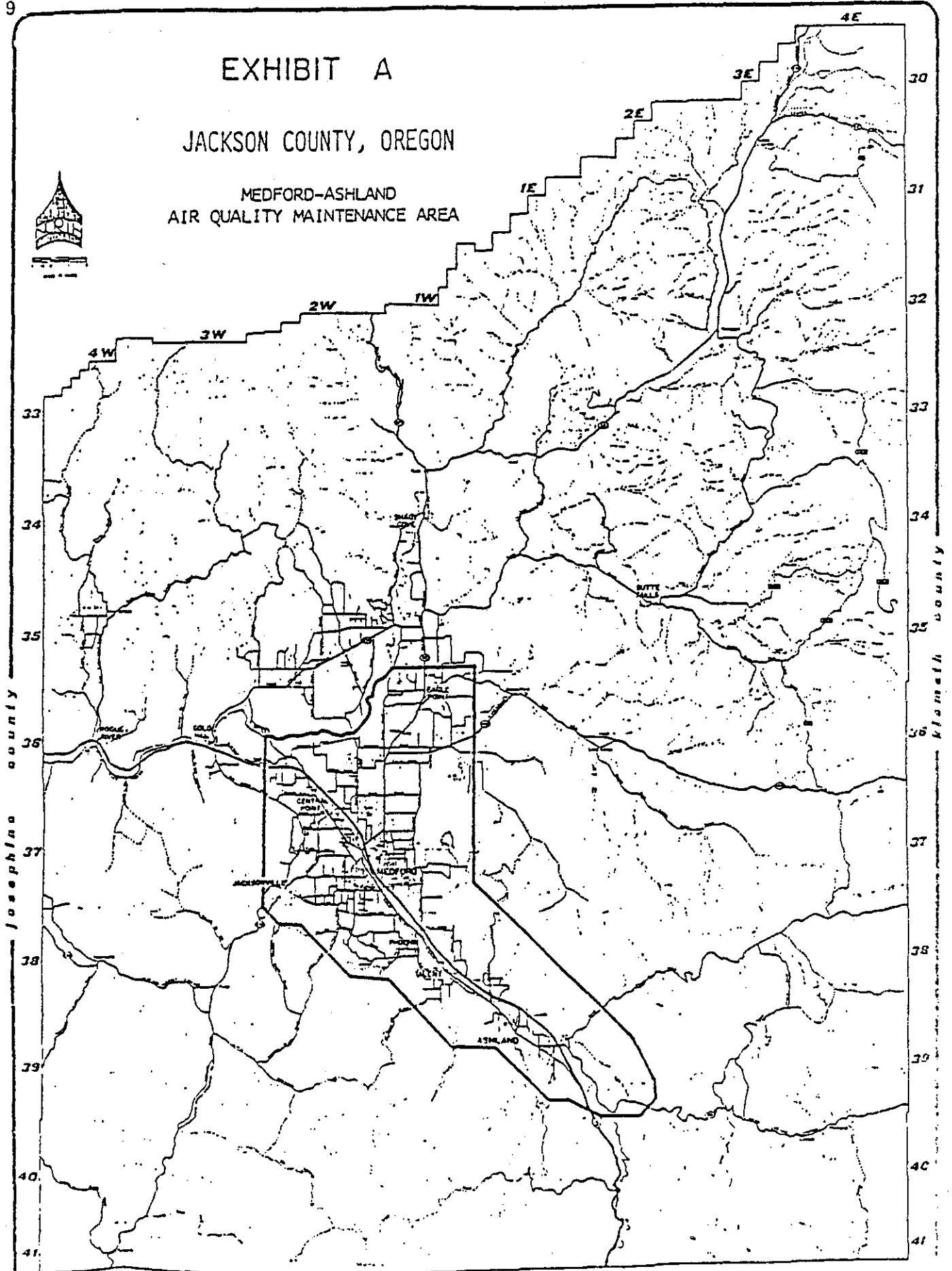
Dated at Medford, Oregon, this 17th day of Nov., 1989.

Kathleen Ishiara  
City Recorder

# EXHIBIT A

## JACKSON COUNTY, OREGON

### MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA



## EXHIBIT B

## BOUNDARY DESCRIPTION

## MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

The Medford-Ashland Air Quality Maintenance Area is defined as beginning at a point approximately one mile NE of the town of Eagle Point, Jackson County, Oregon, at the NE corner of Section 36, T35S, R1W; thence south along the Willamette Meridian to the SE corner of Section 25, T37S, R1W; thence SE along a line to the SE corner of Section 9, T39S, R2E; thence SSE to the SE corner of Section 22, T39S, R2E; thence south to the SE corner of Section 27, T39S, R2E; thence SW to the SE corner of Section 33, T39S, R2E; thence west to the SW corner of Section 31, T39S, R2E; thence NW to the NW corner of Section 36, T39S, R1E; thence west to the SW corner of Section 26, T39S, R1E; thence NW along a line to the SE corner of Section 7, T39S, R1E; thence west to the SW corner of Section 12, T39S, R1W; thence NW along a line to the SW corner of Section 20, T38S, R1W; thence west to the SW corner of Section 24, T38S, R2W; thence NW along a line to the SW corner of Section 4, T38S, R2W; thence west to the SW corner of Section 5, T38S, R2W; thence NW along a line to the SW corner of Section 31, T37S, R2W; thence north along a line to the Rogue River, thence north and east along the Rogue River to the north boundary of Section 32, T35S, R1W; thence east along a line to the point of beginning.



OFFICE OF THE MAYOR

CITY OF MEDFORD  
MEDFORD, OREGON 97501

MEDFORD'S SISTER CITY  
ALBA, ITALY

December 17, 1982

Mr. William Young, Director  
Department of Environmental Quality  
P. O. Box 1750  
Portland, OR 97202

SUBJECT: PARTICULATE STRATEGIES

Dear Mr. <sup>Bill</sup> Young:

Enclosed are a variety of documents relating to the City of Medford's regulations and programs for improving particulate air quality.

As you are aware, our City Council recently adopted an ordinance establishing several new control strategies for particulate air pollution. The ordinance, Number 4740, adopted on November 4, 1982, addresses 1) weatherization requirements for solid fuel heating device installation, 2) residential weatherization, 3) pollution episode curtailment, and 4) trackout. On October 21, 1982, the City Council adopted a revised open burning ordinance, making the City's open burning regulations consistent with those of Jackson County. These recent ordinances are included as attachment A.

In addition to the above strategies, the City of Medford is also implementing other measures which should have a positive impact on particulate pollution. These measures include 1) a program for paving unpaved granite streets, 2) a recently adopted arterial streets plan which, when implemented, will provide new curbs and gutters in several key areas which presently have unpaved shoulders, 3) a minimum impact street sweeping program, 4) a program for installation and sizing of wood stoves consistent with the 1981 State Policy Manual (Oregon Department of Commerce), and 5) a land development ordinance emphasizing proper solar orientation for new subdivisions. These measures are discussed by appropriate staff in several memos contained in attachment B.

We anticipate that Medford's particulate strategies will be incorporated into Oregon's State Implementation Plan for submittal to the EPA. Please let me know if I can be of further assistance in this important matter.

Sincerely,

Al Gensmore  
Mayor

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
DEC 21 1982

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
DEC 20 1982

## CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

RECEIVED  
DEC 15 1982  
PLANNING DEPARTMENT

To Planning Director via Public Works Director

From City Engineer

Subject Particulate Reduction

Date December 14, 1982

I. Improvement of Granite Streets

This year's (FY 82-83) City budget contains \$200,000 of HUD Community Development Block Grant money that is earmarked for assistance on local improvement projects within the low/moderate income areas of the City. City Council approved the City Engineer's proposal that this money be directed toward residential streets with a granite type of riding surface. The City will provide 50% of the estimated costs of improving these streets; therefore, we effectively will have \$400,000 worth of project money to upgrade these streets.

It is anticipated that the above funding level can cause improvement of approximately 5,700 linear feet of roadway. This type of street surfacing program should significantly improve air quality in Medford via the particle reduction avenue.

II. Paving Arterial Street Shoulders

The City currently has three different programs aimed at our arterial street needs. All three are at different levels of funding and different degrees of certainty. A brief description of each follows:

- A. Bond Issue: The City has gone on record for presenting a bond issue question to the public in the March 1983 elections. The bond amount of \$9.4 million would allow for improving approximately 20,000 linear feet of roadway. Of this amount, about 1/6 presently has curb and gutter type of construction, so this program would eliminate approximately 33,000 linear feet of unpaved shoulder area.
- B. Revenue Sharing: The City Manager has directed that \$850,000 of Federal Revenue Sharing money should be budgeted in the FY 82/83 budget for the improvement of certain segments of the identified arterial streets needed in "A" above. This is a safety valve move that would allow the program to go forward even if the bond measure was not approved. The funding level available in this program would allow for 2,500 linear feet of improved shoulder to be paved.
- C. HUD Block Grant

It has been proposed by my office that FY 83-84 HUD funding be directed into a major street project servicing the low/moderate income areas. If this pro

Planning Director

Page two  
12-15-82

Subject: Particulate Reduction

gram is approved, it would run concurrently with "B" above and would provide paving for an additional 2,500 linear feet of presently unpaved shoulder.

All three of these programs would have positive impacts on particulate removal by the elimination of dust producing unpaved surface areas.

ahf



PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

CITY OF MEDFORD

411 WEST 8TH STREET  
MEDFORD, OREGON 97501

TELEPHONE  
(503) 770-4520

February 28, 1990

DEQ  
822 S.W. 8Th Ave.  
Portland, OR 97204

Attn: Merlin Hough


Dear Mr. Hough,

Since January, 1985 the City of Medford has improved 0.64 miles (3365 l.f.) of formerly granite surfaced streets to city standards (full width asphalt concrete pavement with curbs and gutters).

During this same time period the City has also improved 3.04 miles (16,070 l.f.) of formerly 2 lane oil-mat streets with gravel or granite shoulders to city standards.

I hope this information is of use to you. If I can be of further assistance, please do not hesitate to call.

Sincerely,

  
Robert Janssen, PE  
Administrative Engineer

RJ:js

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
MAR 06 1990  
ENVIRONMENTAL QUALITY CONTROL







ORDINANCE NO. 1661

AN ORDINANCE REGULATING WOODSTOVES AND OTHER  
SOLID FUEL BURNING DEVICES FOR THE PURPOSE  
OF REDUCING HEALTH HAZARDS

WHEREAS, the health, safety and welfare of the citizens of Central Point are adversely affected by the degradation of the air quality, and

WHEREAS, wood combustion and the use of other solid fuels for space heating produces particulate matter which is physically harmful, aesthetically unpleasant, and contributes to the degradation of the air quality, now, therefore,

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. There is hereby added to the Municipal Code of the City of Central Point Chapter 8.01, which is to read as follows:

Chapter 8.01

WOODSTOVES AND SOLID FUEL BURNING DEVICES

8.01.010 Definitions. For purposes of this chapter, the following definitions shall apply:

(1) "Alternative heat source" means a heat source other than a solid fuel burning device.

(2) "High pollution period" means a period of time commencing three hours after designation as a red or yellow day by the Jackson County Department of Health and Human Services (hereinafter referred to as "Jackson County") or any other agency or authority approved by the City of Central Point. In the event that consecutive days are designated as red or yellow, they shall be considered a part of a single period.

(3) "Medford-Ashland Air Quality Maintenance Area" means that part of the county specifically identified by DEQ as an air quality maintenance area that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the Medford-Ashland Air Quality Maintenance Area (hereinafter referred to as AQMA) shall be maintained on file with the office of the City Administrator and shall be available for public inspection upon request.

(4) "Oregon certified stove" means a woodstove certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-21-115, but does not include woodstoves that are exempt from DEQ woodstove certification program regulations.

(5) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM10 levels are forecast by Jackson County or other approved agency to be 130 ug/m3 and above in the AQMA.

(6) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning devices shall be considered to be the sole source of heat if the private residence is equipped with a permanent installed furnace or heating system utilizing oil, natural gas, electricity or propane.

(7) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or stoves of kachelofens design.

(8) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the PM10 levels are forecast by Jackson County or approved agency to be 91 ug/m3 and above but less than 130 ug/m3 in the AQMA.

#### 8.01.020 Operation of Solid Fuel Burning Device Prohibition.

(1) The operation of a solid fuel burning device during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 8.01.030. A rebuttable presumption of a violation for which a citation may be issued shall arise if smoke is being discharged through a flue or chimney at any time during a high pollution period.

(2) After August 31, 1994, no property owner shall rent or lease a residential unit unless such unit is equipped with an alternate heat source complying with ORS 91.770. If the landlord violates this subsection (2), the tenant shall not be charged with any violation of subsection (1).

8.01.030 Exemptions. It is permissible for a household to operate a solid fuel burning device during a high pollution period when the head of that household has previously obtained one of the following exemptions and possesses a certificate issued by the City granting the exemption. Exemptions granted under this section shall expire on September 1 of each year:

(1) Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show that they meet the eligibility requirements for energy assistance under the Low-income Energy Assistance Program (hereinafter referred to as L.E.A.P.), as administered by ACCESS, Inc. and as established by the United States Department of Energy.

(2) Sole Source: An exemption may be issued to the heads of households who sign a sworn statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued after August 31, 1994.

(3) Oregon Certified Stoves: An exemption may be issued to the heads of households for the operation of an Oregon Certified Stove in a residence on a day declared to be a yellow day by Jackson County. The operation of an Oregon certified stove shall be prohibited on a day declared to be a red day by Jackson County or approved agency unless some other exemption applies and has been granted.

(4) Special Exemption: Upon a showing of special need, as further defined by administration rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding section 8.01.020(1) of this ordinance. "Special need" shall include, but not be limited to, occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

8.01.040 Penalty and Abatement. Any person or persons violating any of the provisions of this chapter shall upon conviction be punished in accordance with the general penalty ordinance of the City and shall be subject to appropriate legal proceedings to enjoin or abate any violation or noncompliance.

8.01.050 Administrative Regulations. The City Administrator may prescribe administrative regulations governing the procedure for granting exemptions.

Section 2. This ordinance shall be referred to the legal voters of the City of Central Point for their acceptance or rejection at the general election to be held November 5, 1991. If passed by the voters, this ordinance shall be in full force and effect upon certification of the election results by the Jackson County Clerk, without further action by this Council. In order to be in effect soon after the woodburning season commences on November 1, 1991, this measure must be on the November 5, 1991 ballot. In order to meet state law timing requirements for measures to be on the November 5, 1991, ballot, it is necessary that the Council's adoption of this ordinance be immediate. An emergency is, therefore, declared to exist, and this ordinance is adopted as of this date of its passage. For the same reasons, the second reading of this ordinance is waived.

Passed by the Council and signed by me in authentication of its passage this 16<sup>th</sup> day of August, 1991.

Bryan Hestness  
Mayor

ATTEST:

Sandy Berryhill  
Designated City Officer

APPROVED by me this 16<sup>th</sup> day of August, 1991.

Bryan Hestness  
Mayor

Title 8HEALTH AND SAFETYChapters:

- 8.01 Woodstoves and Solid Fuel Burning Devices
- 8.04 Nuisances
- 8.08 Weed Abatement
- 8.12 Removal of Animal Carcass
- 8.16 Uniform Fire Code
- 8.24 Flood Damage Prevention and Hazard Mitigation
- 8.28 Drainage Channel Maintenance

Chapter 8.01WOODSTOVES AND SOLID FUEL BURNING DEVICESSections:

- 8.01.010 Definitions.
- 8.01.020 Operation of solid fuel burning device prohibition.
- 8.01.030 Exemptions.
- 8.01.040 Penalty and abatement.
- 8.01.050 Administrative regulations.

8.01.010 Definitions. For the purposes of this chapter, the following definitions shall apply:

A. "Alternative heat source" means a heat source other than a solid fuel burning device.

B. "High pollution period" means a period of time commencing three hours after designation as a red or yellow day by the Jackson County department of health and human services (hereinafter referred to as "Jackson County") or any other agency or authority approved by the city of Central Point. In the event that consecutive days are designated as red or yellow, they shall be considered a part of a single period.

C. "Medford-Ashland Air Quality Maintenance Area" means that part of the county specifically identified by DEQ as an air quality maintenance area that is one of several areas in the state wherein air quality has deteriorated due to unhealthful levels of pollutants in the air.

A map and written description of the Medford-Ashland Air Quality Maintenance Area (hereinafter referred to as AQMA) shall be maintained on file with the office of the city administrator and shall be available for public inspection upon request.

D. "Oregon certified stove" means a woodstove certified by DEQ as meeting the emission performance standards specified in Oregon Administrative Rules 340-21-115, but does not include woodstoves that are exempt from DEQ woodstove certification program regulations.

E. "Red day" means a twenty-four-hour period beginning at seven a.m. when PM10 levels are forecast by Jackson County or other approved agency to be 130 ug/m3 and above in the AQMA.

F. "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning devices shall be considered to be the sole source of heat if the private residence is equipped with a permanent installed furnace or heating system utilizing oil, natural gas, electricity or propane.

G. "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or stoves of kachelofens design.

H. "Yellow day" means a twenty-four-hour period beginning at seven a.m. when the PM10 levels are forecast by Jackson County or approved agency to be 91 ug/m3 and above but less than 130 ug/m3 in the AQMA. (Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

8.01.020 Operation of solid fuel burning device prohibition. A. The operation of a solid fuel burning device during a high pollution period shall be prohibited unless an exemption has been granted pursuant to Section 8.01.030. A rebuttable presumption of a violation for which a citation may be issued shall arise if smoke is being discharged through a flue or chimney at any time during a high pollution period.

B. After August 31, 1994, no property owner shall rent or lease a residential unit unless such unit is equipped with an alternate heat source complying with ORS 91.770. If the landlord violates this subsection B, the

tenant shall not be charged with any violation of subsection A of this section. (Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

8.01.030 Exemptions. It is permissible for a household to operate a solid fuel burning device during a high pollution period when the head of that household has previously obtained one of the following exemptions and possesses a certificate issued by the city granting the exemption:

A. Economic Need. An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show that they meet the eligibility requirements for energy assistance under the Low-Income Energy Assistance Program (hereinafter referred to as L.E.A.P.), as administered by ACCESS, Inc. and as established by the United States Department of Energy. Exemptions granted under this subsection shall expire on September 1st of each year.

B. Oregon Certified Stoves. An exemption may be issued to the heads of households for the operation of an Oregon certified stove in a residence on a day declared to be a yellow day by Jackson County. The operation of an Oregon certified stove shall be prohibited on a day declared to be a red day by Jackson County or approved agency less some other exemption applies and has been granted.

C. Special Exemption. Upon a showing of special need, as further defined by administration rule, a temporary exemption may be granted authorizing the burning of a solid fuel burning device notwithstanding Section 8.01.020(A). "Special need" shall include, but not be limited to, occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect. (Ord. 1732, 1996: Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

8.01.040 Penalty and abatement. Any person or persons violating any of the provisions of this chapter shall upon conviction be punished in accordance with the general penalty ordinance of the city and shall be subject to appropriate legal proceedings to enjoin or abate any violation or noncompliance. (Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

8.01.050 Administrative regulations. The city administrator may prescribe administrative regulations governing the procedure for granting exemptions. (Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

Chapter 8.02

OUTSIDE BURNING

Sections:

- 8.02.010 Outside burning--Conditions.
- 8.02.020 Restriction on permits.
- 8.02.030 Issuance of permit.
- 8.02.040 Time of burning.
- 8.02.050 Nuisance.
- 8.02.060 Penalty.

8.02.010 Outside burning--Conditions. No person shall start or maintain any fire outside of a building (except for an outdoor cooking fire and agricultural heating devices) for the purpose of burning any combustible material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises unless:

A. A written permit has been issued by the city fire chief or designee to maintain such fire at that location; and

B. The fire is started and maintained in accordance with the terms of the permit and the following requirements of this chapter. (Ord. 1624 §1(part), 1989).

8.02.020 Restriction on permits. A. No permit shall be issued under any circumstances for outside burning during December or January.

B. No permit shall be issued where burning would constitute a violation of Oregon Administrative Rules governing open burning in the Rogue Basin Open Burning Control Burning Area.



C. No permits shall be issued for burn barrels, trash incinerators or other similar devices, and the use thereof is prohibited within the city.

D. The fire chief or designee shall not approve outside burning on any day in which it is determined that low humidity, high winds, drought, or other weather or unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. In no event shall the fire chief or designee approve outside burning on a day when one or more of the following conditions exist, or in the fire chief or designee's determination are likely to exist:

1. Temperatures above ninety degrees Fahrenheit;
2. Winds above twenty miles per hour; or
3. Humidity below thirty percent.

E. The fire chief or designee shall not approve outside burning on any day when it is determined that the Ventilation Index is less than four hundred during that day. The Ventilation Index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area. (Ord. 1624 §1(part), 1989).

8.02.030 Issuance of permit. A permit may be issued only for the following purposes:

A. Controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;

B. Burning contaminated pesticide containers as prescribed by DEQ and manufacturer specifications;

C. Burning beehives and beekeeping paraphernalia to eradicate the spread of disease;

D. Burning a structure or the other use of fire for training purposes by a fire department in coordination with DEQ;

E. Field burning in agricultural areas;

F. The burning of vegetative material by the public at large from March 15th to April 30th and from October 1st to November 15th of each year, subject to all terms and conditions of said permit and the terms and conditions of this chapter.

Each permit shall contain a written condition in bold-faced type to the effect that permittee shall contact the fire chief's office before each fire is started and ascertain that outside burning is approved under the terms and restrictions of this chapter, by the fire chief or designee, for that day. No permit shall be valid as to any day on which the fire chief has ascertained that burning is not permitted under said subsections. Additionally, the fire chief or designee may condition any permit issued hereunder to exclude the burning of any particular material upon a finding

by the fire chief or designee that the burning of such material would be unduly obnoxious in the locality of the proposed burning site. (Ord. 1624 §1(part), 1989).

8.02.040 Time of burning. Fires which are the subject of this chapter shall be maintained during daylight hours only, and by a competent adult person, and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the fire chief or designee. Additionally, the fire chief or designee, as a permit condition, may restrict fires to limited daylight hours which shall be specified on the permit. (Ord. 1624 §1(part), 1989).

8.02.050 Nuisance. Burning without a permit as prescribed by this chapter, or in violation of the terms of any permit, or any other act in violation of this chapter, is declared to be a public nuisance and may be summarily abated by the fire chief or designee or the chief of police. (Ord. 1624 §1(part), 1989).

8.02.060 Penalty. Burning without a permit as prescribed by this chapter, or in violation of the terms of any permit, or any other act in violation of this chapter shall be a violation of ordinance punishable under the general penalty ordinance of the city. (Ord. 1624 §1(part), 1989).

## Chapter 8.04

### NUISANCES\*

#### Sections:

- 8.04.010 Mill pond--Nuisance
- 8.04.020 Mill pond--Unlawful.
- 8.04.030 Poplar trees.
- 8.04.035 Unlawful accumulation of junk.
- 8.04.040 Nuisances affecting public health.
- 8.04.050 Attractive nuisances.

\* For statutory provisions regarding nuisances, see ORS 221.915; for the provisions regarding actions and suits for nuisances, see ORS 105.505--105.520; for the Charter provisions concerning nuisances, see City Charter Art. VII §4.

Sections: (Continued)

- 8.04.060 Ice and snow removal.
- 8.04.070 Drainage of surface waters.
- 8.04.080 Unnecessary noise.
- 8.04.090 Keeping bees.
- 8.04.095 Trackout prohibited.
- 8.04.100 Abatement--Notice.
- 8.04.110 Abatement--By owner.
- 8.04.120 Abatement--By city.
- 8.04.130 Abatement--Assessment of costs.
- 8.04.140 Summary abatement.
- 8.04.150 Penalty.

8.04.010 Mill pond--Nuisance. The construction and maintenance of a mill pond or other open pond to be filled with water and used in connection with operation of any sawmill, planing mill or like operations is, and the same is declared to be a nuisance and dangerous to the public health and welfare of the citizens of the city. (Ord. 301 §1, 1951).

8.04.020 Mill pond--Unlawful. It is unlawful for any person, persons, firm or corporation or any agent for such person, persons, firm or corporation, or an employee thereof to construct and maintain any pond or open excavation to be filled with water and used in the operation of any sawmill, planing mill or other mill business. (Ord. 301 §2, 1951).

8.04.030 Poplar trees. Because of the destructive character of the roots of the poplar trees, in the upheaval of sidewalks and the stoppage of sewer pipes, located and growing within the city said trees are declared to be a nuisance and may be removed and abated according to this chapter. (Ord. 880 §1, 1967).

8.04.035 Unlawful accumulation of junk. A. No person shall cause or allow an unsightly or malodorous accumulation of junk, garbage, animal feces, scrap metal, scrap lumber, used tires, discarded building material, discarded vehicles or parts thereof, appliances or fixtures, or dismantled machinery on public or private property unless the property is in lawful use for junk storage or recycling in compliance with applicable state and federal laws and this code.

B. A violation of this section shall be punishable under and subject to the terms of the general penalty section contained in Chapter 1.16 of this code.

C. In addition, the unlawful accumulation of junk as defined by this section is declared to be a nuisance and may be abated as provided for hereinafter in this chapter. (Ord. 1577, 1986).

8.04.040 Nuisances affecting public health. The following are declared to be nuisances affecting the public health and may be abated in the manner prescribed by this chapter:

A. Privies. Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the directions of the city engineer;

B. Debris on Private Property. All accumulations of debris, rubbish, manure and other refuse located on private property and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city;

C. Stagnant Water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insects;

D. Water Pollution. The pollution of any body of water or stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water;

E. Food. All decayed or unwholesome food which is offered for human consumption;

F. Odor. Any premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition;

G. Burning Garbage or Refuse. Any burning of garbage or refuse;

H. Air Pollution. The pollution of any air within the city, whether from a source within or without the city, by depositing smoke, particulate, odor or heat into the air by any means;

I. Any street, road, alley, bridge, culvert, ditch or body of water within the city, whether privately or publicly owned, which is open to use by the public, and which is in such a condition or state of disrepair as to constitute an immediate hazard to the health, safety or welfare of any person. (Ord. 1341 §1, 1979: Ord. 1309 §1, 1978: Ord. 877, 1967: Ord. 860, 1967: Ord. 817 §1, 1966).

8.04.050 Attractive nuisances. A. No owner, lessee, occupant or other person having control, custody or management of any premises shall suffer or permit to remain unguarded upon the premises any machinery, equipment or other devices which are attractive and dangerous to children.

B. No owner, lessee, occupant or person having control, custody or management of any premises shall suffer or permit to remain unguarded upon the premises a pit, quarry, cistern,

well or other excavation.

C. A nuisance as described in this section may be abated as provided in this chapter. (Ord. 817 §2, 1966).

8.04.060 Ice and snow removal. No person owning or controlling premises, improved or unimproved, abutting upon a public sidewalk within the city shall:

A. Permit snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen;

B. Permit the sidewalk to be covered with ice. It shall be the duty of the person within the first two hours of daylight after the ice has formed to remove ice accumulating on the sidewalk or to properly cover it with sand, ashes or other suitable material to assure safe travel. (Ord. 817 §3, 1966).

8.04.070 Drainage of surface waters. A. No person, owning or controlling any real property shall permit rainwater, ice or snow to fall from a building or structure upon a street or sidewalk or permit any type of surface water from any source whatsoever to flow from the premises across or upon any sidewalk abutting his property.

B. It is made the duty of each person owning or controlling real property abutting upon any sidewalk to provide a proper system of drainage so that any overflow water will not be carried across or upon any sidewalk.

C. The improper drainage of any type of water from any source across or upon any sidewalk is declared to be a nuisance and may be abated as provided in this chapter. (Ord. 817 §4, 1966).

8.04.080 Unnecessary noise. A. No person shall create, assist in creating, permit, continue or permit the continuance of any loud, disturbing or unnecessary noise in the city.

B. The following acts are declared to be violations of this section, but the enumeration shall not be deemed to be exclusive:

1. The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity;

2. The use of any vehicle or engine, stationary or moving instrument, device or thing so out of repair or so loaded or operated in such a manner as to create loud or unnecessary grating, grinding, rattling or other noises;

3. The sounding of any horn or signal device on any vehicle on any street or public place of the city, except as a necessary warning of danger to property or person;

4. The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled;

5. The erection, including excavation, demolition, alteration or repair of any building, other than between the hours of seven a.m. and six p.m., except upon special permit granted by city staff;

6. The use of any gong or siren upon any vehicle other than fire vehicle or other duly authorized emergency vehicle;

7. The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

8. The use of a "muffler cutout" on any motor vehicle upon any street;

9. The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker or any sound-amplifying device so loud as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance; provided however, that upon application to city staff permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment, said staff to be guided by all considerations of weighing the utility of the use applied for against the harm, if any, to other persons caused by such use;

10. The conducting, operating or maintaining of any garage within one hundred feet of any building used as a private residence, apartment house, rooming house or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of eleven p.m. and seven a.m. (Ord. 1755 §1, 1996: Ord. 817 §5, 1966).

8.04.090 Keeping bees. A. No person shall have, keep or maintain or permit to be kept or maintained upon land under his control, any hives, swarms or colonies of bees.

B. The keeping or maintaining of any hives, colonies or swarms of bees is declared to constitute a public nuisance and may be abated as provided in this chapter. (Ord. 817 §6, 1966).

8.04.095 Trackout prohibited. A. No person shall, by driving or moving a vehicle or by any other means, track or deposit mud, soil or debris of any kind onto the surface of any street, alley, sidewalk or public way.

B. The tracking of mud, soil or debris onto streets, alleys, sidewalks or public ways is declared to constitute a public nuisance and may be abated as provided in this chapter. (Ord. 1705, 1994).

8.01.050 Administrative regulations. The city administrator may prescribe administrative regulations governing the procedure for granting exemptions. (Ord. 1661 §1(part), 1991: Ord. 1629 §1(part), 1989).

Chapter 8.04

NUISANCES\*

Sections:

- 8.04.010 Mill pond--Nuisance.
- 8.04.020 Mill pond--Unlawful.
- 8.04.030 Poplar trees.
- 8.04.035 Unlawful accumulation of junk.
- 8.04.040 Nuisances affecting public health.
- 8.04.050 Attractive nuisances.
- 8.04.060 Ice and snow removal.
- 8.04.070 Drainage of surface waters.
- 8.04.080 Unnecessary noise.
- 8.04.090 Keeping bees.
- 8.04.095 Trackout prohibited.
- 8.04.100 Abatement--Notice.
- 8.04.110 Abatement--By owner.
- 8.04.120 Abatement--By city.
- 8.04.130 Abatement--Assessment of costs.
- 8.04.140 Summary abatement.
- 8.04.150 Penalty.

8.04.010 Mill pond--Nuisance. The construction and maintenance of a mill pond or other open pond to be filled with water and used in connection with operation of any sawmill, planing mill or like operations is, and the same is declared to be a nuisance and dangerous to the public health and welfare of the citizens of the city. (Ord. 301 §1, 1951).

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\* For statutory provisions regarding nuisances, see ORS 221.915; for the provisions regarding actions and suits for nuisances, see ORS 105.505--105.520; for the Charter provisions concerning nuisances, see City Charter Art. VII §4.



ORDINANCE NO. 1624

STATE OF OREGON  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
FEB 20 1990  
PERMIT QUALITY CONTROL

AN ORDINANCE ADOPTING REGULATIONS AND A PERMIT  
PROCESS FOR OUTSIDE BURNING

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS  
FOLLOWS:

Section 1. There is hereby added to the Municipal Code of  
the City of Central Point Chapter 8.02, which is to read as  
follows:

Chapter 8.02

OUTSIDE BURNING

8.02.010 Outside Burning - Conditions.

A. No person shall start or maintain any fire outside of a building (except for an outdoor cooking fire and agricultural heating devices) for the purpose of burning any combustible material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises unless:

(1) A written permit has been issued by the City Fire Chief or designee to maintain such fire at that location; and

(2) The fire is started and maintained in accordance with the terms of the permit and the following requirements of this chapter.

8.02.020 Restriction on Permits.

A. No permit shall be issued under any circumstances for outside burning during December or January.

B. No permit shall be issued where burning would constitute a violation of Oregon Administrative Rules governing open burning in the Rogue Basin Open Burning Control Burning Area.

C. No permits shall be issued for burn barrels, trash incinerators or other similar devices, and the use thereof is prohibited within the City.

D. The Fire Chief or designee shall not approve outside burning on any day in which it is determined that low humidity, high winds, drought, or other weather or unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. In no event shall the Fire Chief or designee approve outside burning on a day when one or more of the following conditions exist, or in the Fire Chief or designee's

determination are likely to exist:

- (1) Temperatures above 90° fahrenheit,
- (2) Winds above 20 miles per hour, or
- (3) Humidity below 30 percent.

E. The Fire Chief or designee shall not approve outside burning on any day when it is determined that the Ventilation Index is less than 400 during that day. The Ventilation Index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area.

Section 8.02.030 Issuance of Permit. A permit may be issued only for the following purposes:

A. Controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;

B. Burning contaminated pesticide containers as prescribed by DEQ and manufacturer specifications;

C. Burning beehives and beekeeping paraphernalia to eradicate the spread of disease;

D. Burning a structure or the other use of fire for training purposes by a fire department in coordination with DEQ;

E. Field burning in agricultural areas;

F. The burning of vegetative material by the public at large from March 15th to April 30th and from October 1st to November 15th of each year, subject to all terms and conditions of said permit and the terms and conditions of this ordinance.

Each permit shall contain a written condition in bold-faced type to the effect that permittee shall contact the Fire Chief's office before each fire is started and ascertain that outside burning is approved under the terms and restrictions of this ordinance, by the Fire Chief or designee, for that day. No permit shall be valid as to any day on which the Fire Chief has ascertained that burning is not permitted under said subsections. Additionally, the Fire Chief or designee may condition any permit issued hereunder to exclude the burning of any particular material upon a finding by the Fire Chief or designee that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.

8.02.040 Time of Burning. Fires which are the subject of this chapter shall be maintained during daylight hours only, and by a competent adult person, and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the Fire Chief or designee. Additionally, the Fire Chief or designee, as a permit condition, may restrict fires to limited daylight hours which shall be specified on the permit.

8.02.050 Nuisance. Burning without a permit as prescribed by this chapter, or in violation of the terms of any permit, or any other act in violation of this chapter, is hereby declared to be a public nuisance and may be summarily abated by the Fire Chief or designee or the Chief of Police.

8.02.060 Penalty. Burning without a permit as prescribed by this chapter, or in violation of the terms of any permit, or any other act in violation of this chapter shall be a violation of ordinance punishable under the general penalty ordinance of the City.

Section 2. Chapter 15.16 of the Central Point Municipal Code is hereby repealed.

Passed by the Council and signed by me in authentication of its passage this 19 day of OCTOBER, 1989.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Designated City Officer

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Mayor

ORDINANCE NO. 2821

**AN ORDINANCE AMENDING SECTION 9.08.060.J OF  
THE ASHLAND MUNICIPAL CODE RELATING TO  
TRACKOUT RESTRICTIONS**

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 9.08.060.J of the Ashland Municipal Code is amended to read:

9.08.060 Nuisances Affecting the Public Health. No person shall cause, or permit on property under their ownership or control, a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

\* \* \* \* \*

J. Dust and Trackout. No person shall trackout mud, dirt, or other debris from private or public lands onto public roads without taking reasonable precautions to prevent mud, dirt, or debris from becoming airborne or washing off the site. These precautions shall include prompt removal of such material from the paved road surfaces and such other precautions including, but not necessarily limited to, the conditions listed below. The City may require the imposition of building permit conditions for the prevention of trackout. Conditions imposed may include, but are not limited to the following:

1. The posting of a bond sufficient to assure available funds for roadway cleanup by the City if the contractor or permittee is negligent in cleanup of adjacent public roadways.
2. Street sweeping, vacuuming or other means of removing trackout material from public roadways.
3. Installation of wheel washers at exits of major construction sites.
4. Use of temporary or permanent barricades to keep traffic off unpaved areas.
5. Require graveling of access roads on site.
6. Limit the use of public roadways by vehicles.
7. Issue stop work order if trackout occurs and is not promptly corrected. A violation of a stop work order shall be considered a violation of this section. A stop-work order issued pursuant to this section shall be posted at the work site and delivered personally or by certified mail to an alleged violator.
8. For access to property, paving of the entry way or driveway for its entire length or a distance of 50 feet, whichever is shorter.

- 9. Application and maintenance of approved dust suppressants.
- 10. Temporary sediment fences or straw bale sediment barriers.

The foregoing ordinance was first read by title only in accordance with Article X,  
Section 2(C) of the City Charter on the 2 day of June, 1998,  
and duly PASSED and ADOPTED this 16 day of June, 1998.

Barbara Christensen  
Barbara Christensen, City Recorder

SIGNED and APPROVED this 17 day of June, 1998.

Carole Wheeldon  
Carole Wheeldon, Council Chairperson

Reviewed as to form:

Paul Nolte  
Paul Nolte, City Attorney

## Chapter 10.30

### CONTROLS ON OPEN BURNING

#### Sections:

- 10.30.005 Definitions
- 10.30.010 Outdoor and Indoor Burning Restricted (amended Ord. 2768, 1995).
- 10.30.020 Period When Outdoor Burning is Permitted.(amended Ord. 2751, 1995; amended Ord. 2768, 1995)
- 10.30.030 Requirements for Permitted Fires.
- 10.30.040 Permits Required.
- 10.30.050 Enforcement and Penalties.

10.30.005 Definitions. The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.

- A. "Fire Chief" means the City of Ashland Fire Chief or the Chief's representative.
- B. "Campfire" means any fire for cooking located outside of a building or recreational vehicle.
- C. "Outdoor fire" includes any fire except a fire for cooking.
- D. "Person in charge" means a person or a representative or an employee of a person who has lawful control of the site of the fire by ownership, tenancy, official position or other legal relationship.
- E. "Ventilation index" means the National Weather Service's indicator of the relative degree of air circulation in the Rogue Valley.

#### 10.30.010 Outdoor and Indoor Burning Restricted.

- A. No person shall start or maintain any outdoor fire except as authorized in this chapter.
- B. No person in charge shall cause or knowingly allow any outdoor fire to be started or maintained on any part of such premises, except as authorized in this chapter.
- C. Except for religious fires, any outdoor fire authorized in this chapter shall only be used to burn woody debris such as limbs or branches. No person shall start or maintain any outdoor fire authorized in this chapter in a barrel.
- D. No person shall burn indoors any garbage, plastic, styrofoam or other noxious material.
- E. No person shall start or maintain any campfire except as provided in this chapter. It is an affirmative defense to a prosecution of any charge under this subsection that the campfire was authorized by the person in charge.

10.30.020 Period When Outdoor Burning is Authorized. After a permit is obtained from the Fire Chief, outdoor fires are authorized as follows:

- A. From March 1 through October 31, excluding fire season, when the ventilation index is over 400 and fire fuel conditions are conducive to burning.
- B. Outdoor fires are permitted on any day of the year the ventilation index is over 400 if fire fuel conditions are conducive to burning and the outdoor fire is for the purpose of burning a structure or other use of fire for training purposes by the Fire Department or under supervision of the fire Department;
- C. Religious fires are permitted on any day of the year after notice of the specific date to the Fire Chief and provided that all safety precautions required by the Fire Chief are met.
- D. Campfires in areas designated by the Park Commission are permitted in Lithia Park on any day of the year except during periods of extreme fire danger.

The amendments to this code section as contained in this ordinance and the amendments to this code section adopted in Ordinance No. 2751 on March 7, 1995, shall terminate on February 21, 1997<sup>5</sup>.

SECTION 2. Inasmuch as it is necessary to provide authorization for burning in the month of October 1995 to reduce as soon as possible forest fuels in the forest interface, it is deemed necessary for the public peace, health, and safety of the citizens of the City of Ashland that an emergency be declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

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<sup>5</sup> Note: This code section prior to these amendments read as follows:

10.30.020 Period When Outdoor Burning is Authorized. After a permit is obtained from the Fire Chief, outdoor fires are authorized as follows:

A. Outdoor fires are permitted each year during April, May and September 15 to October 15, except that no outdoor fire shall be allowed on any day unless the ventilation index is over 400. The Fire Chief shall have the authority to extend the dates for outdoor fires beyond October 15, but not beyond November 1, for any year in which fire conditions do not allow burning during some or all of the period between September 15 to October 15.

B. Outdoor fires are permitted on any day of the year the ventilation index is over 400 if fire conditions are conducive to burning and the outdoor fire is for the purpose of:

- 1. Burning a structure or other use of fire for training purposes by the Fire Department or under the supervision of the Fire Department;
- 2. Fire hazard reduction burning of debris in the wildfire hazard zone or Lithia Park if the Fire Chief determines the fire is the only feasible method to dispose of the debris.

C. Religious fires are permitted on any day of the year after notice of the specific date to the Fire Chief and provided that all safety precautions required by the Fire Chief are met. During periods of extreme fire danger, notification to the Fire Chief shall be given at least six hours in advance of the religious fire.

D. Campfires in areas designated by the Park Commission are permitted in Lithia Park on any day of the year except during periods of extreme fire danger.

10.30.030 Requirements for Permitted Fires. All outdoor fires permitted under this chapter shall comply with the following requirements.

- A. All fires shall conform with Article 11 of the Uniform Fire Code.
- B. Except for religious fires, all fires shall occur during daylight hours only and shall be extinguished prior to darkness unless continued burning is specifically authorized by the Fire Chief.
- C. All fires shall occur only in the presence of an adult person who shall constantly monitor the fire.

10.30.040 Permits Required. An outdoor fire permit is required for all outdoor fires authorized under this chapter. The Fire Chief shall have the authority to issue such permits. Except for religious fires the Fire Chief shall have the authority to establish and assess a fee for any necessary investigation, inspection and processing of each permit. The fee shall not exceed the actual cost of the investigation, inspection and processing.

- A. Upon receipt of a request for a permit and the required fee, the Fire Chief shall undertake whatever investigation deemed necessary. Based on this investigation, the Fire Chief shall approve the permit only when it is determined the fire does not constitute a hazard and that steps have been taken to assure reasonable public safety. In addition, the Fire Chief may deny a permit for fires allowed under Section 10.30.020.B if it is determined that the debris proposed for burning has a high moisture content and would burn better after a period of aging.

10.30.050 Enforcement and Penalties.

- A. Any person, firm or corporation, whether as a principal agent, employee or otherwise, violating or causing violation of any of the provisions of this ordinance, has committed an infraction, and upon conviction thereof, is punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. Such person, firm or corporation is guilty of a separate violation for each and every day during which any violation of this Title is committed or continued by such person, firm or corporation.
- B. Outside burning without a permit or a campfire in violation of this chapter is a public nuisance and may be summarily abated by the Fire Chief, Chief of Police, or their representatives. (Ord. 2535, 1989; 2637, 1991, 2671, 1992; Ord. 2717, 1993)



ORDINANCE NO. 98-633-O

AN ORDINANCE AMENDING ORDINANCE NO. 565, AN ORDINANCE ADOPTING A UNIFORM FIRE CODE; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE; AND DECLARING AN EMERGENCY.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1. Section 5 of Ordinance No. 565 shall be amended to read as follows:

Section 5. Definitions: As used in this ordinance:

- (a) "Agricultural operation" means the activity on land currently used or intended to be used primarily for the purpose of obtaining a profit by raising, harvesting, and selling crops or by raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose.
- (b) "Agricultural waste" means any material actually generated or used by an agricultural operation but excluding those materials described in Section 11 of this ordinance.
- (c) "Municipality" as used in the Uniform Fire Code means the City of Talent.
- (d) "Corporation counsel" as used in the Uniform Fire Code means the attorney of the City of Talent.

Section 2. Section 11 of Ordinance No. 565 shall be amended to read as follows:

Section 11. Amendments to the Uniform Fire Code: The Uniform Fire Code shall be amended as follows:

(a) Open Burning:

1. The purpose of this section is to minimize the accumulation of PM<sub>10</sub> air pollution resulting from open burning. The public should be aware that open burning may also be restricted during the fire season (typically June through October) by the fire department or other fire regulating authorities. These authorities base their restrictions of open burning on such factors as low humidity, high winds, drought, or other conditions which make outside burning unsafe.
2. Open burning of any kind is prohibited throughout the incorporated limits of the City of Talent on all days of the year when the maximum ventilation index is below 400.
3. Open burning of any kind is prohibited within the incorporated limits of

the City of Talent during November, December, January and February of each year due to generally poor smoke dispersion.

4. Open burning of any wet garbage, plastic, wire insulation, automobile parts, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors is prohibited throughout the incorporated limits of the City of Talent.

5. The provisions of this section do not apply to open burning of agricultural wastes which is necessary for disease or pest control.

(b) Permit Required: The City Council shall adopt a burn program by Resolution providing for permit procedures related to open burning within the City of Talent.

Section 3. Emergency Clause: Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Talent, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council and its approval by the Mayor of the City of Talent, Oregon.

Adopted as read in full the 18th day of February, 1998 by the following vote:

AYES - 7    NAYES - 0    ABSENT - 0    ABSTAIN - 0

Adopted as read by title only the 18th day of February, 1998 by the following vote:

AYES - 7    NAYES - 0    ABSENT - 0    ABSTAIN - 0

Signed by me, Frank D. Falsarella, in authentication of its adoption and passage this 19th day of February, 1998.



Frank D. Falsarella  
Mayor

ATTEST:



Leahnette M. York  
City Administrator/Recorder

ORDINANCE NO. 792

AN ORDINANCE AMENDING TITLE 12 OF THE PHOENIX MUNICIPAL CODE TO ADD CHAPTER 12.10 "TRACKOUT" PROVIDING FOR CONTROL OF DUST AND TRACKOUT FROM CONSTRUCTION AND DEVELOPMENT SITES WITHIN THE CITY OF PHOENIX AND TO ADD THE REQUIREMENTS OF THE NPDES REGULATIONS FOR CONSTRUCTION PROJECTS TO COVER WATER QUALITY EFFECTS FROM TRACKOUT AND DECLARING AN EMERGENCY.

WHEREAS, there is ongoing land development within the city limits of the City of Phoenix, Oregon and

WHEREAS, said development often involves excavation and or removal and hauling of mud, dirt or other debris or substances from one area of town to another, and

WHEREAS, it is necessary to maintain both air quality, clean streets and water quality within the community and to protect the health, safety and welfare of the citizens of Phoenix, therefore

THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Chapter is to lessen the amount of particulate pollution which originates from roads and roadways. Dirt and other debris which may become deposited upon paved roads can be ground and pulverized by traffic into minute particles. These particles can then become airborne, adding to the particulate pollution problem. The same dirt and other debris left on roads and roadways can be washed into storm drains and end up in a receiving stream to create detrimental effects on water quality.

Section 2. Application. This chapter applies to construction sites, development sites, agricultural activities and commercial and industrial operations.

Section 3. Activities Prohibited. No person shall trackout mud, dirt or other debris from private or public lands onto paved public roads without taking reasonable precautions to prevent such particulate matter from becoming airborne or from entering storm drainage systems. Reasonable precautions shall include, where appropriate, the prompt removal of such material from the paved road surface. This chapter does not apply to noncommercial uses of public roads. Additional reasonable precautions include, but are not limited to the following:

- (a) NPDES regulations for construction Projects (see exhibit A)
- (b) Paving of the entry way to the paved road system for a minimum distance of 50 feet;
- (c) Application and maintenance of approved dust suppressants;
- (d) Graveling of the access roads for a minimum distance of 15 feet;
- (e) The installation of wheel washers at exits;
- (f) Street sweeping, vacuuming or other means of removing

trackout material from public roadways.

Section 4. Violation. Violation of Section 3. shall constitute a violation of ORS 164.805 of the Oregon Criminal Code (see exhibit B). Each day in which a violation is caused or permitted to exist constitutes a separate violation.

Section 5. City of Phoenix Process. The City of Phoenix may require a plan to be submitted by potential violators of this trackout ordinance prior to the approval to proceed with their project. The City of Phoenix may require the imposition of conditions for the prevention of trackout. Conditions imposed may include, but are not limited to the following:

(a) Posting of a bond by a contractor in an amount sufficient to ensure that funds are available for roadway cleanup by the City, if the contractor is negligent in the cleanup of an adjacent public roadway;

(b) Streetsweeping, vacuuming or other means of removing trackout material from public roadways;

(c) The installation of wheel washers at exits of major construction sites;

(d) The use of temporary or permanent barricades to keep traffic off unpaved areas;

(e) Graveling of access roads on site;

(f) Limiting the use of public roadways by vehicles; and

(g) The issuance of a stop-work order.

(1) No person shall violate the provisions of a stop-work order pursuant to Section 3. hereof.

(h) A stop-work order issued pursuant to Section 5. hereof shall be posted at the work site and delivered by certified mail to an alleged violator. Appeals from any such order shall be conducted pursuant to the applicable provisions of the adopted code (see exhibit C).

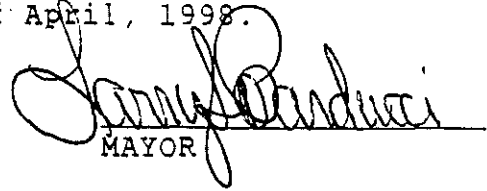
Section 6. Guidance. It is the intent of the City of Phoenix to eliminate as much as practicable the causes of trackout and water quality degradation when and where it could or does exist. To this extent it is the intention of the City of Phoenix to depend on the DEQ for enforcement of the NPDES Storm Water Regulations for Construction Projects that this ordinance has made reference to. The City of Phoenix Police Department shall notify violators of a trackout violation. The violator shall have until the close of business that day

to remove the trackout to the satisfaction of the Police Department. If the violation still exists at the beginning of business the following day, a citation will be issued pursuant to the ORS referenced in this ordinance. It shall be at the discretion of the Police Department whether a violation is of a sufficient magnitude to request that the Building Inspector issue a stop-work order.

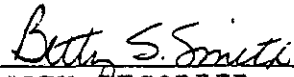
Section 7. It is hereby adjudged and declared that the existing conditions are such that this Ordinance is necessary for the immediate preservation of the public health and safety of the City

of Phoenix and an emergency is hereby declared to exist and this Ordinance shall take effect and be in full force and effect from and after the date of its passage and approval by the Mayor.

Passed and adopted by the Council and signed by me in authentication thereof this 10TH day of April, 1998.

  
MAYOR

ATTEST:

  
CITY RECORDER

RECEIVED  
JUN 14 1990

ORDINANCE NO. 7-7

AIR QUALITY CONTROL

AN ORDINANCE CREATING THE OFFICE OF FIRE CHIEF, DEFINING HIS DUTIES AND POWERS; PREVENTING FIRE HAZARDS, AND PROVIDING FOR THEIR ABATEMENT; ADOPTING REGULATIONS AND A PERMIT PROCESS FOR OPEN BURNING AND WEED CONTROL, AND A PENALTY FOR THEIR CONTINUANCE; REPEALING ORDINANCES NO. 7-2 AND 7-3 AND DECLARING AN EMERGENCY.

The City of Eagle Point ordains as follows:

Section 1: The Chief of the Fire Department of the City of Eagle Point shall be ex officio Fire Marshal. He shall receive no compensation therefor other than his salary as Fire Chief.

Section 2: The Fire Chief shall have the power, with the consent of the Council, to appoint a deputy to serve without compensation and act in the place and stead of the Fire Chief. The Fire Chief and the deputy shall be subject to removal from office by vote of the City Council at any regular meeting. The Fire Chief or his deputy shall enforce the provisions of this ordinance and all other ordinances pertaining to the protection of the City of Eagle Point from fire.

Section 3: The Fire Chief, Deputy Fire Chief and any person under their control or supervision shall have the right to enter upon any premises at all reasonable hours for the purpose of inspection, and at any time in the course of performing their fire suppression or life safety duties.

Section 4: The Fire Chief or, in his absence, the Chief of Police shall have the authority to establish fire lines. It shall be unlawful for any unauthorized person, except the owner, lessee, or someone having some property rights or interest in the burning property or other property imperiled thereby, to enter the fire limits fixed by such lines.

Section 5: It shall be unlawful for any person or persons to deposit any ashes or cause them to be deposited or permit or suffer the same to remain in any wooden vessel or other combustible receptacle. Ashes shall be placed in some safe depository or galvanized iron or other incombustible material not less than 12 inches from any wooden wall, wooden fence, or other wood work, and not less than 20 feet from any wooden structure or building.

Section 6: Any person using or having charge of or control over any shavings, hay, straw, litter, or other combustible waste material fragments shall cause them to be securely deposited or removed so as to be safe from fire. All receptacles for waste, rags, paper, and other substances liable to spontaneous combustion must be made of incombustible material.

Section 7: It shall be unlawful for any person to allow or permit to remain upon roofs in the City of Eagle Point any accumulation of paper, hay moss, or other inflammable or combustible material.

Section 8: It shall be unlawful for any person to kindle any fire or cause a fire to be kindled upon public streets, alleys, or highways within the City of Eagle Point. This section shall not prohibit fires necessary for the heating of pitch or tar for roofing authorized buildings or street construction or repairs.

Section 9: It shall be unlawful for the owner, occupant, agent, or other person in possession of any lot, tract, or parcel of land within the corporate limits of the City of Eagle Point to permit grass or other vegetation excepting shrubs, trees, flowers or crops raised in the ordinary course of husbandry to grow over twelve (12) inches tall.

Prior to the 15th of May each year, such owner, occupant, agent, or other person in possession of property shall cause any such grass or growth on any unoccupied lot to be cut, removed, or destroyed. No person shall burn such grass or growth from any unoccupied lot without first having obtained a permit from the Fire Chief to do so. It shall be unlawful for any person within the City of Eagle Point to accumulate, to permit to accumulate, to deposit, or to cause to be deposited on any premises within the City of Eagle Point any accumulation of inflammable refuse or rubbish in amount or quantity sufficient to constitute a fire hazard.

Section 10: It shall be unlawful for any person within said City to engage in any outside burning of refuse or rubbish without first obtaining a permit to do so from the Fire Chief, or as the Fire Chief may order from time to time.

- A. A written permit has been issued by the City Fire Chief or designee to maintain such fire at that location; and
- B. The fire is started and maintained in accordance with the terms of the permit and the following requirements of this ordinance.

Section 11: No permit will be issued under any circumstances for outside burning during December or January. The purpose of this section is to minimize the accumulation of PM 10 air pollution resulting from open burning. The public should be aware that open burning may also be restricted during the fire season (typically June through October) by the fire districts or other fire regulating authorities.

- A. Burn barrels, trash incinerators or similar devices and their locations shall be approved by the Fire Chief or designee prior to the issuance of a permit.
- B. The Fire Chief or designee shall not approve outside burning on any day when it is determined that the Ventilation Index is less than DEQ recommendations during the day.

Section 12: A permit may be issued only for the following purposes:

- A. Controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;
- B. Burning contaminated pesticide containers as prescribed by DEQ and manufacturer specifications;
- C. Burning beehives and beekeeping paraphernalia to eradicate the spread of disease;
- D. Burning a structure or the other use of fire for training purposes by a fire department in coordination with DEQ;
- E. Field burning in agricultural areas;
- F. The burning of vegetative material by the public at large from February 1st to beginning of fire season and from end of fire season to November 30th of each year, subject to all terms and conditions of said permit and the terms and conditions of this ordinance.
- G. The Fire Chief or designee may condition any permit issued hereunder to exclude the burning of any particular material upon a finding by the Fire Chief or designee that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.
- H. Open burning of any wet garbage, plastic, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking or service of food or of any other material which normally emits dense smoke or noxious odors is prohibited throughout the City of Eagle Point.

Section 13: Fires which are the subject of this ordinance shall be maintained during daylight hours only, and by a competent adult person, and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the Fire Chief or designee. Additionally, the Fire Chief or designee, as a permit condition, may restrict fires to limited daylight hours which shall be specified on the permit.



Section 14: Burning without a permit as prescribed by this ordinance, or in violation of the terms of any permit, or any other act in violation of this ordinance, is hereby declared to be a public nuisance and may be summarily abated by the Fire Chief or designee or the Police Department.

Section 15: It shall be unlawful for any person to throw away any lighted cigar, cigarette, or other tobacco within any sawmill, box factory, lumber yard, or any part of any public street within 100 feet of such sawmill, box factory, or lumber yard; warning signs shall be posted in conspicuous places in every sawmill, box factory, or lumber yard and along any street, sidewalk, or alley within 100 feet of such place. Said signs shall be erected by the owners of said sawmill, box factory, or lumber yard at their sole expense.

Section 16: Upon notice of the Fire Chief or Chief of Police all consumers and users of water connected with the water systems now in use or hereafter installed in the City of Eagle Point, shall shut off all private systems, hydrants or appliances on their premises immediately.

Section 17: The Fire Chief, or designee, the Chief of Police or any other police officer in the City of Eagle Point shall, upon determining that a fire hazard exists as described in this ordinance, notify the owner, occupant, agent, or other person in charge of property upon which said fire hazard exists. Such notice shall be delivered personally in writing or by registered mail to the last known address of such person and shall state specifically the condition which has caused the fire hazard. Such fire hazard shall be removed within 24 hours after delivery of said notice. If removal is not completed within a reasonable time, the Fire Chief, his designee, the Chief of Police, or other police officer shall cause such fire hazard to be removed and the cost thereof shall become a lien upon the property which said fire hazard exists or to which it is adjacent, in the same manner as other liens under the laws of the State of Oregon and the Charter of the City of Eagle Point.

Section 18: Any owner or occupant of any tract, piece, or parcel of land against which a lien has been entered under the provisions of this ordinance who shall for any reason desire to dispute the same, may file his protest with the City Recorder and Municipal Judge within ten (10) days from the date of such docketing, which protest shall set forth the grounds thereof. The same shall be heard speedily and summarily, and the lien docketed as aforesaid shall be confirmed, modified, or vacated, as may be warranted by the facts, or, if confirmed, the same may thereafter be enforced by notice issued by the City Recorder and Municipal Judge to the Chief of Police to sell said premises upon published notice of such proceeding as is otherwise required on sale of real property for the satisfaction of city liens.

Section 19: Any violation of this ordinance shall be deemed an offense and any person upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$250.00. Each day the violation continues shall be a separate offense.

Section 20. To the extent that Ordinances No. 7-2 and 7-3 are inconsistent herewith, they are hereby repealed.

Section 21. The Council finds that the passage of this ordinance is necessary for the immediate preservation of the City of Eagle Point and of said City. Therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

PASSED by the Council and signed by me in open session in authentication of its passage this 22 day of May, 1990.

\_\_\_\_\_  
Mayor

ATTEST:

Nita Sewell  
Recorder

APPROVED by me this 22 day of May, 1990.

\_\_\_\_\_  
Mayor

property for the satisfaction of city lien. (Ord. 178 §10, 1974).

8.08.070 Water turnoff requirement in case of fire. It is the duty of all consumers and users of water connected with the water systems now or hereafter installed in the city to shut off all private systems, hydrants, or appliances on their premises immediately when any fire alarm is given by the fire department or when any fire is in progress in the city. (Ord. 178 §11, 1974).

8.08.080 Turning in false alarm. It is unlawful to turn in any false alarm. (Ord. 178 §13, 1974).

8.08.090 Disorderly conduct at or near fires--Police powers of fire department. A. It is unlawful for any person at or near a fire to conduct himself in a disorderly manner or to refuse to observe promptly any order of any member of the fire department.

B. For the purpose of this section, all members shall be endowed with the same powers of arrest as are conferred upon peace officers for violations of fire ordinances of the city. (Ord. 178 §14, 1974).

8.08.100 Fire season. A. No person shall start or maintain any fire outside a building (except for an outdoor cooking fire and agricultural use of orchard heaters) for the purpose of burning any material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises, unless:

1. A written permit has been issued by the city fire chief or his designate to maintain such fire at that location; and

2. The fire is started and maintained in accordance with the terms of the permit and the following requirements of this section.

A burn permit may be issued for the following purposes only:

1. Controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;

2. Burning a structure or other use of fire for training purposes by a fire department in coordination with D.E.Q.

B. No permit will be issued where burning would violate Oregon Administrative Rules governing open burning in the Rogue Basin open control area.

C. Each permit shall contain a written condition in boldface type to the effect that the permittee shall contact the fire chief's office before each fire is started and ascertain that outside burning is approved, under sub-

sections D and E of this section, by the fire chief or his designate for that day. No permit shall be valid as to any day on which the fire chief or his designate has ascertained that burning is not permitted under said subsections. In addition, the fire chief or his designate may condition any permit issued hereunder to exclude the burning of any particular material when he finds that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.

D. The fire chief or his designate shall not approve outside burning on any day if he determines that low humidity, high winds, drought or other weather or other unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. In no event shall the fire chief or his designate approve outside burning on a day when one or more of the following conditions exist, or in his determination will exist:

1. Temperatures above ninety degrees Fahrenheit;
2. Wind above twenty miles per hour; or
3. Humidity below thirty percent.

E. The Fire Chief or his designate may approve exceptions to outside burning on any day when he determines that the ventilation index is or will be greater than four hundred during that day. The ventilation index is the National Weather Service's indicator of its relative degree of air circulation for the Medford area.

F. Fires which are subject to this section shall be maintained during daylight hours and by a competent adult person and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the fire chief or his designate.

G. Outside burning without a permit is declared to be a public nuisance and may be summarily abated by the fire chief or chief of police or their designates.

H. Summary Abatement. The procedure provided by this chapter is not exclusive but is in addition to procedures provided by other ordinances and for the health officer, the chief of the fire department and/or chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

I. City Pickup for Tree Prunings Only. One time during the third week of February and the third week of March, the city will offer curbside pickup for bundles of tree prunings only. Each bundle shall not exceed three feet in length and sixty pounds in weight, with a limit of ten bundles each pickup day.

J. Violation--Infraction. A person violating any of the provisions of this chapter shall, upon conviction thereof, shall have committed an infraction, be punished by

a fine not to exceed five hundred dollars and shall pay the cost of the proceedings.

K. Violation--Separate Offense.

1. Each day's violation of a provision of this chapter constitutes a separate offense.

2. The abatement of a nuisance shall not constitute a penalty for violating this chapter, but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance. (Ord. 375, 1992; Ord. 256 §1, 1981; Ord. 178 §15, 1974).

8.08.110 Violations--Penalties. A. Any violation of this chapter shall be deemed an offense and any person upon conviction thereof shall be punished by a fine of not less than two dollars nor more than one hundred dollars or by imprisonment for not less than two days nor more than thirty days, or by both fine and imprisonment, in the discretion of the court.

B. Any person who shall attempt to commit any of the offenses mentioned in this chapter, but who, for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

C. All motor vehicle laws of the state relating to the operation or parking of motor vehicles at or near fire hydrants, and granting emergency motor vehicles a right-of-way or are incorporated as a part of this chapter and a violation of such laws is considered a violation of this chapter. (Ord. 178 §12, 1974).

## Chapter 8.12

### POWER EQUIPMENT LOCKOUT/TAGOUT POLICY

Sections:

- 8.12.010 Established.
- 8.12.020 Responsibility and training.
- 8.12.030 Lockout or tagout devices--Removal.
- 8.12.040 Energy control inventory.
- 8.12.050 Periodic inspection--Violation.
- 8.12.060 Sequence of energy control procedure.
- 8.12.070 Energy control training checklist.

8.12.010 Established. City of Jacksonville places a high priority upon the safety and well-being of all employees. To further the city's effort to protect employees from harm, the following policy has been established:

It is the policy of city of Jacksonville that all power equipment shall be completely isolated from all power during servicing and maintenance. This will be accom-

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
A Statement of Need and Fiscal Impact accompanies this form.

DEQ - Air Quality  
Agency and Division

Chapter 340  
Administrative Rules Chapter Number

Susan M. Greco  
Rules Coordinator

(503) 229-5213  
Telephone

811 S.W. 6th Avenue, Portland, OR 97213  
Address

<u>June 16, 1998</u>	<u>5pm</u>	<u>200 Antelope Rd., White City</u>	
Hearing Date	Time	Location	Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request?  
x Yes     No

**RULEMAKING ACTION**

~~ADDITIONAL~~ *Amend:*

OAR 340-020-0047, OAR 340-30-043, OAR 340-028-1930, OAR 340-028-1940.

Stat. Auth.: ORS 468A.035

**RULE SUMMARY**

Revisions to the Particulate Matter Plan (PM10) for the Medford -Ashland Air Quality Maintenance Area (AQMA) are needed to adopt control strategy recommendations from the Medford-Ashland Air Quality Advisory Committee. The revised plan continues existing strategies and adds new measures. Submittal of the plan to EPA will stop a federal sanctions clock that was begun with withdrawal of the PM10 plan from EPA in 1996. The amendment to OAR 340-030-043 enhances the current requirements for major industrial sources to control fugitive emissions. It places more emphasis on protecting public roadways from contamination by soil or other fugitive materials. Revisions to the New Source Review rules (OAR 340-28-1930 and 1940) will ensure that nonattainment area requirements for NSR continue in the Medford-Ashland Air Quality Maintenance Area under the Prevention of Significant Deterioration (PSD) program. Once adopted by the Environmental Quality Commission these revisions will be submitted to the Environmental Protection Agency as a modification to OAR 340-020-0047, Oregon Clean Air Act Implementation Plan

Friday, June 19, 1998, 5:00 pm  
Last Day for Public Comment

  
Authorized Signer and Date

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Revision to the PM10 Attainment Plan for the  
Medford-Ashland Air Quality Maintenance Area

## Fiscal and Economic Impact Statement

### Introduction

The proposed PM10 plan revision contains control strategies that will have an economic impact in the Medford-Ashland Air Quality Maintenance Area (AQMA). This plan revision is needed in order to continue PM10 control strategies in the Medford-Ashland AQMA, as well as stop a federal sanctions clock that expires in December, 1998. The plan contains strategies originally adopted by the Environmental Quality Commission in 1991 to meet Clean Air Act requirements. The economic impact of those original strategies has not been addressed in this analysis. The revised plan also contains additional measures developed by an Advisory Committee as a proactive step to help protect public health. The additional strategies will have an economic impact on local government, major wood products industry, and the general public.

### General Public

The proposed unified woodstove curtailment strategy adds additional cities to the existing curtailment program. This means that some citizens in these newly added communities will need to use an alternative to noncertified woodstoves for home heating during poor ventilation conditions (Yellow or Red Advisory). The strategy will have no economic impact on homeowners who do not heat with wood, homeowners with certified woodstoves, or homeowners that have been exempt from curtailment requirements. Homeowners who use a non-certified woodstove, and who are not exempt, will be required to use an alternative non-wood heating system during Yellow or Red Days.

Costs related to home heating are highly variable depending on local fuel costs, especially the cost of cord wood, which is not standardized. Other factors affecting heating costs are individual home efficiency, square footage of living space to be heated, and the efficiency of heating systems. A general comparison of costs can be made for several main fuel types. The following cost estimates

were developed for a 1,500 square foot home, built before 1993, requiring a heating system to produce approximately 50,000,000 BTU's per year.

The average daily cost of home heating with different fuels (expressed as average dollars per day for wood, natural gas, oil, and electricity), are very similar (within one dollar per day of each other). The difference between the daily cost of wood, and the daily costs of alternative fuels ranged from a cost savings of about \$0.17/day (for natural gas) to a cost increase of approximately \$0.75/day for electricity. Under the assumptions used in this analysis, the cost of compliance with the unified woodstove curtailment strategy would be as follows: natural gas would be approximately \$0.17 per day less expensive than wood heat; oil approximately \$0.45 per day more expensive than wood, and electricity approximately \$0.75 per day more expensive than wood.

Since 1985 there has been an average of 12 Red Days and 12 Yellow Days per year, although in recent years there have been no Red Days and 0-5 Yellow days. Using the historic frequency of Red and Yellow Days, the estimated cost of compliance would range from approximately \$4 per home per year savings (if natural gas is substituted for wood) to \$20 per home per year more if electricity is substituted for wood. It is estimated that approximately 4,800 homes in 1998 and 1,350 homes in 2015 would need to substitute an alternative heating source during curtailment days.

The unified woodstove curtailment ordinance also contains a provision that requires all landlords to provide an alternative non-woodburning backup heat source to tenants with noncertified woodstoves. This provision will allow woodburning tenants to comply with the curtailment program. Non-wood alternatives range in cost from \$500 for a propane heater to \$2,000 for forced-air central heat.

### **Small Business**

Jackson County has agreed to continue to work voluntarily with the Department on road dust issues in White City. This work will likely involve both major industry and small business. The costs to small business for participation in this voluntary effort is unknown, and will depend on the approach used to minimize soil trackout onto roadways.

### **Large Business**

The proposed PM10 plan includes a strategy to reduce particulate emissions from board products manufacturing processes at two major wood products facilities. Reductions in PM10 are expected to occur as a result of a federal requirement to install Maximum Available Control Technology (MACT) for the control of hazardous air pollutants. MACT standards affecting Medite and Timber Products are expected from EPA in the year 2000, with installation of controls by no later than 2003. As an adjunct to MACT, both Timber Products and Medite have committed to reduce particleboard and hardboard press vent emissions by at least 90 percent should MACT not produce



the anticipated reduction in particulate. This revision to the PM10 Plan would only impose a cost on Timber Products and Medite if MACT is insufficient to achieve the expected particulate reduction and additional controls are required. It is expected that these reductions will occur by no later than November, 2003. For the Timber Products facility, control costs for the particleboard operation have been estimated to range from approximately \$ 400,000 to \$650,000 for capital cost, and approximately \$150,000 per year for on-going operation and maintenance. For the Medite facility, control costs for the hardboard operation have been estimated to range from approximately \$750,000 to \$1,000,000 for capital cost, and approximately \$250,000 per year for on-going operation and maintenance.

### **Local Governments**

The jurisdiction of White City has committed to pave 0.62 miles of unpaved road at an estimated cost of \$250,000. White City is also pursuing the purchase of a new street cleaning machine (vacuum sweeper) to enhance their current street cleaning program. The capitol cost of the vacuum sweeper is estimated at \$210,000 or less.

The City of Medford has committed to pave 0.13 miles of unpaved roadway at an estimated cost of \$56,550. The city of Medford has also committed to use dust suppression techniques to reduce emissions on 0.41 miles of unpaved roadways. Costs for initial application of dust suppressants are expected to range from approximately \$3,700 to \$6,000, with annual maintenance costs estimated at approximately \$2,300 per year. In addition, the City of Medford has committed \$539,000 toward the paving of unpaved alleyways in west Medford. Federal funding assistance will be sought for the balance of this paving project .

Local governments participating in the unified woodstove curtailment program will likely use existing staff resources to coordinate air quality activities with Jackson County. The Jackson County air quality program is funded with assistance from the Department of Environmental Quality, and provides technical and public information assistance to other jurisdictions in the AQMA. It is expected that no significant economic impact will be incurred by local governments joining the unified curtailment program.

### **State Agencies**

- DEQ: Implementing the revised PM10 plan will not require any additional Department resources. The plan will continue the implementation of PM10 strategies already adopted. Local government and Department staff have been trained to implement the existing and new strategies. The Advisory Committee requested an on-going process to evaluate additional strategies to reduce vehicle miles traveled and reduce emissions from heavy duty diesels, industry and prescribed forest burning. The on-going process is currently not a budgeted activity and can not be supported with permit fees. Therefore, the Department has requested funding for the on-going advisory committee process in a policy option package. This on-going process will be staffed jointly by the Airshed

Planning Section in HQ and the regional office, and is estimated to cost approximately \$50,000 through the end of the 1997/99 biennium. Increasing regional involvement in the air quality planning process was identified as a priority in the Division's Strategic Plan. Additional funding for local programs will also continue to be explored.

- Other Agencies: Implementing the revised PM10 plan will not require any additional resources from other state or federal agencies.

### Assumptions

1. The cost of paving unpaved roads varies with road width and other local factors. Costs range from approximately \$400,000 to \$435,000 per mile. The cost of dust suppressants range from approximately \$8,000 to \$13,000 per mile for initial application, plus approximately \$5,000 per mile reapplication costs (\$2,500 per mile on a six month reapplication schedule). As part of the PM10 control strategies the City of Medford expects to use dust suppression on approximately 0.46 miles of unpaved roads. Based on contacts with local public works officials and manufacturer representatives for various vacuum sweepers, the cost of an adequate vacuum sweeper is estimated to be \$210,000 or less.
2. Estimated control costs for the 90 percent reduction in particle/hardboard emissions were provided by Timber Products and Medite Corporation.
3. Estimates of home heating costs are based on information and discussions with the Oregon Department of Energy (ODOE). For purposes of comparison, assumptions for a 1,500 square foot home, built before 1993 was used resulting in an estimated 50,000,000 BTUs per year home heat demand. The cost of cordwood was estimated at between \$80 for unseasoned softwood, to \$150 per cord for seasoned hardwood. An average \$100 per cord was used in the comparison. Net heating system efficiencies were estimated based on information from ODOE. The local cost of electricity (\$0.048 per Kwh) was obtained from Pacific Power, and the local cost of natural gas (\$0.5265 per therm) was obtained from W.P. Natural Gas. Heating oil costs were estimated at \$0.85 per gallon.

### Housing Cost Impact Statement

The Department has determined that this proposed rulemaking will have no effect on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Revision to the PM10 Attainment Plan  
for the Medford-Ashland Air Quality Maintenance Area

Land Use Evaluation Statement

**1. Explain the purpose of the proposed rules.**

In 1997 the Department withdrew the 1991 PM10 Attainment plan from EPA for the Medford-Ashland Air Quality Maintenance Area (AQMA). Withdrawing the plan started an 18 month federal sanctions clock requiring re-submittal of the plan no later than December, 1998. The Department assembled a local air quality advisory committee to assist in revising the PM10 attainment plan. After reviewing technical analysis and recent guidance from EPA, the Advisory Committee decided to re-submit the original 1991 PM10 control measures to EPA, as well as add additional control measures as a proactive step to help protect public health. This rulemaking is needed to adopt the Committee's recommended attainment plan revisions. Submittal of the revised plan to EPA will ensure that PM10 control strategies continue in the Medford-Ashland AQMA, as well as stop the federal sanctions clock.

**2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?   X Yes   No**

**a. If yes, identify existing program/rule/activity:**

Strategies added to the revised PM10 attainment plan will be implemented in part through reductions in major point source emissions. These reductions will be reflected in federal operating permits (Title V) for two major facilities. The issuance of ACDPs and federal operating permits is an existing activity identified in the LCDC-approved DEQ State Agency Coordination (SAC) agreement (Division 18), as having significant effects on land use.

**b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?   x Yes    No (if no, explain):**

The existing procedure for statewide goal compliance and local plan compatibility adequately covers the proposed amendments to the New Source Review Program. Under this procedure, the

Department requires applicants for an ACDP to obtain a land use compatibility statement from the appropriate local jurisdiction before issuing the permit.

**c. If no, apply the following criteria to the proposed rules.**

Staff should refer to Section III, subsection 2 of the SAC document in completing the evaluation form. Statewide Goal 6 - Air, Water and Land Resources is the primary goal that relates to DEQ authorities. However, other goals may apply such as Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources; Goal 11 - Public Facilities and Services; Goal 16 - Estuarine Resources; and Goal 19 - Ocean Resources. DEQ programs and rules that relate to statewide land use goals are considered land use programs if they are:

1. Specifically referenced in the statewide planning goals; or
2. Reasonably expected to have significant effects on
  - a. resources, objectives or areas identified in the statewide planning goals, or
  - b. present or future land uses identified in acknowledged comprehensive plans.

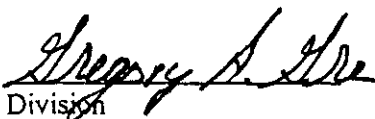
In applying criterion 2 above, two guidelines should be applied to assess land use significance:

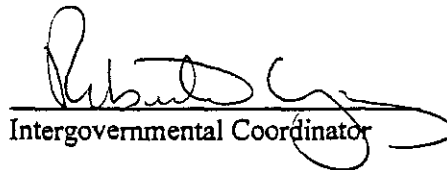
- The land use responsibilities of a program/rule/action that involved more than one agency, are considered the responsibilities of the agency with primary authority.
- A determination of land use significance must consider the Department's mandate to protect public health and safety and the environment.

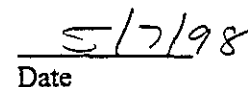
**In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.**

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.

NA

  
Division

  
Intergovernmental Coordinator

  
Date

**Questions to be Answered to Reveal  
Potential Justification for Differing from Federal Requirements.**

- 1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

Applicable federal requirements include the Clean Air Act as amended in 1990, and federal guidance for implementing new National Ambient Air Quality Standards (NAAQS) for ozone and particulate (Interim Implementation Guidance).

- 2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

Federal requirements are both technology based and performance based. Performance based requirements are controlling in that compliance with national ambient air quality standards is the primary requirement under the Clean Air Act.

- 3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

Yes, the Department's comments were considered by EPA during the process to establish new ozone and particulate standards and in developing the Interim Implementation Guidance. The Department expressed concerns about the elimination of the requirement to develop maintenance plans.

- 4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

Yes, the proposed plan revision improves the ability of major industry to comply in a more cost effective way by setting an extended time frame for emission reduction. This helps prevent the need for retrofit technology in the future. Elements of the plan also increase the public's certainty by applying consistent woodstove curtailment requirements in AQMA jurisdictions.

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

No

6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

No. The new federal requirements for implementation of the PM10 standards removes the requirement for an analysis of potential future PM10 impacts. Without this analysis the ability to maintain compliance with PM10 standards considering future growth is less certain.

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

Yes.

8. Would others face increased costs if a more stringent rule is not enacted?

Potentially at a future date if the new particulate standards are exceeded.

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

No

10. Is demonstrated technology available to comply with the proposed requirement?

Yes

11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

Yes

**State of Oregon**  
**Department of Environmental Quality**

**Memorandum**

**Date:** April 27, 1998

**To:** Interested and Affected Public

**Subject:** Rulemaking Proposal and Rulemaking Statements - 1) Proposed revisions to the Medford-Ashland PM<sub>10</sub> Attainment Plan as an amendment to Oregon Clean Air Act State Implementation Plan; 2) Amendments to OAR 340-30-043, Control of Fugitive Emissions (Medford-Ashland AQMA).

This memorandum contains information on a proposal by the Department of Environmental Quality (DEQ) for new rules and rule amendments regarding the particulate matter (PM<sub>10</sub>) attainment plan for the Medford-Ashland Air Quality Maintenance Area. This proposal maintains the original PM<sub>10</sub> control measures adopted by the Environmental Quality Commission (EQC) and submitted to the Environmental Protection Agency (EPA) in 1991. It adds additional particulate control measures recommended by a local advisory committee as a proactive step to help protect future air quality.

The Department has the statutory authority to address the issue under the Oregon Revised Statutes (ORS) chapter 468A.035 and also 468.020, which authorizes the Environmental Quality Commission the authority to adopt plans and programs to achieve and maintain federal and state ambient air quality health standards. This plan, if approved by the Commission, will be adopted as a revision to the State of Oregon Clean Air Act Implementation Plan (OAR 340-020-0047) and submitted to the U.S. Environmental Protection Agency for approval under the provisions of the federal Clean Air Act.

**What's in this Package?**

Attachments to this memorandum provide details on the proposal as follows:

- Attachment A The official statement describing the fiscal and economic impact of the proposed rule. (required by ORS 183.335)
- Attachment B A statement providing assurance that the proposed rules are consistent with statewide land use goals and compatible with local land use plans.
- Attachment C Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements.
- Attachment D Executive summary of the proposed revision to the Medford-Ashland PM<sub>10</sub> Attainment Plan.
- Attachment E Proposed revision to OAR 340-30-043, Control of Fugitive Emissions (Medford-Ashland AQMA).

Memo To: Interested and Affected Public  
April 27, 1998  
Page 2

A copy of the draft PM<sub>10</sub> Plan is available upon request from the Air Quality Division in Portland, 811 S.W. 6th Avenue, Portland, Oregon, 97204. A copy is also located at the Department of Environmental Quality, Medford Office, 201 Main Street, Suite 2-D, Medford, Oregon, (541) 776-6010. Copies are also available at the following public libraries:

- Jackson County Library, 413 W. Main St., Medford, OR
- Ashland Branch Library, 410 Siskiyou Blvd., Ashland, OR
- Central Point Branch Library, 226 E Pine St., Central Point, OR
- Eagle Point Branch Library, 158 W Main St., Eagle Point, OR
- Jacksonville Branch Library, 170 S. Oregon St., Jacksonville, OR
- Phoenix Branch Library, 120 W 2<sup>nd</sup> St, Phoenix, OR
- Talent Branch Library, 105 N "I" St. , Talent, OR
- White City Branch Library, 2399 Antelope Rd., White City, OR

### **Public Comment Period**

You are invited to review these materials and present written comment on the proposed rule changes. Written comments must be presented to the Department by 5:00 p.m., Friday, June 19, 1998. Please forward all comments to David Collier, Department of Environmental Quality, 811 S.W. 6th Avenue, Portland, Oregon, 97204. Written comments can also be hand delivered to the Department of Environmental Quality, 811 S.W. 6th, 11<sup>th</sup> Floor between 8:00 a.m. and 5:00 p.m.

In accordance with ORS 183.335(13), no comments can be accepted after the close of the comment period. Thus, if you wish for your comments to be considered by the Department in the development of these rules, your comments **must** be received prior to the close of the comment period. Interested parties are encouraged to present their comments as early as possible prior to the close of the comment period to ensure adequate review and evaluation of the comments presented.

- A public hearing has been scheduled to take testimony on this proposal. DEQ staff member Mary Heath will act as hearings officer. The hearing will be held on June 16, 1998, beginning at 5pm. The hearing will take place at the following location:

Jackson County Public Works Auditorium  
200 Antelope Road  
White City, Oregon



### **What Happens After the Public Comment Period Closes**

Following close of the public comment period, the Department will prepare a report that summarizes the comments received. The Environmental Quality Commission (EQC) will receive a copy of this report.

The Department will review and evaluate the rulemaking proposal in light of all information received during the comment period. Following the review, the rules may be presented to the EQC as originally proposed or with modifications made in response to the public comments received.

The EQC will consider the Department's recommendation for rule adoption during one of their regularly scheduled public meetings. The targeted meeting date for consideration of this rulemaking proposal is August 7, 1998, in Portland. This date may be delayed if needed to provide additional time for evaluation and response to the public comments received.

You will be notified of the time and place for final EQC action if you present oral testimony or submit written comment during the comment period or ask to be notified of the proposed final action on this rulemaking proposal.

### **Background on Development of the Rulemaking Proposal**

PM<sub>10</sub> measurements taken in Medford in the mid to late 1980's showed that air quality in the Medford-Ashland Air Quality Maintenance Area (AQMA) exceeded both the daily and annual average PM<sub>10</sub> health standard. At that time the major sources contributing to PM<sub>10</sub> exceedances were residential wood combustion, major wood products industry, and road dust. PM<sub>10</sub> control strategies were developed in cooperation with local stakeholders to reduce emissions and bring air quality into compliance with standards. A PM<sub>10</sub> plan implementing these strategies was adopted by the Environmental Quality Commission (EQC) and submitted to the Environmental Protection Agency (EPA) in 1991. EPA found the plan complete but was unable to grant approval because the dispersion modeling did not show compliance in all areas of the AQMA under worst-case conditions.

The dispersion model predicted that PM<sub>10</sub> standards would be attained at the principal reference monitoring site of Welch & Jackson. However, the model did predict exceedances of PM<sub>10</sub> standards at a near by location. PM<sub>10</sub> measurements at Welch & Jackson are used to determine compliance with particulate standards, and modeled attainment at this location was of primary concern. At that time, the Department judged the model predicted exceedances near by to be an over estimation of PM<sub>10</sub> impacts. The Department believed that the adopted control strategies would be sufficient to bring the area into compliance with PM<sub>10</sub> standards. This issue was not

resolved with EPA. The strategies have been very successful in reducing emissions and lowering PM<sub>10</sub> to levels well below the standards.

Figures 1 and 2 show the trend since 1989 of daily (24-hr average) and annual average PM<sub>10</sub> values at the key monitoring site of Welch & Jackson Streets in Medford.

Figure 1 :

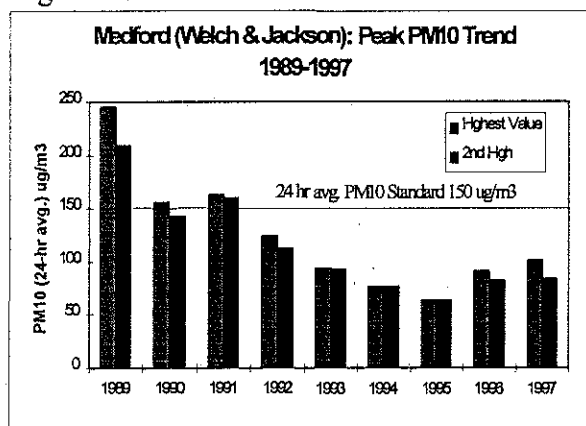
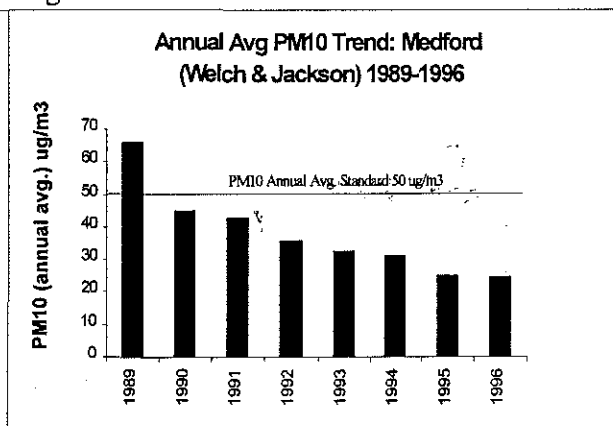


Figure 2:



When the most recent Rogue Valley Regional Transportation Plan (RTP) was proposed in 1996, the projected emissions for transportation sources were not compatible with the 1991 PM<sub>10</sub> Plan. This meant that transportation projects and funding could not go forward in the Rogue Valley until the air quality and transportation plans were reconciled.

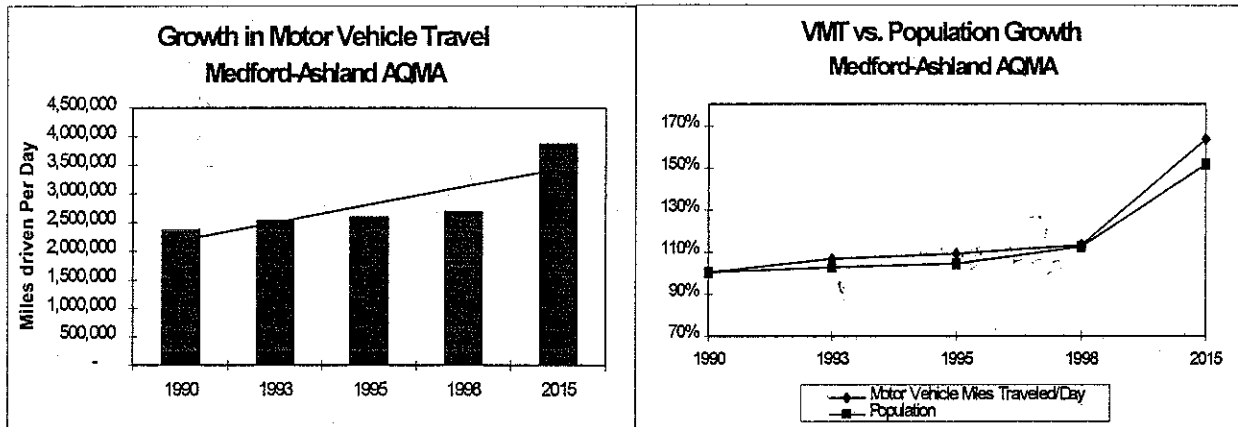
### Why is there a need for the rule?

To address the air quality-transportation problem, the Department decided to withdraw the 1991 PM<sub>10</sub> plan from EPA so that transportation funding could continue while the attainment plan was revised and a long term maintenance plan developed. Withdrawing the plan from EPA started an 18 month federal sanctions clock requiring re-submittal of the plan by no later than December, 1998. This rulemaking is needed to re-submit the original strategies to EPA and to adopt additional attainment plan strategies recommended by the Medford-Ashland Air Quality Plan Advisory Committee. Submittal of the revised plan to EPA will ensure that PM<sub>10</sub> control strategies continue in the Medford-Ashland AQMA, as well as stop the federal sanctions clock.

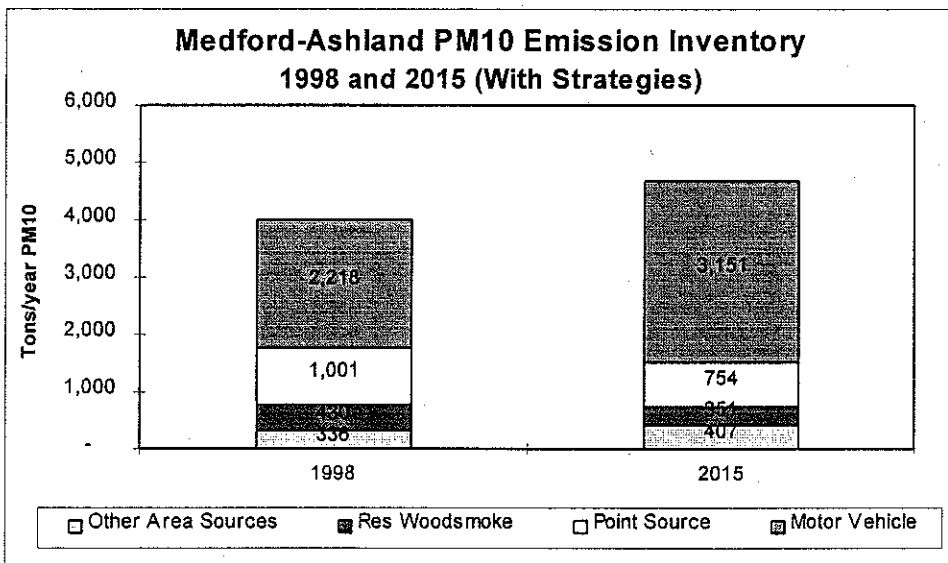
### How was the rule developed?

In 1997, the Department assembled a local air quality advisory committee to assist in revising the PM<sub>10</sub> attainment plan and developing a long term maintenance plan. Over the past year the

committee has reviewed technical analysis and strategy options; and has recommended that the Department submit this revised particulate plan to the Environmental Quality Commission for adoption and submittal to EPA. In developing strategies for the PM<sub>10</sub> plan revision the Committee reviewed growth trends in the AQMA, and an emissions inventory that reflects the expected growth.



In the mid 1980's PM<sub>10</sub> emissions were estimated at about 4,600 tons per year. An emission inventory for 1998 shows that emissions have significantly decreased in the decade since the mid 1980's (the period in which PM<sub>10</sub> standards were frequently exceeded). An inventory projected to 2015 estimates that PM<sub>10</sub> emission will increase to levels similar to the mid 1980's, primarily as a result of road dust emissions growth related to motor vehicle travel.



The Committee also reviewed modeling analysis that estimates the ambient PM<sub>10</sub> concentrations caused by the emissions inventory. Federal guidance in place at the time required that the modeling be conducted under worse-case conditions. That meant modeling major industry at their maximum allowable permitted emission level, and using severe air stagnation meteorology measured in Medford during the mid 1980's. The modeling identified two potential problem areas in Medford and White City where PM<sub>10</sub> exceedances could occur.

The model predicts ambient PM<sub>10</sub> impacts using a (1 kilometer by 1 kilometer square) grid pattern. Modeling was done to assess both the daily (24-hr average) PM<sub>10</sub> standard of 150 ug/m<sup>3</sup>, and the annual average PM<sub>10</sub> standard of 50 ug/m<sup>3</sup>. The following tables shows the number of grid areas predicted to exceed the PM<sub>10</sub> standards and the highest predicted value. The Committee's primary focus was on reviewing predicted PM<sub>10</sub> concentrations on worse-case days in 1998, and all PM<sub>10</sub> impacts (daily and annual) in 2015. An analysis of the 1998 annual average PM<sub>10</sub> values was not performed.

The modeling results reviewed by the Committee included the emission reduction potential of the new recommended control strategies, except for recent commitments made by Timber Products and Medite (these have been evaluated without modeling). Tables 1 and 2 reflect the modeling results under worse-case conditions, with the additional strategies recommended by the Committee.

Table 1: Predicted PM<sub>10</sub> Values in 1998 Under Worse-Case Meteorological Conditions

	Medford	White City
Number of Areas Exceeding Daily PM <sub>10</sub> Standard	1	1
Highest Predicted Daily (24-hr average) PM <sub>10</sub> Value	175	196

Table 2: Predicted PM<sub>10</sub> Values in 2015 Under Worse-Case Meteorological Conditions

	Medford	White City
Number of Areas Exceeding Daily PM <sub>10</sub> Standard	13	1
Number of Areas Exceeding Annual PM <sub>10</sub> Standard	8	1
Highest Predicted Daily (24-hr average) PM <sub>10</sub> Value	186	205
Highest Predicted Annual Average PM <sub>10</sub> Value	62	58

Note: The daily PM<sub>10</sub> standard is 150 ug/m<sup>3</sup>, the annual avg. standard is 50 ug/m<sup>3</sup>.

As discussed below, new strategies added to the PM<sub>10</sub> plan include a commitment to reduce certain emission points at Medite and Timber products by at least 90 percent no later than November, 2003. It also includes a voluntary agreement with Timber Products to "freeze" approximately 80 tons/yr of allowable permitted emissions until the 90 percent reduction is achieved. The 90 percent reduction is not expected until after the year 2000; however, a qualitative assessment of ambient air quality shows what 1998 worse-case PM<sub>10</sub> values would be if the reduction were achieved now, including the effect of escrowing permitted emissions at Timber Products. Table 3 shows the

highest modeled (worse-case) PM<sub>10</sub> impacts in the Medford area (Grid 10,20) without any strategies, and estimates of the air quality improvement should the 90 percent reduction and emissions escrow be applied now.

Table 3: Potential Air Quality Improvement in 1998, Medford

	PM <sub>10</sub> (ug/m <sup>3</sup> )
Highest modeled Daily (24-hr avg.) PM <sub>10</sub> Impact 1998 (without any additional strategies)	181
Highest modeled Daily (24-hr avg.) PM <sub>10</sub> Impact 1998 (with 90% Board products reduction, and Permitted Emissions escrow)	156 14% Reduction
Highest modeled Annual Average PM <sub>10</sub> Impact 1998 (without any additional strategies)	71
Highest modeled Annual Average PM <sub>10</sub> Impact 1998 (with 90% Board Products reduction, and Permitted Emissions escrow)	53 25% Reduction

During the committee process, EPA issued guidance for implementing the new particulate standards that were adopted in the fall of 1997. This guidance changes the long standing approach to PM<sub>10</sub> planning in nonattainment areas by no longer requiring that a long term maintenance plan be developed, or that compliance with air quality standards be demonstrated through modeling.

The change in EPA policy provided the Committee with several options for how to proceed. The options ranged from simply re-submitting the original 1991 PM<sub>10</sub> strategies to EPA, to developing a full maintenance plan with new control strategies sufficient to demonstrate compliance with PM<sub>10</sub> standards through modeling to the year 2015. After considering the available planning options, the Committee decided to forego development of a full maintenance plan. The Committee decided to re-submit the original 1991 PM<sub>10</sub> control measures to EPA, and add additional control measures as a proactive step to help protect public health. While a majority of Committee members voted to proceed with this middle-ground approach, three members supported the development of a maintenance plan, supported by modeling under worse-case conditions, even though it was no longer required by EPA.

The original control measures identified in the 1991 PM<sub>10</sub> plan include:

- A mandatory woodstove curtailment program (within the critical PM<sub>10</sub> control area);
- Control technology requirements for major wood products industry;
- Local open burning ordinances;
- Requirements for minimizing smoke intrusions from forestry burning year round, and special

- restrictions during AQMA stagnation episodes; and
- Use of cleaner road sanding materials.
- A program to work with private land owners in the White City area to reduce trackout.

New control measures recommended by the Committee (added to the original measures) include:

- A unified mandatory woodstove curtailment ordinance for all jurisdictions in the AQMA;
- Emission reduction of at least 90 percent from particleboard press vents at Timber Products and hardboard press vents at Medite.
- Targeted roadway paving projects in select areas of Medford and White City;
- Revision to the Oregon Administrative Rule (OAR 340-030-043) requiring major point sources to control fugitive dust emissions;
- An education program for orchard owners about roadway soil trackout reduction; and
- Improved street vacuuming programs in White City, continued street cleaning in Medford.

A more detailed discussion of each strategy can be found in the PM<sub>10</sub> Attainment Plan, available for review at the DEQ offices in Portland, Medford, and at the public libraries noted on page 2 of this memorandum.

The amendment to OAR 340-030-043 enhances the current requirements for major industrial sources to control fugitive emissions. It places more emphasis on protecting public roadways from contamination by soil or other fugitive materials. It requires a source to submit a site specific fugitive dust control plan to the Department within 60 days of a permit issuance or renewal.

In addition to the new strategies above, a voluntary agreement has been reached with Timber Products Co. to temporarily "freeze" or "escrow" approximately 80 tons per year of permitted PM<sub>10</sub> emissions until particleboard press emissions are reduced by at least 90 percent. This means that Timber Products could not increase the permitted emission level of their current operation until the 90 percent reduction is achieved (expected by November 2003). At that time, the escrowed emissions will again become available to Timber Products. The Department is developing a formal agreement with Timber Products that will apply until the facility's operating permit is renewed.

Recommendation to the Commission:

The goals of this plan are threefold: 1) to ensure that the control strategies responsible for attaining PM<sub>10</sub> standards continue; 2) to stop the federal sanctions clock begun with the

withdrawal of the 1991 PM<sub>10</sub> plan; and, 3) to enact proactive control strategies that will significantly reduce both PM<sub>10</sub> and PM<sub>2.5</sub> emissions.

Given the good air quality data in the AQMA (Figures 1 and 2); the fact that modeling analysis is no longer required by EPA; and that the modeling approach (worse-case) is no longer applicable to the revised PM<sub>10</sub> standard, the Department supports the Committee's recommendation to submit the original and additional PM<sub>10</sub> control measures without a modeled attainment/maintenance demonstration.

Copies of the documents relied upon in the development of this rulemaking proposal can be reviewed at the Department of Environmental Quality's office at 811 S.W. 6th Avenue, Portland, Oregon (11<sup>th</sup> floor). Please contact David Collier for times when the documents are available for review. These include: PM<sub>10</sub> Moderate Area SIP Guidance, U.S. EPA, 1991; Procedures for Processing Requests to Redesignate Areas to Attainment, U.S. EPA, 1992; Interim Implementation Guidance, U.S. EPA, December 23, 1997;

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

Certain wood products facilities will further reduce emissions under this plan. The Medite and Timber Products facilities have committed to reduce particulate emissions from press vents by at least 90 percent by no later than November, 2003.

The City of Medford will reduce PM<sub>10</sub> emissions through the paving of certain roads, and through continuing their current road cleaning program. The jurisdiction of White City is pursuing the purchase of an advanced vacuum sweeper to enhance their road cleaning program. White City has also committed to pave certain roadways as a PM<sub>10</sub> strategy.

The public will reduce smoke emissions by participating in a woodstove curtailment program. State and federal land managers will comply with requirements of the Oregon Smoke Management Plan. Local orchardists have developed a policy for management practices to reduce soil trackout onto roadways.

**How will the rule be implemented?**

This plan will be implemented through a combination of state rule and local ordinances. State and local government staff have been trained to implement the various strategies. The Advisory Committee has also requested an on-going process to evaluate additional strategies to reduce

Memo To: Interested and Affected Public  
April 27, 1998  
Page 10

vehicle miles traveled and reduce emissions from heavy duty diesels, industry and prescribed forest burning.

**Are there time constraints?**

Withdrawing the original 1991 PM<sub>10</sub> plan from EPA started an 18 month federal sanctions clock that could result in more burdensome requirements for major industry, as well as jeopardize the availability of federal transportation funds to the Medford-Ashland area. A revised plan must be submitted to EPA by no later than December, 1998, to stop the clock.

**Contact for More Information**

If you would like more information on this rulemaking proposal, or would like to be added to the mailing list, please contact: David Collier, (503) 229-5177; 811 SW 6<sup>th</sup> Ave., Portland, OR 97204.

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*This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at 503-229-5317 to request an alternate format.*



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Date: June 19, 1998

To: Environmental Quality Commission

From: Mary Heath

Subject: Presiding Officer's Report for Rulemaking Hearing  
Hearing Date and Time: June 16, 1998, beginning at 6:00 P.M.  
Hearing Location: Jackson County Public Works Auditorium, 200 Antelope Rd., White City, OR

**Titles of Proposals:**

1. Proposed Revisions to the Medford-Ashland PM<sub>10</sub> Attainment Plan as an Amendment to the Oregon Clean Air Act State Implementation Plan, and Amendments to OAR 340-030-0043, Control of Fugitive Emissions (Medford-Ashland AQMA);
2. New Source Review Rule Amendment for Particulate Matter (PM<sub>10</sub>) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as an amendment to Oregon Clean Air Act State Implementation Plan;
3. Medford Carbon Monoxide Maintenance Plan and Amendments to OAR 340-031-0520-0530, Designations of Nonattainment and Maintenance Areas;
4. New Source Review Rule Amendment for CO Maintenance Areas.

On June 16, 1998 a rulemaking hearing was held for the four proposals above. Attendees were asked to sign witness registration forms if they wished to present testimony, and were also advised of the procedures to be followed, and that the hearings were being tape recorded.

In addition, on June 11, 1998, the Environmental Quality Commission took early public comment on the Carbon Monoxide Maintenance Plan. Public comment from the EQC meeting is summarized in the CO Maintenance Plan staff report.

The hearing on June 16, 1998 was conducted by Mary Heath, DEQ, Air Quality Division, Medford Office. Approximately 40 people were in attendance. Twenty one people signed up to give testimony. Prior to receiving testimony, the Department provided the opportunity for people to informally discuss with staff any questions concerning the proposals. Kevin Downing was available for questions concerning the Medford Area Carbon Monoxide Plan, New Source Review Rule Amendment for CO Maintenance Areas, and for questions concerning road dust

controls for the revised PM-10 Attainment Plan for the Medford-Ashland AQMA. David Collier was available for questions concerning the revised PM-10 Attainment Plan for the Medford-Ashland AQMA and the Revision to the Prevention of Significant Deterioration (PSD) Requirements under the New Source Review Program in the Medford-Ashland AQMA. Annette Liebe, John Becker and Keith Tong were available for questions concerning all the proposals.

### SUMMARY OF ORAL TESTIMONY

#### June 16, 1998, 6:00 P.M.

1. Mike Montero, Chairman, Medford-Ashland Air Quality Plan Advisory Committee

Mr. Montero commended the Advisory Committee as a very diverse group that has worked well together, and for advances they made in the PM10 plan, most notably:

- a unified wood stove ordinance;
- voluntary industrial emission reductions;
- the agreement between industry and the Department to preserve airshed credits;
- an educational process for the agricultural industry for trackout and orchard heating;
- and
- more intense vacuuming of streets and paving of alleyways by the city.

He concluded by urging the EQC to adopt the revised plans.

2. Wally Skyrman, American Lung Asso. member of Steering Committee for the Coalition to Improve Air Quality. Mr. Skyrman is also a member of the Medford-Ashland Air Quality Plan Advisory Committee.

Mr. Skyrman recognized the work of the Coalition in helping bring the air quality from one of the poorest in the nation to one of the best, but is concerned that future growth will eat up the gains that have been made. He said that the reason for the new plan is to replace one that EPA found inadequate, and he feels that the new plan, although a good start, still does not go far enough to meet either the PM10 or PM2.5 standards.

Areas of the plan that he would like to see strengthened include:

1. controls on presses and cooling vents at Timber Products and Medite by 2003 whether or not the MACT standards are in place by that time;
2. public funding to help facilitate the reduction of PM10 at Royal Oak;
3. dispersion modeling using adverse meteorology to help track progress in the plan;

4. addressing the problem of increased pollution from airport expansion;
  5. using the county wood stove boundary and opacity standard in the whole valley;
  6. continued funding support for the County's wood stove program; and,
  7. increased enforcement for open burning, especially on weekends.
3. Myra Irwin, member of Coalition to Improve Air Quality as Conservation Chair for Rogue Group Sierra Club,

Ms. Irwin is supportive of the gains already made in improving air quality, including the recent adoption by the City of Ashland of the county wood stove ordinance.

She mentioned several areas which still need work:

- diesel emissions need to be addressed as soon as possible;
- airport emissions; and,
- industrial emissions should be reduced before new standards come out, especially cooling vents.

She supports the efforts of the Advisory Committee and strongly supports the Coalition statement, and urged for further improvements in the plan soon.

4. Treva Tumbleson

Ms. Tumbleson supports the work of the Coalition. She feels that population and vehicle growth are going to occur, and need to be addressed. Also, the population as a whole is aging, and therefore more susceptible to air quality problems.

5. Frank Hirst, member of Steering Committee of Coalition to Improve Air Quality, he formerly represented the Rogue Valley Audubon Society and the Ashland League of Women Voters on the Coalition.

Mr. Hirst said that the Coalition has not been as active lately because of the recent gains in air quality, and urged that we not lose those gains. He strongly endorsed the recommendations of Dr. Palzer. Mr. Hirst also said that too many chemicals are getting into our bodies, especially the young in critical, developing years. We must not poison the species for higher short term profits and Gross National Product.

6. Dr. Robert Palzer, Ph.D. retired Southern Oregon University Chemistry professor, speaking as Scientific Director of Coalition to Improve Air Quality.

Dr. Palzer began his remarks with a brief history of air quality conditions in the Rogue Valley, saying that thirteen years ago, air quality and smoke pollution related mortality rates were some of the worst in the nation, and now with the recent improvements Money Magazine recently ranked it the best air quality in the small western cities category. He said these reductions have come about because of mill closures, wood fired boilers and veneer dryers switching to natural gas, a 90% reduction in slash burning, a ban on open burning in the Rogue Basin from November through February and a total ban on open burning year round in some cities, and reduced residential woodstove emissions on red and yellow days. Many of the emission reductions were not part of the earlier SIP, and even with these reductions worst-case modeling showed two areas (north Medford and White City) that may not meet air quality standards. Recent dispersion modeling by DEQ using worst-case conditions shows that White City would still exceed the PM10 standard even with all the proposed measures in place.

Although the Medford Air Quality Advisory Committee, formed in 1991, did not reach consensus, Dr. Palzer said that it has worked hard to try to avoid federal sanctions while improving the SIP, and the Coalition supports many of their recommendations, including:

- the proposal to reduce emissions from press and cooling vents by 90% by November, 2003;
- uniform woodstove curtailment measures for most cities in the valley, including an opacity limit on the smoke.

He said there should be no backsliding, and further measures are needed, including retaining all existing measures that helped bring the area into attainment. These include:

- reductions from Royal Oak in White City similar to those at Timber Products and Medite, with public support for engineering studies and implementation;
- emissions offsets at a ratio of 1.2:1;
- adequate limits on prescribed forestry burning , especially important with recent proposals to increase burning by 500%;
- emission limits and testing of heavy duty diesels (Oregon is the only west coast state that exempts heavy duty vehicles from I/M programs);
- opacity standards and remote sensing for all vehicles; and
- dispersion modeling to assure that proposed controls will maintain attainment with the PM standard.

Dr. Palzer concluded by urging the Commission to include these additional measures to protect our most sensitive populations, the very young and the elderly.

7. Bob Morris, member of Medford-Ashland Air Quality Plan Advisory Committee speaking as Chairman of the Southern Oregon Timber Industries Association's (SOTIA) Environmental Committee.

Mr. Morris said that industry has been involved in cleaning up the Medford-Ashland area airshed since 1977, and that local industry now operates under the most restrictive particulate standard in the state and possibly the nation. He commended those who have contributed to emission reductions in agriculture, residential wood stoves, and transportation, including I&M and oxygas. He also mentioned the article in Money Magazine ranking Medford high in livability.

Mr. Morris said that although the SIP revisions for both Particulate and CO place an added burden on industry, SOTIA supports the package because it was arrived at through a public process that industry participated in through membership on the DEQ Advisory Committee. He said that reductions made by industry should be returned to the benefit of the airshed, as they are in the agreement between DEQ and Timber Products, not used by some other sector such as transportation.

Mr. Morris stated that industry is not a major part of the CO problem in the Medford area, and feels that the Department's attention to industrial CO emissions in the Medford area is unwarranted.

Although monitoring shows the north Medford and White City areas to be in compliance, worst-case modeling shows the potential for exceedances of the standards. Mr. Morris feels that the driving force behind most of these exceedances are related to transportation and growth. A major proposed road project in north Medford will route traffic into one of these modeled exceedance grids. The project has been modeled with land use remaining the same, and will fail if land use changes (ODOT quote). SOTIA wants to be sure that there are no land use changes that would increase emissions, and that facilities in this area are not penalized in the future for their proximity to a significant ODOT project. The SIP must include controls on the growth aspects of transportation projects in critical areas.

8. Philip Frazee - small business owner, served on Medford-Ashland Air Quality Plan Advisory Committee

Mr. Frazee commended the work of the Committee, but said there is room for improvement in the following areas:

- 60 percent of orchard waste is still burned and should, where possible, be recycled back into the orchards to reduce air emissions, reduce herbicide use, increase the mineral content of the soils, and reduce water use;
- Slash burning of logging wastes sterilizes the soils instead of returning nutrients to the soils, and where burning is required, should take into account wind and weather conditions;
- Rubbish open burning should be phased out or become fee based, because people are using the airshed for a free dump instead of paying to take the rubbish to a landfill;
- Rogue Valley disposal should do more recycling;
- Diesel engines should be looked at for controls; and,
- We should pursue a build/no build option for the control of CO noncompliance.

9. Dr. Herschel King - retired physician and member of Steering Committee for the Coalition to Improve Air Quality.

Dr. King has seen a vast improvement in air quality in the past ten years, and gives a lot of the credit for that to local industries. However, he feels the new PM2.5 standards can only be met if industry agrees to go ahead with the necessary emissions control. He thinks other sources must be curtailed also, especially residential wood stoves.

Dr. King supports the positions taken by the Coalition to Improve Air Quality as presented by Dr. Palzer.

10. Liz Vasecky

Ms. Vasecky is an allergy sufferer, and although she is allergic to many different types of allergens, her allergies worsen when air quality in the valley is poor. She takes medication, but suffers side effects from the medication. She says the numbers of allergy sufferers in the country is increasing, especially among children.

She supports the recommendations of the Coalition to Improve Air Quality, especially to reduce PM10 at Medite, Timber Products, and Royal Oak.

11. Jan Swanson

Ms. Swanson is an allergy sufferer who has seen some terrible air quality in highly populated areas, and is concerned about the effect of increased population on the air quality of the Valley. She wants the area to continue to be a community to move forward with foresight instead of hindsight.

12. Valdomar Swanson - member of Sierra Club

Mr. Swanson wants vehicle pollution addressed further, and said that limiting the excessive speed throughout the valley will help promote optimum combustion and help improve air quality.

13. Fred Binnewies - retired from National Park Service

Mr. Binnewies said that he still sees a brown haze hanging over Medford sometimes, and even though progress has been made, he thinks the standards should be strengthened, not weakened. A neighbor who is a former professor of nutrition at Cornell University but could not be at the hearing also thinks that we have a ways to go in improving air quality, and thinks the standards should be strengthened, not weakened.

Mr. Binnewies supports the efforts and position of the Coalition to Improve Air Quality.

14. Vern Crawford

Mr. Crawford has lived in the area for 23 years and has seen a great improvement in air quality since then and doesn't want current efforts weakened. The air smells better now, and the amount of fog in the valley has declined in both wet and drought years. He thinks that there is a correlation between nucleating particles in the air and the amount of fog.

He wants to see dispersion modeling maintained, and air quality standards maintained in the short term and strengthened in the long term. He supports the current efforts of the Coalition to Improve Air Quality and the good things that have been done.

15. Vera Morrell - served on the Wood Stove Task Force, and is currently on the Medford-Ashland Air Quality Plan Advisory Committee, speaking for the League of Women Voters.

Ms. Morrell wants more regulations on:

- open burning,
- slash burning.
- diesels, with good regulations well enforced,
- industry, and
- agriculture

She doesn't want to see any backsliding, and is concerned that if ventilation in the Valley worsens, we'll be back in trouble. She supports Dr. Palzer's position that the emission reductions negotiated with industry should be returned to the airshed and not used for growth.

16. Roslyn Parker

Ms. Parker is an allergy sufferer who is concerned with increased emissions from:

- forestry burning,
- orchard burning,
- diesel emissions,
- growth, and
- industrial sources, especially those associated with increased development.

17. Rodger White

Mr. White said that the proposed standards need to be maintained at least at current levels; he feels that they are inadequate, but better than nothing. He offered the following suggestions:

- controls on industrial sources, especially the Timber Products and Medite cooling vents;
- Include Royal Oak as a major industrial source, and use public funds/Economic Development money to get the job done;
- Cap slash burning emissions absolutely - a 500% increase is unacceptable;
- open burning needs more controls;
- put emission limits on heavy duty diesels and include an adequate inspection program;
- continue air quality monitoring and dispersion modeling - White City and north Medford modeling grids need to be brought into compliance;



- adopt a uniform wood burning ordinance along the I5 corridor - wood stoves need to meet Jackson County standards, if not stricter standards; and
- land use changes need to include air quality in the planning approval process.

18. Stuart Foster - speaking as a private citizen, not in his capacity as an Oregon Transportation Commissioner

Mr. Foster supports both proposed SIPs, and disagrees with Bob Morris's comments regarding transportation. The proposed north Medford transportation project will speed up the movement of vehicles which will in turn reduce CO emissions. Mr. Foster also said that he believed that the PM10 problems from vehicles is primarily from trackout, with the major contributing source being private industry. He said that we need a balanced approach, and feel that the proposed SIPs do that.

19. Tyler Deke - speaking for the Rogue Valley Council of Governments (RVCOG)

RVCOG approves the proposed SIP and strongly recommends that the Commission adopt both the CO and PM10 SIPs in time to stop the EPA sanctions clock. The new control measures and strategies proposed will help reduce both PM10 and PM2.5 emissions, and all Rogue Valley residents will have the opportunity to participate in the air quality planning process.

20. Terri Prevost

Ms. Prevost has serious respiratory problems. She moved to the Rogue Valley in 1982, and has noticed a big difference in the air quality since that time. She said she is now proud to invite friends and family from out of state to visit the Medford area. However she is still concerned that diesels are not controlled and don't have to be tested, and she supports strengthened standards.

21. Don Walker - alternate on Medford-Ashland Air Quality Advisory Committee, speaking for the City of Medford as the Medford Public Works Director.

Mr. Walker said that the plan is a forward-thinking plan which goes beyond minimum requirements. He believes it is an achievable plan because it was reached by the consensus of many diverse groups. Transportation is one of the key elements of the plan, and is one of, if not the most, important elements in the economic well-being of the

Valley. He said it is fairly dealt with in the plan. The City of Medford fully endorses the plan and urges its adoption.

### WRITTEN TESTIMONY

The following written comments were included in the testimony, but were not presented as oral testimony.

22. Catherine Shaw - in written comments, speaking as Mayor of the City of Ashland.

Mayor Shaw says that ten years ago PM10 levels were high and mortality rates for diseases associated with smoke pollution in Jackson County were among the highest in Oregon and the nation. There has been great progress in the last ten years, but this progress is likely to be reversed if the new SIP doesn't include all the strategies needed to preserve this progress and improve upon efforts made already.

Mayor Shaw believes the following areas should be strengthened or enhanced:

- Industrial sources - The SIP should include a date (2003 at the latest) when controls must be placed on the press and cooling vent emissions on major industrial sources. Also, the 1.2:1 offset ratio contained in the existing SIP should be included in the new SIP.
- Heavy duty diesels - locally registered heavy duty diesels should be required to pass the I&M inspection as they do in California and Washington, and this should be included in the SIP.
- Rogue Valley's Transportation Issues - transportation issues must include all parties who can make a difference; therefore, the Metropolitan Planning Organization's (MPO) boundaries should be increased to the same boundaries of the AQMA to ensure that Ashland, Talent, Eagle Point and Jacksonville are included and become voting members of the MPO. Also, transportation emissions should be capped at current levels and not be allowed to increase in the future.

Mayor Shaw said that the City of Ashland considers air quality to be a vital issue to the future of the Valley, and that by adopting the woodstove curtailment and trackout ordinances, as requested, it is demonstrating its resolve to help improve the entire Valley's air quality.

Six other commentors submitted written transcripts of testimony read into the record. The summary of oral comments reflects the written material submitted.

**There was no further testimony and the hearing was closed at 8:00 p.m.**

**Some additional written comments were received by the Department in Portland prior to the close of public comment on June 19<sup>th</sup> at 5:00pm.:**

22. Mr. and Mrs. Clay T. Scott, Medford, Oregon

Mr. and Mrs. Scott submitted written testimony saying that they are encouraged to see that both the I&M and woodstove curtailment programs have improved air quality dramatically. They strongly urge that the emphasis not be on maintaining the status quo but on further improvements. Specifically, they would like to see heavy duty diesel trucks required to pass air quality testing just as all passenger cars are required to do. They are concerned about the potential for increased emissions as well as air quality and noise impacts from expansion of the Medford airport. They feel that the public process governing the airport expansion has not been adequate.

23. Dave Bray, Region 10, U.S. Environmental Protection Agency.

Mr. Bray submitted written comments concerning the proposed revision to the New Source Review program for major new and expanding industry in the Medford-Ashland AQMA. Mr. Bray commented that states can not exempt major sources with emissions above federal PSD thresholds from provisions of the Prevention of Significant Deterioration (PSD) program, such as analyzing the impact of emissions on class I wilderness areas. These provisions must apply once the nonattainment area designation is revoked.

**Attachment C1**  
**Index of Public Comments Received**  
**Attachment to the Presiding Officers Report for Rule Making Hearing**

State of Oregon  
**Department of Environmental Quality**

<u>No.</u>	<u>Oral Testimony</u>	<u>Written Testimony</u>	<u>PM10 Plan</u>	<u>NSR</u>	<u>Name and Affiliation</u>
WC1	Yes		X		Mike Montero, Chair, Medford Air Quality Advisory Committee 5244 Dark Hollow Rd. Medford, OR 97501
WC2	Yes	Yes	X		Wally Skyrman, American Lung Asso. member of Steering Committee of Coalition to Improve Air Quality 4588 Pacific Hwy. No. Central Point, OR 97502
WC3	Yes		X		Myra Erwin, Conservation Chair for Rogue Group Sierra Club 300 Grandview Dr. Ashland, OR 97520
WC4	Yes		X		Treva R. Tumbleson 655 Leonard St. Ashland, OR 97520
WC5	Yes	Yes	X		Frank Hirst, member of Steering Committee, Coalition to Improve Air Quality 655 Reiten Dr. Ashland, OR 97520
WC6	Yes	Yes	X		Bob Palzer, Scientific Director, Coalition to Improve Air Quality Eculid St. Ashland, OR 97520
WC7	Yes	Yes	X		Bob Morris, Chairman of Southern Oregon Timber Industries Asso. (SOTIA) Environmental Committee

<u>No.</u>	<u>Oral Testimony</u>	<u>Written Testimony</u>	<u>PM10 Plan</u>	<u>NSR</u>	<u>Name and Affiliation</u>
					P.O. Box 100 Medford, OR 97501
WC8	Yes		X		Philip J. Frazee P.O. Box 453 Eagle Point, OR 97524
WC9	Yes	Yes	X		Herschel King, member of Steering Committee, Coalition to Improve Air Quality 791 Faith Ave. Ashland, OR 97520
WC10	Yes	Yes	X		Liz Vesecky 791 Faith Ave. Ashland, OR 97520
WC11	Yes		X		Jan Swanson 375 Old Greensprings Ashland, OR 97520
WC12	Yes		X		Valdomar T. Swanson 375 Old Greenspring Hwy. Ashland, Or 97520
WC13	Yes		X		Fred Binnewies 1009 Oneida Cir. Ashland, OR 97520
WC14	Yes		X		Vern Crawford 923 Harmony Lane Ashland, OR 97520
WC15	Yes		X		Vera Morrell, League of Women Voters 3196 Dark Hollow Medford, OR 97501
WC16	Yes		X		Roslyn C. Parker 1538 Lilac Circle Ashland, OR 97520
WC17	Yes	Yes	X		Rodger C. White 500 Holly St. Ashland, OR 97520

<b>No.</b>	<b>Oral Testimony</b>	<b>Written Testimony</b>	<b>PM10 Plan</b>	<b>NSR</b>	<b>Name and Affiliation</b>
WC18	Yes		X		Stuart Foster P.O. Box 1667 Medford, OR 97501
WC19	Yes		X		Tyler Deke, Rogue Valley Council of Governments P.O. Box 3275 Central Point, OR 97502
WC20	Yes		X		Terri Prevost 1165 Kelly St. Medford, OR 97501
WC21	Yes		X		Don Walker, City of Medford Public Works Director 411 W. 8th St. Medford, OR 97501
WC22	No	Yes	X		Catherine M. Shaw, Mayor, City of Ashland City Hall 20 E. Main St. Ashland, OR 97520
WC23	No	Yes	X		Mr. & Mrs. Clay T. Scott PO Box 1005 Medford, OR 97501
NSR 1	Yes	Yes		X	Dave Bray, US EPA, Region 10 1200 Sixth Ave, Seattle, WA 98101

# ROGUE VALLEY

## Council of Governments

155 S. Second Street  
P.O. Box 3275  
Central Point, OR 97502

*Transportation Planning Program*

(541) 664-6674, 779-6785  
474-5947, FAX 664-7927

June 17, 1998

Oregon Environmental Quality Commission  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

RE: Medford-Ashland PM<sub>10</sub> Attainment Plan & Medford Area Carbon Monoxide  
Maintenance Plan

Dear Commissioners:

The Rogue Valley once had some of the worst air quality in the United States. Through a long, cooperative process, the residents of southern Oregon have made great strides to improve air quality. Exceedances of the national standards are rare.

In February, 1997, the ODEQ and the Rogue Valley Council of Governments (RVCOG) began updating both the CO and PM-10 State Implementation Plans (SIPs). RVCOG has been highly involved in both SIPs through developing data to include in the SIPs as well as participating on the Advisory Committee. We would like to thank the DEQ for allowing the RVCOG to participate on the Advisory Committee.

We are very pleased with the air quality planning process and the resulting draft SIPs. Much of the success of this planning process can be attributed to the broad-based composition and cooperative spirit of the Air Quality Plan Advisory Committee (AQPAC). Representatives from industry, government, and public interest organizations participated on this working group. The Committee reviewed and selected control measures to include in the SIPs. We believe great strides have been made in "opening" the air quality planning process to everyone in the Rogue Valley.

ODEQ did an exceptional job of presenting information and working with the AQPAC to arrive at collaborative decisions. The DEQ made recommendations and the AQPAC took the action necessary to maintain and improve the region's air quality. Control measures necessary to maintain and improve regional air quality were approved by the Committee. A process to review air quality efforts has been established.

Adoption of the ODEQ recommended option is a positive step for the region. The PM-10 SIP will be submitted in a timely manner and stop the EPA sanctions clock. New control measures and

Oregon Environmental Quality Commission

Page 2

June 17, 1998

strategies will help reduce both PM-10 and PM-2.5 emissions. Thus, the region will be proactive and potentially avoid a finding of nonattainment for PM-2.5. The additional voluntary strategies identified by the Committee will allow ongoing regional participation in the air quality planning process. An ongoing, proactive partnership with ODEQ has been established, especially important in light of the new PM-10 and PM-2.5 air quality standards. As these new rules are implemented, this on-going effort will be necessary to insure that the Rogue Valley does not violate the national air quality standards.

The AQPAC has requested that additional work continue to help reduce emissions. A number of efforts will be undertaken during the coming months to insure the continued success of the Rogue Valley in maintaining air quality. RVCOG, through the Rogue Valley Metropolitan Planning Organization (RVMPO), will be initiating a *Transit Oriented Design and Transit Corridor Development Strategies* study for the Rogue Valley Transportation District. Ultimately, this study will identify strategies to help reduce vehicle related emissions. RVCOG, in cooperation with Jackson County and ODEQ, will also be initiating an effort to identify measures and strategies for reducing dust in the White City area.

In conclusion, we are especially pleased with the improved intergovernmental relationship formed with the DEQ. As noted earlier, a proactive partnership has been formed with the DEQ. We therefore strongly recommend that the EQC adopt the draft SIPs for CO and PM-10.

Please contact me if you have any questions or if we may be of any assistance.

Sincerely,



Daniel Moore, AICP  
Transportation Program Manager

c: RVCOG Board; RVMPO Policy Committee; RVMPO TAC



7/15/02

Rodger C. White  
500 Holly Street  
Ashland, OR 97520  
(541)-482-5201

May 17, 1998

Oregon Department of Environmental Quality  
Air Pollution Control  
811 SW 6th Ave.  
Portland, OR 97204-1334

Regarding: Rogue Basin State Implementation Plan

Just as your plan in 1991 was inadequate, so is the plan currently under consideration.

The current plan needs to address these four issues.

1. Limits must be placed on prescribed burning and slash burning in forests.
2. Emission limits must be established and enforced for heavy diesel engines.
3. Studies must be conducted and subsequent disbursement models developed to ensure full attainment of EPA particulate matter standards.
4. Royal Oak in White City needs to meet the same standards as Timber Products and Medite Corp.

The proposed wood burning stove curtailment measures are good. The requirements that industrial polluters such as Timber Products and Medite reduce emissions by 90% are good. Industry offsets are reasonable. But, they are not enough.

Some industries and their boosters in the Rogue Basin argue that the economic value of their activities warrants the damage they do to our environment and ultimately, to us all. The jobs that they provide and taxes that they generate are valuable. But are they more valuable than the harm that they cause? I do not believe that their accounting methods include their "collateral" damage. I do not believe that my grandchildren should pay for their callous disregard as I have paid for the abuse of my environment by earlier generations.

I feel that my health and the health of my family is jeopardized for the benefit of an elite few. The selfish, short sighted view of these few threatens to reduce the environment of the Rogue Basin to one similar to former communist bloc states in Eastern Europe.

Thank you for this opportunity to comment.



Rodger White

RECEIVED  
MAY 20 1998

AIR QUALITY DIVISION  
Dept. Environmental Quality

City of Ashland  
Administration  
Office of the Mayor



City Hall  
20 East Main Street  
Ashland, Oregon 97520

(541) 488-6002  
fax (541) 488-5311

May 27, 1998

Oregon Department of Environmental Quality  
Annette Liebe, Manager, Airshed Planning  
Air Quality Division  
811 South West Sixth Avenue  
Portland, Oregon 97204-1390

RE: Medford-Jackson County AQMA PM-10 State Implementation Plan (SIP)

Dear Ms. Liebe:

Ten years ago, particulate matter (PM10) exceeded the daily health standard of 150 mg/m<sup>3</sup> with levels above 300 mg/m<sup>3</sup>, and they were also 50% above the annual standard of 50 mg/m<sup>3</sup> in both Medford and White City. Mortality rates for diseases associated with smoke pollution in Jackson County were among the highest in Oregon and they were the 11<sup>th</sup> highest in the nation.

Much has happened during the last ten years and our collective progress in addressing these issues has been impressive. This great progress is very likely to be reversed if we don't take proactive steps to ensure the new SIP we are developing now includes all the strategies needed to preserve this progress and improve upon the efforts we have made already.

As we view the proposals recommended by the advisory committee, there are areas that should be strengthened or enhanced. Here are our suggestions:

1. Industrial Sources - This SIP ought to include a certain date when controls must be placed on the press and cooling vent emissions on major industrial sources. These controls should be in place by 2003 at the latest. Also, the requirement in the existing SIP that requires industrial sources to offset new emissions by reducing emissions from other sources by a 1.2:1 ratio should continue to be included in the new SIP.

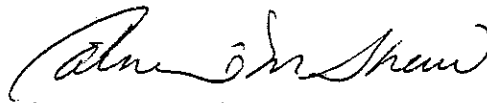
RECEIVED  
JUN 22 1998

AIR QUALITY DIVISION  
Dept. Environmental Quality

2. Heavy Duty Diesels - Locally registered heavy duty diesels should be required to pass the I & M inspection just as light weight diesel vehicles do now. This is already required in California and Washington and should be included in the SIP.
  
3. Rogue Valley's Transportation Issues - Addressing transportation issues can significantly help improve the valley's air quality. However, they must be implemented in a proactive manner and include all parties who can make a difference. Therefore, we feel strongly the Metropolitan Planning Organization's (MPO) boundaries should be increased to the same boundaries of the AQMA. This would ensure that Ashland, Talent, Eagle Point and Jacksonville are included and thus become voting members of the MPO. Also, we think it is very important that we cap transportation emissions at current levels and do not allow them to increase in the future. This will ensure that transportation will receive the appropriate level of attention and effective transportation strategies will become an integral part of all future air quality efforts.

As you are aware, the City feels that air quality is a vital issue to the future of our valley, and we feel that by adopting the woodstove curtailment and trackout ordinances as requested, we are demonstrating our resolve to help improve the entire valley's air quality. We offer our suggestions to improve the SIP and transportation planning in the spirit of cooperation and improved air quality. We would like to be part of the solution and are committed to help in this vital issue.

Sincerely,



Catherine M. Shaw  
Mayor

c: City of Jacksonville  
City of Medford  
City of Phoenix  
City of Eagle Point  
City of Central Point  
City of Talent  
Jackson County  
RVCOG

June 17, 1998

Mr. & Mrs. Clay T. Scott  
P. O. Box 1005  
Medford, Oregon 97501

DEPT. OF ENVIRONMENTAL QUALITY  
811 SW 6th Ave.  
Portland, Oregon 97206

Attn: Air Quality Division  
FAX #(503) 229-5675

Subject: AIR QUALITY IN JACKSON COUNTY

Gentlemen:

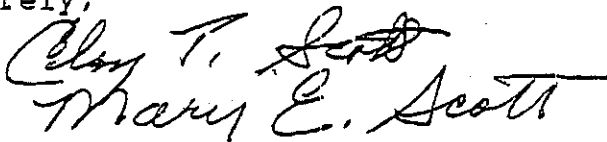
My husband and I moved to Jackson County in November 1981. In those days, the air quality was considered poor. In fact, we had to keep our windows shut in winter to keep out the wood smoke. We were encouraged to see that both the I & M and woodstove curtailment programs have improved the air quality dramatically. We strongly urge that emphasis on air quality should not only be for maintaining the status quo but for further improvements. We are retirees but like all age groups we cherish the quality of life in Jackson County and do not want to see it degraded.

In addition to further improvements, we would like to see heavy duty diesel trucks be required to pass air quality measures as are all passenger cars - no exceptions.

According to a report we read in the Chicago Tribune, air ports are a prime cause of air pollution. Political and economic interests here have pushed the establishment of an international airport which we consider a dubious and probably unnecessary facility for such a sparsely populated area. No public hearings were held to our knowledge but great monetary benefits have been touted. We have not heard a word from anyone acknowledging or analyzing the air quality impacts of a much larger airport in such a small but vulnerable area. With the natural air inversion problems here and increasing auto traffic, we can foresee a risk of further air quality degradation. In addition, increased noise pollution from air traffic is bound to affect surrounding neighbors.

We urge you to address these issues and seek preventive measures to keep our air clean. We also need to get people out of their cars and into a greater use of rapid transit.

Sincerely,



Mr. & Mrs. Clay T. Scott

MES

Air Quality Hearing (June 16, 1998)

My name is Dr. Bob Palzer. I am a retired Southern Oregon University chemistry professor. I am speaking on behalf of the Coalition to Improve Air Quality as its Scientific Director. When I first moved to the Rogue Valley 13 years ago, air quality exceeded minimum health standards for one or more pollutants on roughly half the days of the year.

Particulate Matter (PM) exceeded the daily health standard of 150 ug/m<sup>3</sup> by levels up to 360 ug/m<sup>3</sup> on worst days and were 50% over the 50 ug/m<sup>3</sup> standard in Medford and White City. Mortality rates for diseases associated with this smoke pollution in Jackson County were among the highest in Oregon and the mortality rate was 11th highest in the U.S. The current July issue of Money Magazine has ranked Medford first place in air quality and seventh best overall in livability in the small western cities section of the 300 cities included in its Best Places Ranking in America 1998 report.

This area has experienced the greatest improvements in air quality in the country because of reductions of PM from many sources. Nearly all of the huge woodstoves from the wood products industry no longer exist having been replaced by cleaner burning natural gas or due to mill closure. Slash burning which was the number one source of PM emissions in Jackson County have dropped by 90% in the past decade. Yet the federal land managers are considering increasing their burning by 500% from recent levels. Open burning is prohibited in the Rogue Basin open Burning Control area during November through February. Several cities such as Medford and Jacksonville no longer allow outdoor open burning at any time. Portions of Jackson county and many of the cities only allow open burning when air dispersion is best in the spring. On red or yellow color advisory days residential woodstove emissions are down by 85%. Incidentally, this area had its last red day in 1991. Many of these emission reductions were not included in the DEQ's earlier SIP.

We are here today because in 1991, the Oregon Department of Environmental Quality (DEQ) submitted a State Implementation Plan (SIP) to the Environmental Protection Agency (EPA) which required mandatory woodstove curtailment measures, new controls for some major industrial sources, and more importantly Continuous Emissions Monitoring (CEM) on large industrial woodstoves otherwise known as wood-fired boilers and veneer driers. Nevertheless, air quality dispersion models conducted by DEQ showed that under adverse meteorology, with all sources emitting at their permitted limits, this area would not meet air standards. The areas which the models predicted to exceed the standard were next to Medco, Medite, and Timber Products in North Medford, and in the industrial complex in White City.

The SIP was not approved by EPA. Last year DEQ formally withdraw the SIP first proposed in 1991 and appointed an advisory committee to provide input to DEQ as to how to revise the SIP. I have served

on this committee and we support many of their recommendations. We support the proposal to include press and cooling vents on these presently uncontrolled sources which will reduce emissions by at least 90% by no later than November 2003. We feel that similar reductions could be obtained at Royal Oak in White City and favor public support for engineering studies and implementation. We feel that track out measures are okay, but are more for window dressing than more important measures that should be included.

The inadequacy of the proposed SIP is confirmed by recent dispersion model runs by DEQ that show that under adverse meteorology, if all sources emitted at their permitted levels, this area would still exceed the PM10 standards under adverse meteorology with all of the proposed measures in place.

During the 1987-8, wood heating season mandatory residential wood heating controls went into effect and there was a greater than 80% compliance as determined by field surveys. However, heating season emissions of PM actually rose and did not actually go down until two years after the mandatory residential woodstove emissions were in place. This apparent anomaly can be better understood when noting that industrial production was increasing in this period as was slash burning. By the 3rd heating season PM emissions went down and have been on a steady downtrend since then.

Emissions in July and August (corrected for forest fires) also peaked with industrial production and have been dropping every year since then. Medco, KOGAP, and more recently Croman and Burrill--all of which had industrial woodstoves, ceased operations entirely. Among the existing sources, virtually all of them have converted from burning wood to natural gas as the primary fuel or have put on state of the art emission controls on their industrial woodstoves. Furthermore, forestry slash burning peaked in 1988 and has dropped dramatically with emissions having dropped by 90% in recent years.

Other open burning in the Rogue Basin open burning control area is not allowed during the heating season and in some cities such as Medford, it is not allowed at anytime. This combination of measures has improved our air quality to such an extent that this area has shown some of the greatest improvements in the country. We have not had a red color advisory day since 1991, nor have we exceeded the daily or annual PM standards since then. Our worst days in recent years are typically less than 100 ug/m<sup>3</sup> and the annual average is about 30 ug/m<sup>3</sup>. In short, our PM emissions have dropped by more than 50% during the past decade despite an increase in population.

To allow a major commercial development and associated change in highway construction, DEQ formally withdrew the SIP to allow these projects to continue. DEQ also appointed an advisory committee that represented a broad cross section of the various stakeholders in the valley to advise the DEQ as to what additional measures, if any, should be included in the new SIP. The committee did not

reach consensus, but the SIP that will be out on public hearing contains the following measures. Uniform woodstove curtailment measures for most of the cities in the valley based on the present county ordinance which allows certified woodstoves to be burned on yellow and red days provided their are no visible emissions, except for a half hour startup and refueling interval every four hours, which is more stringent than for industrial sources. In addition no woodstove can have emissions that exceed a 50% opacity limit at any time. Opacity can be visually monitored to a 5% accuracy by trained persons and can be roughly measured by anyone.

The uncontrolled press/cooling vents at Timber Products and Medite will be required to reduce their emissions by at least 90% by no later than November 1993. This is largely due to those of you who made this request at the Timber Products permit renewal hearing, and some private negotiations afterwards. We are still hoping that a similar arrangement can be worked out with Royal Oak in White City.

There should be no backsliding. All existing measures that helped bring this area into attainment should be retained to maintain attainment. For instance industry should not be allowed to increase their emissions for new or major modifications unless they offset emissions elsewhere by a ratio of 1.2 : 1.

Other major items missing from this proposed SIP are there are inadequate limits on prescribed/slash forestry burning. In addition there are still no emission limits and testing of heavy duty diesels. We are the only state on the West coast that exempts heavy duty diesels from I & M programs. Furthermore, opacity standards and remote sensing could be used to make certain that all vehicles meet reasonable air quality standards. Finally when all of the proposed measures are included in the SIP, the dispersion models recommended by the advisory committee should be run to assure that the proposed controls will be likely to maintain attainment with the PM standard. Thank you for your efforts to improve the old SIP. Please add the additional measures to protect our most sensitive populations, the very young and the elderly. Our health is in your hands.

d:\aq\medsip5.98

June 16, 1998

**Southern Oregon Timber Industries Association (SOTIA) Comments on the proposed CO and Particulate plans for the Medford-Ashland AQMA.**

My name is Bob Morris. I am speaking as chairman of the Southern Oregon Timber Industries Association Environmental Committee. SOTIA is an organization that represents the interests of it's members and associates contributing to the production of wood products from our renewable resource base. I am also a member of the Medford-Ashland Air Quality Plan Advisory Committee.

Industry has been involved in efforts to clean up the airshed in the Medford-Ashland area since 1977 at which time there was general agreement that the air in this area was among the worst in the Nation. I myself have seen two generations of pollution control equipment installed on Boilers and Veneer Dryers in addition to a multitude of rules specific to the Medford-Ashland AQMA that govern our industrial activities. We now operate under the most restrictive particulate standard in the state and possibly in the nation.

Others have also contributed significant efforts to the solution including agriculture, residential wood stove changes and transportation controls such as I&M and oxygas.

The net result of all of these efforts is that the area has been in compliance since 1991 and only recently I was pleased to note that when Money Magazine ranked small cities in the west in their best places to live survey, Medford ranked seventh in overall standing and number one in air quality.

The revisions to the State Implementation Plan for both Particulate and CO do place an added burden on Industry. However, we support the proposed package because it was arrived at through a public process that Industry participated in through membership on the DEQ advisory committee. We are reluctant to have reductions made by industry used up by some other sector such as transportation when they should go to the benefit of the airshed. Emission reductions should be protected for the airshed as they are in the agreement between the DEQ and Timber Products.

It is important to note that industry is not a major part of the CO problem in the Medford area. We are concerned that the department's attention to industrial CO emissions is unwarranted for Medford because CO emissions as measured are related primarily to emissions from motor vehicles. It cannot be demonstrated that industrial emissions have a major impact on the measured CO concentrations.



The critical areas of concern center around North Medford's Industrial zoned properties and similar properties in White City. Although monitoring shows these areas to be in compliance, worst case scenarios show the potential for standard's exceedances. The driving force behind most of these exceedances are transportation and growth related.

We are not "no growth oriented" but feel the Department has a responsibility to form the SIP in such a manner that it puts the burden of future mitigation or emission reduction on the growth sectors, primarily transportation related projects. There is not enough analysis of the growth aspects of these projects.

North Medford is a worthy example. A major road project is proposed, routing traffic into one of these modeled exceedance grids. Vehicle miles traveled (VMT) will be reduced elsewhere and the project is modeled with land use remaining the same. The model will fail if land use changes (ODOT quote). There should be a process to make sure that land use changes do not occur that would increase emissions. It would be unfair if facilities in this area were penalized in the future for their existence in proximity to a significant ODOT project.

The SIP must be crafted in a manner to control the growth aspects of transportation projects in critical areas. Industry does not want the process to be weakened because assurances are not in place that keep future actions such as land use changes from jeopardizing the good work that has been done by others.

Respectfully submitted,

*Bob Morris*

Bob Morris

4588 Pacific Hwy North Central Point, OR 97502-1695 June 16, 1998  
541 664-2641

As the American Lung Association of Oregon member on the steering committee of the Coalition to Improve Air Quality I personally would like to thank the Department Environmental Quality for this opportunity to address the Medford -Ashland State Implementation Plan for Particulate and CO. For over ten years the Coalition to Improve Air Quality has fought for regulations and enforcement that has brought our air quality from one of the poorest in the nation to the leading example of what can be done when everyone works together to improve the air we all breathe. The Coalition is composed of representatives from the American Lung Association, Better Breathers, League of Women Voters, Jackson County Citizens League, Headwaters, Rogue Group Sierra Club, Rogue Valley Audubon and other interested individuals.

Before getting into the text of my comments I would like to take a moment to thank the Department of Environmental Quality for the opportunity to serve on the Medford - Ashland Air Quality Plan Advisory Group for nearly the past two years. The group is diverse in makeup from folks wanting to preserve their quota of pollution, to those like myself interested in a healthful air to breathe, to those interested in growth. This last constituency I find most troubling for as one fellow put it, we need to clean up our air with sufficient excess so our population can grow. Common sense tells me with more people in our valley we will all find ourselves with more restrictions and with less freedom. Are we really wanting to advocate growth and use up our air quality "safety valve" only to loose it to more people and the rules that will entail? While in our deliberations we tried to plan into the future to the year 2015, but I was always doubting the accuracy of such projections. Just today I had a concerned citizen who could not make it here tonight ask about airport pollution. We only touched the topic in our delebrations but we know it has to be a significant growing source with the promotion of the expanding international airport. The caller went on to say as a valley resident of 16 years she was dumbfounded as to the ignorance of folks wanting growth. "Don't they know what LA is like. They just do not appreciate what they have here." Am I, in advocating clean air to breathe, enabling folks to move here only to cause more problems?

The reason for the new plan was to replace an older plan that the EPA found inadequate. The old plan did not show compliance in all areas of the AQMA. If you take the time to look at the maps and check on who is located there we find that we are talking about two industrial areas. In the first area we find Timber Products and Medite Corporation located in an area on the north outskirts of Medford. What was discovered a few years back was that in the process of making particle board and medium density fiberboard an inconsequential vent from the presses gave out significant amounts of particulate and formaldehyde, a suspected human carcinogen. The rules have not been finalized and the producers are hesistant to put on particulate controls until the technology based Maximum Acheivable Control Technology (MACT) standard is set and joint control strategy is finalized in 2003. We acknowledge their concerns but feel the need to bring this area in

compliance independent of the MACT standard. Particulate controls should be assured by the year 2003.

The second area of concern that EPA found was in White City where the problem is centered around Royal Oak Charcoal. At this location we advocate redesign and reconfiguration as needed. We support the use of public funding to help facilitate the process. We would like to see reductions of PM similar to those we are advocating for Timber Products and Medite.

To help keep track of progress in our air shed the new proposed plan should include dispersion modeling that shows that the measures in place are adequate to demonstrate compliance throughout the AQMA under adverse metrology. It was similar modeling that discovered the two areas of noncompliance as noted.

The Coalition supports woodstove controls as proposed in the counties woodstove control area that will mirror for the most part the counties ordinance. We do not support the use of the AQMA boundary instead of the counties woodstove control boundary. Having an opacity standard gives folks a performance goal to meet. If a home owner invests in certified stove technology, burns dry seasoned wood and operates his stove correctly he can be nearly smoke free every day. Being smoke free should be the goal at all times, not just on yellow or red days. Communities that are outside the county woodstove area that feel the need to have controls are encouraged to copy the counties ordinance. Funding support for the counties program needs to be continued if the county is to have a viable program. Besides woodstove enforcement, open burning needs to have more enforcement especially on the weekends.

In closing I wish point out that we feel the plan presented is a good start but is inadequate to meet the current PM10 standards, let alone the new PM2.5 standards that we will have to meet in the future.

Thank you

A handwritten signature in black ink that reads "Wally Skyrman". The signature is written in a cursive, flowing style.

Wallace "Wally" Skyrman

From: Liz Vesecky  
791 Faith Ave.  
Ashland, OR 97520  
16 June, 1998

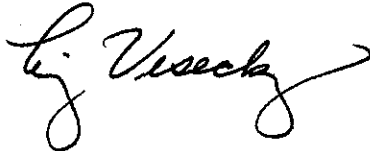
To: DEQ  
Concerning Medford/Ashland Air Quality Plan

I am an allergy sufferer. As anyone who has allergies knows, or who knows allergic people, allergies come from many sources: food, pollens, dust, molds, industrial emissions. Since I suffer from exposure to all of these groups, I don't have just one season of miseries, but experience discomfort, fatigue, sinusitis, sneezing, red and itching eyes throughout the year. Though I certainly cannot exclusively blame industrial emissions for my allergies, I can tell the difference when air quality in the valley is poor. Since my allergy threshold\* is high, increase in just one of the causes can increase my reaction.

Though I can get some relief from medication, it is always temporary, and not without undesirable side effects. My testimony may seem a bit selfish, but there are many others who share my problems; these numbers are increasing, especially among children.

I support the recommendations of The Coalition to Improve Air Quality, especially regarding the reductions of particulates (Medite and Timber Products and Royal Oak).

Thank you.



\* i.e., sensitivity

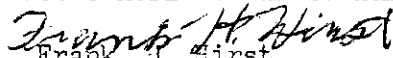
To the DEQ at the Hearing on a new State SIP 6/16/98

I'm a longtime member of the Coalition to Improve Air Quality in our part of the Rogue Valley. In the past I have represented Rogue Valley Audubon Society and the Ashland League of Women Voters on the Coalition and am currently a member of the Steering Committee. Due to improvements in our air quality in relation to current standards the Coalition has not felt a need to be very active recently. We urge you not to lower the standards that would give us the need to become more active: there are already plenty of problems in our society for our members to work on.

As a member of the Coalition (and even if I were not) I strongly endorse the recommendations of Dr. Palzer. He applies the best science we know.

However, beyond that it is becoming more and more apparent our society is neglecting the effects of its practices on future generations. These are apparent in the areas of health and in emotional stability and judgement. We know too many chemicals are getting into our bodies. This is especially harmful in young, developing people and affects both their immediate and lifetime physical and mental health.

You operate in the field of what chemicals get into young people's bodies during these critical developing years. Our society must make the effects of those chemicals, singly and synergistically, on those young people the criteria by which we set standards for letting chemicals ~~loose~~ loose in our ~~our~~ environment. It must be criteria and standards that optimized mental and physical health of growing bodies, not the profits or even existence of individual businesses or even industries. We must not be so foolish as to poison our species in the pursuit of higher short-term profits and gross national product, neither of which measure is correctly figured to reflect contributions to human welfare.

  
Frank A. Hirst  
655 Reiten Dr.  
Ashland, Or 97520

phone 541 488 1098

From: C. Herschel King, M.D.  
791 Faith Avenue  
Ashland, Oregon 97520  
16 June, 1998

To: DEQ  
Concerning: Medford/Ashland Air Quality Plan

I am a retired Physician, part of the steering committee for The Coalition to Improve Air Quality and I have been campaigning for clean air for at least ten years. I have seen enough patients with damaged lungs and would hope for no more. In these past ten years there has been a vast improvement in air quality in our area. In my opinion a lot of the credit for this goes to the local industries changing and cleaning up their activities. Although it was said it could not be done, it happened. And the area has continued to grow and prosper. I thank the local timber industries for spending the millions it has cost them to comply with the standards.

The new PM 2.5 standards for particulates can also be met, but only if the industry agrees to go ahead with the necessary emissions control. Other sources must be curtailed also, especially residential wood stoves. But the real burden falls on industrial emissions, and I call on the local industries to work another compromise with the clean air advocates so that this valley can continue to grow and prosper. We are in this air together.

I support all the positions taken by The Coalition to Improve Air Quality as presented by Dr. Palzer of the Coalition.

Thank you.

*C. Herschel King, M.D.*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

June 18, 1998

Reply To  
Attn Of: OAQ-107

David Collier  
Oregon Department of Environmental Quality  
811 S.W. 6th Avenue  
Portland, Oregon 97204

Re: New Source Review Rule Amendments for PM10 in the Medford-Ashland Air Quality Maintenance Area

Dear Mr. Collier:

I have reviewed the proposed amendments to the New Source Review (NSR) Rule for particulate matter (PM10) in the Medford-Ashland Air Quality Maintenance Area and find that they are inconsistent with EPA's requirements in 40 CFR Part 51 for major source NSR programs. These amendments, if adopted as proposed, would not be approvable as a revision to the Oregon State Implementation Plan.

Contrary to the first paragraph of the Rulemaking Statement, the proposed amendments do not, in fact, maintain the current nonattainment area NSR requirements as a part of the Prevention of Significant Deterioration (PSD) program. Rather, the proposed changes to OAR 340-028-1940 (specifically, the new paragraph (9)) would completely exempt new and modified major sources of PM10 from the PSD requirements that must apply once the nonattainment designation for the area is revoked. While it is acceptable for a State to retain provisions of the nonattainment area (Part D) NSR program as part of a maintenance plan, it cannot exempt new and modified major stationary sources from provisions of the PSD program that are not included in the Part D program (e.g., compliance with PM10 increments, provisions for sources impacting Class I areas).

As an alternative to the proposed paragraph (9), I suggest that it be redrafted as follows:

"(9) Proposed new major sources or major modifications which would emit PM10 in the Medford-Ashland Air Quality Maintenance Area (AQMA) must meet the requirements in OAR 340-028-1930 and OAR 340-030-0111, and are exempted from the requirements of Sections (1) and (2)(a)(C) of this rule as they would apply to PM10 emissions."

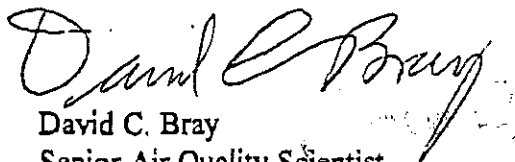
This language would ensure that new major sources and major modifications would be subject only to the more stringent control technology requirement of the Part D NSR program and that

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impacts on the Medford-Ashland Air Quality Maintenance Area would be addressed through the emission offset requirements of OAR 340-028-1930(3) and (4) rather than the air quality analysis requirements of OAR 340-028-1940(2)(a)(C). All other requirements of the PSD program, including compliance with the PM10 increments and the provisions for Class I area protection, would then still apply to sources in the maintenance area.

I thank you for the opportunity to review and comment on the proposed amendments to the New Source Review Rule for PM10 in the Medford-Ashland Air Quality Maintenance Area. If you have any questions on my comments or suggested language changes, please do not hesitate to call me at (206) 553-4253.

Sincerely,

  
David C. Bray  
Senior Air Quality Scientist  
Office of Air Quality

DB:

[User\dbray@oregonair.com](mailto:User\dbray@oregonair.com)



## Attachment D

### State of Oregon Department of Environmental Quality

#### Rulemaking Proposal Revisions to the Medford-Ashland PM10 Plan

## Department Response to Public Comment

[Commentor index included in Attachment C1]

**Comment 1: Supports plan in its current form. Retain all existing measures used to reach attainment, add new strategies. Proposed plan represents a balanced approach.**

(Commentors WC1, WC6, WC14, WC18, WC19, WC20, WC21). Many commentors support the plan elements as proposed, mentioning specifically: the trackout reduction program; unified woodstove curtailment ordinance; reductions in press vent emissions from industry; education program for orchardists; voluntary reductions from industry; and the fact that this plan was developed by consensus through a local advisory committee process.

**Response:** The Department thanks these commentors for their time in reviewing and commenting on the draft plan.

**Comment 2: Supports plan and thinks that additional control measures are necessary.**

(commentors WC2, WC3, WC6, WC8, WC9, WC10, WC13, WC14, WC15, WC16, WC17, WC20, WC22, WC23). Many commentors testified that the PM10 plan should go beyond the current proposal and address other air pollution issues of concern in the valley. These include: emissions from prescribed forestry burning; emissions from residential open burning and the need for more enforcement; an education program addressing orchard heating; the need for more control on major industry; the need to reduce emissions from motor vehicles; the need to reduce emissions from heavy duty diesel vehicles (specifically mentioned was the need for a diesel testing program).

**Response:** Many of the commentors concerns are already addressed in the proposed plan, such as additional controls on industry, an education program for orchardists, and a unified approach to woodstove curtailment in the valley. The Department agrees that the additional concerns raised by the commentors should be addressed in an on-going effort. The Medford-Ashland Air Quality Advisory Committee has committed to an on-going process to evaluate these issues and look for ways to further reduce emissions. The Committee has specifically identified prescribed

forestry burning, major industry, motor vehicle travel, and heavy duty diesel vehicles as areas to be addressed. The Department has recently convened an advisory committee to develop an emissions testing program for diesel vehicles. The Medford-Ashland advisory committee will consider the resulting program for the Medford-Ashland AQMA. The Committee may also consider further work on residential open burning and orchard practices.

The on-going committee process in Medford-Ashland is currently not a budgeted activity and can not be supported with permit fees. Therefore, the Department has requested funding for the on-going advisory committee process in a policy option package. This on-going process will be staffed jointly by the Airshed Planning Section in HQ and the regional office. Increasing regional involvement in the air quality planning process was identified as a priority in the Division's Strategic Plan.

**Comment 3: The Plan should use dispersion modeling to demonstrate attainment. The proposed plan is inadequate to meet standards as demonstrated by modeling.** (Commentors WC2, WC6, WC14, WC17).

**Response:** EPA's recent guidance implementing the new particulate standards no longer requires that compliance with the pre-existing PM10 standards be demonstrated through modeling. The Committee was given the option to continue to use modeling in developing control strategies and voted seven to three to not use modeling in the revised PM10 plan. The Committee considered several factors: 1) there has not been an measured exceedance of the PM10 standards since 1991; 2) modeling analysis for the pre-existing PM10 standard is no longer required by EPA, and 3) the modeling approach (worst-case) is no longer applicable to the revised PM10 standard. In light of recent air quality data, and the fact that modeling is no longer required or applicable to the new standard, the Department supports the Committee recommendation to re-submit the original and additional PM10 control measures without a modeled attainment/maintenance analysis. If a violation of the new P2.5 standard is measured in the Medford-Ashland area, new modeling will likely be required.

**Comment 4: Require the recycling of waste forest slash and orchard waste materials. Make open burning a fee-based program to reduce emissions and promote alternative disposal techniques.** (Commentor WC8).

**Response:** The on-going Air Quality Committee will have the opportunity to evaluate how current open burning practices could be improved, including techniques to promote alternatives to burning.

**Comment 5: Need controls at the airport.** (Commentors WC2, WC3, WC15, WC16, WC23).

**Response:** PM10 emissions from aircraft in the Medford-Ashland AQMA were estimated at about 31 tons per year for 1998. This accounts for approximately 4 percent of the total area source emissions and about 1 percent of all emissions in the AQMA. These emissions were not identified as a significant contributor to predicted PM10 exceedances. Closer evaluation of

aircraft emissions may be warranted if PM2.5 exceedances are measured in the AQMA. The regulation of aircraft emissions is within federal jurisdiction, not the states.

**Comment 6: Supports the use of public funds through the Oregon Economic Development Department to help reduce industrial emissions.** (Commentors WC2, WC6, WC17).

**Response:** The Department also supports OEDD's interest in assisting existing Oregon industry to reduce air emissions.

**Comment 7: Emission reductions made by industry should be returned to the airshed and not used by other source sectors to increase emissions.** (Commentors WC7, WC15).

**Response:** Mandatory reductions in industrial emissions are returned to the airshed. These reductions have been required in the past to ensure attainment with the pre-existing PM10 standards. It is expected that PM10 emissions from other source sectors such as transportation will increase in the future. Reductions in vehicle miles traveled will be evaluated as part of the on-going committee process. If no proactive steps can be identified, and standards are violated, a local advisory process will help the Department identify additional emission control strategies.

**Comment 8: The driving force behind modeled exceedance is transportation. No land use changes should be allowed in areas of predicted exceedances that would increase transportation emissions. Major industry should not be penalized for their proximity to large transportation projects. The plan should include controls on growth of transportation projects in critical areas.** (Commentor WC7)

**Response:** Decisions about land use and transportation infrastructure are made at the local level and reflect community priorities. Transportation projects and plans must satisfy transportation conformity rule requirements designed to protect against violation of public health standards. However, air quality impacts from land use changes are not required to be analyzed prior to their approval. Under current rules, land use changes and associated transportation emission increases occurring after a conformity analysis is made would have to be offset during future conformity determinations. The Department will continue to work with the Rogue valley Council of Governments, and the Medford-Ashland Air Quality Advisory Committee to reduce motor vehicle miles traveled in the AQMA.

**Comment 9: The local Metropolitan Planning Organization's (MPO) boundary should be increased to match the Air Quality Maintenance Area (AQMA boundary). This would allow all jurisdictions in the AQMA to become voting members of the MPO.** (Commentor WC22)

**Response:** The MPO is responsible for transportation planning within the MPO boundary (which encompasses the main urban core of the AQMA). MPO staff together with their policy board develops the transportation system that defines the majority of automobile travel in the AQMA. Emissions from this regional transportation network will play a significant role in the air quality of the AQMA. Expanding membership to other AQMA jurisdictions is at the discretion of the Rogue Valley Council of Governments (RVCOG). The Department would

support RVCOG in adding other AQMA jurisdictions to the MPO. This would allow for a more comprehensive analysis of regional transportation impacts, as well as allow jurisdictions with a stake in AQMA air quality to fully participate in regional transportation planning decisions.

**Comment 10: Industry is already operating under the most restrictive particulate standards in the state and maybe the nation. The SIP revision places an added burden on industry.** (Commentor WC7).

**Response:** The emission control strategy developed for industry in 1991 was necessary to attainment PM10 standards. Industry in the Medford-Ashland area has shouldered a large burden to improve air quality in the valley; however, these strategies are necessary to protect public health through the PM10 and PM2.5 standards. The additional emission control measures in this revised plan are supported by industry. Many of those who testified complimented industry for their efforts, as does the Department.

**Comment 11: Recognize the Coalition to Improve Air Quality, the Medford-Ashland Air Quality Advisory Committee, and local major industry, for their accomplishments in improving air quality in the Rogue Valley.** (Commentors WC1, WC2, WC3, WC9)

**Response:** The Department also recognizes and appreciates the efforts of the Coalition to Improve Air Quality, the Medford-Ashland Air Quality Advisory Committee, local major industry, and the citizens of the Rogue Valley for their work and sacrifice to improve air quality in the AQMA.

**Comment 12: Continue funding support for County woodsmoke program.** (Commentor WC2)

**Response:** The Department agrees that continued funding of the Jackson County air quality program is vital to the ongoing success of air quality efforts in the AQMA, and necessary for the implementation of SIP required PM10 control strategies. The Department maintains a level of base funding for local air programs around the state. Additional local funding should be restored if possible.

**Comment 13: Concerned about population growth and the pollution it will bring.** (Commentors WC2, WC4, WC11, WC16)

**Response:** Emissions are projected to increase with population growth and growth in motor vehicle miles traveled in the AQMA. This emission growth is of concern.

**Comment 14: Concerned that if ventilation worsens, air quality standards may be violated.** (Commentor WC15)

**Response:** Poor ventilation was a significant factor in past PM10 exceedances. A return of severe air stagnation in the future coupled with maximum production by industrial sources may indeed jeopardize air quality standards. Operating permits for several major sources in the

AQMA include a significant amount of unused permitted emissions. Current operating levels plus the unused emissions represent the maximum allowable emission level for a facility. These unused emissions can not be transferred from one facility to another, but a source can use its unused emissions to increase to maximum allowable levels. Even though these emissions can be legally used by these sources, the Department believes it unlikely that all major industrial sources in the AQMA will operate at maximum permitted levels simultaneously.

**Comment 15: Concerned about health problems, allergy sufferers, aging population, and children that are more susceptible to air quality problems. Standards should be based on health issues.** (Commentors WC4, WC5, WC10, WC11, WC16, WC20)

**Response:** The Department agrees. The emission control strategies adopted in 1991 have successfully brought air quality into compliance with health-based particulate standards. The new fine particulate standards for PM2.5 are based on the latest medical research and are designed to protect sensitive populations such as children and the elderly. If air monitoring indicates that particulate standards are being jeopardized, the Department will act with local stakeholders to ensure compliance with standards.

**Comment 16: Land use changes need to include air quality in the planning approval process.** (Commentors WC7, WC17)

**Response:** The Department agrees that land use directly affects motor vehicle travel and therefore air quality. The air quality implications of land use changes associated with transportation projects will be evaluated in future conformity determinations. The Department does not currently have rules that require air quality analysis prior to approval of land use decisions.

**Comment 17: Transportation is a key element in the economic well-being of the valley, and was fairly dealt with in the plan.** (Commentor WC18).

**Response:** The advisory committee process provides the opportunity for local stakeholders to assist the Department is designing strategies that both meet air quality goals and reflect community priorities.

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## Attachment E

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Revision to the Medford-Ashland AQMA  
PM<sub>10</sub> Attainment Plan

### Detailed Changes in Response to Comment

The Department is not recommending any revision to the PM<sub>10</sub> attainment plan as proposed by staff and the Medford-Ashland Air Quality Plan Advisory Committee. A brief section has been added to the plan to better describe recent developments regarding the Royal Oak facility and the cooperative approach currently being explored to reduce emissions. This new section is included as Attachment E-1.

Royal Oak Special Project: The Department has been working in partnership with the Royal Oak facility and the Oregon Economic Development Department (OEDD) to identify possibilities for reducing emissions at Royal Oak. The governors Community Solutions Team is supportive of using public resources to help existing Oregon business meet air quality goals while maintaining their competitiveness. The OEDD is currently applying for a \$50,000 grant to help Royal Oak with a design study, potentially leading to redesign of equipment and pollution control. If found to be feasible, the \$2 million project would reduce PM<sub>10</sub> emissions from Royal Oak by over 100 tons per year. Also contributing to the project is the White City Urban Renewal Agency (WCURA). The WCURA may provide some additional funding for pollution control at Royal Oak in exchange for sole assess to the resulting emission reduction credit. New major industry locating in the AQMA will be required to provide a 20 percent emission offset as part of the New Source Review program. The WCURA will be able to offer emission credits from the Royal Oak reduction to industries locating in White City to meet the offset requirement.

This cooperative approach is supported by the governor's Community Solutions Team and the Medford-Ashland Air Quality Plan Advisory Committee. The Department will continue to work with Royal Oak towards voluntarily reducing emissions at their facility.

#### 4.14.5.3

#### Open Burning Strategies

Open burning emissions have been reduced during the critical November to February period by local ordinances banning open burning during these months. Annual open burning emissions will be reduced by a year around ban within the City of Medford, as well as restrictive ventilation criteria, and shorter burn seasons in unincorporated areas of Jackson County, Central Point, Jacksonville, Phoenix, Talent, Eagle Point and Ashland. A summary of local open burning ordinances can be found in Appendix A-3.

#### 4.14.5.4

#### Road Dust Strategies

The City of Medford and other local governments have ongoing programs to control mud and dirt trackout onto roadways. The City of Medford also has an ongoing program using HUD funding and financial participation by affected landowners to pave unpaved roads and curb unpaved shoulders on paved roads. In general, road dust emissions were reduced by programs to pave unpaved roads, to curb and gutter shoulders on paved roads, and to control mud and dirt trackout from industrial, construction and agricultural operations.

## Attachment F Advisory Committee membership

The following local interests were represented on the Medford-Ashland Air Quality Plan Advisory Committee

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• City of Ashland</li><li>• City of Central Point</li><li>• City of Eagle Point</li><li>• City of Jacksonville</li><li>• City of Medford</li><li>• City of Phoenix</li><li>• City of Talent</li><li>• Clean Cities Coalition</li><li>• Fruit Growers League</li><li>• Greater Jackson County Chamber of Commerce</li></ul> | <ul style="list-style-type: none"><li>• Home Builders Association</li><li>• Jackson County</li><li>• Jackson County Health Department</li><li>• League of Women Voters</li><li>• Oregon Department of Transportation</li><li>• Oregon Department of Forestry</li><li>• Rogue Valley Council of Governments</li><li>• Rogue Valley Transit District</li><li>• Sierra Club, Oregon Chapter</li><li>• Southern Oregon Timber Industries Association</li><li>• Transportation Advisory Committee (TRADCO)</li></ul> |
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# Environmental Quality Commission

- Rule Adoption Item
- Action Item
- Information Item

Agenda Item H  
August 7, 1998 Meeting

**Title:**

Revision to the Prevention of Significant Deterioration (PSD) requirements under the New Source Review (NSR) program for new and expanding major industry in the Medford-Ashland Air Quality Maintenance Area (AQMA).

**Summary:**

Oregon's current PM10 nonattainment area designations are scheduled to be revoked as part of implementing the new particulate standards for PM10 and PM2.5. This will occur when EPA approves the Medford-Ashland PM10 attainment plan (Agenda Item G), together with three years of PM10 attainment data and a demonstration that the Department has the resources necessary to implement the new particulate standards. Once revoked, major industry in nonattainment areas will be subject to less stringent New Source Review requirements as described in the Prevention of Significant Deterioration (PSD) program. The Medford-Ashland Air Quality Advisory Committee has recommended that requirements for new and expanding major sources not be relaxed; and that current nonattainment area NSR requirements be retained after the nonattainment area designation is revoked. This Medford-Ashland specific NSR proposal establishes requirements considered more stringent than the minimum required by EPA. This proposal is part of the Committee's effort to adopt proactive strategies to help protect future air quality.

**Department Recommendation:**

It is recommended that the Commission adopt the rules/rule amendments regarding proposed changes to the PSD provisions of New Source Review (NSR) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as a revision to the State Implementation Plan (SIP), as presented in Attachment A of the Department Staff Report.

Report Author  Division Administrator  Director 

State of Oregon  
Department of Environmental Quality Memorandum

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**Date:** June 22, 1998  
**To:** Environmental Quality Commission  
**From:** Langdon Marsh  
**Subject:** Agenda Item H, August 7, 1998, EQC Meeting.

Proposed changes to the PSD provisions of New Source Review (NSR) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as a revision to the State Implementation Plan (SIP).

**Background**

On May 12, 1998, the Director authorized the Air Quality Division to proceed to a rulemaking hearing on proposed rules which would revise the requirements under the Prevention of Significant Deterioration (PSD) program for major new or expanding industry in the Medford-Ashland Air Quality Maintenance Area (AQMA).

Pursuant to the authorization, hearing notice was published in the Secretary of State's Bulletin on June 1. The Hearing Notice and informational materials were mailed to the mailing list of those persons who have asked to be notified of rulemaking actions, and to a mailing list of persons known by the Department to be potentially affected by or interested in the proposed rulemaking action on May 13, 1998.

A Public Hearing was held June 16, 1998 with DEQ staff member Mary Heath serving as Presiding Officer. Written comment was received through June 19th at 5:00 pm. The Presiding Officer's Report (Attachment C) summarizes the oral testimony presented at the hearing and lists all the written comments received. (A copy of the comments is also attached).

Department staff have evaluated the comments received (Attachment D). Based upon that evaluation, modifications to the initial rulemaking proposal are being recommended by the Department.

The following sections summarize the issue that this proposed rulemaking action is intended to address, the authority to address the issue, the process for development of the rulemaking proposal including alternatives considered, a summary of the rulemaking proposal presented for public hearing, a summary of the significant public comments and any changes proposed in response to those comments, a summary of how the rule will work and how it is proposed to be implemented, and a recommendation for Commission action.

**Issue this Proposed Rulemaking Action is Intended to Address**

Oregon's current PM<sub>10</sub> nonattainment area designations are scheduled to be revoked\* as part of implementing the new federal particulate standards for PM<sub>10</sub> and PM<sub>2.5</sub>. The new PM<sub>10</sub> and PM<sub>2.5</sub> standards are based on the latest medical research and are designed to better protect public health. Revocation of the pre-existing PM<sub>10</sub> standard and nonattainment area designation will occur when EPA approves the Medford-Ashland PM<sub>10</sub> attainment plan (Agenda Item G), together with three years of PM<sub>10</sub> attainment data and a demonstration that the Department has the resources to implement the new particulate standards. EPA has up to eighteen months to approve the Medford-Ashland attainment plan. Revoking the pre-existing PM<sub>10</sub> standards in Oregon should be accomplished by no later than early 2000. Once the nonattainment area designation is revoked, major industry in nonattainment areas will be subject to less stringent New Source Review (NSR) requirements as described in the Prevention of Significant Deterioration (PSD) program. In Medford-Ashland, both major industry representatives and the air quality advisory committee have recommended that requirements for new and expanding major sources not be relaxed; and that current nonattainment area NSR requirements be retained after the nonattainment area designation is revoked.

**Relationship to Federal and Adjacent State Rules**

The proposal to retain nonattainment area NSR requirements in the Medford-Ashland AQMA is more stringent than the minimum PSD program that would apply once the nonattainment area designation is revoked.

**Authority to Address the Issue**

ORS 468A.035  
OAR 340-020-0047  
42 U.S.C 7401, etc. seq.

Comprehensive Air Pollution Control Plan  
State of Oregon Clean Air Act Implementation Plan  
Clean Air Act Amendments of 1990

**Process for Development of the Rulemaking Proposal (including Advisory Committee and alternatives considered)**

In 1997, the Department assembled a local air quality advisory committee to assist in developing air quality plans for the Medford-Ashland AQMA. Over the past year the committee has reviewed information on growth in the AQMA, projected air quality impacts, and policy guidance from EPA.

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\* The PM10 standard in effect since 1987 has recently been replaced by new particulate standards for PM10 and PM2.5. Compliance determinations for the new form of the PM10 standard will be made by EPA in the year 2000. It is expected that Medford-Ashland will be in compliance with the new PM10 standard. Additional monitoring data is needed to assess compliance with the new PM2.5 standard.

Memo To: Environmental Quality Commission, Agenda Item H, August 7, 1998 EQC meeting

Based on this information, the committee has made strategy recommendations to the Department culminating in a revised particulate plan. Changes proposed for the PSD provisions of NSR in Medford-Ashland are one of several strategies supported by the advisory committee, including representatives of major industry. Local DEQ staff are also in favor of the proposed changes. The alternatives considered include:

1. Make no change to the existing rules. This would allow the less stringent PSD provisions of New Source Review to become effective once the nonattainment area designation is revoked. This would be a relaxation of current requirements for new or expanding major sources in the Medford-Ashland AQMA.
2. Revise the NSR program so that the current nonattainment area requirements continue once the nonattainment area designation is revoked. This strategy is recommended by the advisory committee, and represents no backsliding of requirements for new or expanding major sources in the Medford-Ashland AQMA.

**Summary of Rulemaking Proposal Presented for Public Hearing and Discussion of Significant Issues Involved.**

The Medford-Ashland Air Quality Plan Advisory Committee has affirmed existing PM<sub>10</sub> control strategies and proposed new strategies to help maintain compliance with particulate standards and prevent future exceedances. One important strategy is the emission control technology and air quality analysis requirements for new or expanding major industry under the nonattainment area New Source Review (NSR) Program. Under new EPA guidance, current nonattainment area NSR requirements for major industry would be relaxed in favor of the less stringent PSD program once the Medford-Ashland nonattainment area designation is revoked.

Both the Committee and major industry representatives have recommended that current nonattainment area NSR requirements not be relaxed; and that these requirements be retained after the nonattainment area designation is revoked. This proposal would continue to apply nonattainment area NSR requirements in the Medford-Ashland AQMA after the nonattainment area designation is revoked. It establishes requirements considered more stringent than the minimum required by EPA under the PSD Program.

**Nonattainment NSR adds several features not covered by PSD:**

- **Lowest Achievable Emission Rate (LAER):** This requires the most advanced level of emission control technology;

Memo To: Environmental Quality Commission, Agenda Item H, August 7, 1998 EQC meeting

- **Emission Offsets at (20%):** The nonattainment area NSR program requires the use of emission offsets so that a proposed emissions increase will actually result in a net air quality benefit to the airshed. The emission offset ratio would remain 1.2:1 (20%);
- **Low Significant Emission Rate (SER):** Emission increases greater than the SER level trigger NSR. The SER in Medford-Ashland is a relatively low 5 tons per year, and reflects the close proximity of industry to populated areas and the sensitivity of the airshed to potential air quality exceedances. In the Medford area, small emission increases may exacerbate air quality problems. A low SER helps to manage the air quality impact of those increases.

The Committee recommends retaining the nonattainment requirements of NSR because they believe it is in the best interest of public health and their community. Also of concern is the expected future emissions growth in the AQMA and the implications for the new PM<sub>2.5</sub> particulate standard. Preliminary monitoring data suggests that PM<sub>2.5</sub> levels in the Medford area may exceed the new standard. It is more cost effective to maintain the current stringency of the NSR program, than to require retrofit technology at a later date should PM<sub>2.5</sub> exceedances occur.

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

This proposal affects all new or expanding major industry in the Medford-Ashland Air Quality Maintenance Area (AQMA).

**Summary of Significant Public Comment and Changes Proposed in Response**

Only one comment was received on the proposed rule change\*. EPA Region 10 commented that states could not exempt major sources with emissions above federal PSD thresholds from the PSD program, even if PSD were replaced with more stringent nonattainment area NSR requirements. PSD must apply to these sources once the nonattainment area designation is revoked, although there is nothing prohibiting states from enhancing PSD requirements with more stringent requirements.

In most respects, the nonattainment area NSR requirements are more stringent than those of PSD. However, the air quality analysis required under the PSD program is broader in scope than nonattainment area NSR in that it requires an assessment of air quality impacts in Class I wilderness areas, and provides the federal land managers an opportunity to comment on a facility's potential impact on federal mandatory Class I lands. Air quality analysis under the nonattainment area NSR program only requires that impacts within the nonattainment area boundary be assessed. The

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\* Written and oral testimony primarily focused on either the proposed Medford-Ashland PM10 Attainment Plan, or Medford CO Maintenance Plan. EPA was the only commentator on the proposed changes to New Source Review in Medford-Ashland.

Memo To: Environmental Quality Commission, Agenda Item H, August 7, 1998 EQC meeting

Department agrees that elements of the PSD program must be retained for larger sources meeting the federal PSD emission thresholds. Therefore, the Department proposes to modify the proposed rule language so that major sources with emissions above federal PSD emission thresholds will be subject to key provisions of the PSD program, in addition to the nonattainment area NSR requirements.

The Department still proposes to exempt smaller sources with emissions below the federal PSD thresholds from the PSD requirements. These sources must meet the nonattainment area NSR requirements which on balance are much more stringent than the federal PSD program for sources of this size.

It should be noted that this proposal does not change the requirement for all major sources in nonattainment, attainment, or unclassified areas to meet the visibility analysis required under OAR 340-028-2000.

The Department is also proposing a minor change to Division 28, section 110(a), Table 3 to eliminate the nonattainment area reference for the Medford-Ashland AQMA. This is in anticipation of the PM<sub>10</sub> nonattainment area designation being revoked in the near future.

#### **Summary of How the Proposed Rule Will Work and How it Will be Implemented**

The NSR program will continue to be implemented by DEQ regional and headquarters staff through the industrial permitting process.

#### **Recommendation for Commission Action**

It is recommended that the Commission adopt the rules/rule amendments regarding proposed changes to the PSD provisions of New Source Review (NSR) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as a revision to the State Implementation Plan (SIP), as presented in Attachment A of the Department Staff Report.

#### **Attachments**

- A. Rule (Amendments) Proposed for Adoption
- B. Supporting Procedural Documentation:
  - 1. Legal Notice of Hearing
  - 2. Fiscal and Economic Impact Statement
  - 3. Land Use Evaluation Statement
  - 4. Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements
  - 5. Cover Memorandum from Public Notice
- C. Presiding Officer's Report on Public Hearing
- D. Department's Evaluation of Public Comment

Memo To: Environmental Quality Commission, Agenda Item H, August 7, 1998 EQC meeting

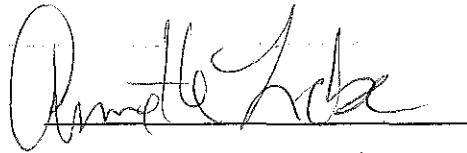
- E. Detailed Changes to Original Rulemaking Proposal made in Response to Public Comment
- F. Advisory Committee Membership

**Reference Documents (available upon request)**

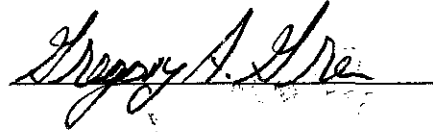
Written Comments Received (listed in Attachment C); Committee briefing materials and meeting summaries.

Approved:

Section:



Division:



Report Prepared By: David L. Collier

Phone: (503) 229-5177

Date Prepared: June 22, 1998

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# Attachment A

## Proposed Revision To New Source Review In the Medford-Ashland Air Quality Maintenance Area (AQMA)

OAR 340-028-0110(110)  
OAR 340-028-1930  
OAR 340-028-1940



(110) "Significant Emission Rate", except as provided in subsections (a) through (c) of this section, means emission rates equal to or greater than the rates specified in **Table 2**.

<b>TABLE 2</b> <b>OAR 340-028-0110</b> <b>SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER</b> <b>THE CLEAN AIR ACT</b>		
	<i>Significant Pollutant</i>	<i>Emission Rate</i>
(A)	Carbon Monoxide	100 tons/year
(B)	Nitrogen Oxides (NO <sub>x</sub> )	40 tons/year
(C)	Particulate Matter	25 tons/year
(D)	PM <sub>10</sub>	15 tons/year
(E)	Sulfur Dioxide	40 tons/year
(F)	Volatile Organic Compounds (VOC)	40 tons/year
(G)	Lead	0.6 ton/year
(H)	Mercury	0.1 ton/year
(I)	Beryllium	0.0004 ton/year
(J)	Asbestos	0.007 ton/year
(K)	Vinyl Chloride	1 ton/year
(L)	Fluorides	3 tons/year
(M)	Sulfuric Acid Mist	7 tons/year
(N)	Hydrogen Sulfide	10 tons/year
(O)	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
(P)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(Q)	Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(R)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(S)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(T)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

(a) For the Medford-Ashland Air Quality Maintenance Area, the Klamath Falls Urban Growth Area, and the Lakeview PM<sub>10</sub> Nonattainment Area, the Significant Emission Rate for Pparticulate Matter is defined in **Table 3**. For the Klamath Falls Urban Growth Area, the Significant Emission Rates in Table 3 for Pparticulate Matter apply to all new or modified sources for which permit applications have not been submitted prior to June 2, 1989. For the Lakeview PM<sub>10</sub> Nonattainment Area, the Significant Emission Rates in Table 3 for particulate matter apply to all new or modified sources for which complete permit applications have not been submitted to the Department prior to May 1, 1995.

<b>Table 3</b> <b>OAR 340-028-0110</b> <b>SIGNIFICANT EMISSION RATES FOR THE NONATTAINMENT PORTIONS</b> <b>OF THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA,</b> <b>THE KLAMATH FALLS URBAN GROWTH AREA,</b> <b>AND THE LAKEVIEW PM<sub>10</sub> NONATTAINMENT AREA</b>			
<i>Air Contaminant</i>	<i>Emission Rate</i>		
	<i>Annual</i>	<i>Day</i>	<i>Hour</i>
Particulate Matter or PM <sub>10</sub>	4,500 Kilograms (5.0 tons)	23 Kilograms (50.0 lbs.)	4.6 Kilograms (10.0 lbs.)

(b) For regulated air pollutants not listed in Table 2 or 3, the Department shall determine the rate that constitutes a Significant Emission Rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m<sup>3</sup> (24 hour average) shall be deemed to be emitting at a Significant Emission Rate.

## Requirements for Sources in Nonattainment Areas

**340-028-1930** Proposed Mmajor Sources and Mmajor Modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO<sub>x</sub> in a designated Ozone Nonattainment Area, or a specified pollutant in any area listed in Section (8) of this rule must meet the requirements listed below:

(1) LAER. The owner or operator of the proposed Mmajor Source or Mmajor Modification shall demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the Significant Emission Rate. For a Mmajor Modification, the requirement for LAER applies only to each new or modified Emission Unit that increases emissions. For phased construction projects, the determination of LAER must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

(2) Source Compliance. The owner or operator of the proposed Mmajor Source or Mmajor Modification shall demonstrate that all Mmajor Sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Act.

(3) Offsets. The owner or operator of the proposed Mmajor Source or Mmajor Modification shall provide Offsets as specified in OAR 340-028-1960 and 340-028-1970.

(4) Net Air Quality Benefit. If emission reductions or Offsets are required, the applicant shall demonstrate that a net air quality benefit will be achieved in the affected area as described in OAR 340-028-1970 and that the reductions are consistent with reasonable further progress toward attainment of the air quality standards. Applicants in an ozone Nonattainment Area shall demonstrate that the proposed VOC or NO<sub>x</sub> Offsets will result in a 10% net reduction in emissions, as required by OAR 340-028-1970(3) (c) .

(5) Alternative Analysis:

(a) Except as provided in Subsection (c) of this Section, the owner or operator of the proposed Mmajor Source or Mmajor Modification shall conduct an alternative analysis;

(b) This analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis is not required for a Mmajor Source or Mmajor Modification that is subject to this rule solely due to emissions of Particulate Pmatter in a designated TSP Nonattainment Area.

(6) Special Exemption for the Salem Ozone Nonattainment Area. Proposed Mmajor Sources and Mmajor Modifications which are located in or impact the Salem Ozone Nonattainment Area are exempt from OAR 340-028-1970 and sections (3) through (5) of this rule for VOC and NO<sub>x</sub> emissions with respect to ozone formation in the Salem Ozone Nonattainment area.

(7) Special requirements for the Klamath Falls Urban Growth Area and the Lakeview PM<sub>10</sub> Nonattainment Area. For the Klamath Falls Urban Growth Area and the Lakeview PM<sub>10</sub> Nonattainment Area, Particulate Matter or PM<sub>10</sub> emission increases of 5.0 or more tons per year shall be fully offset, but the application of LAER is not required unless the emission increase is 15 or more tons per year. At the option of the owner or operator of a source with

Particulate Matter or PM<sub>10</sub> emissions of 5.0 or more tons per year but less than 15 tons per year, LAER control technology may be applied in lieu of Offsets.

(8) Proposed new Major Sources and Major Modifications in the Medford-Ashland Air Quality Maintenance Area (AQMA) with PM<sub>10</sub> emission increases in excess of the Significant Emission Rate must meet the requirements of this rule and OAR 340-030-111.

Stat. Auth.: ORS 468.020

Statutes Implemented: 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-020-0240, DEQ 13-1993, f. & ef. 9-24-93; DEQ 19-1993, f. & ef. 11-4-93; DEQ 22-1995, f. & ef. 10-6-95

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-0047.]

## Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

340-028-1940 Except as provided in Sections (8) and (9) of this rule, proposed New Major Sources or Major Modifications locating in areas designated attainment or unclassifiable must meet the following requirements:

(1) BACT. The owner or operator of the proposed Mmajor Ssource or Mmajor Mmodification shall apply BACT for each pollutant emitted at a Ssignificant Emission Rate. For a Mmajor Mmodification, the requirement for BACT applies only to each new or modified Emission Unit that increases emissions. For phased construction projects, the determination of BACT must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

(2) Air Quality Analysis:

(a) The owner or operator of the proposed Mmajor Ssource or Mmajor Mmodification shall demonstrate that the emissions of any pollutant at or above a Ssignificant Emission Rate would not cause or contribute to:

(A) An impact greater than Ssignificant Air Quality Impact levels at any locality that does not or would not meet any state or national ambient air quality standard;

(B) An impact in excess of any applicable increment established by the Prevention of Significant Deterioration (PSD) requirements, OAR 340-031-0110; or

(C) An impact greater than Ssignificant Air Quality Impact levels on a designated Nonattainment Area or Maintenance Area. New Sources or modifications of sources which would emit VOC or NO<sub>x</sub> which may impact the Salem Ozone Nonattainment Area are exempt from this demonstration with respect to ozone formation.

(b) The demonstration under subsection (a) of this section shall include the Potential To Emit from the proposed Mmajor Ssource or Mmajor Mmodification, in conjunction with all other applicable emission increases and creditable decreases, and includes Secondary Emissions.

(c) The owner or operator of a source or modification with the Potential To Emit at rates greater than the Ssignificant Emission Rate but less than 100 tons/year, and which is more than 50 kilometers from a Nonattainment Area or Maintenance Area, is not required to assess the impact of the source or modification on the Nonattainment Area or Maintenance Area.

(d) If the owner or operator of a proposed Mmajor Ssource or Mmajor Mmodification wishes to provide Emission Offsets such that a net air quality benefit, OAR 340-028-1970, is provided, the Department may consider the requirements of this section to have been met.

(3) Exemption for Sources Not Significantly Impacting or Contributing to Levels in Excess of Air Quality Standards or PSD Increment Levels. A proposed Mmajor Ssource or Mmajor Mmodification is exempt from sections (1), (5) and (6) of this rule if subsections (a) and (b) of this section are satisfied:

(a) The proposed Mmajor Ssource or Mmajor Mmodification does not:

(A) cause or contribute a Ssignificant Air Quality Impact to air quality levels in excess of any state or national ambient air quality standard;

(B) cause or contribute to air quality levels in excess of any applicable increment established by the PSD requirements, OAR 340-031-0110; or

(C) impact a designated Nonattainment Area or Maintenance Area; and

(b) The potential emissions of each regulated air pollutant from the source are less than 100 tons/year for sources in the following categories or less than 250 tons/year for sources not in the following source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary Zinc Smelters;

(F) Iron and Steel Mill Plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal Incinerators capable of charging more than 250 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants,

(L) Nitric acid plants;

(M) Petroleum Refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

[**Note:** Owners or operators of proposed sources which are exempted by this provision may be subject to other applicable requirements including, but not limited to, OAR 340-028-0800 through 340-028-0820, Notice of Construction and Approval of Plans, and OAR 340-028-1700 through 340-028-1790, ACDP.]

(4) Air Quality Models. All estimates of ambient concentrations required under this rule shall be based on the applicable air quality models, data bases, and other requirements specified in **40 CFR Part 51, Appendix W, "Guidelines on Air Quality Models (Revised) " (July 1, 1996)** . Where an air quality impact model specified in **40 CFR Part 51, Appendix W** is inappropriate, the model may be modified or another model substituted. Such a change shall be subject to notice and opportunity for public comment and shall receive approval of the Department and the EPA. Methods like those outlined in the "**Interim Procedures for**

**Evaluating Air Quality Models (Revised)** " (U.S. Environmental Protection Agency, 1984) should be used to determine the comparability of models.

(5) Air Quality Monitoring:

(a) (A) The owner or operator of a proposed Mmajor Ssource or Mmajor Mmodification shall submit with the application, subject to approval of the Department, an analysis of ambient air quality in the area impacted by the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a Ssignificant Emission Rate by the proposed source or modification. As necessary to establish ambient air quality, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for nonmethane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator demonstrates that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator of the source shall submit for the approval of the Department, a preconstruction air quality monitoring plan.

(B) Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with **40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring"** (July 1, 1996) and with other methods on file with the Department.

(C) The Department may exempt a proposed Mmajor Ssource or Mmajor Mmodification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that the concentrations of the pollutant in the area that the source or modification would impact are less than the amount specified in **Table 5**:

**Table 5**  
**OAR 340-028-1940**

**Significant Monitoring Concentrations**

- (i) Carbon monoxide - 575 ug/m<sup>3</sup>, 8 hour average;
- (ii) Nitrogen dioxide - 14 ug/m<sup>3</sup>, annual average;
- (iii) Suspended Particulate Matter:
  - (I) TSP - 10 ug/m<sup>3</sup>, 24 hour average;
  - (II) PM<sub>10</sub> - 10 ug/m<sup>3</sup>, 24 hour average;
- (iv) Sulfur dioxide - 13 ug/m<sup>3</sup>, 24 hour average;
- (v) Ozone - Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data;
- (vi) Lead - 0.1 ug/m<sup>3</sup>, 24 hour average;
- (vii) Mercury - 0.25 ug/m<sup>3</sup>, 24 hour average;
- (viii) Beryllium - 0.0005 ug/m<sup>3</sup>, 24 hour average;
- (ix) Fluorides - 0.25 ug/m<sup>3</sup>, 24 hour average;
- (x) Vinyl chloride - 15 ug/m<sup>3</sup>, 24 hour average;
- (xi) Total reduced sulfur - 10 ug/m<sup>3</sup>, 1 hour average;
- (xii) Hydrogen sulfide - 0.04 ug/m<sup>3</sup>, 1 hour average;
- (xiii) Reduced sulfur compounds - 10 ug/m<sup>3</sup>, 1 hour average.

(D) When PM<sub>10</sub> preconstruction monitoring is required by this section, at least four months of data shall be collected including the season(s) which the Department judges to have the highest PM<sub>10</sub> levels. PM<sub>10</sub> shall be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1996).

(b) The owner or operator of a proposed Mmajor Ssource or Mmajor Mmodification shall, after construction has been completed, conduct such ambient air quality monitoring as the Department may require as a permit condition to establish the effect which emissions of a pollutant, other than nonmethane hydrocarbons, may have, or is having, on air quality in any area which such emissions would affect.

(6) Additional Impact Analysis:

(a) The owner or operator of a proposed Mmajor Ssource or Mmajor Mmodification shall provide an analysis of the impairment to soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value;

(b) The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the Mmajor Ssource or modification.

(7) Sources Impacting Class I Areas:

(a) Where a proposed Mmajor Ssource or Mmajor Mmodification impacts or may impact a Class I area, the Department shall provide written notice to EPA and to the appropriate Federal Land Manager within 30 days of the receipt of such permit application, at least 30 days prior to Department Public Hearings and subsequently, of any preliminary and final actions taken with regard to such application;

(b) The Federal Land Manager shall be provided an opportunity in accordance with OAR 340-028-1910(3) to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality related values, including visibility, of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area. If the Department concurs with such demonstration, the permit shall not be issued.

(8) Except as provided in OAR 340-028-1935(6), this rule does not apply to sources of a maintenance pollutant in a designated ozone or carbon monoxide Mmaintenance Aarea with respect to the maintenance pollutant.

(9) Requirements for PM<sub>10</sub> sources in the Medford-Ashland Air Quality Maintenance Area (AQMA) are as follows:

(a) Except as provided in subsection (b) of this Section, this rule does not apply to proposed Major Sources or Major Modifications that would emit PM<sub>10</sub> in excess of the Significant Emission Rate. These sources are subject to the requirements of OAR 340-028-1930, and OAR 340-030-0111.

(b) Proposed Major Sources or Major Modifications that would emit PM<sub>10</sub> in excess of the Significant Emission Rate must comply with Sections (2) through (7) of this rule and OAR 340-028-1930, and OAR 340-030-0111 if the source exceeds the size criteria specified in subsection (3)(b) of this rule.



[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-047.]

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department.]

Stat. Auth.: ORS 468.020

Statutes Implemented: 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-020-0245, DEQ 13-1993, f. & ef. 9-24-93; DEQ 19-1993, f. & ef. 11-4-93

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
A Statement of Need and Fiscal Impact accompanies this form.

DEQ - Air Quality  
Agency and Division

Chapter 340  
Administrative Rules Chapter Number

Susan M. Greco  
Rules Coordinator

(503) 229-5213  
Telephone

811 S.W. 6th Avenue, Portland, OR 97213  
Address

<u>June 16, 1998</u>	<u>5pm</u>	<u>200 Antelope Rd., White City</u>	
Hearing Date	Time	Location	Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request?  
x Yes     No

**RULEMAKING ACTION**

~~ADDP~~ Amend:

OAR 340-020-0047, OAR 340-30-043, OAR 340-028-1930, OAR 340-028-1940.

Stat. Auth.: ORS 468A.035

**RULE SUMMARY**

Revisions to the Particulate Matter Plan (PM10) for the Medford -Ashland Air Quality Maintenance Area (AQMA) are needed to adopt control strategy recommendations from the Medford-Ashland Air Quality Advisory Committee. The revised plan continues existing strategies and adds new measures. Submittal of the plan to EPA will stop a federal sanctions clock that was begun with withdrawal of the PM10 plan from EPA in 1996. The amendment to OAR 340-030-043 enhances the current requirements for major industrial sources to control fugitive emissions. It places more emphasis on protecting public roadways from contamination by soil or other fugitive materials. Revisions to the New Source Review rules (OAR 340-28-1930 and 1940) will ensure that nonattainment area requirements for NSR continue in the Medford-Ashland Air Quality Maintenance Area under the Prevention of Significant Deterioration (PSD) program. Once adopted by the Environmental Quality Commission these revisions will be submitted to the Environmental Protection Agency as a modification to OAR 340-020-0047, Oregon Clean Air Act Implementation Plan

Friday, June 19, 1998, 5:00 pm  
Last Day for Public Comment

Susan M. Greco 5/6/98  
Authorized Signer and Date

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
New Source Review Rule Amendments for PM10  
in the  
Medford-Ashland Air Quality Maintenance Area

Fiscal and Economic Impact Statement

**Introduction**

The proposed revision to the New Source Review (NSR) program will have an economic impact in the Medford-Ashland Air Quality Maintenance Area (AQMA). As part of EPA's implementation of new particulate standards, EPA has established a process for revoking the pre-existing PM10 standard in areas like the Medford-Ashland Air Quality Maintenance Area (AQMA). Under EPA's Interim Implementation Guidance, new or expanding major industrial sources would become subject to the less stringent requirements of OAR 340-028-1940, addressing Prevention of Significant Deterioration (PSD). A subgroup of the Medford-Ashland Air Quality Advisory Committee (Major Point Source Strategy Team) recommended that NSR requirements in the Medford-Ashland AQMA not be relaxed, and that the current nonattainment area requirements continue after the nonattainment area designation is revoked. This rule is needed to protect public health and air quality in light of the new particulate standards and to provide consistent control technology requirements (level playing field) for existing sources and new sources that may come into the area.

**General Public**

Applicable NSR requirements will likely be one of several factors considered by any new major source wishing to locate in the Medford-Ashland area. The NSR requirements may have some bearing on the decision to locate in the Medford-Ashland area and on any associated job creation.

**Small Business**

The New Source Review program applies only to major point sources. An economic impact on small business is not anticipated.

## **Large Business**

The proposed rules would affect new major sources wishing to locate in the AQMA and existing sources wishing to construct a major modification. The proposed rule requires new and expanding sources in the Medford-Ashland AQMA to meet the nonattainment area requirements of New Source Review after the nonattainment area designation has been revoked by EPA. These requirements include: Lowest Achievable Emission Rate (LAER) control technology; an emission offset requirement of 1:1.2 (20% offset); and a demonstration of air quality benefit. The cost of retaining the nonattainment area requirements are as follows:

- Lowest Achievable Emission Rate (LAER) control technology is required in lieu of Best Available Control Technology (BACT), allowed under the PSD Program. In establishing the appropriate level for BACT, a source is allowed to consider the overall economic impact including such factors as energy, environmental and other costs. BACT establishes the maximum degree of emission reduction considering economic impacts to the source. LAER reflects the most stringent level of emission reduction achievable in practice by the top facilities in the source classification regardless of cost. In some cases the cost difference between BACT and LAER is minimal or equivalent, in other cases the difference is more significant. BACT/LAER determinations are done on a case-by-case basis.
- Emission Offsets are required under the nonattainment area NSR program. The cost of offsets is market-based. A facility in need of offsets can purchase banked emission credits from another facility or assist a facility in creating surplus emission reductions. The cost of the offset is established between the seller and the buyer. A recent offset in the Medford-Ashland AQMA was reportedly purchased for approximately \$1,500 per ton of PM10.
- Net Air Quality Benefit analysis is required under the nonattainment area NSR program, and would not cost significantly more than the Air Quality Impact analysis required under the PSD program.
- Maintaining the nonattainment area NSR requirements could result in a cost savings to a source by not requiring the pre-construction air monitoring required under the PSD program. Existing air monitoring in nonattainment areas is usually sufficient to assist in the Net Air Quality benefit analysis.
- Maintaining the nonattainment area NSR requirements will also ensure that advanced control technology is evaluated during the design of a facility, eliminating the need for potentially more costly retrofit technology at a future date.

### **Local Governments**

The New Source Review program applies only to major point sources. An economic impact on local governments is not anticipated.

### **State Agencies**

- DEQ: Retaining the nonattainment area NSR program in the Medford-Ashland AQMA will not require any additional Department resources.

- Other Agencies: Retaining the nonattainment area NSR program in the Medford-Ashland AQMA will not require any additional Department resources.

### **Housing Cost Impact Statement**

The Department has determined that this proposed rulemaking will have no effect on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

**Questions to be Answered to Reveal  
Potential Justification for Differing from Federal Requirements.**

- 1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

Applicable federal requirements include the Clean Air Act as amended in 1990, and federal guidance for implementing new National Ambient Air Quality Standards (NAAQS) for ozone and particulate (Interim Implementation Guidance).

- 2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

Federal requirements are both technology based and performance based. Performance based requirements are controlling in that compliance with national ambient air quality standards is the primary requirement under the Clean Air Act.

- 3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

Yes, the Department's comments were considered by EPA during the process to establish new ozone and particulate standards and in developing the Interim Implementation Guidance. The Department expressed concerns about the elimination of the nonattainment area NSR program.

- 4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

Yes, the proposed plan revision improves the ability of major industry to comply in a more cost effective way by maintaining a high level of emission control for new or expanding major sources. This level of air quality protection helps prevent the need for retrofit technology should PM10 or PM2.5 standards be exceeded in the future.

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

No

6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

Yes, maintaining the nonattainment area requirements of New Source Review (LAER, Offsets, Net Air Quality Benefit) will help ensure a reasonable margin for accommodation of future growth.

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

Yes.

8. Would others face increased costs if a more stringent rule is not enacted?

Potentially at a future date if the new particulate standards are exceeded.

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

Yes. The local advisory committee representing interests in the Medford-Ashland AQMA has recommended that offsets and a demonstration of net air quality benefit be continued as proactive steps to help avoid exceedances of the new PM10 and PM2.5 standards. Maintaining the nonattainment area New Source Review requirements is more stringent than the minimum required under EPA's new Interim Implementation Guidance.

10. Is demonstrated technology available to comply with the proposed requirement?

Yes

11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

Yes

**State of Oregon  
Department of Environmental Quality**

**Memorandum**

**Date:** April 27, 1998

**To:** Interested and Affected Public

**Subject:** Rulemaking Proposal and Rulemaking Statements - New Source Review Rule Amendment for Particulate Matter (PM10) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as an amendment to Oregon Clean Air Act State Implementation Plan.

This memorandum contains information on a proposal by the Department of Environmental Quality (DEQ) for new rules and rule amendments regarding New Source Review (NSR) for PM10 in the Medford-Ashland Air Quality Maintenance Area (AQMA). This proposal establishes the requirements applicable to new or expanding major industrial sources of particulate in the Medford-Ashland area once the area's nonattainment designation is revoked. Once the area's nonattainment designation is revoked, the area will be subject to the Prevention of Significant Deterioration (PSD) requirements. In order to protect public health, this proposal maintains the current nonattainment area NSR requirements for the Medford-Ashland AQMA as part of the Prevention of Significant Deterioration (PSD) program.

The Department has the statutory authority to address the issue under the Oregon Revised Statutes (ORS) chapter 468A.035 and also 468.020, which gives the Environmental Quality Commission the authority to adopt plans and programs to achieve and maintain federal and state ambient air quality health standards. This rule, if approved by the Commission, will be adopted as a revision to the State of Oregon Clean Air Act Implementation Plan (OAR 340-020-0047) and submitted to the U.S. Environmental Protection Agency for approval under the provisions of the Clean Air Act.

**What's in this Package?**

Attachments to this memorandum provide details on the proposal as follows:

- Attachment A The official statement describing the fiscal and economic impact of the proposed rule. (required by ORS 183.335)
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- Attachment C Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements.
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Memo To: Interested and Affected Public  
April 27, 1998  
Page 2

Deterioration Requirements for Sources in Attainment and Unclassified Areas.

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- Phoenix Branch Library, 120 W 2<sup>nd</sup> St, Phoenix, OR
- Talent Branch Library, 105 N "I" St. , Talent, OR
- White City Branch Library, 2399 Antelope Rd., White City, OR

**Public Comment Period**

You are invited to review these materials and present written comment on the proposed rule changes. Written comments must be presented to the Department by 5:00 p.m., Friday, June 19, 1998. Please forward all comments to David Collier, Department of Environmental Quality, 811 S.W. 6th Avenue, Portland, Oregon, 97204. Written comments can also be hand delivered to the Department of Environmental Quality, 811 S.W. 6th, 11<sup>th</sup> Floor between 8:00 a.m. and 5:00 p.m.

In accordance with ORS 183.335(13), no comments can be accepted after the close of the comment period. Thus, if you wish for your comments to be considered by the Department in the development of these rules, your comments **must** be received prior to the close of the comment period. Interested parties are encouraged to present their comments as early as possible prior to the close of the comment period to ensure adequate review and evaluation of the comments presented.

- A public hearing has been scheduled to take testimony on this proposal. DEQ staff member Mary Heath will act as hearings officer. The hearing will be held on June 16, 1998, beginning at 5pm. The hearing will take place at the following location:

Jackson County Public Works Auditorium  
200 Antelope Road  
White City, Oregon

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
New Source Review Rule Amendments for PM10  
in the  
Medford-Ashland Air Quality Maintenance Area

Land Use Evaluation Statement

**1. Explain the purpose of the proposed rules.**

As part of EPA's implementation of new particulate standards (PM10 and PM2.5), EPA has established a process for revoking the pre-existing PM10 standard in areas like the Medford-Ashland Air Quality Maintenance Area (AQMA). Under EPA's Interim Implementation Guidance, new or expanding major industrial sources would become subject to the less stringent requirements of OAR 340-028-1940, addressing Prevention of Significant Deterioration (PSD). A subgroup of the Medford-Ashland Air Quality Advisory Committee (Major Point Source Strategy Team) recommended that NSR requirements in the Medford-Ashland AQMA not be relaxed, and that the current nonattainment area requirements continue after the nonattainment area designation is revoked. This rule is needed to protect public health and air quality in light of the new particulate standards and to provide consistent control technology requirements (level playing field) for existing sources and new sources that may come into the area.

**2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?     Yes     No**

**a. If yes, identify existing program/rule/activity:**

The major New Source Review program is implemented through the Air Contaminant Discharge Permit (ACDP) program, which is an existing activity identified in the LCDC-approved DEQ State Agency Coordination (SAC) agreement (Division 18), as having significant effects on land use.

**b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?     Yes     No (if no, explain):**

The existing procedure for statewide goal compliance and local plan compatibility adequately covers the proposed amendments to the New Source Review program. Under this procedure, the

Department requires applicants for an ACDP to obtain a land use compatibility statement from the appropriate local jurisdiction before issuing the permit.

**c. If no, apply the following criteria to the proposed rules.**

Staff should refer to Section III, subsection 2 of the SAC document in completing the evaluation form. Statewide Goal 6 - Air, Water and Land Resources is the primary goal that relates to DEQ authorities. However, other goals may apply such as Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources; Goal 11 - Public Facilities and Services; Goal 16 - Estuarine Resources; and Goal 19 - Ocean Resources. DEQ programs and rules that relate to statewide land use goals are considered land use programs if they are:

1. Specifically referenced in the statewide planning goals; or
2. Reasonably expected to have significant effects on
  - a. resources, objectives or areas identified in the statewide planning goals, or
  - b. present or future land uses identified in acknowledged comprehensive plans.

In applying criterion 2 above, two guidelines should be applied to assess land use significance:

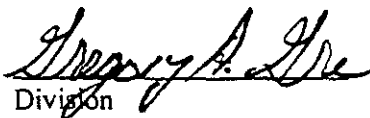
- The land use responsibilities of a program/rule/action that involved more than one agency, are considered the responsibilities of the agency with primary authority.
- A determination of land use significance must consider the Department's mandate to protect public health and safety and the environment.

**In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.**

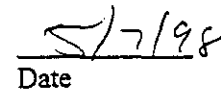
The New Source review program is covered by a SAC agreement as explained under 2a.

3. **If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.**

NA

  
Division

  
Intergovernmental Coordinator

  
Date

**Questions to be Answered to Reveal  
Potential Justification for Differing from Federal Requirements:**

- 1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

Applicable federal requirements include the Clean Air Act as amended in 1990, and federal guidance for implementing new National Ambient Air Quality Standards (NAAQS) for ozone and particulate (Interim Implementation Guidance).

- 2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

Federal requirements are both technology based and performance based. Performance based requirements are controlling in that compliance with national ambient air quality standards is the primary requirement under the Clean Air Act.

- 3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

Yes, the Department's comments were considered by EPA during the process to establish new ozone and particulate standards and in developing the Interim Implementation Guidance. The Department expressed concerns about the elimination of the nonattainment area NSR program.

- 4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

Yes, the proposed plan revision improves the ability of major industry to comply in a more cost effective way by maintaining a high level of emission control for new or expanding major sources. This level of air quality protection helps prevent the need for retrofit technology should PM10 or PM2.5 standards be exceeded in the future.

5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?

No

6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

Yes, maintaining the nonattainment area requirements of New Source Review (LAER, Offsets, Net Air Quality Benefit) will help ensure a reasonable margin for accommodation of future growth.

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)

Yes.

8. Would others face increased costs if a more stringent rule is not enacted?

Potentially at a future date if the new particulate standards are exceeded.

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

Yes. The local advisory committee representing interests in the Medford-Ashland AQMA has recommended that offsets and a demonstration of net air quality benefit be continued as proactive steps to help avoid exceedances of the new PM10 and PM2.5 standards. Maintaining the nonattainment area New Source Review requirements is more stringent than the minimum required under EPA's new Interim Implementation Guidance.

10. Is demonstrated technology available to comply with the proposed requirement?

Yes

11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?

Yes

**State of Oregon**  
**Department of Environmental Quality**

**Memorandum**

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Memo To: Interested and Affected Public  
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Page 3

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Following close of the public comment period, the Department will prepare a report that summarizes the comments received. The Environmental Quality Commission (EQC) will receive a copy of this report.

The Department will review and evaluate the rulemaking proposal in light of all information received during the comment period. Following the review, the rules may be presented to the EQC as originally proposed or with modifications made in response to the public comments received.

The EQC will consider the Department's recommendation for rule adoption during one of their regularly scheduled public meetings. The targeted meeting date for consideration of this rulemaking proposal is August 7, 1998, in Portland. This date may be delayed if needed to provide additional time for evaluation and response to the public comments received.

You will be notified of the time and place for final EQC action if you present oral testimony or submit written comment during the comment period or ask to be notified of the proposed final action on this rulemaking proposal.

### **Background on Development of the Rulemaking Proposal**

Current requirements for new or expanding major industrial sources in nonattainment areas are specified in Division 28, OAR 340-028-1930. These requirements were included in the 1991 PM10 attainment plan for the Medford-Ashland Air Quality Maintenance Area. Recent air monitoring shows that the Medford-Ashland AQMA is in compliance with PM10 standards, and the Department has been working with a local Advisory Committee to develop a revised attainment plan and long term maintenance plan for the area. This work has included evaluating new federal guidance addressing the development of maintenance plans, and the implementation of the new particulate standards (PM10 and PM2.5). As part of EPA's implementation of the new particulate standards, EPA has eliminated the requirement to develop long-term maintenance plans for PM10 and has established a process for revoking the pre-existing PM10 standard. Once the pre-existing standard is revoked, the area's nonattainment designation will be revoked as well. Under EPA's Interim Implementation Guidance, new or expanding major industrial sources will then become subject to the less stringent requirements of 340-028-1940, Prevention of Significant Deterioration (PSD).



**Why is there a need for the rule?**

This rule is needed to protect public health and air quality in light of the new particulate standards. It will also help maintain a level playing field for existing sources in the AQMA who have invested in the advanced technology emission control required under the nonattainment area NSR requirements. Under this proposal, new industrial sources coming into the area will have to meet the same emission control standards as did existing industry.

**How was the rule developed?**

A meeting was recently held between the Department and a subgroup of the Medford-Ashland Advisory Committee (Major Point Source Team), to discuss options for New Source Review requirements that will apply once the nonattainment area designation has been revoked. The team includes representatives of the major wood products industry as well as other community stakeholders. The team recommended that NSR requirements in the Medford-Ashland AQMA not be relaxed, and that the current nonattainment area requirements continue after the nonattainment area designation has been revoked. These requirements include Lowest Achievable Emission Rate (LAER) control technology; an emission offset requirement of 1:1.2 (20% offset); and a demonstration of Net Air Quality benefit. These requirements would be considered more stringent than those required by EPA once the nonattainment area designation is revoked.

**Recommendation to the Commission:**

In keeping with the strategy team's recommendation, the Department has proposed revisions to the PSD rule (OAR 340-028-1940) and the NSR rule for Nonattainment Areas (OAR 240-28-1930) to establish identical requirements that will apply once the nonattainment area designation is revoked.

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Memo To: Interested and Affected Public  
April 27, 1998  
Page 5

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

This rule will directly affect major industrial sources in the Medford-Ashland Air Quality Maintenance Areas (AQMA), and any major source wishing to locate there. New or expanding major industrial sources will continue to be required to provide LAER level control technology, emission offsets, and perform air quality analysis.

**How will the rule be implemented?**

This plan will be implemented through state rule and the Department's New Source Review Program.

**Are there time constraints?**

No.

**Contact for More Information**

If you would like more information on this rulemaking proposal, or would like to be added to the mailing list, please contact: David Collier, (503) 229-5177, 811 SW 6<sup>th</sup> Ave., Portland, OR 97204.

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**Date: June 19, 1998**

To: Environmental Quality Commission

From: Mary Heath

Subject: Presiding Officer's Report for Rulemaking Hearing  
Hearing Date and Time: June 16, 1998, beginning at 6:00 P.M.  
Hearing Location: Jackson County Public Works Auditorium, 200 Antelope Rd., White City, OR

**Titles of Proposals:**

1. Proposed Revisions to the Medford-Ashland PM<sub>10</sub> Attainment Plan as an Amendment to the Oregon Clean Air Act State Implementation Plan, and Amendments to OAR 340-030-0043, Control of Fugitive Emissions (Medford-Ashland AQMA);
2. New Source Review Rule Amendment for Particulate Matter (PM<sub>10</sub>) in the Medford-Ashland Air Quality Maintenance Area (AQMA) as an amendment to Oregon Clean Air Act State Implementation Plan;
3. Medford Carbon Monoxide Maintenance Plan and Amendments to OAR 340-031-0520-0530, Designations of Nonattainment and Maintenance Areas;
4. New Source Review Rule Amendment for CO Maintenance Areas.

On June 16, 1998 a rulemaking hearing was held for the four proposals above. Attendees were asked to sign witness registration forms if they wished to present testimony, and were also advised of the procedures to be followed, and that the hearings were being tape recorded.

In addition, on June 11, 1998, the Environmental Quality Commission took early public comment on the Carbon Monoxide Maintenance Plan. Public comment from the EQC meeting is summarized in the CO Maintenance Plan staff report.

The hearing on June 16, 1998 was conducted by Mary Heath, DEQ, Air Quality Division, Medford Office. Approximately 40 people were in attendance. Twenty one people signed up to give testimony. Prior to receiving testimony, the Department provided the opportunity for people to informally discuss with staff any questions concerning the proposals. Kevin Downing was available for questions concerning the Medford Area Carbon Monoxide Plan, New Source Review Rule Amendment for CO Maintenance Areas, and for questions concerning road dust

controls for the revised PM-10 Attainment Plan for the Medford-Ashland AQMA. David Collier was available for questions concerning the revised PM-10 Attainment Plan for the Medford-Ashland AQMA and the Revision to the Prevention of Significant Deterioration (PSD) Requirements under the New Source Review Program in the Medford-Ashland AQMA. Annette Liebe, John Becker and Keith Tong were available for questions concerning all the proposals.

### SUMMARY OF ORAL TESTIMONY

#### June 16, 1998, 6:00 P.M.

1. Mike Montero, Chairman, Medford-Ashland Air Quality Plan Advisory Committee

Mr. Montero commended the Advisory Committee as a very diverse group that has worked well together, and for advances they made in the PM10 plan, most notably:

- a unified wood stove ordinance;
- voluntary industrial emission reductions;
- the agreement between industry and the Department to preserve airshed credits;
- an educational process for the agricultural industry for trackout and orchard heating;  
and
- more intense vacuuming of streets and paving of alleyways by the city.

He concluded by urging the EQC to adopt the revised plans.

2. Wally Skyrman, American Lung Asso. member of Steering Committee for the Coalition to Improve Air Quality. Mr. Skyrman is also a member of the Medford-Ashland Air Quality Plan Advisory Committee.

Mr. Skyrman recognized the work of the Coalition in helping bring the air quality from one of the poorest in the nation to one of the best, but is concerned that future growth will eat up the gains that have been made. He said that the reason for the new plan is to replace one that EPA found inadequate, and he feels that the new plan, although a good start, still does not go far enough to meet either the PM10 or PM2.5 standards.

Areas of the plan that he would like to see strengthened include:

1. controls on presses and cooling vents at Timber Products and Medite by 2003 whether or not the MACT standards are in place by that time;
2. public funding to help facilitate the reduction of PM10 at Royal Oak;
3. dispersion modeling using adverse meteorology to help track progress in the plan;

4. addressing the problem of increased pollution from airport expansion;
5. using the county wood stove boundary and opacity standard in the whole valley;
6. continued funding support for the County's wood stove program; and,
7. increased enforcement for open burning, especially on weekends.

3. Myra Irwin, member of Coalition to Improve Air Quality as Conservation Chair for Rogue Group Sierra Club,

Ms. Irwin is supportive of the gains already made in improving air quality, including the recent adoption by the City of Ashland of the county wood stove ordinance.

She mentioned several areas which still need work:

- diesel emissions need to be addressed as soon as possible;
- airport emissions; and,
- industrial emissions should be reduced before new standards come out, especially cooling vents.

She supports the efforts of the Advisory Committee and strongly supports the Coalition statement, and urged for further improvements in the plan soon.

4. Treva Tumbleson

Ms. Tumbleson supports the work of the Coalition. She feels that population and vehicle growth are going to occur, and need to be addressed. Also, the population as a whole is aging, and therefore more susceptible to air quality problems.

5. Frank Hirst, member of Steering Committee of Coalition to Improve Air Quality, he formerly represented the Rogue Valley Audubon Society and the Ashland League of Women Voters on the Coalition.

Mr. Hirst said that the Coalition has not been as active lately because of the recent gains in air quality, and urged that we not lose those gains. He strongly endorsed the recommendations of Dr. Palzer. Mr. Hirst also said that too many chemicals are getting into our bodies, especially the young in critical, developing years. We must not poison the species for higher short term profits and Gross National Product.



6. Dr. Robert Palzer, Ph.D. retired Southern Oregon University Chemistry professor, speaking as Scientific Director of Coalition to Improve Air Quality.

Dr. Palzer began his remarks with a brief history of air quality conditions in the Rogue Valley, saying that thirteen years ago, air quality and smoke pollution related mortality rates were some of the worst in the nation, and now with the recent improvements Money Magazine recently ranked it the best air quality in the small western cities category. He said these reductions have come about because of mill closures, wood fired boilers and veneer dryers switching to natural gas, a 90% reduction in slash burning, a ban on open burning in the Rogue Basin from November through February and a total ban on open burning year round in some cities, and reduced residential woodstove emissions on red and yellow days. Many of the emission reductions were not part of the earlier SIP, and even with these reductions worst-case modeling showed two areas (north Medford and White City) that may not meet air quality standards. Recent dispersion modeling by DEQ using worst-case conditions shows that White City would still exceed the PM10 standard even with all the proposed measures in place.

Although the Medford Air Quality Advisory Committee, formed in 1991, did not reach consensus, Dr. Palzer said that it has worked hard to try to avoid federal sanctions while improving the SIP, and the Coalition supports many of their recommendations, including:

- the proposal to reduce emissions from press and cooling vents by 90% by November, 2003;
- uniform woodstove curtailment measures for most cities in the valley, including an opacity limit on the smoke.

He said there should be no backsliding, and further measures are needed, including retaining all existing measures that helped bring the area into attainment. These include:

- reductions from Royal Oak in White City similar to those at Timber Products and Medite, with public support for engineering studies and implementation;
- emissions offsets at a ratio of 1.2:1;
- adequate limits on prescribed forestry burning, especially important with recent proposals to increase burning by 500%;
- emission limits and testing of heavy duty diesels (Oregon is the only west coast state that exempts heavy duty vehicles from I/M programs);
- opacity standards and remote sensing for all vehicles; and
- dispersion modeling to assure that proposed controls will maintain attainment with the PM standard.

Dr. Palzer concluded by urging the Commission to include these additional measures to protect our most sensitive populations, the very young and the elderly.

7. Bob Morris, member of Medford-Ashland Air Quality Plan Advisory Committee speaking as Chairman of the Southern Oregon Timber Industries Association's (SOTIA) Environmental Committee.

Mr. Morris said that industry has been involved in cleaning up the Medford-Ashland area airshed since 1977, and that local industry now operates under the most restrictive particulate standard in the state and possibly the nation. He commended those who have contributed to emission reductions in agriculture, residential wood stoves, and transportation, including I&M and oxygas. He also mentioned the article in Money Magazine ranking Medford high in livability.

Mr. Morris said that although the SIP revisions for both Particulate and CO place an added burden on industry, SOTIA supports the package because it was arrived at through a public process that industry participated in through membership on the DEQ Advisory Committee. He said that reductions made by industry should be returned to the benefit of the airshed, as they are in the agreement between DEQ and Timber Products, not used by some other sector such as transportation.

Mr. Morris stated that industry is not a major part of the CO problem in the Medford area, and feels that the Department's attention to industrial CO emissions in the Medford area is unwarranted.

Although monitoring shows the north Medford and White City areas to be in compliance, worst-case modeling shows the potential for exceedances of the standards. Mr. Morris feels that the driving force behind most of these exceedances are related to transportation and growth. A major proposed road project in north Medford will route traffic into one of these modeled exceedance grids. The project has been modeled with land use remaining the same, and will fail if land use changes (ODOT quote). SOTIA wants to be sure that there are no land use changes that would increase emissions, and that facilities in this area are not penalized in the future for their proximity to a significant ODOT project. The SIP must include controls on the growth aspects of transportation projects in critical areas.

8. Philip Frazee - small business owner, served on Medford-Ashland Air Quality Plan Advisory Committee

Mr. Frazee commended the work of the Committee, but said there is room for improvement in the following areas:

- 60 percent of orchard waste is still burned and should, where possible, be recycled back into the orchards to reduce air emissions, reduce herbicide use, increase the mineral content of the soils, and reduce water use;
- Slash burning of logging wastes sterilizes the soils instead of returning nutrients to the soils, and where burning is required, should take into account wind and weather conditions;
- Rubbish open burning should be phased out or become fee based, because people are using the airshed for a free dump instead of paying to take the rubbish to a landfill;
- Rogue Valley disposal should do more recycling;
- Diesel engines should be looked at for controls; and,
- We should pursue a build/no build option for the control of CO noncompliance.

9. Dr. Herschel King - retired physician and member of Steering Committee for the Coalition to Improve Air Quality.

Dr. King has seen a vast improvement in air quality in the past ten years, and gives a lot of the credit for that to local industries. However, he feels the new PM2.5 standards can only be met if industry agrees to go ahead with the necessary emissions control. He thinks other sources must be curtailed also, especially residential wood stoves.

Dr. King supports the positions taken by the Coalition to Improve Air Quality as presented by Dr. Palzer.

10. Liz Vasecky

Ms. Vasecky is an allergy sufferer, and although she is allergic to many different types of allergens, her allergies worsen when air quality in the valley is poor. She takes medication, but suffers side effects from the medication. She says the numbers of allergy sufferers in the country is increasing, especially among children.

She supports the recommendations of the Coalition to Improve Air Quality, especially to reduce PM10 at Medite, Timber Products, and Royal Oak.

11. Jan Swanson

Ms. Swanson is an allergy sufferer who has seen some terrible air quality in highly populated areas, and is concerned about the effect of increased population on the air quality of the Valley. She wants the area to continue to be a community to move forward with foresight instead of hindsight.

12. Valdomar Swanson - member of Sierra Club

Mr. Swanson wants vehicle pollution addressed further, and said that limiting the excessive speed throughout the valley will help promote optimum combustion and help improve air quality.

13. Fred Binnewies - retired from National Park Service

Mr. Binnewies said that he still sees a brown haze hanging over Medford sometimes, and even though progress has been made, he thinks the standards should be strengthened, not weakened. A neighbor who is a former professor of nutrition at Cornell University but could not be at the hearing also thinks that we have a ways to go in improving air quality, and thinks the standards should be strengthened, not weakened.

Mr. Binnewies supports the efforts and position of the Coalition to Improve Air Quality.

14. Vern Crawford

Mr. Crawford has lived in the area for 23 years and has seen a great improvement in air quality since then and doesn't want current efforts weakened. The air smells better now, and the amount of fog in the valley has declined in both wet and drought years. He thinks that there is a correlation between nucleating particles in the air and the amount of fog.

He wants to see dispersion modeling maintained, and air quality standards maintained in the short term and strengthened in the long term. He supports the current efforts of the Coalition to Improve Air Quality and the good things that have been done.

15. Vera Morrell - served on the Wood Stove Task Force, and is currently on the Medford-Ashland Air Quality Plan Advisory Committee, speaking for the League of Women Voters.

Ms. Morrell wants more regulations on:

- open burning,
- slash burning.
- diesels, with good regulations well enforced,
- industry, and
- agriculture

She doesn't want to see any backsliding, and is concerned that if ventilation in the Valley worsens, we'll be back in trouble. She supports Dr. Palzer's position that the emission reductions negotiated with industry should be returned to the airshed and not used for growth.

16. Roslyn Parker

Ms. Parker is an allergy sufferer who is concerned with increased emissions from:

- forestry burning,
- orchard burning,
- diesel emissions,
- growth, and
- industrial sources, especially those associated with increased development.

17. Rodger White

Mr. White said that the proposed standards need to be maintained at least at current levels; he feels that they are inadequate, but better than nothing. He offered the following suggestions:

- controls on industrial sources, especially the Timber Products and Medite cooling vents;
- Include Royal Oak as a major industrial source, and use public funds/Economic Development money to get the job done;
- Cap slash burning emissions absolutely - a 500% increase is unacceptable;
- open burning needs more controls;
- put emission limits on heavy duty diesels and include an adequate inspection program;
- continue air quality monitoring and dispersion modeling - White City and north Medford modeling grids need to be brought into compliance;

- adopt a uniform wood burning ordinance along the I5 corridor - wood stoves need to meet Jackson County standards, if not stricter standards; and
- land use changes need to include air quality in the planning approval process.

18. Stuart Foster - speaking as a private citizen, not in his capacity as an Oregon Transportation Commissioner

Mr. Foster supports both proposed SIPs, and disagrees with Bob Morris's comments regarding transportation. The proposed north Medford transportation project will speed up the movement of vehicles which will in turn reduce CO emissions. Mr. Foster also said that he believed that the PM10 problems from vehicles is primarily from trackout, with the major contributing source being private industry. He said that we need a balanced approach, and feel that the proposed SIPs do that.

19. Tyler Deke - speaking for the Rogue Valley Council of Governments (RVCOG)

RVCOG approves the proposed SIP and strongly recommends that the Commission adopt both the CO and PM10 SIPs in time to stop the EPA sanctions clock. The new control measures and strategies proposed will help reduce both PM10 and PM2.5 emissions, and all Rogue Valley residents will have the opportunity to participate in the air quality planning process.

20. Terri Prevost

Ms. Prevost has serious respiratory problems. She moved to the Rogue Valley in 1982, and has noticed a big difference in the air quality since that time. She said she is now proud to invite friends and family from out of state to visit the Medford area. However she is still concerned that diesels are not controlled and don't have to be tested, and she supports strengthened standards.

21. Don Walker - alternate on Medford-Ashland Air Quality Advisory Committee, speaking for the City of Medford as the Medford Public Works Director.

Mr. Walker said that the plan is a forward-thinking plan which goes beyond minimum requirements. He believes it is an achievable plan because it was reached by the consensus of many diverse groups. Transportation is one of the key elements of the plan, and is one of, if not the most, important elements in the economic well-being of the

Valley. He said it is fairly dealt with in the plan. The City of Medford fully endorses the plan and urges its adoption.

### WRITTEN TESTIMONY

The following written comments were included in the testimony, but were not presented as oral testimony.

22. Catherine Shaw - in written comments, speaking as Mayor of the City of Ashland.

Mayor Shaw says that ten years ago PM10 levels were high and mortality rates for diseases associated with smoke pollution in Jackson County were among the highest in Oregon and the nation. There has been great progress in the last ten years, but this progress is likely to be reversed if the new SIP doesn't include all the strategies needed to preserve this progress and improve upon efforts made already.

Mayor Shaw believes the following areas should be strengthened or enhanced:

- Industrial sources - The SIP should include a date (2003 at the latest) when controls must be placed on the press and cooling vent emissions on major industrial sources. Also, the 1.2:1 offset ratio contained in the existing SIP should be included in the new SIP.
- Heavy duty diesels - locally registered heavy duty diesels should be required to pass the I&M inspection as they do in California and Washington, and this should be included in the SIP.
- Rogue Valley's Transportation Issues - transportation issues must include all parties who can make a difference; therefore, the Metropolitan Planning Organization's (MPO) boundaries should be increased to the same boundaries of the AQMA to ensure that Ashland, Talent, Eagle Point and Jacksonville are included and become voting members of the MPO. Also, transportation emissions should be capped at current levels and not be allowed to increase in the future.

Mayor Shaw said that the City of Ashland considers air quality to be a vital issue to the future of the Valley, and that by adopting the woodstove curtailment and trackout ordinances, as requested, it is demonstrating its resolve to help improve the entire Valley's air quality.

Six other commentors submitted written transcripts of testimony read into the record. The summary of oral comments reflects the written material submitted.

**There was no further testimony and the hearing was closed at 8:00 p.m.**

**Some additional written comments were received by the Department in Portland prior to the close of public comment on June 19<sup>th</sup> at 5:00pm.:**

22. Mr. and Mrs. Clay T. Scott, Medford, Oregon

Mr. and Mrs. Scott submitted written testimony saying that they are encouraged to see that both the I&M and woodstove curtailment programs have improved air quality dramatically. They strongly urge that the emphasis not be on maintaining the status quo but on further improvements. Specifically, they would like to see heavy duty diesel trucks required to pass air quality testing just as all passenger cars are required to do. They are concerned about the potential for increased emissions as well as air quality and noise impacts from expansion of the Medford airport. They feel that the public process governing the airport expansion has not been adequate.

23. Dave Bray, Region 10, U.S. Environmental Protection Agency.

Mr. Bray submitted written comments concerning the proposed revision to the New Source Review program for major new and expanding industry in the Medford-Ashland AQMA. Mr. Bray commented that states can not exempt major sources with emissions above federal PSD thresholds from provisions of the Prevention of Significant Deterioration (PSD) program, such as analyzing the impact of emissions on class I wilderness areas. These provisions must apply once the nonattainment area designation is revoked.



**Attachment C1**  
**Index of Public Comments Received**  
**Attachment to the Presiding Officers Report for Rule Making Hearing**

State of Oregon  
**Department of Environmental Quality**

<u>No.</u>	<u>Oral Testimony</u>	<u>Written Testimony</u>	<u>PM10 Plan</u>	<u>NSR</u>	<u>Name and Affiliation</u>
WC1	Yes		X		Mike Montero, Chair, Medford Air Quality Advisory Committee 5244 Dark Hollow Rd. Medford, OR 97501
WC2	Yes	Yes	X		Wally Skyrman, American Lung Asso. member of Steering Committee of Coalition to Improve Air Quality 4588 Pacific Hwy. No. Central Point, OR 97502
WC3	Yes		X		Myra Erwin, Conservation Chair for Rogue Group Sierra Club 300 Grandview Dr. Ashland, OR 97520
WC4	Yes		X		Treva R. Tumbleson 655 Leonard St. Ashland, OR 97520
WC5	Yes	Yes	X		Frank Hirst, member of Steering Committee, Coalition to Improve Air Quality 655 Reiten Dr. Ashland, OR 97520
WC6	Yes	Yes	X		Bob Palzer, Scientific Director, Coalition to Improve Air Quality Eculid St. Ashland, OR 97520
WC7	Yes	Yes	X		Bob Morris, Chairman of Southern Oregon Timber Industries Asso. (SOTIA) Environmental Committee

<u>No.</u>	<u>Oral Testimony</u>	<u>Written Testimony</u>	<u>PM10 Plan</u>	<u>NSR</u>	<u>Name and Affiliation</u>
					P.O. Box 100 Medford, OR 97501
WC8	Yes		X		Philip J. Frazee P.O. Box 453 Eagle Point, OR 97524
WC9	Yes	Yes	X		Herschel King, member of Steering Committee, Coalition to Improve Air Quality 791 Faith Ave. Ashland, OR 97520
WC10	Yes	Yes	X		Liz Vesecky 791 Faith Ave. Ashland, OR 97520
WC11	Yes		X		Jan Swanson 375 Old Greensprings Ashland, OR 97520
WC12	Yes		X		Valdomar T. Swanson 375 Old Greenspring Hwy. Ashland, Or 97520
WC13	Yes		X		Fred Binnewies 1009 Oneida Cir. Ashland, OR 97520
WC14	Yes		X		Vern Crawford 923 Harmony Lane Ashland, OR 97520
WC15	Yes		X		Vera Morrell, League of Women Voters 3196 Dark Hollow Medford, OR 97501
WC16	Yes		X		Roslyn C. Parker 1538 Lilac Circle Ashland, OR 97520
WC17	Yes	Yes	X		Rodger C. White 500 Holly St. Ashland, OR 97520

<u>No.</u>	<u>Oral Testimony</u>	<u>Written Testimony</u>	<u>PM10 Plan</u>	<u>NSR</u>	<u>Name and Affiliation</u>
WC18	Yes		X		Stuart Foster P.O. Box 1667 Medford, OR 97501
WC19	Yes		X		Tyler Deke, Rogue Valley Council of Governments P.O. Box 3275 Central Point, OR 97502
WC20	Yes		X		Terri Prevost 1165 Kelly St. Medford, OR 97501
WC21	Yes		X		Don Walker, City of Medford Public Works Director 411 W. 8th St. Medford, OR 97501
WC22	No	Yes	X		Catherine M. Shaw, Mayor, City of Ashland City Hall 20 E. Main St. Ashland, OR 97520
WC23	No	Yes	X		Mr. & Mrs. Clay T. Scott PO Box 1005 Medford, OR 97501
NSR 1	Yes	Yes		X	Dave Bray, US EPA, Region 10 1200 Sixth Ave, Seattle, WA 98101



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

RECEIVED  
JUN 25 1998  
AIR QUALITY DIVISION  
Dept. Environmental Quality

June 18, 1998

Reply To  
Attn Of: OAQ-107

David Collier  
Oregon Department of Environmental Quality  
811 S.W. 6th Avenue  
Portland, Oregon 97204

Re: New Source Review Rule Amendments for PM10 in the Medford-Ashland Air Quality Maintenance Area

Dear Mr. Collier:

I have reviewed the proposed amendments to the New Source Review (NSR) Rule for particulate matter (PM10) in the Medford-Ashland Air Quality Maintenance Area and find that they are inconsistent with EPA's requirements in 40 CFR Part 51 for major source NSR programs. These amendments, if adopted as proposed, would not be approvable as a revision to the Oregon State Implementation Plan.

Contrary to the first paragraph of the Rulemaking Statement, the proposed amendments do not, in fact, maintain the current nonattainment area NSR requirements as a part of the Prevention of Significant Deterioration (PSD) program. Rather, the proposed changes to OAR 340-028-1940 (specifically, the new paragraph (9)) would completely exempt new and modified major sources of PM10 from the PSD requirements that must apply once the nonattainment designation for the area is revoked. While it is acceptable for a State to retain provisions of the nonattainment area (Part D) NSR program as part of a maintenance plan, it cannot exempt new and modified major stationary sources from provisions of the PSD program that are not included in the Part D program (e.g., compliance with PM10 increments, provisions for sources impacting Class I areas).

As an alternative to the proposed paragraph (9), I suggest that it be redrafted as follows:

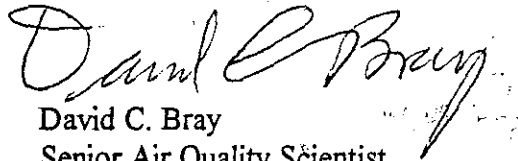
"(9) Proposed new major sources or major modifications which would emit PM10 in the Medford-Ashland Air Quality Maintenance Area (AQMA) must meet the requirements in OAR 340-028-1930 and OAR 340-030-0111, and are exempted from the requirements of Sections (1) and (2)(a)(C) of this rule as they would apply to PM10 emissions."

This language would ensure that new major sources and major modifications would be subject only to the more stringent control technology requirement of the Part D NSR program and that

impacts on the Medford-Ashland Air Quality Maintenance Area would be addressed through the emission offset requirements of OAR 340-028-1930(3) and (4) rather than the air quality analysis requirements of OAR 340-028-1940(2)(a)(C). All other requirements of the PSD program, including compliance with the PM10 increments and the provisions for Class I area protection, would then still apply to sources in the maintenance area.

I thank you for the opportunity to review and comment on the proposed amendments to the New Source Review Rule for PM10 in the Medford-Ashland Air Quality Maintenance Area. If you have any questions on my comments or suggested language changes, please do not hesitate to call me at (206) 553-4253.

Sincerely,

A handwritten signature in black ink that reads "David C. Bray". The signature is written in a cursive style with a large, sweeping "D" and "B".

David C. Bray  
Senior Air Quality Scientist  
Office of Air Quality

DB:

f:\user\bray\orpmnsr.cmt

## Attachment D

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Medford-Ashland PM10 Attainment Plan

### Department's Response to Comment

[Note: Commenter number refers to the commenter index in Attachment C.]

**Comment 1: Keep gains achieved in air quality, don't allow backsliding.** (Commentors WC3, WC5, WC6, WC11, WC14, WC15, WC22)

**Response:** The proposed rule revision would maintain the current nonattainment area NSR requirements after the nonattainment area designation is revoked. This will prevent "backsliding" on requirements for new or expanding major industry in the Medford-Ashland AQMA.

**Comment 2: States can not exempt major sources with emissions above federal PSD thresholds from provisions of the Prevention of Significant Deterioration (PSD) program. These provisions must apply once the nonattainment area designation is revoked.** (Commentor NSR1)

**Response:** The Department agrees, and has revised the proposed rule to clarify that major sources with the potential to emit PM<sub>10</sub> above federal PSD emission thresholds will be subject to certain provisions of the PSD program in addition to the New Source Review requirements for nonattainment areas. The PSD provisions include an air quality assessment of impacts on Class I wilderness areas, pre-construction analysis of monitoring data, and the opportunity for Federal Land Managers to comment on the potential impact a facility may have on federal mandatory Class I areas. Nonattainment area requirements include LAER, Emission offsets, and Net Air Quality Benefit. EPA, Region 10 has indicated that the new language proposed will be approvable.

## Attachment E

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Changes to Major New Source Review  
in the Medford-Ashland AQMA  
OAR 340-028-1930, OAR 340-028-1940

### Detailed Changes in Response to Comment

[Note: Commenter number refers to the commenter index in Attachment C.]

In response to EPA's comment (Commentor NSR1), the Department has revised the proposed rule to clarify that major sources with the potential to emit  $PM_{10}$  above federal PSD emission thresholds will be subject to certain provisions of the PSD program in addition to the New Source Review requirements for nonattainment areas. The revised rule language is included as Attachment E-1.

The Department is also taking the opportunity to revise Table 3 in Division 28 (OAR 340-028-0110(110)) to delete the nonattainment area reference for the Medford-Ashland AQMA. This is in anticipation of EPA revoking the pre-existing  $PM_{10}$  NAAQS and  $PM_{10}$  nonattainment area designation in the near future.

**Table 3**  
**OAR 340-028-0110**  
**SIGNIFICANT EMISSION RATES FOR THE NONATTAINMENT PORTIONS**  
**OF THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA,**  
**THE KLAMATH FALLS URBAN GROWTH AREA,**  
**AND THE LAKEVIEW PM<sub>10</sub> NONATTAINMENT AREA**

<i>Air Contaminant</i>	<i>Emission Rate</i>		
	<i>Annual</i>	<i>Day</i>	<i>Hour</i>
Particulate Matter or PM <sub>10</sub>	4,500 Kilograms (5.0 tons)	23 Kilograms (50.0 lbs.)	4.6 Kilograms (10.0 lbs.)

(b) For regulated air pollutants not listed in Table 2 or 3, the Department shall determine the rate that constitutes a Significant Emission Rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m<sup>3</sup> (24 hour average) shall be deemed to be emitting at a Significant Emission Rate.



(D) When  $PM_{10}$  preconstruction monitoring is required by this section, at least four months of data shall be collected including the season(s) which the Department judges to have the highest  $PM_{10}$  levels.  $PM_{10}$  shall be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1996).

(b) The owner or operator of a proposed ~~M~~major ~~S~~source or ~~M~~major ~~M~~modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Department may require as a permit condition to establish the effect which emissions of a pollutant, other than nonmethane hydrocarbons, may have, or is having, on air quality in any area which such emissions would affect.

(6) Additional Impact Analysis:

(a) The owner or operator of a proposed ~~M~~major ~~S~~source or ~~M~~major ~~M~~modification shall provide an analysis of the impairment to soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value;

(b) The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the ~~M~~major ~~S~~source or modification.

(7) Sources Impacting Class I Areas:

(a) Where a proposed ~~M~~major ~~S~~source or ~~M~~major ~~M~~modification impacts or may impact a Class I area, the Department shall provide written notice to EPA and to the appropriate Federal Land Manager within 30 days of the receipt of such permit application, at least 30 days prior to Department Public Hearings and subsequently, of any preliminary and final actions taken with regard to such application;

(b) The Federal Land Manager shall be provided an opportunity in accordance with OAR 340-028-1910(3) to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality related values, including visibility, of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area. If the Department concurs with such demonstration, the permit shall not be issued.

(8) Except as provided in OAR 340-028-1935(6), this rule does not apply to sources of a maintenance pollutant in a designated ozone or carbon monoxide ~~M~~maintenance ~~A~~area with respect to the maintenance pollutant.

**(9) Requirements for  $PM_{10}$  sources in the Medford-Ashland Air Quality Maintenance Area (AQMA) are as follows:**

**(a) Except as provided in subsection (b) of this Section, this rule does not apply to proposed Major Sources or Major Modifications that would emit  $PM_{10}$  in excess of the Significant Emission Rate. These sources are subject to the requirements of OAR 340-028-1930, and OAR 340-030-0111.**

**(b) Proposed Major Sources or Major Modifications that would emit  $PM_{10}$  in excess of the Significant Emission Rate must comply with Sections (2) through (7) of this rule and OAR 340-028-1930, and OAR 340-030-0111 if the source exceeds the size criteria specified in subsection (3)(b) of this rule.**

## Attachment F Advisory Committee membership

The following local interests were represented on the Medford-Ashland Air Quality Plan Advisory Committee

<ul style="list-style-type: none"><li>• City of Ashland</li><li>• City of Central Point</li><li>• City of Eagle Point</li><li>• City of Jacksonville</li><li>• City of Medford</li><li>• City of Phoenix</li><li>• City of Talent</li><li>• Clean Cities Coalition</li><li>• Fruit Growers League</li><li>• Greater Jackson County Chamber of Commerce</li></ul>	<ul style="list-style-type: none"><li>• Home Builders Association</li><li>• Jackson County</li><li>• Jackson County Health Department</li><li>• League of Women Voters</li><li>• Oregon Department of Transportation</li><li>• Oregon Department of Forestry</li><li>• Rogue Valley Council of Governments</li><li>• Rogue Valley Transit District</li><li>• Sierra Club, Oregon Chapter</li><li>• Southern Oregon Timber Industries Association</li><li>• Transportation Advisory Committee (TRADCO)</li></ul>
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# Environmental Quality Commission

- Rule Adoption Item
- Action Item
- Information Item

Agenda Item I  
August 6-7, 1998 Meeting

**Title:**

Medford Area Carbon Monoxide Maintenance Plan

**Summary:**

The Medford area recorded exceedances of the federal air quality standard for carbon monoxide (CO) virtually every other day on the 1970s at levels that were twice the level considered healthy. A combination of strategies implemented at the federal, state and local levels have succeeded in consistently reducing ambient exposures to safe levels. To remove the nonattainment classification triggered by these historic exceedances an area, under federal Clean Air Act requirements, must not only report monitored levels below the air quality standard but must also present a plan that will ensure continued maintenance of the standard for at least ten years.

The Department has worked with a local advisory committee to review projected growth in the Medford area that would contribute to air quality concerns. As a result of this deliberation the committee has proposed a maintenance plan to prevent exposure to unhealthy levels of CO until at least the year 2015. The plan includes continuing the federal new car emission standards, the vehicle emission inspection program, the wintertime oxygenated fuels program and initiating an industrial emissions tracking program to ensure compliance with budgeted emission amounts. The Department will re-evaluate the continued need for oxygenated fuels once the revised mobile emissions model becomes available, expected in the fall of 1999. The model is expected to reflect longer than expected durability of vehicle emission controls which may prove sufficient to offset elimination of the oxygenated fuel requirement.

**Department Recommendation:**

It is recommended that the Commission adopt the carbon monoxide maintenance plan for the Medford area, as presented in Attachment A-1 of the Department Staff Report, including the supporting rule amendments and emission inventories, as an amendment to the federal Clean Air Act State Implementation Plan.

  
Report Author

  
Division Administrator

Director 

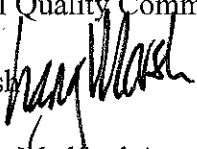
State of Oregon

Department of Environmental Quality

Memorandum

**Date:** July 21, 1998

**To:** Environmental Quality Commission

**From:** Langdon Marsh 

**Subject:** Agenda Item I, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting  
August 7, 1998

**Background**

On May 8, 1998, the Director authorized the Air Quality Division to proceed to a rulemaking hearing on a proposed carbon monoxide maintenance plan for the Medford area. The proposed maintenance plan, which would amend the federal Clean Air Act State Implementation Plan (SIP), is designed to ensure compliance with the federal carbon monoxide air quality standard for the next ten years.

Pursuant to the authorization, hearing notice was published in the Secretary of State's Bulletin on June 1, 1998. The Hearing Notice and informational materials were mailed to the mailing list of those persons who have asked to be notified of rulemaking actions, and to a mailing list of persons known by the Department to be potentially affected by or interested in the proposed rulemaking action on May 11, 1998.

Public Hearings were held on June 11, 1998 and June 16, 1998 with Environmental Quality Commission chair Carol Whipple and Mary Heath serving as Presiding Officers, respectively. Written comment was received through 5:00 P.M. June 19, 1998. The Presiding Officer's Reports (Attachment C-1, C-2) summarize the oral testimony presented at the hearing and lists all the written comments received. (A copy of the comments is available upon request.)

Department staff have evaluated the comments received (Attachment D). Based upon that evaluation, modifications to the initial rulemaking proposal are being recommended by the Department. These modifications are summarized below and detailed in Attachment E.

The following sections summarize the issue that this proposed rulemaking action is intended to address, the authority to address the issue, the process for development of the rulemaking

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Accommodations for disabilities are available upon request by contacting the Public Affairs Office at (503) 229-5317 (voice)/(503) 229-6993 (TDD).

Memo To: Environmental Quality Commission

**Agenda Item I**, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998

Page 2

proposal including alternatives considered, a summary of the rulemaking proposal presented for public hearing, a summary of the significant public comments and the changes proposed in response to those comments, a summary of how the rule will work and how it is proposed to be implemented, and a recommendation for Commission action.

**Issue this Proposed Rulemaking Action is Intended to Address**

The carbon monoxide maintenance plan is designed to protect public health by preventing violations of the federal carbon monoxide (CO) standard, and will allow EPA to redesignate the area from noncompliance to compliance with the CO standard. An EPA-approved maintenance plan will also remove Clean Air Act impediments to industrial development and will help alleviate the possibility of Clean Air Act sanctions on federal transportation funds.

Carbon monoxide is a colorless, odorless, poisonous gas. It decreases the oxygen carrying capacity of the blood. High concentrations can severely impair the function of oxygen-dependent tissues, including the brain, heart and muscle. Prolonged exposure to even low levels of CO can aggravate existing conditions in people with heart disease or circulatory disorders. Motor vehicles are the predominate source of CO in Oregon, but another significant source includes wood stoves.

The Medford area, as defined by its urban growth boundary (UGB), exceeded the federal 8-hour CO standard of 9 parts per million almost every other day in the late 1970s but the 1-hour standard has never been exceeded. Maximum 8-hour CO levels were more than twice the standard level. CO control strategies, including the federal new car program, the DEQ vehicle inspection program, oxygenated fuel, improvements to computerized traffic controls, the major new source review program and other measures have been successful in bringing the Medford area into compliance with the 8-hour CO standard. There have been no violations within the Medford nonattainment area since 1991. To ensure continued compliance and keep healthful air quality, some additional control measures, outlined on pages 4-6, are needed to offset the effects of a growing population and increased motor vehicle travel.

This proposal would allow the Department to submit a plan to the Environmental Protection Agency (EPA) that provides for maintenance of the CO standard until at least 2015. The maintenance plan is designed to protect public health while still allowing for reasonable industrial growth and population increases. Once adopted by the Commission and approved by EPA, impediments to industrial growth will be removed and the Medford area will not be subject to Clean Air Act sanctions on federal transportation funds.

Memo To: Environmental Quality Commission

**Agenda Item I**, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998

Page 3

To redesignate the Medford area in compliance with the CO standard, EPA requires an enforceable plan that demonstrates how the area will continue to meet the air quality standard for a minimum of ten years. The CO maintenance plan includes emission reduction strategies that are sufficient to ensure attainment through the winter of 2014/2015 which corresponds with the planning timeframe associated with the Regional Transportation Plan. An EPA-approved CO maintenance plan and redesignation to attainment will provide the following benefits:

- Assure that public health will be protected;
- Protect against possible Clean Air Act sanctions on federal transportation funds;
- Eliminate industrial growth impediments, such as Lowest Achievable Emission Rate (LAER) control technology requirements.

#### **Relationship to Federal and Adjacent State Rules**

The Medford area was first designated by the EPA as a nonattainment area for CO on March 3, 1978. Following enactment of the Clean Air Act Amendments of 1990, the EPA classified the Medford area as a moderate CO nonattainment area based on a 1992-93 design value of 7.5 ppm recorded at the Rogue Valley Mall monitoring site.

The Medford area attained the CO standard well before the federal deadline of December 31, 1995. Downtown Medford has been in compliance with the national ambient air standards for CO since 1992. For the area to be redesignated, the Clean Air Act requires a demonstration that the area has attained the standard and EPA approval of a ten year maintenance plan. There is no deadline for submitting a maintenance plan. Once the area is redesignated, a new maintenance plan must be submitted within eight years.

#### **Authority to Address the Issue**

The EQC has the statutory authority to address this issue under Oregon Revised Statutes (ORS) Chapter 468A, which gives the Commission the power to adopt plans and programs to achieve and maintain federal and state ambient air quality health standards.

Memo To: Environmental Quality Commission

**Agenda Item I, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998**

Page 4

**Process for Development of the Rulemaking Proposal (including Advisory Committee and alternatives considered)**

The Department primarily relied on the Rogue Valley Council of Governments' (RVCOG) long-range Regional Transportation Plan (RTP) forecast for the Medford area and the deliberations of the Medford-Ashland Air Quality Plan Advisory Committee to develop the CO maintenance plan provisions. Since the area covered by the RTP is larger than the area encompassed by the Medford Urban Growth Boundary, the RTP growth projections were scaled to the UGB on the basis of land use and zoning data. The Medford UGB was estimated to have a population of 55,845 in 1993. Based on the long-range forecast, the Medford UGB population is expected to grow to approximately 82,100 by 2015 (2.1 percent per year).

In addition, RVCOG reviewed and made recommendations on the plan and the transportation emissions budget reflected by the plan. The emissions budget will be the benchmark for future transportation conformity determinations.

**Summary of Rulemaking Proposal Presented for Public Hearing and Discussion of Significant Issues Involved.**

The carbon monoxide maintenance plan and redesignation request includes an attainment demonstration, an attainment emission inventory, a maintenance demonstration, a contingency plan and documentation that administrative requirements have been met. The plan includes a number of emission reduction strategies to ensure that the area does not violate the carbon monoxide standard through the year 2015.

The complete set of emission reduction strategies presented for public hearing as elements of the carbon monoxide maintenance plan were:

- Federal New Car Program

The federal new car program has been and will continue to be the most effective CO emission reduction strategy. In contrast to other pollutants, vehicle CO emission controls have not experienced much deterioration of performance with increased age and mileage. An additional 37 percent reduction in the fleet average emission rate is expected between 1993 and 2015. Expected improvements in CO emission control technology include heated catalysts that help reduce the higher emissions from cold starts.

- Motor Vehicle Inspection Program

The basic vehicle inspection program will continue to operate. Gasoline powered and light duty diesel vehicles up to 20 years old and registered within the boundaries of the Medford-Ashland Air Quality Maintenance Area are subject to emissions testing and inspection at the time of registration renewal. This program, operating since 1986, has been effective in reducing CO pollution by promoting proper maintenance. The standards used in the program were selected on the basis of identifying high-emitting vehicles that are operating outside their design limits. The standards and associated enforcement tolerances take into account a limited amount of engine wear and tear, but are not so lenient that gross-emitting vehicles would pass an emissions test.

- Oxygenated Fuels

The 1990 federal Clean Air Act Amendments required the Medford area to implement an oxygenated fuel program to control CO, because the area was still designated nonattainment for the standard. The program was first implemented in 1992. The Department projects that by 2015 oxygenated fuels will have accounted for a reduction of 18,134 pounds of CO per day. With oxygenated fuel required through 2015, the Department's projected compliance with the CO standard would be maintained by a margin of at least 2.5 percent for winter 2014/15. The primary impact on the motoring public is a slight reduction in fuel economy of approximately three percent (on average). The Advisory Committee considered other alternatives to oxygenated fuel and found that upgrading the vehicle emissions inspection program to an enhanced test was the only approach that provided enough emissions benefit. This enhanced test would better simulate driving conditions and the operation of the vehicle's emission control equipment but would require inspection staff to operate each vehicle on a dynamometer according to a prescribed schedule of moderate acceleration and deceleration. This procedure would require new equipment, additional staff and also would likely double the test fees. The Committee considered oxygenated fuels the best and least burdensome approach.

- Plant Site Emissions Limit (PSEL) Management Program

Recent EPA guidance allows for demonstration of maintenance of the CO standard by using point source projections of actual emissions, rather than maximum allowable emission limits or PSELs. Based on this guidance, the Department will review emissions reports from major point sources annually to determine that total emissions in that year have not exceeded projected actual emissions in 2015, the maintenance year. If the



allocation is exceeded, the Department will automatically initiate a process to identify whether additional control strategies are needed.

- CO Emissions Budget

Transportation conformity regulations, required by the 1990 Federal Clean Air Act Amendments, provide for the creation and identification of motor vehicle emissions budgets in the State Implementation Plan (SIP). Emissions budgets establish a cap on emissions that may not be exceeded by future motor vehicle emissions. In the Medford area, RVCOG forecasts motor vehicle emissions as part of periodically updating the long-range, regional transportation plan (RTP) and the Transportation Improvement Program (TIP). Predicted emissions from the RTP and TIP must be equal to or less than the SIP emissions budget(s).

- Contingency Plan Elements

The maintenance plan must contain contingency measures that will be implemented to prevent or correct a violation of the CO standard after the area has been redesignated to attainment. The Clean Air Act requires that measures in the original attainment plan be reinstated if a violation occurs. Under the contingency plan adopted by the Advisory Committee, the DEQ would convene a planning group if the validated second highest (within one calendar year) 8-hour CO concentration equals or exceeds 8.1 ppm (90 percent of the 8-hour CO standard). A range of actions would be considered for implementation, each one designed to preserve air quality. However, if a violation of the 8-hour CO standard were to occur, control measures that would be restored include Lowest Achievable Emission Rate (LAER) requirements plus offsets for major new and modified industrial sources and oxygenated fuels, if they are eliminated in the future.

### **Summary of Significant Public Comment and Changes Proposed in Response**

Virtually all of the comments critical of the plan centered on the continued requirement for oxygenated fuel. Several comments were made regarding the negative impact on older vehicles and reduced fuel economy. The Department acknowledges that there may be slight overall reductions in fuel mileage and that the fuel systems in older vehicles may have some difficulty with these contemporary formulations of gasoline. However, there are proven environmental benefits in preventing unhealthy levels of carbon monoxide during the winter season. A commentator asserted that emission reductions from other sources, including declining woodstove use and replacement of older, inefficient boilers, is sufficient to warrant a phaseout of

Memo To: Environmental Quality Commission

**Agenda Item I**, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998

Page 7

oxygenated fuel. The Department's analysis indicates that, while these reductions have occurred, they are insufficient to support eliminating the requirement. The Advisory Committee reviewed alternative approaches to the fuel requirement. They found that upgrading the vehicle inspection program to an enhanced test and maintaining the test requirement for 1977 and newer vehicles was the only alternative that could readily match the emission reductions presented by oxygenated fuel. They acknowledged that oxygenated fuel was more acceptable. Other testimony was received concerning the adverse health impacts attributed to the use of methyl tertiary butyl ether (MTBE). MTBE can be used as an oxygenate, however it is not used in fuels sold during the oxygenated fuel season in Oregon because of prevailing economic benefits associated with ethanol. Nonetheless, even if MTBE were to be used in the state, the scientific consensus is that an association between MTBE and adverse health impacts in humans can not be readily demonstrated although further investigation is justified. In fact, there is some evidence to suggest that MTBE reduces carcinogenic risk because it displaces known, potent carcinogenic constituents of gasoline.

The Department also acknowledges that the Advisory Committee recommended to the Jackson County Commission to pursue a voluntary commitment from fuel distributors not to use MTBE in an area. This approach has been successfully employed in other parts of the country where concerns have been raised about this fuel additive.

Nonetheless, the Department has made a commitment to reevaluate the need for oxygenated fuel in the Medford area once the revised mobile emissions model from EPA becomes available. This model is being updated to reflect, among other things, recent data about the extended effectiveness of catalytic converters in reducing emissions. Initial speculation from EPA staff indicates that the revised credit may be sufficient to equal the emission reductions associated with oxygenated fuel. If the reanalysis supports rescinding the oxygenated fuel requirement the Department will present the findings to the Rogue Valley Council of Governments, as well as the Commission, for review and action. It is anticipated that the revised mobile emission model will become available in the fall of 1999.

Several comments were also made about woodstove control programs. These included the absence of any reference to these efforts in the description of attainment strategies, that CO reductions from this and other strategies could make up for eliminating the oxygenated fuel requirement and that the projected decline in area source emissions attributable to woodstove control needed further elucidation in the plan. Woodstove control, including curtailment strategies, woodstove certification and changeout programs, while having benefits for CO reductions, were begun primarily for particulate reductions. These efforts commenced after the original CO attainment plans for Medford had been developed and approved. CO emission reductions from woodstove strategies, while significant, are not sufficient even with the other

Memo To: Environmental Quality Commission

**Agenda Item I**, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998

Page 8

reductions suggested to equal the benefit associated with oxygenated fuels. However, since the Medford area has seen CO emission reductions associated with these efforts, and these have been noted within emission projections, the Department is proposing to include these efforts in the CO control strategies for the maintenance plan.

### **Summary of How the Proposed Rule Will Work and How it Will be Implemented**

The carbon monoxide maintenance plan includes a number of strategies to ensure that emission reductions are obtained and that the carbon monoxide standard is not violated during the duration of the maintenance plan. Most of these strategies are continuations of the efforts that brought the area into compliance. The most prominent new strategy is the industrial emission tracking program.

The Department will track, through the sources' annual reports, actual emissions and determine whether actual emissions exceeded the point source allocation in the plan. Projections for future years will also be evaluated. If the allocation has been exceeded, or is projected to be exceeded, the Department will initiate a series of steps to ensure that compliance with the CO standard within the Medford area is maintained. These steps progress in intensity of response, up to convening an advisory committee to prepare strategies to rebalance the plan and submitting the plan to the EQC for adoption.

The Department will also continue to monitor carbon monoxide air quality in the area. If monitored CO levels at any site within the monitoring system in the area equal or exceed 90 percent of the standard level during a calendar year period, the Department will convene a planning group to recommend preventive or corrective action. In the event of an actual violation of the standard, the Department will implement control measures that were originally contained in the attainment plan but had not been included in the maintenance plan.

### **Recommendation for Commission Action**

It is recommended that the Commission adopt the carbon monoxide maintenance plan for the Medford area, as presented in Attachment A-1 of the Department Staff Report, including the supporting rule amendments and emission inventories, as an amendment to the federal Clean Air Act State Implementation Plan.

Memo To: Environmental Quality Commission

**Agenda Item I**, Medford Area Carbon Monoxide Maintenance Plan, EQC Meeting August 7, 1998

Page 9

**Attachments**

- A. Rule (Amendments) Proposed for Adoption
- B. Supporting Procedural Documentation:
  - 1. Legal Notice of Hearing
  - 2. Fiscal and Economic Impact Statement
  - 3. Land Use Evaluation Statement
  - 4. Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements
  - 5. Cover Memorandum from Public Notice
- C. Presiding Officer's Report on Public Hearing
- D. Department's Evaluation of Public Comment
- E. Detailed Changes to Original Rulemaking Proposal made in Response to Public Comment
- F. Advisory Committee Membership
- G. Rule Implementation Plan

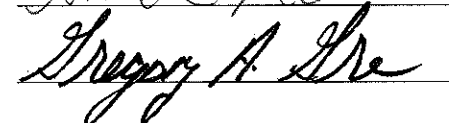
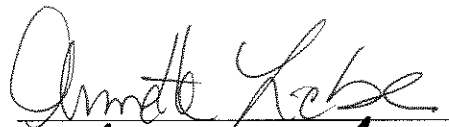
**Reference Documents (available upon request)**

Written Comments Received (listed in Attachment C)  
EPA guidance documents regarding redesignation requests

Approved:

Section:

Division:



Report Prepared By: Kevin Downing

Phone: 503 229-6549

Date Prepared: July 1, 1998

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6/25/98

**STATE IMPLEMENTATION PLAN REVISION  
FOR CARBON MONOXIDE IN THE MEDFORD URBAN GROWTH BOUNDARY**

**A PLAN FOR MAINTAINING  
THE NATIONAL  
AMBIENT AIR QUALITY STANDARDS  
FOR CARBON MONOXIDE**

**July 21, 1998**

**State of Oregon  
Department of Environmental Quality  
Air Quality Division  
811 SW 6<sup>th</sup> Ave.  
Portland, OR 97204-1390**

# Table of Contents

<b>4.52.0 ACKNOWLEDGMENT AND SUMMARY</b> .....	i
4.52.0.1 ACKNOWLEDGMENTS .....	i
4.52.0.2 EXECUTIVE SUMMARY: THE MEDFORD CARBON MONOXIDE MAINTENANCE PLAN .....	iii
4.52.0.2.1 <i>Background</i> .....	iii
4.52.0.2.2 <i>Need for Maintenance Plan</i> .....	v
4.52.0.2.3 <i>Maintenance Plan Development Process</i> .....	vi
4.52.0.2.4 <i>Maintenance Plan Summary</i> .....	vii
<b>4.52.1 INTRODUCTION</b> .....	1
4.52.1.1 PURPOSE OF REDESIGNATION REQUEST AND MAINTENANCE PLAN DOCUMENT .....	1
4.52.1.2 HISTORY OF CO PROBLEM IN MEDFORD AREA/DESIGN VALUES .....	1
4.52.1.3 NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE.....	3
4.52.1.4 REDESIGNATION CRITERIA/ORGANIZATION OF DOCUMENT .....	4
<b>4.52.2 ATTAINMENT DEMONSTRATION</b> .....	9
4.52.2.1 AMBIENT AIR QUALITY MONITORING DATA .....	9
4.52.2.2 ATTAINMENT YEARS AND CONCENTRATIONS .....	9
4.52.2.3 SUMMARY OF AMBIENT AIR QUALITY DATA .....	12
4.52.2.4 PERMANENT AND ENFORCEABLE IMPROVEMENT IN AIR QUALITY.....	12
4.52.2.5 DEMONSTRATION THAT DEQ'S CO NETWORK MAY REASONABLY BE CONSIDERED TO BE REPRESENTATIVE OF WORST CASE CO CONCENTRATIONS.....	16
4.52.2.5.1 <i>DEQ Has Conducted Comprehensive CO Field Studies</i> .....	17
4.52.2.5.2 <i>Screening Techniques Used To Identify Intersections With Potential For High CO                 Concentrations</i> .....	17
4.52.2.5.3 <i>Available Data From Field Studies Indicates That The DEQ's CO Network Records Higher                 Peak Concentrations Than The Screened Intersections</i> .....	18
4.52.2.6 CONCLUSIONS REGARDING DEMONSTRATION OF ATTAINMENT .....	19
<b>4.52.3 MAINTENANCE PLAN</b> .....	21
4.52.3.1 ATTAINMENT INVENTORY .....	21
4.52.3.2 MAINTENANCE DEMONSTRATION.....	22
4.52.3.2.1 <i>Inventory Projections</i> .....	22
4.52.3.2.2 <i>Transportation Emissions Budgets for Conformity</i> .....	24
4.52.3.2.3 <i>Control Measures</i> .....	25
4.52.3.2.4 <i>Rollforward Analysis</i> .....	29
4.52.3.3 CONTINGENCY PLAN .....	31
<b>4.52.4 ADMINISTRATIVE REQUIREMENTS</b> .....	33
4.52.4.1 SIP REQUIREMENTS/NONATTAINMENT AREA REQUIREMENTS .....	33
4.52.4.1.1 <i>Summary of Fully Approved SIP</i> .....	33
4.52.4.1.2 <i>1990 Clean Air Act Requirements and Status</i> .....	34
4.52.4.2 MONITORING NETWORK AND COMMITMENTS .....	36
4.52.4.3 VERIFICATION OF CONTINUED ATTAINMENT.....	36
4.52.4.4 MAINTENANCE PLAN COMMITMENTS.....	37

## Table of Figures

FIGURE 4.52.0.1	MEDFORD DOWNTOWN CO TREND .....	iv
FIGURE 4.52.0.2	8-HOUR CO CONCENTRATIONS FOR MONITORED HOT SPOTS.....	v
FIGURE 4.52.1.1	MEDFORD CARBON MONOXIDE NONATTAINMENT AREA.....	2
FIGURE 4.52.2.1	MEDFORD 8-HOUR CO TREND AT BROPHY BUILDING .....	11
FIGURE 4.52.2.2	MEDFORD 8-HOUR CO TREND AT ROGUE VALLEY MALL .....	11
FIGURE 4.52.2.3	POPULATION, EMPLOYMENT, HOUSING IN MEDFORD AND JACKSON COUNTY.....	13
FIGURE 4.52.2.4	WIND SPEED DURING WINTER SEASON.....	15
FIGURE 4.52.3.1	MEDFORD CARBON MONOXIDE NONATTAINMENT AREA.....	22
FIGURE 4.52.3.2	CO EMISSION PROJECTIONS .....	23

## Table of Tables

TABLE 4.52.1.1	SUMMARY OF REDESIGNATION REQUIREMENTS .....	6
TABLE 4.52.2.1	MEDFORD CARBON MONOXIDE: FIVE HIGHEST VALUES FROM 1992 TO 1996.....	10
TABLE 4.52.2.2	SECOND HIGH 8-HOUR CARBON MONOXIDE CONCENTRATIONS (1977-1996).....	12
TABLE 4.52.2.3	NUMBER OF HOURS WITH LOW WIND SPEED CONDITIONS FROM OCTOBER THROUGH MARCH.....	14
TABLE 4.52.2.4	SIX HIGHEST INTERSECTIONS SCREENED BY VOLUME AND CONGESTION .....	18
TABLE 4.52.3.1	CO EMISSIONS ATTAINMENT AND PROJECTION INVENTORIES .....	24
TABLE 4.52.3.2	TRANSPORTATION EMISSION BUDGET THROUGH 2015 .....	25
TABLE 4.52.3.3	SELECTED INTERSECTIONS AND RANKING FACTORS .....	30
TABLE 4.52.3.4	2015 SECOND HIGHEST MAXIMUM 8-HOUR CO CONCENTRATIONS AT DEQ MONITORING SITES AND SCREENED INTERSECTIONS .....	30

## Appendices

D3-1	TECHNICAL ANALYSIS PROTOCOL
D3-2	CARBON MONOXIDE MONITORING NETWORK
D3-3	CO SATURATION STUDY
D3-4	EMISSION INVENTORY AND FORECAST
D3-5	CONFORMITY PROCESS
D3-6	HISTORICAL AND PROJECTED POPULATION, HOUSEHOLDS AND EMPLOYMENT
D3-7	NEW SOURCE REVIEW
D3-8	ROLLFORWARD ANALYSIS
D3-9	MISCELLANEOUS OREGON ADMINISTRATIVE RULES
D3-10	ADDITIONAL SUPPORTING MEASURES
D3-11	EXCEPTIONAL EVENT CONTROL MEASURE
D3-12	LOCAL WOODSTOVE CONTROL PROGRAMS

## 4.52.0 ACKNOWLEDGMENT AND SUMMARY

### 4.52.0.1 Acknowledgments

Without the efforts of numerous individuals in state and local governments and private entities who are dedicated to healthy air, this supplement to the Oregon State Implementation Plan would not have been possible. Special appreciation goes to:

- Rogue Valley Council of Governments (RVCOG) as lead agency for transportation planning and analysis in the maintenance plan;
- Medford-Ashland Air Quality Plan Advisory Committee: Mike Montero, Chair; Larry Medinger, Vice Chair;
- Oregon Department of Transportation for funding support

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#### **4.52.0.2 Executive Summary: The Medford Carbon Monoxide Maintenance Plan**

The Medford area, as defined by its urban growth boundary (UGB), has met the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) as demonstrated through air quality monitoring data. In accordance with the 1990 federal Clean Air Act Amendments (FCAA), the Department of Environmental Quality (DEQ) is now applying to the Environmental Protection Agency (EPA) for redesignation of the area to attainment status by submitting a Redesignation Request including a long term maintenance plan through the year 2015. EPA requires maintenance plans to demonstrate continued compliance for at least ten years following EPA approval. This Redesignation Request/Maintenance Plan has been adopted by the Oregon Environmental Quality Commission (EQC) and submitted to EPA as an amendment to the State Implementation Plan (SIP).

This maintenance plan will remove federal Clean Air Act impediments to industrial growth and shield the Medford area from Clean Air Act sanctions on federal transportation funds while providing for protection of public health. This plan also assumes continuation of wintertime oxygenated fuels (which reduce motor vehicle CO emissions).

##### **4.52.0.2.1 Background**

###### What is Carbon Monoxide?

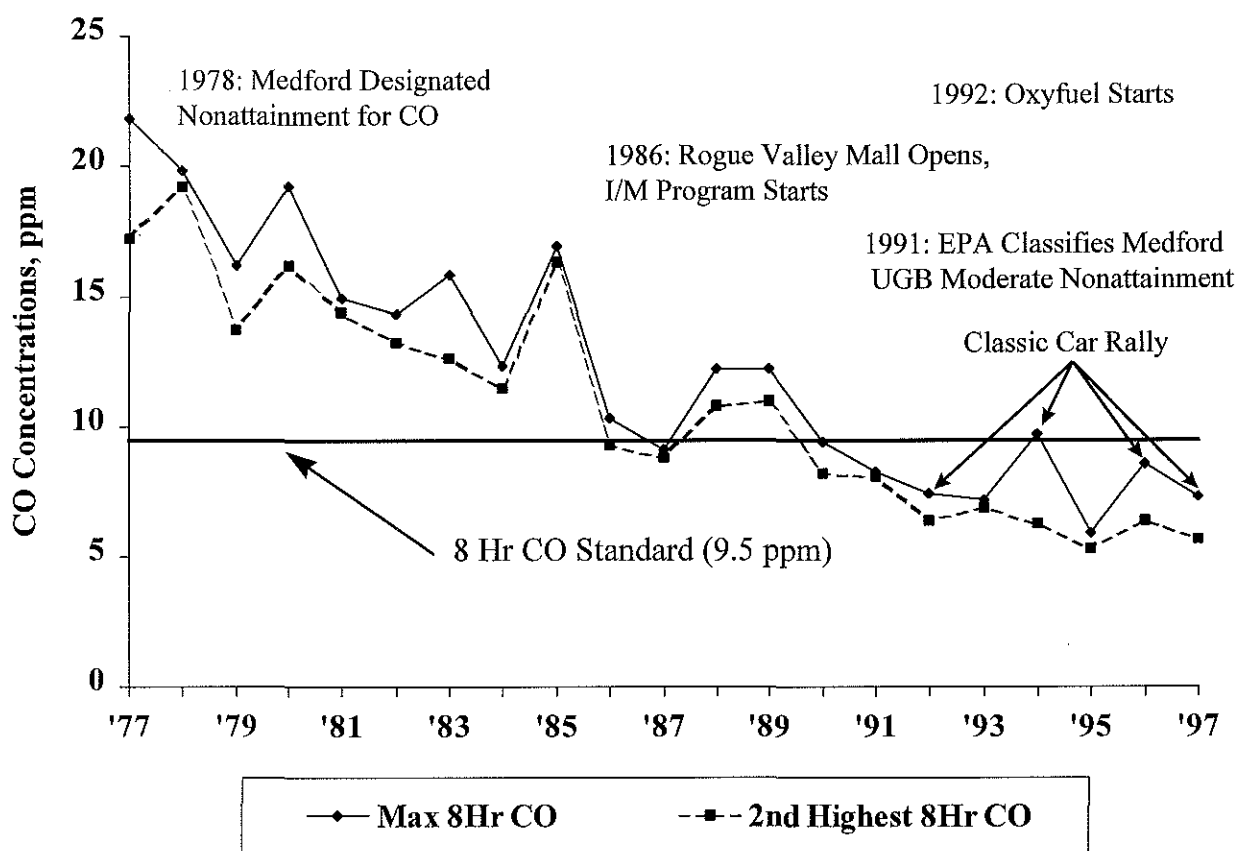
Carbon monoxide (CO) is a colorless, odorless, poisonous gas. It decreases the oxygen carrying capacity of the blood. High concentrations can severely impair the function of oxygen-dependent tissues, including the brain, heart and muscle. Prolonged exposure to even low levels of CO can aggravate existing conditions in people with heart disease or circulatory disorders. Motor vehicles are the predominate source of CO in Oregon, but another significant source includes wood stoves.

EPA has established the NAAQS for carbon monoxide at 35 parts per million (ppm) 1-hour average and 9 ppm 8-hour average (fractional values below 9.4 ppm are considered in compliance). Any CO value monitored above these levels is considered an exceedance. Two exceedances within one calendar year is considered a violation. If an area is in violation of the standard, it is designated by EPA as a nonattainment area. Experience has demonstrated that the 8-hour average is the more likely of the two standards to be exceeded.

## Past CO Problem

The Medford area exceeded the federal 8-hour CO standard of 9 parts per million almost every other day in the late 1970s but the 1-hour standard has never been exceeded. Maximum 8-hour CO levels were more than twice the standard level. By the 1980s, the frequency of exceedances had declined dramatically, but maximum levels were still about 50 percent above the standard level. There have been no violations within the Medford nonattainment area since 1991. The trend in CO from the long-term Brophy Building CO monitor in downtown Medford is shown below in Figure 4.52.0.1.

**Figure 4.52.0.1 Medford Downtown CO Trend**  
**Medford CO Data (Brophy Building) Max 8-Hr and 2<sup>nd</sup> High 8-Hr Avg., 1977-97**



## Success in Reducing CO

Carbon monoxide control strategies have been successful in bringing Medford into attainment with the 8-hour CO standard. Attainment was achieved at the Brophy Building site by 1990. Full compliance for the area was achieved in 1992 with no exceedances recorded at the Rogue Valley Mall CO monitor. These strategies relied primarily on:

Federal new car emission standards, DEQ vehicle inspection program, the Medford Parking and Traffic Circulation Plan, including the Bicycle Transportation Element and oxygenated gasoline (additional emission reductions from implementation of a wintertime oxygenated fuel program, starting in 1992).

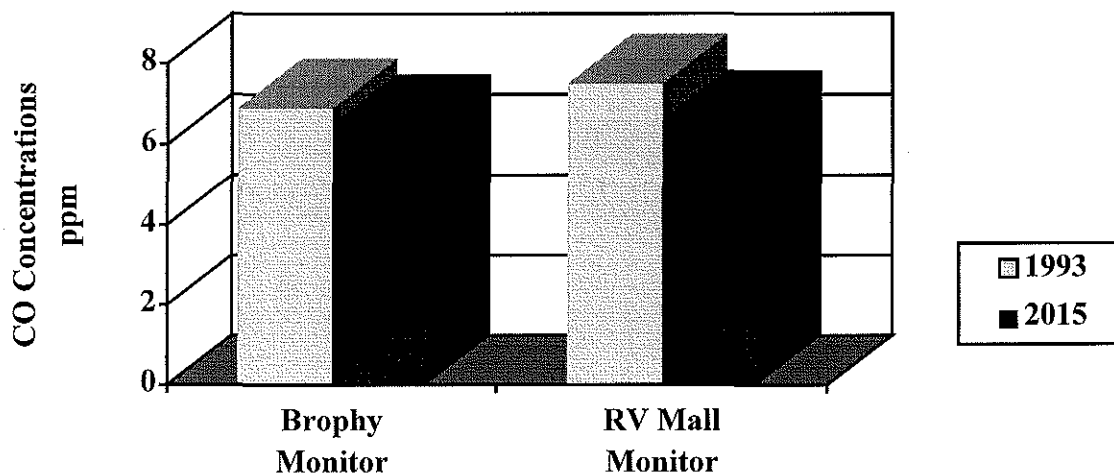
#### 4.52.0.2.2 Need for Maintenance Plan

##### Projections of Future CO Levels

Motor vehicle CO emission controls are projected to be increasingly effective in future years. The fleet average emission rate is expected to *decrease* by 37 percent from 1993 to 2015.

The Rogue Valley Council of Governments Regional Transportation Plan (RTP) forecast was scaled to the Medford Urban Growth Boundary to determine the combined effect on CO air quality of the increased effectiveness of vehicle emission controls and projected increase in vehicle travel caused by growth. Emissions were projected based on adopted population and employment forecasts in the long range transportation plan. The Medford UGB is projected to increase by 26,255 residents between the years 1993 and 2015. Figure 4.52.0.2 shows the resulting CO concentrations through the year 2015. These concentrations reflect the influence of motor vehicles passing directly by the monitor and incorporate an estimated background level due to all other sources.

**Figure 4.52.0.2 8-Hour CO Concentrations for Monitored Hot Spots**



### Benefits of Maintenance Plan

In order for the Environmental Protection Agency (EPA) to redesignate the Medford area from nonattainment to attainment, EPA requires an enforceable plan demonstrating how the area will continue to meet the CO standard for a minimum of ten years. An EPA-approved CO maintenance plan and redesignation to attainment will provide the following benefits:

- Assurance that public health will be protected from adverse impacts of CO;
- Assurance that regulatory limits, expectations and conditions will be known for at least the next ten years;
- Removal of industrial growth impediments (LAER and offsets);
- Protection against Federal Clean Air Act sanctions on federal transportation funds.

#### **4.52.0.2.3 Maintenance Plan Development Process**

The DEQ primarily relied on the Rogue Valley Council of Governments long-range Regional Transportation Plan (RTP) forecast for the Medford area and the deliberations of the Medford-Ashland Air Quality Plan Advisory Committee to develop the CO maintenance plan provisions. Since the area covered by the RTP is larger than the area encompassed by the Medford UGB, the RTP growth projections were scaled to the UGB on the basis of land use and zoning data. The Medford UGB was estimated to have a population of 55,845 in 1993. Based on the long-range forecast, the Medford UGB population is expected to grow to approximately 82,100 by 2015 (2.1 percent per year).

The Medford-Ashland Air Quality Plan Advisory Committee recommended the following key provisions:

- Continue the existing motor vehicle inspection program
- Continue the wintertime oxygenated fuel program<sup>1</sup>

---

<sup>1</sup> The Committee recommended continuation of oxygenated fuel until the Environmental Protection Agency's new Mobile 6 motor vehicle emissions model could be analyzed and the emission inventory reevaluated. The revised model will include updated information on long term effectiveness of catalytic converters. These controls are proving to be more durable in their effectiveness than was previously assumed. The change in emission credits attributable to these devices may prove to be a sufficient margin to support removing the oxygenated fuel requirement in Medford. The re-evaluation is expected to occur in late 1999 with review by the RVCOG policy board and the Environmental Quality Commission to decide whether the oxygenated fuel program should be continued. The Department will be coordinating with EPA regarding the timing of review and approval of the plan so that this request can be submitted as a plan amendment or a formal SIP revision, if need be.

- Implement a Plant Site Emissions Limit management program described in Section 4.52.3.2.3
- Amend existing New Source Review regulations
- Utilize a contingency plan that calls for implementation of additional measures to reduce CO, if necessitated by future elevated levels of the pollutant.

In addition, RVCOG reviewed and made recommendations on the plan and the transportation emissions budget reflected by the plan. The emissions budget will be the benchmark for future transportation conformity determinations.

#### **4.52.0.2.4 Maintenance Plan Summary**

##### Federal New Car Program

The federal new car program has been and will continue to be the most effective CO emission reduction strategy. In contrast to other pollutants, vehicle CO emission controls have not experienced much deterioration of performance with increased age and mileage. An additional 37 percent reduction in the fleet average emission rate is expected between 1993 and 2015. Expected improvements in CO emission control technology include heated catalysts which will help reduce the higher emissions from cold starts.

##### Motor Vehicle Inspection Program

The basic vehicle inspection program will continue to operate. Gasoline powered and light duty diesel vehicles up to 20 years old and registered within the boundaries of the Medford-Ashland Air Quality Maintenance Area are subject to emissions testing and inspection at the time of registration renewal. This program, operating since 1986, has been effective in reducing CO pollution by promoting proper maintenance. The standards used in the program were selected on the basis of identifying high emitting vehicles that are operating outside their design limits. The standards and associated enforcement tolerances take into account a limited amount of engine wear and tear, but are not so lenient that "gross emitting" vehicles would pass an emissions test.

##### PSEL Management

Recent EPA guidance allowed for demonstration of maintenance of the CO standard using point source projections of actual emissions, rather than maximum allowable emission limits, known in Oregon as Plant Site Emission Limits or PSELS. Based on this guidance, this control strategy will require the Department to annually review point source emissions reports to determine that total emissions in that year have not exceeded projected actual emissions in 2015, the maintenance year. If the allocation is exceeded the Department will automatically convene a process to identify whether additional control strategies are needed.

### Oxygenated Fuels

The 1990 Federal Clean Air Act Amendments required the Medford area to implement an oxygenated fuel program to control CO, because the area was still designated nonattainment for the standard. The program was first implemented in 1992. The Department projected that in 2015 oxygenated fuels accounted for a reduction of 18,134 pounds of CO per day. With oxygenated fuel required through 2015, the Department projected compliance with the CO standard would be maintained by a margin of at least 2.5 percent for winter 2014/15.

### Woodstove Curtailment

Woodstove emission control efforts in the Rogue Valley have made significant strides in reducing particulate emissions through emission certification standards for new stoves, changeout programs to encourage removal of noncertified stoves and local ordinances to curtail burning during stagnant weather periods. The city of Medford will be revising its woodstove curtailment ordinance to align it with suggestions made by the Advisory Committee to improve overall effectiveness in reducing particulate emissions. All of these efforts will also contribute to a decline of 21.8 percent in CO emissions from residential wood heating from 1993 to 2015.

### CO Emissions Budgets

Transportation conformity regulations, required by the 1990 Federal Clean Air Act Amendments, provide for the creation/identification of motor vehicle emissions budgets in the State Implementation Plan (SIP). Emissions budgets establish a cap on emissions which may not be exceeded by predicted motor vehicle emissions. In the Medford area, RVCOG forecasts motor vehicle emissions as part of periodically updating the long-range, regional transportation plan (RTP) and the Transportation Improvement Program (TIP). RVCOG's emission forecast must be equal to or less than the SIP emissions budget(s).

### Contingency Plan Elements

The maintenance plan must contain contingency measures that would be implemented either to prevent or correct a violation of the CO standard after the area has been redesignated to attainment. The Clean Air Act requires that measures in the original attainment plan be reinstated if a violation occurs. Under the contingency plan, adopted by the Advisory Committee, the DEQ would convene a planning group if the validated second highest (within one calendar year) 8-hour CO concentration equals or exceeds 8.1 ppm (90 percent of the 8-hour CO standard). A range of actions would be considered for implementation, each one designed to preserve air quality. However, if a violation of the 8-hour CO standard were to occur, control measures that would be restored include Lowest Achievable Emission Rate (LAER) requirements plus offsets for major new and modified industrial sources and oxygenated fuels, if they are eliminated in the future.

## **4.52.1 INTRODUCTION**

### **4.52.1.1 Purpose of Redesignation Request and Maintenance Plan Document**

This is a Redesignation Request and Maintenance Plan to document and ensure continued attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) in the Medford, Oregon nonattainment area (Urban Growth Boundary). This document complies with applicable 1990 Federal Clean Air Act (FCAA) requirements and Environmental Protection Agency (EPA) guidance and policies.

The Maintenance Plan removes unnecessary impediments to economic growth in the Medford area, while ensuring that sufficient control strategies are retained to prevent future carbon monoxide violations.

### **4.52.1.2 History of CO Problem in Medford Area/Design Values**

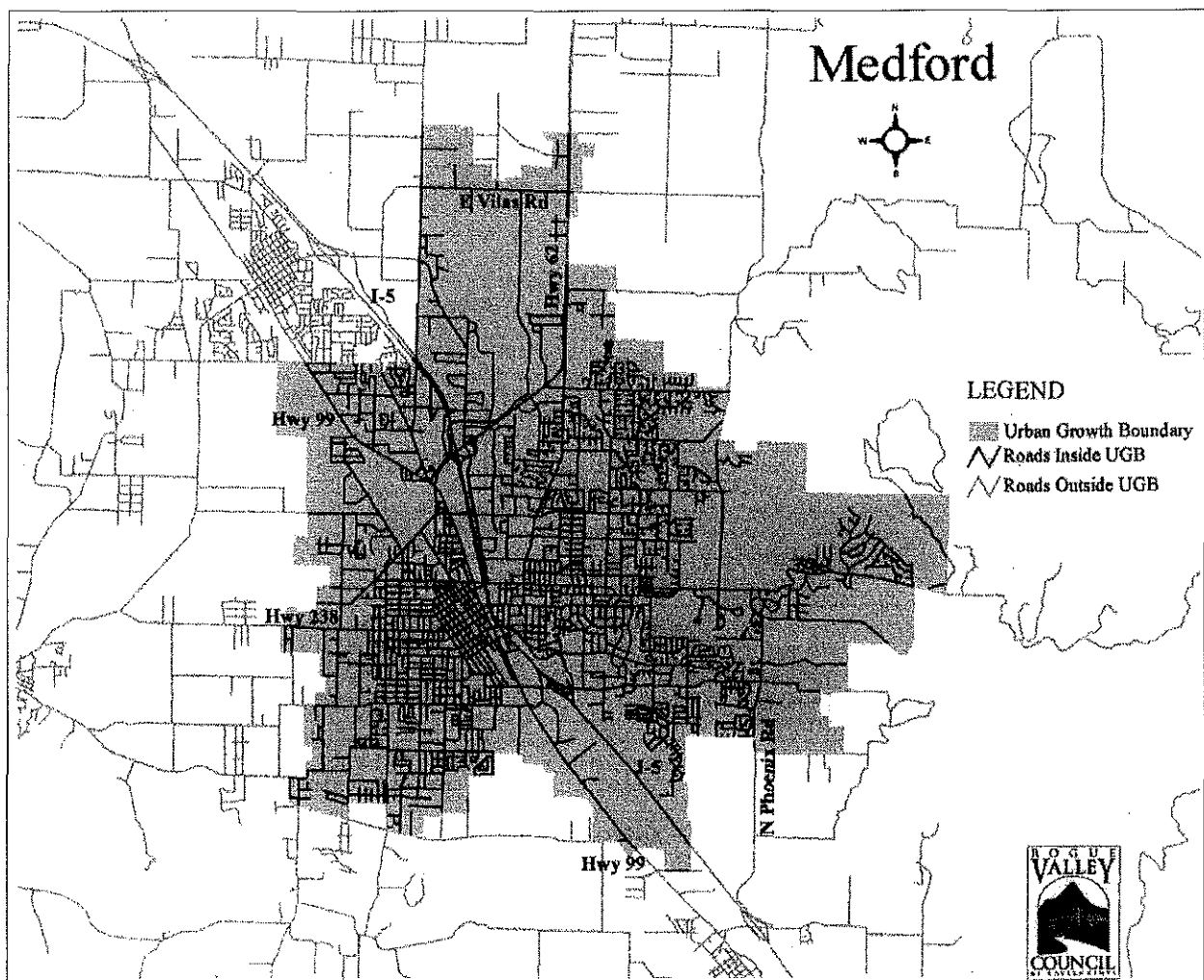
The Medford portion of the Medford-Ashland AQMA was designated by the Environmental Protection Agency (EPA) as a nonattainment area for carbon monoxide (CO) on March 3, 1978. Pursuant to the 1977 Clean Air Act, a CO Control Strategy was submitted on June 20, 1979 with a request for an extension beyond 1982 to show attainment of the CO standard. At that time, the design value was 13.8 ppm, based on the Brophy Building air monitoring measurements from 1981 to 1983. This design value was derived from a statistical procedure in accordance with EPA guidance in effect at the time. EPA approved the DEQ's 1979 plan and the extension, giving the DEQ until December 31, 1987 to bring the Medford portion of the Medford-Ashland AQMA CO nonattainment area into compliance. An updated control strategy was submitted in 1982 with a commitment to operate a locally run motor vehicle inspection program. In 1985 DEQ submitted a revised plan with the necessary regulations to run a state operated inspection program.

Following enactment of the 1990 Clean Air Act Amendments, the EPA classified the Medford area as a moderate CO nonattainment area based on a 1988-89 design value of 12.1 ppm recorded at the Rogue Valley Mall. Under the Act, moderate CO nonattainment areas were required to meet the CO NAAQS by December 31, 1995. The CO nonattainment boundary was identified at the time as the same as the Urban Growth Boundary (UGB) which is the comprehensive land use plan boundary developed for Medford (see Figure 4.52.1.1). The current design value for the Medford CO nonattainment area is 7.5 ppm. This value is based, following EPA guidance, on the annual second highest 8-hour CO concentration in 1992 and 1993 for CO monitoring sites operated by the Oregon Department of Environmental Quality. The highest such value occurred at the Medford Rogue Valley Mall monitoring site.



Historically, several carbon monoxide monitoring sites in the Medford nonattainment area exceeded the 8-hour NAAQS for CO. Exceedances were recorded for approximately half of the year in the late 1970s. However, because the SIP proved effective downtown Medford has been in compliance with the NAAQS for CO since 1992. Based on this record of compliance, the Medford area is able to apply for redesignation to attainment in accordance with the 1990 Clean Air Act amendments. This document is part of the formal procedure to redesignate the area to attainment status.

**Figure 4.52.1.1 Medford Carbon Monoxide Nonattainment Area**



#### 4.52.1.3 National Ambient Air Quality Standards for Carbon Monoxide

This Maintenance Plan addresses the ambient air quality standards for carbon monoxide as defined in the federal Clean Air Act.

Carbon monoxide is a colorless, odorless gas which replaces the oxygen in the body's red blood cells through normal respiration. Exposure to high levels of CO can slow reflexes, cause confusion and drowsiness, and in high enough doses and/or long exposure can result in death. People with heart disease are more susceptible to develop chest pains when exposed to high levels of CO. The major human-caused source of CO is incomplete combustion of carbon-based fuels. The primary source of CO is gasoline-powered motor vehicles. How a motor vehicle is operated and maintained has an effect on the amount of CO emitted. For example, in stop-and-go driving conditions, CO emissions are increased. Other important sources are woodstoves, open burning and fuel combustion in industrial and utility boilers. Most serious CO problems occur during the winter in urban areas, when cooler temperatures encourage incomplete combustion and the resulting CO emissions are trapped near the ground by atmospheric inversions.

EPA has established the NAAQS for carbon monoxide at 35 parts per million (ppm) 1-hour average and 9 ppm 8-hour average. Any CO value monitored above these levels, as defined by federal rules and guidance, is considered an exceedance. Two exceedances within one calendar year is considered a violation. If an area is in violation of the standard, it is designated by EPA as a nonattainment area. Experience has demonstrated that the 8-hour average is the more likely of the two standards to be exceeded.

The formal statement of the national 8-hour standard is contained in the Code of Federal Regulations (40 CFR part 50.8), which states:

*The national primary ambient air quality standards for carbon monoxide are: (1) 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year...*

40 CFR part 50.8 also contains reference methods for measuring CO concentrations in ambient air, procedures for averaging data to determine 8-hour concentrations, and requirements regarding presentation of data. In addition, EPA has also issued guidance specifying that two complete consecutive years of quality-assured ambient monitoring data with no violations of the NAAQS must be collected before an area can be considered to have attained the standard.

40 CFR part 50.8 defines how ambient air quality monitoring data are to be compared to the applicable NAAQS. It states that all monitoring data should be expressed to one decimal place, and indicates that standards defined in parts per million should be compared "in terms of integers with fractional parts of 0.5 or greater rounding." This led to an interpretation by EPA that any 8-hour CO concentration of less than 9.5 ppm would be equivalent to attainment. This rounding

convention is therefore used for CO monitoring data in this Maintenance Plan to demonstrate compliance with the CO NAAQS.

In general, demonstrating "attainment" requires the collection of representative monitoring data using approved measuring instruments and procedures, with adequate quality assurance and quality control. All locations within an area must meet the standard. No monitor may exceed the 9 ppm standard for more than one day during either of the two most recent calendar years. Air quality measurements in the Medford area satisfy this requirement, as shown in Section 4.52.2 of this document.

#### **4.52.1.4 Redesignation Criteria/Organization of Document**

Section 107(d)(3)(E) and related subsections of the Clean Air Act establish five key criteria which must be satisfied in order for a nonattainment area to be redesignated to attainment status:

- Attainment of NAAQS for CO: minimum 2 calendar years
- Full approval of SIP under section 110(k)<sup>1</sup>
- Demonstration that air quality improvement is due to permanent and enforceable reductions (see section 4.52.2.4)
- Full approval of CO Maintenance Plan under section 175A
- Fulfillment of all applicable Section 110 and Part D requirements<sup>2</sup>

Presented below is a summary of these redesignation criteria and a reference to the discussion of each criterion in this document.

##### Attainment Verification

The nonattainment area seeking redesignation must have attained the applicable NAAQS. Attainment of the NAAQS for CO in the Medford area is discussed in Section 4.52.2, "Attainment Demonstration."

##### SIP Approval

EPA must have fully approved the applicable SIP for the area under Section 110(k) of the FCAA. EPA approved the 1982 CO attainment plan submittal, and subsequent 1985 revision, on February 13, 1987.

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<sup>1</sup> Section 110(k) requires that the State satisfy all FCAA requirements applying to a specific nonattainment area in order to be redesignated.

<sup>2</sup> Section 110 contains general provisions needed in a SIP.

The Jackson County Board of Commissioners adopted the CO attainment plan for the Medford-Ashland AQMA in August of 1982. This attainment plan identified the need for an inspection/maintenance (I/M) program and included a commitment to seek authorization from the Oregon Legislature to implement a biennial county-wide I/M program beginning January 1984. The Environmental Quality Commission adopted the attainment plan as part of the SIP in October 1982.

In February 1983, EPA proposed to approve the Medford CO plan upon county or state adoption of a specific I/M program. The 1983 Oregon Legislature authorized Jackson County to implement a local I/M program. The Jackson County Board of Commissioners adopted an I/M ordinance in January 1984 subject to voter ratification. In March 1984, the voters of Jackson County did not ratify the establishment of an I/M program.

In March 1984, EPA proposed to disapprove the Medford CO plan and initiate a construction moratorium on major stationary sources of CO because the plan did not contain an enforceable commitment to I/M. In September 1984, EPA finalized the disapproval of the plan, specifically for the lack of an I/M program and attainment demonstration in the plan. This action finalized the construction moratorium.

In September 1984, EPA also proposed sanctions on federal funding for transportation and sewage treatment projects in Jackson County. The federal funding sanctions took effect in May 1985.

In June 1985, the Oregon Legislature passed HB 2845 establishing a state operated I/M program for the Medford-Ashland AQMA. EPA rescinded its sanctions on June 18, 1985.

The Environmental Quality Commission adopted the amended plan September 27, 1985 with EPA approval following on February 13, 1987.

The 1990 amendments to the Clean Air Act required carbon monoxide nonattainment areas to submit plan revisions in the following areas: 1) 1990 Emission Inventory; 2) Oxygenated Fuel Program for the wintertime; 3) Vehicle Inspection Program changes; 4) Transportation Conformity Requirements; 5) New Source Review Rules for major sources; and 6) Contingency Plan. The draft 1990 Emission Inventory was submitted in November 1992. The administrative rules for the oxygenated fuel program were submitted in October 1992. The 1990 emissions inventory was revised in response to EPA comments and is expected to be approved in parallel with the Redesignation Request approval. DEQ submitted Vehicle Inspection Program related SIP revisions to EPA in 1993 and 1994, which were approved by EPA in 1994. DEQ submitted transportation conformity rules to EPA in 1995. DEQ submitted New Source Review Rule revisions to EPA in 1992. The carbon monoxide Contingency Plan was submitted in November 1993. These SIP revisions and compliance with Section 110(k) of the FCAA, are discussed in Section 4.52.4.1, "SIP Requirements/Nonattainment Area Requirements."

### Permanent and Enforceable Improvements in Air Quality

The improvement in air quality must be due to permanent and enforceable reductions in emissions resulting from the implementation of the applicable SIP, federal air pollution control regulations, and other permanent and enforceable reductions. The permanent and enforceable nature of the reductions in emissions, which are responsible for improvements in ambient CO concentrations in the Medford area are discussed in Section 4.52.2.4, "Permanent and Enforceable Improvements in Air Quality."

### Nonattainment Area Requirements

The State must have met all requirements applicable to the nonattainment area under Section 110 and Part D of the Clean Air Act. Compliance with Section 110 and Part D of the Act is discussed in Section 4.52.4.1, "SIP Requirements/Nonattainment Area Requirements."

### Maintenance Plan Elements

EPA must have fully approved a maintenance plan for the area meeting the requirements of Section 175A of the Clean Air Act. Concurrent approval of the maintenance plan and redesignation request is expected. There are essentially five parts to a Maintenance Plan which are as follows: an attainment inventory, a maintenance demonstration, a commitment to the continuation of operating the monitoring network, a commitment to continue to verify attainment, and a contingency plan. These sections are outlined below in Table 4.52.1.1 along with the rest of the Redesignation Requirements.

**Table 4.52.1.1 Summary of Redesignation Requirements**

Required Element	Section of Plan	
Attainment Verification	Section 4.52.2:	ATTAINMENT DEMONSTRATION
SIP Approval	Section 4.52.4:	ADMINISTRATIVE REQUIREMENTS
Permanent and Enforceable Improvements in Air Quality	Section 4.52.2:	ATTAINMENT DEMONSTRATION
Nonattainment Area Requirements	Section 4.52.4:	ADMINISTRATIVE REQUIREMENTS

Maintenance Plan Elements		
Attainment Inventory	Section 4.52.3:	MAINTENANCE PLAN
Maintenance Demonstration	Section 4.52.3:	MAINTENANCE PLAN
Monitoring Network	Section 4.52.4:	ADMINISTRATIVE REQUIREMENTS
Verification of Continued Attainment	Section 4.52.4:	ADMINISTRATIVE REQUIREMENTS
Contingency Plan	Section 4.52.3:	MAINTENANCE PLAN

## 4.52.2 ATTAINMENT DEMONSTRATION

### 4.52.2.1 Ambient Air Quality Monitoring Data

The Medford area has two carbon monoxide monitoring sites (see Appendix<sup>1</sup> D3-2). One site is located in downtown Medford at 10 N. Central, known as the Brophy Building. The Brophy Building monitoring site is operated 12 months a year. The DEQ has monitored at this location since 1977. The second monitoring site is located at the Rogue Valley Mall at 1502 N. Riverside. Monitoring previously occurred at the Crater Music location, 1414 N Riverside, from 1984 through 1987. This site was replaced in 1987 by the Rogue Valley Mall monitor, which is operated seasonally from October through March.

During the CO monitoring season, the monitors run continuously with hourly and 8-hour averages derived electronically via data loggers and integrators. After rigorous quality assurance, the data is transferred into the Aerometric Information Retrieval System (AIRS) which provides EPA with DEQ's air quality monitoring data. These data are being utilized as the basis for the air quality status demonstration.

### 4.52.2.2 Attainment Years and Concentrations

Downtown Medford has been in compliance with the NAAQS for CO for eight consecutive calendar years. The site at the Rogue Valley Mall has been in compliance for six consecutive years.

Below are the last violations recorded at each monitoring site:

<u>Year</u>	<u>8-Hr 2nd High</u>	<u>Location</u>
1989	11.0 ppm	Brophy Building
1991	10.5 ppm	Rogue Valley Mall
1987	9.5 ppm	Crater Music

The last wintertime exceedance of the NAAQS for CO in downtown Medford occurred on 12/19/89 (11.0 ppm) at the Brophy Building. The last exceedance at the Rogue Valley Mall monitor occurred on 01/05/91 (10.5 ppm). The five highest 8-hour CO concentrations for the last five year period from 1993 to 1997 are shown in Table 4.52.2.1.

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<sup>1</sup>Note: All appendix references in this Maintenance Plan refer to Volume 3 of the Oregon State Implementation Plan, unless otherwise noted.

**Table 4.52.2.1 Medford Carbon Monoxide: Five Highest Values from 1993 to 1997  
(Non-Overlapping 8-Hour Averages in Parts Per Million)**

Monitoring Site Concentrations	Date
<b>Brophy Building</b>	
9.7 ppm	06/18/94
8.6 ppm	06/15/96
7.3 ppm	06/14/97
7.2 ppm	12/23/93
6.9 ppm	06/20/93
<b>Rogue Valley Mall</b>	
8.5 ppm	12/23/93
7.5 ppm	11/24/94
7.4 ppm	12/22/93
7.4 ppm	12/22/94
7.4 ppm	12/18/93

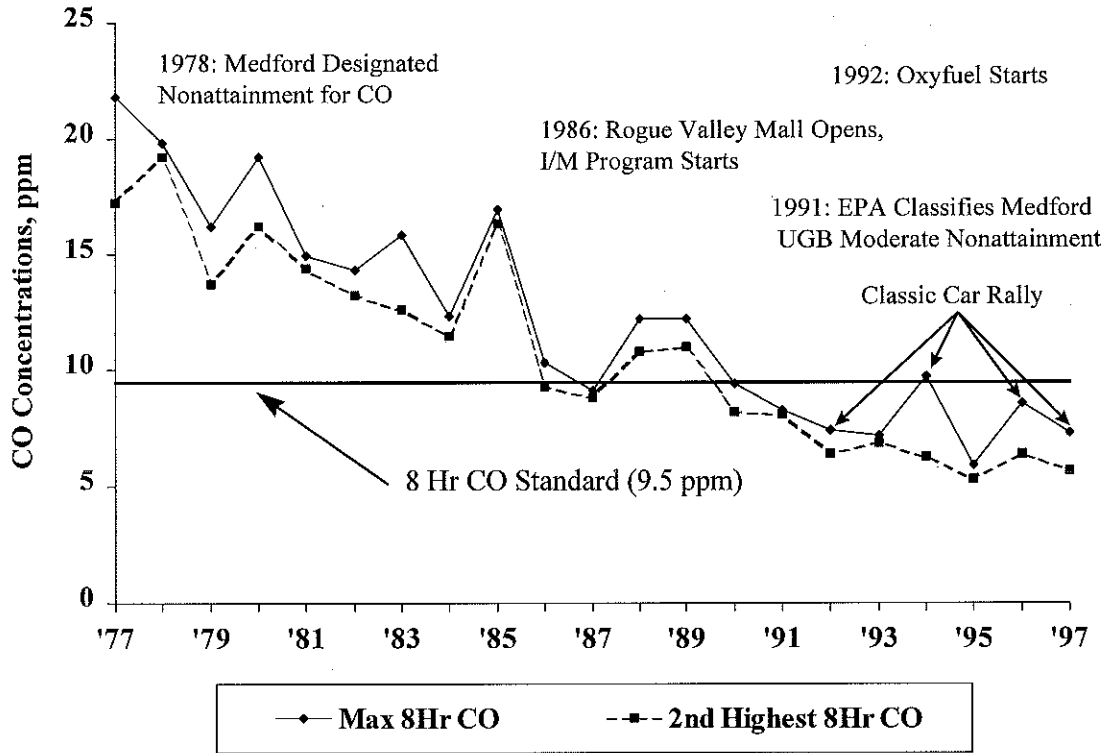
For the five years reviewed, only one sample at either monitoring site was recorded above the standard. The two sites differ in the time of year when the highest values are obtained. The Rogue Valley Mall monitor records its highest concentrations during the typical CO season. The Brophy monitor, on the other hand, occasionally records its highest concentrations during June, which is the time of an annual classic car rally in Medford. These data are a testament to the effectiveness of the federal emission control standards in reducing CO levels, but also point out the need to make sure this special event does not cause future violations of the standard.

To that end, the Department and the city of Medford negotiated an agreement to ensure that all reasonable steps are taken to prevent this event from contributing to violating the air quality standard. The agreement, outlined in Appendix D3-11, calls for changing the traffic signal pattern during the event to a flashing yellow sequence to ensure smooth traffic flow. The city and the Department will continue to monitor and evaluate this approach to guarantee continued effectiveness.

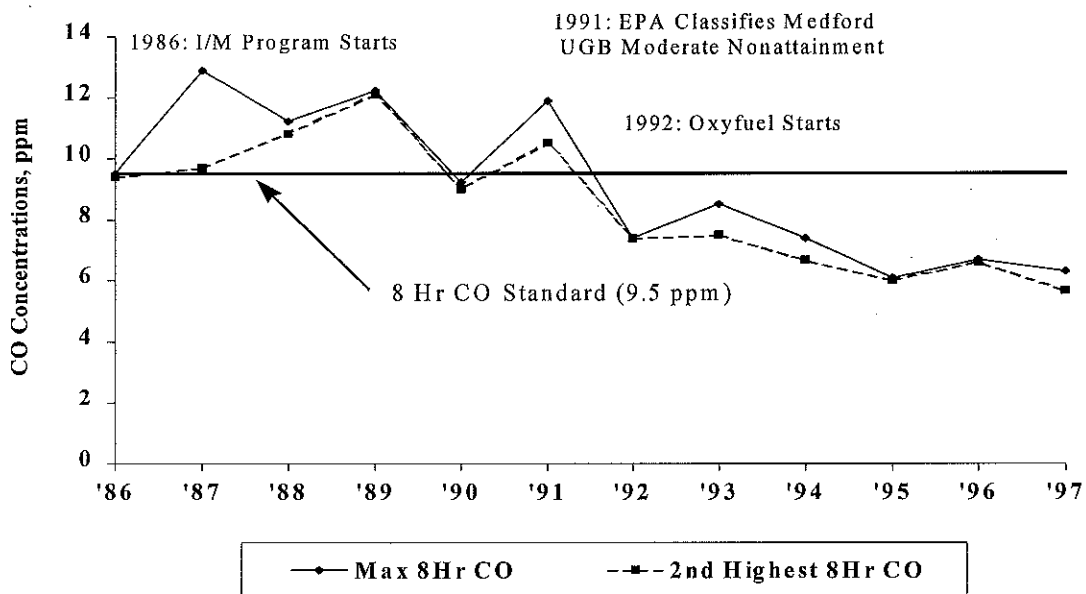


The long-term concentration trends for both monitoring sites are declining as shown in Figure 4.52.2.1 and Figure 4.52.2.2.

**Figure 4.52.2.1 Medford 8-Hour CO Trend at Brophy Building**



**Figure 4.52.2.2 Medford 8-Hour CO Trend at Rogue Valley Mall**



#### 4.52.2.3 Summary of Ambient Air Quality Data

Table 4.52.2.2 below summarizes the second highest 8-hour CO concentrations which have been recorded since 1977 at DEQ's current and historic CO monitoring locations.

**Table 4.52.2.2 Second High 8-Hour Carbon Monoxide Concentrations (1977-1997)  
(in Parts Per Million)**

Year	Brophy Building	Crater Music	Rogue Valley Mall
1977	17.2		
1978	19.2		
1979	13.7		
1980	16.2		
1981	14.4		
1982	13.2		
1983	12.6		
1984	11.5	12.4	
1985	16.3	13.3	
1986	9.3	12.6	
1987	8.8	9.5	9.7
1988	10.8		10.8
1989	11.0		12.1
1990	8.2		9.0
1991	8.1		10.5
1992	6.4		7.4
1993	6.9		7.5
1994	6.3		6.7
1995	5.3		6.0
1996	6.4		6.6
1997	5.7		5.7

#### 4.52.2.4 Permanent and Enforceable Improvement in Air Quality

The EPA has issued guidance specifying that, in order for an area to be redesignated to attainment, a state must be able to reasonably attribute improvements in air quality to emission reductions which are permanent and enforceable. Economic downturns and/or unusual meteorology are factors cited that might result in temporarily lower CO concentrations and an attainment record that is "artificial." Thus EPA desires some analysis demonstrating that

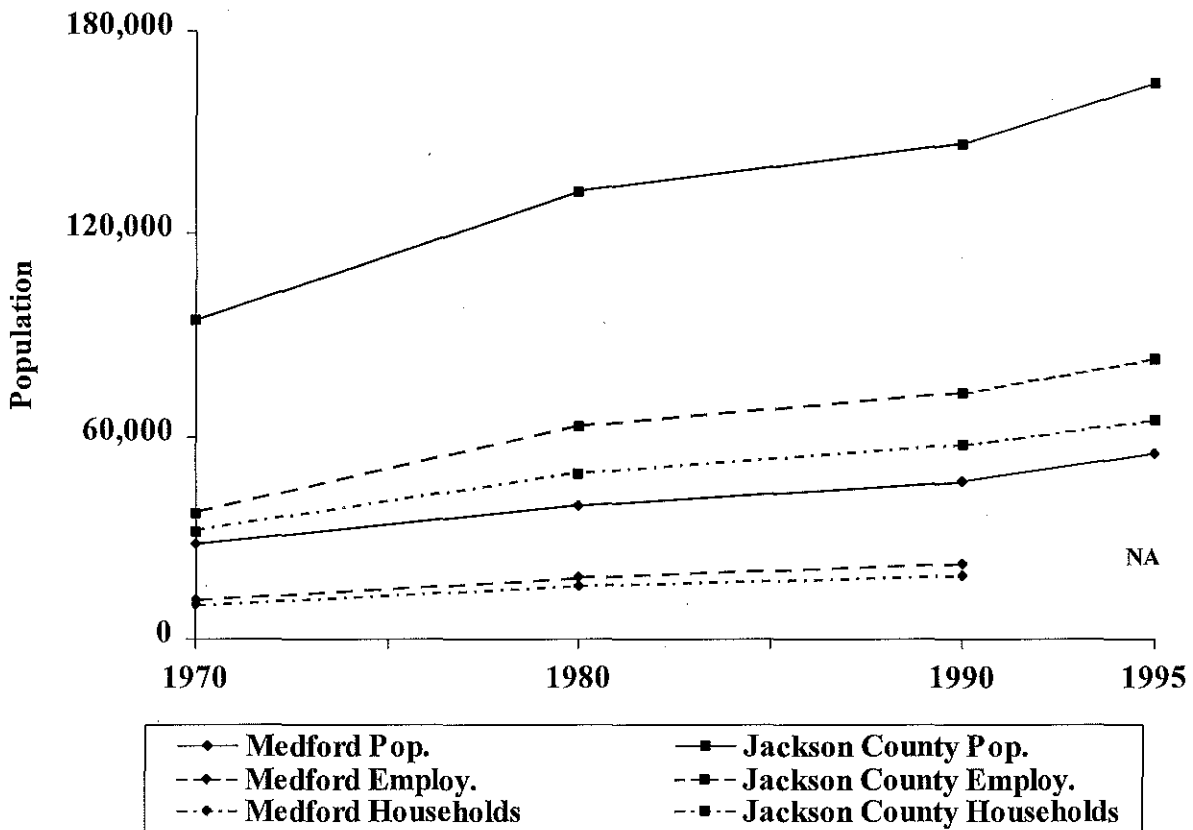
achieved attainment has not been attributable to either a temporary economic downturn or to especially favorable meteorology. The control measures that brought about attainment must be permanent as well as enforceable. This section addresses these issues.

Economic Effects

Population and employment are key indices of the overall level of economic activity and growth, reflecting changes in industrial activity and travel demand. Medford is the largest city within the Rogue Valley region. The population, employment and housing data are displayed for both the city of Medford and Jackson County in Figure 4.52.2.3. Information on the population and household projection figures used in developing this maintenance plan is presented in Appendix D3-6.

Despite a recession in the early 1980s and a substantial decline in employment from wood products manufacturing, the data show the area has generally sustained a growth pattern since the 1970s. Even with these influences, Jackson County still showed relatively strong employment growth relative to other parts of the state. Employment grew by 3.65% in the county from 1970 to 1994 placing Jackson County 8th out of Oregon's 36 counties. The employment growth rate was 2.72% from 1980 to 1994 putting the county in 5<sup>th</sup> place.

**Figure 4.52.2.3 Population, Employment, Housing in Medford and Jackson County**



Source: Population: US Bureau of Census (1970, 1980, 1990); Portland State University estimate (July 1, 1995); Employment: US Bureau of Labor Statistics (Medford), Oregon Employment Department (Jackson County) Housing: US Bureau of Census

The Medford area reached attainment in 1992 when there was rapid growth occurring throughout the Rogue Valley. Attainment for CO was achieved despite this growth; therefore, the improvement in Medford's CO air quality has not been due to a downturn in economic conditions.

### Meteorological Effects

Low wind speed conditions are the meteorological condition most generally present when peak CO concentrations occur. This section evaluates Medford wind speed conditions from calendar years 1985 to 1996 during the six month winter period from October through March. The purpose of this analysis is to verify that recent years have not had lower CO concentrations because of atypical winter dispersion conditions. DEQ evaluated Medford area meteorological patterns over the 1985-1996 period, and concluded that recent compliance with CO standards is not attributable to favorable meteorology. Below is a summary of the meteorological analysis procedures and conclusions.

Hourly wind speeds recorded at the Medford airport were collected and tabulated for this analysis and are portrayed in Table 4.52.2.3 and Figure 4.52.2.4.

**Table 4.52.2.3 Number of Hours with Low Wind Speed Conditions from October through March**

Recorded at Medford Airport

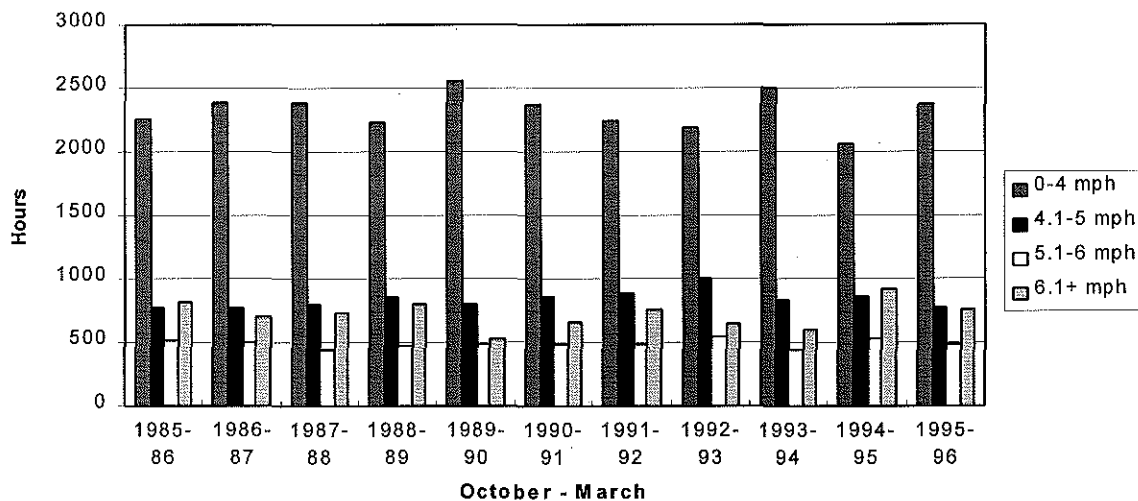
Year	Wind Speed						
	0 - 4.0 MPH	Rank - Most to Least Stagnant	4.1 - 5.0 MPH	5.1 - 6.0 MPH	Total Hours 0 - 6 MPH	Rank - Most to Least Stagnant	6.1+ MPH
1985-86	2,264	7	773	520	3,557	10	811
1986-87	2,390	3	772	501	3,663	5	705
1987-88	2,390	4	801	443	3,634	6	734
1988-89	2,229	9	862	471	3,562	9	806
1989-90	2,556	1	806	482	3,844	1	524
1990-91	2,377	5	854	483	3,714	4	654
1991-92	2,247	8	880	485	3,612	8	756
1992-93	2,186	10	994	539	3,719	3	649
1993-94	2,502	2	824	445	3,772	2	596
1994-95	2,057	11	852	528	3,450	11	911
1995-96	2,368	6	776	489	3,623	7	751

For the Brophy Building carbon monoxide (CO) monitor, the highest and second highest number of carbon monoxide exceedances during the period 1985 to 1996 occurred in calendar years 1985 (35 exceedances) and 1989 (8 exceedances). The same two calendar years had the highest and second highest number of exceedances at the Rogue Valley Mall. For wind speeds equal to or less than 4.0 mph, 1989-90 ranked highest in number of hours and 1985-86 ranked 6<sup>th</sup>. During the attainment period of 1992 to date, the 1993-94 and 1995-96 winter periods ranked 2<sup>nd</sup> and 5<sup>th</sup>,

respectively for wind speeds equal to or less than 4.0 mph. The other two winter periods during attainment ranked 9<sup>th</sup> and 10<sup>th</sup>. Thus, two winters during the attainment period had low wind speed frequencies comparable to the high exceedance years, while two of the winters had fewer occurrences of the lowest wind speed category.

Variation from season to season is slight and the trend is relatively stable. For the period covered here, the maximum number of low wind speed hours was reported in the 1989-90 season, 2,556 hours, and the minimum number of low wind speed hours was reported in the 1994-95 season, 2,057 hours. The overall variation in reported hours of low wind speed is quite small with only two year's data outside one standard deviation of the entire eleven years reported. Most of the seasons reported since 1985-86 have shown similar or greater stagnant conditions. Compared to the CO violation season of 1985-86, six of the seasons in this period recorded a greater number of hours at low wind speeds. Two additional years are within 35 hours of the amount of low wind speed hours reported in 1985-86.

**Figure 4.52.2.4 Wind Speed During Winter Season**



The results for the low wind speed condition (<4.0 mph) show modest variation over time so it is not likely that the improvements in CO concentrations can be attributed to increased ventilation. With the possible exception of the 1994-95 winter period, the attainment period does not appear to be characterized as having more favorable dispersal conditions than the winter periods that had the most exceedances of the standard.

### Permanent and Enforceable Emission Reductions

Control strategies that were in place during the attainment period, all of which are permanent and enforceable measures, are listed below.

1. Federal Measures: Federal Motor Vehicle Control Program establishing emission standards for new motor vehicles.
2. SIP measures:
  - a. Major New Source Review Program (Lowest Achievable Emission Rate and offsets). [Rule citation: OAR 340-028-1900 through 340-28-2000.]
  - b. Biennial "basic" vehicle inspection and maintenance within the Medford-Ashland AQMA boundary since 1986. [Rule citation: OAR 340-024-0300 through OAR 340-024-0355.]
  - c. Computerized signal system.
  - d. Roadway improvements.
  - e. Medford Bicycle Plan.

All of these measures helped counteract the increased activity of CO pollution sources in the Medford area and helped bring the area into attainment. A wintertime oxygenated fuel program was implemented in Medford during 1992, as required by the 1990 Clean Air Act amendments. As shown by the air quality data, compliance levels were achieved within the Medford CO nonattainment area after the oxygenated fuel program started.

#### **4.52.2.5 Demonstration that DEQ's CO Network May Reasonably Be Considered To Be Representative of Worst Case CO Concentrations**

A variety of evidence is presented in this section to demonstrate that the locations where the DEQ monitors for CO represent "worst case" or peak level concentrations. The specific elements include:

- Wide ranging field sampling has been conducted by the DEQ in comprehensive efforts to identify areas with high peak CO levels.
- Screening techniques were used to identify intersections with potential for high CO concentrations.
- Available data from historical field studies indicates that the DEQ CO site network tends to record higher CO concentrations than all of the screened intersections.

#### **4.52.2.5.1 DEQ Has Conducted Comprehensive CO Field Studies**

The DEQ has made vigorous efforts to identify the localized areas that experience the highest peak CO concentrations. It conducted studies which entailed monitoring at more than 15 different locations during the winters of 1979/80, 1983/84, 1985/86, and 1995/96. Based on this work DEQ concluded that the Brophy monitor best represents peak CO levels in Central Medford and provides historical trends for this area of the city that formerly had the highest CO levels in the area. The studies have also confirmed that North Medford was the most critical remaining CO problem area, especially after the opening of the Rogue Valley Mall. Although mean CO levels were higher at the Crater Music site, peak CO concentrations have been highest at the Rogue Valley Mall monitor. Peak CO concentrations are more important for comparison to the health standards and so the continuous gas monitor was established at the Rogue Valley Mall site in 1987. Saturation monitoring has also been done in response to traffic signalization improvements to ensure that peak concentrations were still being recorded at the continuous gas monitoring locations. This work has confirmed that the existing network is appropriately sited. This large body of work is evidence that the DEQ CO site network has been continually reevaluated and can reasonably be considered to be representative of worst case CO concentrations.

#### **4.52.2.5.2 Screening Techniques Used To Identify Intersections With Potential For High CO Concentrations**

A screening analysis was used to identify the three highest intersections by volume and the three highest intersections by congestion. The specific algorithm used as a measure of congestion was " $V * V/C$ ," or volume weighted by volume divided by capacity. The volume and capacity numbers were based on Rogue Valley Council of Government's transportation model outputs for the base year of 1990. This is a screening technique commonly used by many other CO planning areas.

A value of  $V*V/C$  was determined for each intersection leg, and then those values were totaled for the intersection node. Table 4.52.2.3 below lists the six intersections with the highest screening values in rank order.

**Table 4.52.2.4 Six Highest Intersections Screened by Volume and Congestion  
Using RVCOG's 1990 Base Year**

Intersection	Screening Value by Volume
1. Crater Lake Hwy & Hwy 99 (Big Y)	45,088
2. Biddle Rd. & McAndrews	41,921
3. Riverside & McAndrews	38,497

Intersection	Screening Value by V*V/C
1. Crater Lake Hwy & Hwy 99 (Big Y)	34,751
2. Biddle Rd. & McAndrews	33,246
3. Riverside & McAndrews	32,130

Each screening method resulted in the identification of the same intersections. In Section 4.52.2.5.3 below, analysis of special sampling study results is presented demonstrating that DEQ's network of CO sites experience higher peak concentrations than each of the above screened intersections. This provides a further basis for accepting the Department's monitoring network peak values as representative of "worst case" CO concentrations.

**4.52.2.5.3 Available Data From Field Studies Indicates That The DEQ's CO Network Records Higher Peak Concentrations Than The Screened Intersections.**

In this section evidence is referenced substantiating that the DEQ's two CO sites generally record concentrations higher than at the two, non-monitored intersection locations with the highest screening values. The details underlying the conclusions discussed in this section are presented in Appendix D3-3.

Twelve site locations were monitored for CO concentrations during the winter of 1995-1996. Sampling began on December 19, 1995, and concluded on February 1, 1996. A pair of bag samplers were co-located at the Rogue Valley Mall (Riverside and McAndrews) permanent monitoring site for quality assurance purposes. One of the screened intersections (Biddle Rd. and McAndrews Rd.) had a maximum 8-hour CO concentration of 5.1 parts per million (ppm) on January 3, 1996, which was the highest sampling day for this site. However, for this date and the same block of hours, the Brophy monitor and the Rogue Valley Mall monitor recorded maximum 8-hour CO concentrations of 6.0 ppm and 6.2 ppm, respectively. At the Rogue Valley Mall permanent monitoring station, the annual second highest 8-hour maximum CO concentration (6.6 ppm) was recorded on January 3, 1996.

The Big Y intersection was not sampled in the 1995-1996 study, but was examined by comparing its 1993 CO emissions to 1993 CO emissions at the Riverside & McAndrews intersection in a proportional analysis, similar to the rollforward analysis (in Section 4.52.3.2.4). The proportional analysis resulted in an estimated 1993, 8-hour CO concentration of 6.3 parts per



million (ppm) at the Big Y intersection, which was lower than the annual second highest 8-hour CO concentration (7.5 ppm) for 1993 recorded at the Rogue Valley Mall site.

Although the sampling period experienced milder and wetter conditions than normal, the sampling results supported a continuation of the existing CO network siting as representative of maximum CO exposure.

#### **4.52.2.6 Conclusions Regarding Demonstration of Attainment**

This section 4.52.2 has referenced monitoring data that shows the Medford area CO monitors are now in attainment with the NAAQS for CO, and it has presented a variety of evidence to demonstrate such data can be reasonably characterized as representative of "worst case" peak concentrations. Economic data was cited to show attainment has not been attributable to a "downturn" in the Medford area economy. Meteorological data evaluation was presented to show recent year compliance was not attributable to especially favorable meteorology. Intersection screening analysis was used to identify intersections with high potential for peak CO concentrations. The Department's bag study of 1995/96 was utilized together with some actual traffic volume data to demonstrate that the DEQ network of CO sites captures peak concentrations that are higher than the two screened intersections that are not monitored.

DEQ has conducted field studies that sampled concentrations at more than 15 locations, all towards the goal of finding the locations with peak CO levels. New CO sites have been added when evidence indicated other locations were recording high peak values. Meteorological analysis was conducted to show that the meteorological conditions during the bagger studies included conditions commonly associated with high CO periods. This provides further evidence that the bag sampling studies effectively identified areas of maximum CO exposure. The comprehensive nature of the special studies, bolstered by the meteorological analysis, demonstrates that the DEQ network of CO sites both represents worst case CO concentrations and also indicates current attainment.

Thus, this section has demonstrated attainment of standards in the Medford area, and has demonstrated that the monitoring data may reasonably be considered to be representative of "worst case" concentrations.

### **4.52.3 MAINTENANCE PLAN**

As part of a Redesignation Request/Maintenance Plan under the federal Clean Air Act Section 175A(a), it must be shown that attainment will be maintained for at least 10 years after the date of redesignation. This maintenance demonstration through the 2014/15 CO season is documented below. The maintenance demonstration shows that the CO NAAQS will not be violated at least until the beginning of the 2015/2016 CO season or November 1, 2015.

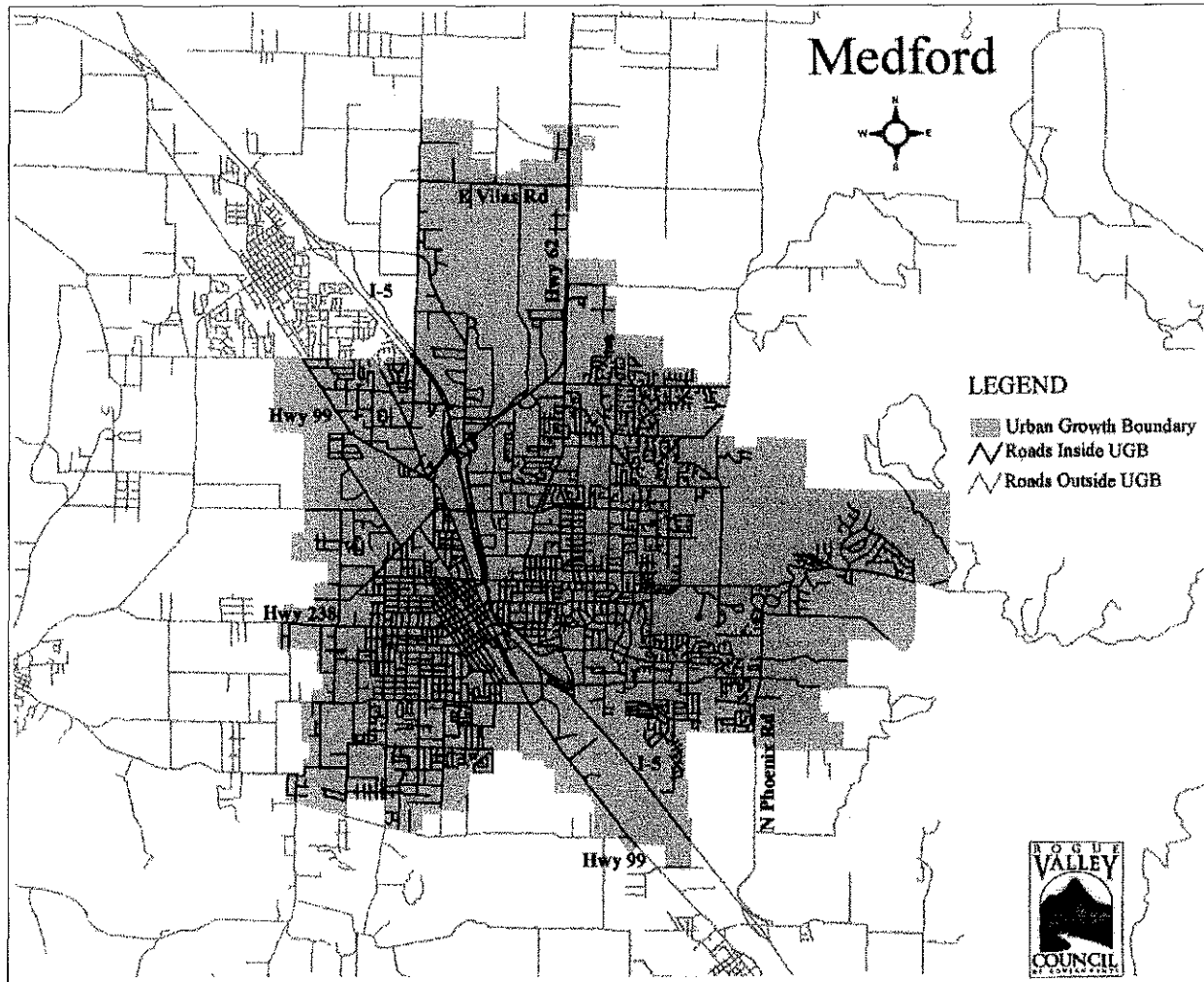
#### **4.52.3.1 Attainment Inventory**

As part of the Maintenance Plan, an "attainment" emission inventory was developed. Future emission inventories must be shown to remain at or below this attainment level. The "attainment" emission inventory is meant to represent emissions during a time when attainment of the standard was occurring; 1993 was chosen for Medford since it fell within the attainment period and also had meteorology more conducive to the build up of air pollution than other attainment years. As the meteorological analysis indicated, 1993 had similar conditions for the dispersion of air pollutants as any other year from 1985 to 1996. For CO Maintenance Plan purposes, emission levels in the Medford CO area must stay below 1993 emission levels to be consistent with EPA guidance on approval conditions for Maintenance Plans.

An emission inventory consists of emission estimates from all sources that emit carbon monoxide. These sources include industrial sources, on-road mobile sources (e.g. cars and trucks), non-road mobile sources (e.g., construction equipment, recreational vehicles, lawn and garden equipment), and area sources (e.g., outdoor burning, woodstoves, wildfires). These emission sources are tabulated based on pounds of CO emitted during a typical winter day.

A 1993 CO attainment emission inventory was prepared for the Medford area which is summarized in Table 4.52.3.1 (see Section 4.52.3.2.1 below, which presents the 1993 inventory along with inventories for five projection years). On-road mobile sources were calculated by applying the Mobile5a\_H EPA computer program to the RVCOG transportation network. The procedures for calculating the attainment emission inventories and detailed results are presented in Appendix D3-4.

**Figure 4.52.3.1: Medford Carbon Monoxide Nonattainment Area**



#### **4.52.3.2 Maintenance Demonstration**

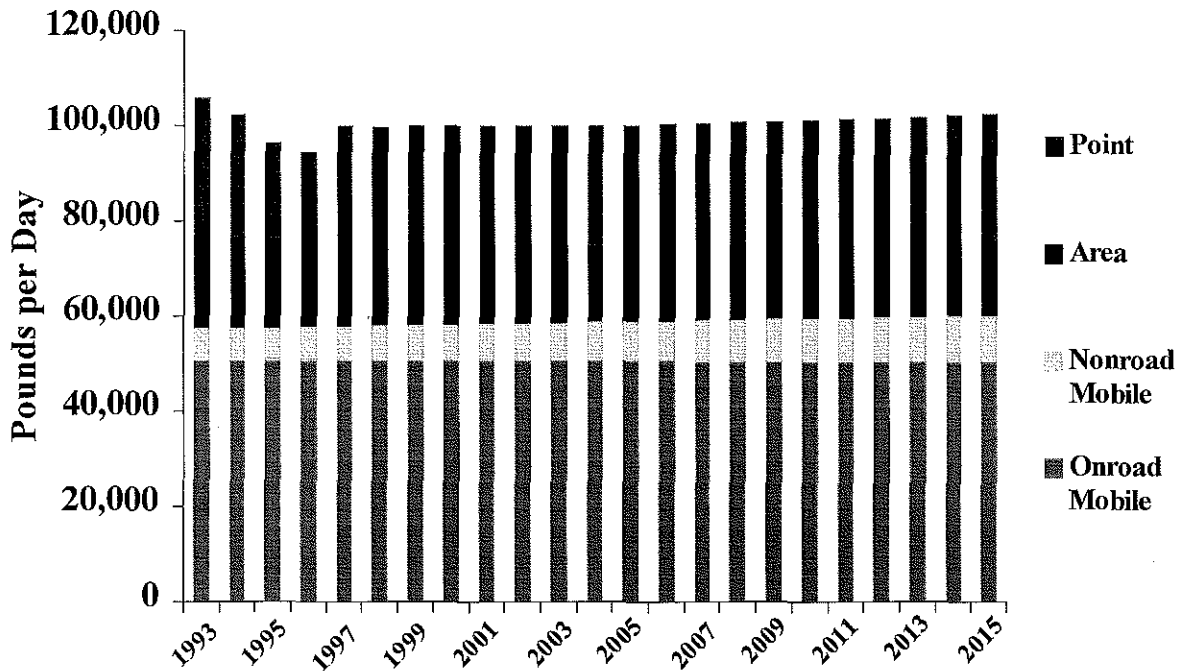
##### **4.52.3.2.1 Inventory Projections**

Figure 4.52.3.2 shows the Medford area CO emissions projected to the year 2015. Table 4.52.3.1 presents the 1993 figures and projection year figures for CO emissions in four major source categories. The procedures used for projecting these emissions and detailed results for individual sources are presented in Appendix D3-4.

### Projection Results with Oxygenated Fuels

Regional emissions are projected to be a total of 103,430 pounds per winter day in 2015; this is about a 2.4 percent decrease from the 1993 level. Emissions were projected assuming the oxygenated fuel program would continue throughout the term of this plan. As shown, the total emissions in all years after 1993 stay below the 1993 attainment emission level. The decrease in emissions from 1993 to 2015 is largely due to the decrease in area sources. Point source emissions and on-road mobile sources are expected to decrease slightly. Non-road mobile source emissions are projected to grow about 47 percent during the 1993-2015 period due primarily to projected growth in population. On-road mobile emissions do not increase at similar rates due to the fleet turnover and the vehicle inspection and maintenance program. As a share of total emissions, on-road mobile sources accounted for about 48 percent in 1993 and are projected to represent 49 percent of the total emissions in 2015.

Figure 4.52.3.2 CO Emission Projections



**Table 4.52.3.1: CO Emissions Attainment and Projection Inventories**

CO Emissions: CO Nonattainment Area = Medford Urban Growth Boundary  
(Pounds CO/Winter Day)

Year	1993	2000	2005	2010	2015
Area Sources	19,772	17,172	16,621	15,878	15,870
Non-Road Mobile Sources	6,553	7,583	8,209	8,936	9,690
Point Sources	28,937	24,897	25,774	26,651	27,527
On-Road Mobile Sources	50,712	50,595	50,511	50,426	50,342
Total	105,975	100,247	100,754	101,891	103,430

#### **4.52.3.2.2 Transportation Emissions Budgets for Conformity**

The federal and state transportation conformity regulations require that mobile source emissions resulting from implementation of the regional transportation plan (RTP) and transportation improvement program (TIP) meet certain criteria to ensure compliance with the Clean Air Act.

Prior to approval of the maintenance plan, there are two major tests with which RTPs and TIPs must comply. The first test is a comparison of the proposed RTP and TIP (or "action scenarios") to the existing situation (or "baseline scenario"). This test, often referred to as the "build/no-build" test, ensures that the emissions from the action scenario do not exceed the emissions from the baseline scenario. The second test is a comparison of the action scenario to the emission inventory for the year 1990, referred to as the "1990 test."

After EQC approval of the Maintenance Plan, an additional conformity test applies: the RTP and TIP must comply with the transportation emissions budgets specified in this maintenance plan. This test is designed to prevent violation of the NAAQS because transportation emissions are not allowed to exceed the levels relied upon in the maintenance demonstration. Upon EPA approval of the Maintenance Plan, the build/no-build test and the 1990 test will be eliminated, leaving only the emissions budget test. For a CO air quality maintenance area, transportation emissions budgets are established for CO.

For transportation conformity purposes, there will be an emissions budget for the regional on-road motor vehicle emissions for the Medford Urban Growth Boundary. The transportation emissions budget numbers for the plan as adopted are shown in Tables 4.52.3.2.

**Table 4.52.3.2: Transportation Emission Budget Through 2015**

Medford Transportation CO Emissions Budget  
(CO Non-Attainment Area = Medford UGB)  
(Pounds CO/Winter Day)

Year	1993	2015
Budget	50,712	50,342

Because the transportation emissions budgets were developed based on RVCOG forecasts, DEQ anticipates that the identified budgets will be sufficient for conformity determinations.

Under state conformity rules, localized CO analysis (hot-spot) is required for projects, regardless of their funding source, at the top three intersections based on volume or congestion. These intersections have been identified so that localized CO concentrations will be considered and problems addressed prior to approval. According to the 2015 traffic figures, the following intersections are the top three by volume and congestion (See Appendix D3-8 for further detail):

- 1) Big Y (Hwy. 99 at Crater Lake Highway)
- 2) Highway 99 at Stewart
- 3) McAndrews at Biddle Rd.
- 4) Crater Lake Avenue at McAndrews

Note that 1 and 3 appear in the top three by volume and the top 3 by congestion.

Appendix D3-5 describes DEQ's transportation conformity rules and the transportation conformity process in Oregon.

#### **4.52.3.2.3 Control Measures**

The emissions projections showed an overall decrease without additional controls. Credit is being taken for continuation of the wintertime oxygenated fuel program through 2015.

As a result of the RVCOG planning process, and the Advisory Committee's review of proposed strategies, several control measures were identified to achieve the emission reductions for the CO maintenance plan. These measures are summarized below.

##### Federal New Car Program

The federal new car program has been and will continue to be the most effective CO emission reduction strategy. In contrast to other pollutants, vehicle CO emission controls have not

experienced much deterioration of performance with increased age and mileage. An additional 37 percent reduction in the fleet average emission rate is expected between 1993 and 2015. Expected improvements in CO emission control technology include heated catalysts which will help reduce the higher emissions from cold starts.

#### Motor Vehicle Inspection Program

The basic vehicle inspection program will continue to operate. Gasoline powered and light duty diesel vehicles up to 20 years old and registered within the boundaries of the Medford-Ashland Air Quality Maintenance Area are subject to emissions testing and inspection at the time of registration renewal. This program, operating since 1986, has been effective in reducing CO pollution by promoting proper maintenance. The standards used in the program were selected on the basis of identifying high emitting vehicles that are operating outside their design limits. The standards and associated enforcement tolerances take into account a limited amount of engine wear and tear, but are not so lenient that "gross emitting" vehicles would pass an emissions test.

#### PSEL Management Program

EPA guidance was recently issued that allows carbon monoxide (CO) plans to demonstrate maintenance using point source projections of actual emissions, rather than maximum allowable plant site emission limits (PSELs). The guidance recognized that the maximum allowable PSELs for all sources in an area is not likely to occur. That is, it is unreasonable to expect that all sources will be operating at their maximum allowable emission rate at the same time.

As a result of this guidance, States can design plans, and EPA can approve plans, that rely on projected actual emissions for maintenance even though individual sources can emit under permit at levels greater than that in the maintenance inventories. There is no requirement to adjust the allowable emissions of sources (i.e., PSELs) downward to reflect the actual emissions used in the demonstration.

This approach means that the legally enforceable emission limits (PSELs) will not actually prohibit emissions growth in excess of the growth rate that is relied upon in the plan demonstration. Therefore, to maintain integrity of the plan, DEQ will keep track of emissions growth over time to make sure that total emissions in the future year do not exceed total estimated actual emissions in 1993. The process to monitor and manage point source emissions is outlined below.

#### Medford PSEL Management Program

- 1) Sources would indicate in their Annual Report the level of actual emissions (or operating parameters from which actual emissions can be calculated). Submittal of all annual reports would be required by February 28<sup>th</sup>. Sources would be asked to voluntarily project their actual emissions for the next 12

months. (Note, where requested by the source, such information would be kept confidential.)

- 2) Based on this reporting the Department will determine whether actual emission increases over the past year exceeded the point source allocation in the Medford CO Maintenance Plan (3,378 tons per year), or whether it is likely this allocation will be exceeded in the upcoming year.
- 3) If the Department finds this allocation has been or is likely to be exceeded, it will notify all CO sources of the problem and potential consequences, and ask that the Department be notified within 30 days of planned actual emissions increases or decreases for the upcoming year (or increases/decreases already occurring) so that the Department can re-assess future point source emissions.
- 4) If exceeding the point source allocation is still likely, the Department will conduct an analysis of the effectiveness of maintenance plan control measures implemented to date to determine if additional emissions reductions have occurred that could offset this increase.
- 5) If no additional emission reductions can be identified, Department will, within a 12-month period, establish and work with an advisory committee to identify new strategies that are sufficient to "balance" the plan, and submit such strategies for adoption by the EQC.

Using actuals means no growth allowance unless total emissions in 2015 (using point source allowables) are less than total estimated actual emissions in 1993. Should any donations of unused permitted emissions exceed the amount described above, then a growth allowance could be established through a plan revision. As proposed, the maintenance plan projects a small unallocated margin of 591 tons/year in 2015.

#### Major New Source Review

Until the Medford Nonattainment Area is redesignated to maintenance, proposed major sources and major modifications to existing sources are required to comply with nonattainment area New Source Review (NSR) rules, including Lowest Achievable Emission Rate (LAER) control technology and offsets for CO. Offsets must be provided within the area of significant air quality impact to provide a net air quality benefit.

After redesignation to maintenance, the LAER requirement will be replaced by Best Available Control Technology (BACT) and either offsets (emission reduction credits or a growth allowance established in the plan) or modeling demonstrating no significant impact.



### Oxygenated Fuels<sup>1</sup>

The Clean Air Act Amendments of 1990 required the Department to implement an oxygenated fuel program for four classified CO nonattainment areas, including the Medford area. The program was implemented in the winter of 1992/93. Gasoline suppliers distributing fuel in Jackson County are required to provide for a minimum oxygen content by weight of 2.7% in dispensed gasoline from November 1st through the end of February. The oxygenated fuel program is being retained to ensure continued maintenance of the federal CO standards. Transportation conformity determinations are to be based on emission numbers with oxygenated fuel.

If a violation of the CO standard occurs after the Medford area has been redesignated to maintenance, the LAER and offset requirement will be reimposed. If oxygenated fuels have been eliminated on the basis of further analysis using the Mobile 6 emissions model, then it too would be reinstated upon a violation of the CO standard (see Contingency Plan, below, Section 4.52.3.3).

### Woodstove Curtailment

Woodstove emission control efforts in the Rogue Valley have made significant strides in reducing particulate emissions through emission certification standards for new stoves, changeout programs to encourage removal of noncertified stoves and local ordinances to curtail burning during stagnant weather periods. The city of Medford will be revising its woodstove curtailment ordinance to align it with suggestions made by the Advisory Committee to improve overall effectiveness in reducing particulate emissions. All of these efforts will also contribute to a decline of 21.8 percent in CO emissions from residential wood heating from 1993 to 2015.

### Additional Voluntary Control Measures

During the development of this plan, other transportation control measures were identified which support the maintenance of CO air quality standards. However credits for emission reduction have not been requested within the maintenance plan for these projects. They are included here as indications of the region's support and willingness to address maintaining air quality standards. These projects include:

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<sup>1</sup> The Committee recommended continuation of oxygenated fuel until the Environmental Protection Agency's new Mobile 6 motor vehicle emissions model could be analyzed and the emission inventory re-evaluated. The revised model will include updated information on long term effectiveness of catalytic converters. These controls are proving to be more durable in their effectiveness than was previously assumed. The change in emission credits attributable to these devices may prove to be a sufficient margin to justify removing the oxygenated fuel requirement in Medford. The re-evaluation is expected to occur in 1999 with review by the RVCOG policy board to decide whether the oxygenated fuel program should be continued. The Department will be coordinating with EPA regarding the timing of review and approval of the plan, so that this request can be submitted as a plan amendment or a formal SIP revision, if need be.

Transit Oriented Design and Transit Corridor Development Studies: The Rogue Valley Council of Governments, with financial assistance from the Department of Land Conservation and Development, will undertake a study to identify measures to reduce reliance on the automobile that could be used to update the RTP. The study will focus on the development of transit oriented activity centers in nine key areas listed in the RTP. These nine areas were identified by RVCOG to have the greatest potential for implementing transit oriented design strategies. Transit corridors which connect the identified transit activity centers will be identified and detailed inventory of the corridors will be conducted. Transit oriented development designs for activity centers will also be developed. Based on this work and the review of current zoning ordinances, specific model land use and zoning ordinances will be developed and recommendations made for adoption. The RTP will also be amended as needed to support the results of this study. This work is anticipated to be completed by February 1999.

The Southeast Medford Plan: Adopted as a revision to the Comprehensive Plan for the City of Medford, this plan covers approximately 1,000 acres within the Urban Growth Boundary, east of North Phoenix Road, north of Coal Mine Road and south of Hillcrest Road. The Plan which provides for a neotraditional development pattern has as its primary purposes to:

- achieve minimum housing densities by limiting residential areas to specific zoning districts;
- establish a special central core - the Village Center - with commercial, institutional and residential uses;
- preserve natural waterways while providing routes for pedestrian and bicycle travel;
- require approval of most development through the City's Planned Unit Development ordinance;
- establish special design and development standards for the use of greenways, alleys and street trees.

Compared to "contemporary" development plans that uses single use zoning and a circulation system that fed all traffic onto collector and arterial streets, this development pattern will reduce off-peak traffic within the area and produce trips of shorter length. Additionally, it could increase pedestrian and bicycle trips within the area by as much as 60 percent.

#### **4.52.3.2.4 Rollforward Analysis**

To project future 8-hour average CO concentrations at the two permanent DEQ monitoring sites and other screened, potential hot spots in Central Medford, a rollforward analysis was conducted. This is a very simple technique based on the fact that CO is a relatively stable gas, and motor vehicles contribute most of the CO measured at traffic-oriented monitoring sites. The rollforward analysis consists of applying a ratio of future CO emissions, based on expected

growth, to a baseline level of emissions and corresponding, measured annual second highest 8-hour maximum CO concentrations. Baseline CO emissions for a given intersection were calculated for the attainment year 1993 and then for 2015, based on expected traffic growth from the Emme/2 transportation model and EPA's Mobile emission factor model. The CO emissions in gm/mile were calculated for each leg of the intersection, based on estimated/calculated speeds (peak period and off-peak) and then summed for total intersection emissions. CO emission factors were calculated using EPA's hybrid emission factor model (Mobile5a\_H). This emission factor model allows credit to be taken for mechanic training, a feature of the existing motor vehicle inspection program.

The non-monitored locations were selected on the basis of the same screening technique employed in the Attainment Demonstration (Section 4.52.2.5.2), i.e., using volume and congestion factors from RVCOG's Emme/2 transportation model to rank potential problem intersections in the year 2015. The following intersections were identified, based either on volume alone, or a combination of volume and expected congestion ( $V \cdot V/C$ , where V is the traffic volume and C is the capacity of one leg of the intersection).

**Table 4.52.3.3 Selected Intersections and Ranking Factors**

Location	Ranking Factor(s)
Riverside/Crater Lake Hwy (Big Y)	Volume and $V \cdot V/C$
Biddle and McAndrews	Volume and $V \cdot V/C$
Hwy 99 and Stewart	Volume
Crater Lake Ave. and McAndrews	$V \cdot V/C$

The results of the rollforward analysis, as shown in Table 4.52.3.2.2, are based on a continuation of the wintertime oxygenated fuel program and the existing motor vehicle inspection program. This analysis indicated continued attainment at all four sites through the year 2015.

**Table 4.52.3.4 2015 Second Highest Maximum 8-hour CO Concentrations at DEQ Monitoring Sites and Screened Intersections**

Location	2015 8-Hr CO Concentration, ppm
Brophy Monitor	5.7
Rogue Valley Mall Monitor	6.8
Big Y	5.9
Biddle and McAndrews	7.3
Hwy 99 and Stewart	7.0
Crater Lake Ave. and McAndrews	6.2

The details of the rollforward methodology, including Mobile5a\_H emission factor inputs and outputs and example calculations are contained in Appendix D3-8.

#### 4.52.3.3 Contingency Plan

The Maintenance Plan must contain contingency measures that would be implemented in the event of: 1) a violation of the CO standard after the area has been redesignated to maintenance, or 2) other appropriate triggering protocol contained in the plan. Medford's contingency plan is outlined below.

The Clean Air Act Section 175A(d) requires that all control measures contained in the State Implementation Plan (SIP) prior to redesignation be retained as a contingency measure in the Maintenance Plan. Therefore, Lowest Achievable Emission Rate (LAER) and offsets for major industrial sources must be contingency measures in the CO Maintenance Plan. Also, if the wintertime oxygenated fuel program is eliminated should the Mobile Model indicate it is no longer needed, then the oxygenated fuel program would become part of the contingency plan.

##### Phase 1: Risk of Violation

If monitored (8-hour) CO levels at any site within the Medford Urban Growth Boundary (UGB) on the National Air Monitoring System or the State and Local Air Monitoring System registers a second high concentration equaling or exceeding 90 percent (equal to or greater than 8.1 ppm) of the National Ambient Air Quality Standard (NAAQS) level during a calendar year period, then the DEQ will identify a planning group to recommend which of the following strategies should be considered for implementation. Within six months of the validated 90 percent second high CO concentration, the planning group will determine a schedule of selected strategies to either prevent or correct any violation of the 8-Hour NAAQS for CO. This will allow a choice to be made to implement these measures before or after an actual violation has occurred.

The contingency strategies that would be considered will include, but are not limited to:

- (1) Improvements to parking and traffic circulation;
- (2) Aggressive signal retiming program;
- (3) Increased funding for transit;
- (4) Enhanced I/M;
- (5) Accelerated implementation of bicycle and pedestrian networks.

In the event of a second occurrence in a calendar year of an 8-hour CO concentration equaling or exceeding 8.1 ppm, the planning group may also choose to conduct further studies to determine if further measures are necessary or to take no further action at all if the problem was caused by an exceptional event. High values associated with the annual Classic Car Rally shall not be considered as an event triggering the steps outlined above. Management of high CO concentrations associated with this event shall be controlled through an interagency agreement between the City of Medford and the Department of Environmental Quality.

## Phase 2: Actual Violation

If a violation of the CO NAAQS standard occurs, and is validated by DEQ, the following contingency measures will automatically be implemented:

- (1) New Source Review requirements for proposed major sources and major modifications in the Maintenance Plan area (and the area of significant air quality impact) will be modified. The requirement to install Best Available Control Technology (BACT) will be replaced with a requirement to install Lowest Achievable Emission Rate (LAER) technology. These requirements will take effect upon validation of the violation. BACT may be reinstated if provided for in a new maintenance plan adopted and approved by EPA.
- (2) If the requirement for oxygenated fuel has been eliminated based on Mobile 6 modeling, an actual violation will reinstate the requirement for the area.

## **4.52.4 ADMINISTRATIVE REQUIREMENTS**

The criteria that must be satisfied for a nonattainment area to be redesignated to attainment include several administrative requirements related to compliance with various Clean Air Act provisions. Each of these elements is described below.

### **4.52.4.1 SIP Requirements/Nonattainment Area Requirements**

Medford has met all SIP requirements specified in Section 110 and Part D of the Clean Air Act.

In summary, Section 110 says that a state shall submit a plan, that becomes part of the State Implementation Plan (SIP), providing for the implementation, maintenance, and enforcement of an air quality standard. Part D outlines specific plan requirements for nonattainment areas.

#### **4.52.4.1.1 Summary of Fully Approved SIP**

The Medford Carbon Monoxide Nonattainment plan, as adopted in 1982 and amended in 1985, utilized several control strategies. Because motor vehicles represent the vast majority of the total CO emissions generated in the Medford area (74 percent in 1979 and 56 percent in 1987), the control strategies focused primarily on transportation control measures. EPA approved the nonattainment plan in February 1987. The strategies in the approved nonattainment plan include:

- a. A DEQ-operated vehicle inspection/maintenance program for motor vehicles registered within the control area. This mandatory program began in 1986 and requires affected vehicles to pass a biennial emission inspection before that vehicle may be registered. In the program's first seven years, it achieved more than a 22 percent reduction in CO emissions.
- b. Modifications to the Medford Parking and Traffic Circulation Plan which proposed a net loss of parking in the central business district and a shift from on-street to off-street parking.
- c. Traffic flow improvements on critical streets in the network including the installation of computerized traffic signals.
- d. The establishment of a linked network of bicycle lanes and other programs to encourage bicycling as a trip option.
- e. Federal Motor Vehicle Emission Control Program

#### 4.52.4.1.2 1990 Clean Air Act Requirements and Status

The 1990 Clean Air Act Amendments place additional requirements on moderate CO nonattainment areas. Following are the DEQ submittal dates and EPA approval dates of submissions required by section 110 and Part D of the 1990 Clean Air Act Amendments:

- a. *1990 Emissions inventory, to be revised every three years thereafter until attainment.* On November 15, 1992, DEQ submitted to EPA a comprehensive 1990 carbon monoxide emission inventory for the Medford nonattainment area. EPA provided comments on the submittal in July, 1993. The 1990 base year emission inventory has been revised in response to EPA comments, and is being resubmitted together with this redesignation request (see Appendix D3-4-1). The 1990 and 1993 emission inventories (Appendix D3-4-2) in this Redesignation Request/Maintenance Plan submittal will be used to meet the periodic inventory requirement. The 1996 periodic emission inventory will be submitted on or before September 15, 1998. The projection inventory to 2015 is included in Appendix D3-4-3.
- b. *Oxygenated gasoline.* On November 16, 1992, the DEQ submitted to EPA an oxygenated gasoline program for the Medford area. The regulations were effective November 1, 1992. The program mandated the use of gasoline with no less than 2.7 percent oxygen content in the winter months.

Because Medford was classified with a design value for CO above 9.5 ppm, the area was required to establish a wintertime oxygenated fuel program. The DEQ adopted rules (OAR 340-022-0440 through 022-0640) to meet this requirement. These regulations require that all gasoline suppliers in the Jackson County area register with the DEQ. These regulations further require that the average blend of any gasoline sold by the supplier should be at least 2.7 percent oxygen by weight and in no case be less than 2.0 percent oxygen content by weight (actual) from the months of November 1 through February 29. The FCAA allows the elimination of this program upon redesignation to attainment status. However, analysis of regional growth indicated a continued need for oxygenated fuels, and so it is continued within the Maintenance Plan.

- c. *Vehicle Inspection and Maintenance Program.* DEQ submitted a technical change to the vehicle inspection and maintenance program on November 15, 1993 and committed to several administrative revisions at that time. The technical change was the replacement of all vehicle testing equipment with computerized equipment. EPA approved this revision on January 29, 1994. On June 13, 1994, the DEQ submitted several administrative revisions to the program. These revisions to Volume 2, Section 5.4 of the SIP included:

1. Specification of how vehicles registered in an I/M area but temporarily operated outside an I/M area were to be tested;
2. Requirements and procedures for inspector training;
3. Testing equipment specifications, procedures, quality assurance, and auditing requirements;
4. Requirements for the testing of fleet vehicles registered outside an I/M area but operating within an I/M area; and
5. A committal to monitor compliance with the I/M program through parking lot registration surveys.

These changes were approved by EPA on September 9, 1994.

- d. *Transportation Conformity Requirements.* Section 176(c) of the Clean Air Act requires states to revise the SIPs to establish criteria and procedures for demonstrating transportation plan conformity to a SIP. On April 14, 1995, DEQ submitted to EPA a revision to the Oregon SIP establishing transportation conformity requirements for Oregon (OAR 340-020-0710 through 340-020-1080). General Conformity requirements (OAR 340-020-1500 through 340-020-1600) were submitted on September 27, 1995. EPA approved the transportation conformity rules as a SIP revision on May 16, 1996.
- e. *New Source Review Rules (NSR) for "major sources"* On November 16, 1992, DEQ submitted revisions to the New Source Review permit program. These revisions included a requirement that offsets come from contemporaneous, actual emission reductions under OAR 340-028-1970(5), and other changes.

DEQ expects these NSR revisions to be approved by EPA before, or concurrent with, this redesignation request/maintenance plan, although approval is not required prior to redesignation according to EPA guidance. DEQ will also submit further revisions to establish NSR requirements for the Medford area effective upon redesignation (see Control Measures in Section 4.52.3.2.3, Maintenance Plan Commitments in Section 4.52.4.4, and New Source Review Program Changes in Appendix D3-7).

- f. *Contingency measures.* These measures were required to be established in the event that the Medford area was not able to demonstrate reasonable further progress towards achieving the standard. Contingency measures included a review by both the City of Medford and Jackson County to determine if CO strategy elements were delayed or if projects with an adverse effect had been included. Delayed projects with identified benefits were to be moved forward expeditiously. Transportation projects with adverse impacts were to be delayed until other measures were adopted to make up the shortfall.

The Environmental Quality Commission also adopted as a CO contingency measure a requirement for oxygenated fuel to be formulated with a 2.9% oxygen



content if the area should further violate the CO standard. This measure was approved by EPA on June 28, 1994.

#### **4.52.4.2 Monitoring Network and Commitments**

The DEQ is responsible for the operation of the permanent ambient CO monitors in the Medford area. The DEQ oversees the quality control and quality assurance program for the CO data.

The DEQ will continue to comply with the air monitoring requirements of Title III, Section 319, of the FCAA. The monitoring sites will also continue to be operated in compliance with EPA monitoring guidelines set forth in 40 CFR Part 58, "Ambient Air Quality Surveillance," and Appendices A through G of Part 58. In addition, DEQ will continue to comply with the "Ambient Air Quality Monitoring Program" specified in Volume 2, Section 6 of the SIP. Further, DEQ will continue to operate and maintain the network of State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS) in accordance with the terms of the State/EPA Agreement (SEA)

The DEQ also periodically conducts saturation studies to verify that the existing monitors are recording the highest CO concentrations in the area. The DEQ will commit to conducting a reevaluation survey in the event of major changes in traffic patterns, as soon as practicable after identifying any such changes. DEQ will also commit to a five-year periodic survey, pending EPA review. Based on CO monitoring data, relevant traffic data and other considerations such as special project funding availability, DEQ air monitoring, modeling and planning staff in consultation with EPA air monitoring, modeling and planning staff may reach agreement that the periodic survey is unnecessary, or should be delayed.

#### **4.52.4.3 Verification of Continued Attainment**

The DEQ will analyze on an annual basis the CO air quality monitoring data to verify continued attainment of the CO standard, in accordance with 40 CFR Part 50 and EPA's Redesignation guidance. This data, along with the previous year data, will provide the necessary information for determining whether the region continues to attain the NAAQS.

The DEQ will also prepare an updated emission inventory summary for calendar year 2001. This update will be submitted to EPA Region 10 within 18 months following the end of the periodic emission inventory calendar year. In preparing the update, DEQ will review the emission factors, growth factors, rule effectiveness and penetration factors, and other significant assumptions used to prepare the emission forecast. DEQ will confirm these factors and/or adjust them where more accurate information is available. Any new emission sources will be included in the update.

The next periodic update of the emission inventory would be met with submittal of the revised maintenance plan, expected to occur 8 years after the redesignation plan is approved, and could be performed for any one of the subsequent calendar years after 2001.

DEQ will compare the updated emission summary to the emission forecast and the attainment inventory in Tables 4.52.3.1, and evaluate any changes that have occurred. If there have been significant changes, DEQ will, in consultation with EPA Region 10, determine if a more extensive periodic emission inventory is necessary. If a more extensive inventory is necessary, it will be submitted to EPA within 23 months after the end of the reporting year.

#### **4.52.4.4 Maintenance Plan Commitments**

As part of the CO Maintenance Plan, DEQ commits to do the following:

DEQ will submit revisions to the New Source Review regulations, as described in Appendix D3-7, before EPA approval of the maintenance plan.

DEQ will prepare a periodic emission inventory update for 2001. The emission inventory updates will be submitted to EPA within 18 months following the end of the periodic emission inventory calendar year as specified in Section 4.52.4.3.

The DEQ will commit to conducting a reevaluation survey in the event of major changes in traffic patterns, as soon as practicable after identifying any such changes. DEQ will also commit to a five-year periodic survey, pending EPA review.

The DEQ will commit to utilizing the latest revision to EPA mobile emissions model as soon as it becomes available in order to reevaluate the need to continue the oxygenated fuel requirements in the Medford area. The Department will work with EPA to conduct this evaluation, if possible, prior to EPA's approval of the maintenance plan.

## DIVISION 31

## AIR POLLUTION CONTROL STANDARDS FOR AIR PURITY AND QUALITY

## Ambient Air Quality Standards

[**ED. NOTE:** Administrative Order DEQ 37 repealed previous OAR 340-031-0005 through 340-031-0020 (DEQ 5 and 6).]

**340-031-0520****Nonattainment Areas**

The following areas are designated as Nonattainment Areas:

(1) Carbon Monoxide Nonattainment Areas:

(a) The Grants Pass Nonattainment Area for Carbon Monoxide is the Grants Pass CBD as defined in OAR 340-031-0500.

(b) The Klamath Falls Nonattainment Area for Carbon Monoxide is the Klamath Falls UGB as defined in OAR 340-031-0500.

~~(c) The Medford Nonattainment Area for Carbon Monoxide is the Medford UGB as defined in OAR 340-031-0500.~~

~~(d) The Salem Nonattainment Area for Carbon Monoxide is the Salem Area Transportation Study as defined in OAR 340-031-0500.~~

(2) Ozone Nonattainment Areas: The Salem Nonattainment Area for Ozone is the Salem Area Transportation Study as defined in OAR 340-031-0500.

(3) PM<sub>10</sub> Nonattainment Areas:

(a) The Eugene Nonattainment Area for PM<sub>10</sub> is the Eugene UGA as defined in OAR 340-031-0500.

(b) The Grants Pass Nonattainment Area for PM<sub>10</sub> is the Grants Pass UGB as defined in OAR 340-031-0500.

(c) The Klamath Falls Nonattainment Area for PM<sub>10</sub> is the Klamath Falls UGB as defined in OAR 340-031-0500.

(d) The LaGrande Nonattainment Area for PM<sub>10</sub> is the LaGrande UGB as defined in OAR 340-031-0500.

(e) The Lakeview Nonattainment Area for PM<sub>10</sub> is the Lakeview UGB as defined in OAR 340-031-0500.

(f) The Medford Nonattainment Area for PM<sub>10</sub> is the Medford-Ashland AQMA as defined in OAR 340-031-0500.

(g) The Oakridge Nonattainment Area for PM<sub>10</sub> is the Oakridge UGB as defined in OAR 340-031-0500.

(4) Total Suspended Particulate (TSP) Nonattainment Areas:

(a) The Eugene Nonattainment Area for TSP is the Eugene-Springfield AQMA as defined in OAR 340-031-0500.

(b) The Medford Nonattainment Area for TSP is the Medford-Ashland AQMA as defined in OAR 340-031-0500.

(c) The Portland Nonattainment Area for TSP includes areas within the Portland AQMA as set out and defined in OAR 340-031-0500.

[NOTE: Total Suspended Particulate is now a state-enforceable standard only. The US EPA now enforces PM10 in the place of TSP. The Department has decided to retain TSP as an enforceable standard.]

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-020-0047.]

Stat. Auth.: ORS 468.020

Stat. Implemented: ORS 468A.025

Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96

### **340-031-0530**

#### **Maintenance Areas**

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene Maintenance Area for Carbon Monoxide is the Eugene-Springfield AQMA as defined in OAR 340-031-0500.

(b) The Portland Maintenance Area for Carbon Monoxide is the Portland Metropolitan Service District as referenced in OAR 340-031-0500.

(c) The Medford Maintenance Area for Carbon Monoxide is the Medford UGB as defined in OAR 340-031-0500.

(2) Ozone Maintenance Areas:

(a) The Medford Maintenance Area for Ozone is the Medford-Ashland AQMA as defined in OAR 340-031-0500.

(b) The Oregon portion of the Portland - Vancouver Interstate Maintenance Area for Ozone is the Portland AQMA, as defined in OAR 340-031-0500.

(3) PM<sub>10</sub> Maintenance Areas: There are no areas in the state that have been designated by the EQC as PM<sub>10</sub> Maintenance Areas.

(4) Total Suspended Particulates (TSP) Maintenance Areas:

There are no areas in the state that have been designated by the EQC as TSP Maintenance Areas.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-020-0047.]

Stat. Auth.: ORS 468.020

Stat. Implemented: ORS 468A.025

Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
 A Statement of Need and Fiscal Impact accompanies this form.

<u>DEQ - Air Quality</u> Agency and Division  <u>Susan M. Greco</u> Rules Coordinator  <u>811 S.W. 6th Avenue, Portland, OR 97213</u> Address	<u>Chapter 340</u> Administrative Rules Chapter Number  <u>(503) 229-5213</u> Telephone
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June 11, 1998	7:00 PM	Smullin Education Center 2825 Barnett Road, Medford	Mary Heath
Hearing Date	Time	Location	Hearings Officer
June 16, 1998	6:00 PM	Jackson County Public Works Auditorium 200 Antelope Road, White City	Mary Heath
Hearing Date	Time	Location	Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request?

Yes    No

**RULEMAKING ACTION**

**AMEND:**

340-020-0047; 340-031-0520; 340-031-0530

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

## RULE SUMMARY

This proposal directs the DEQ to submit a plan to the U.S. Environmental Protection Agency (EPA) that provides for maintenance of the carbon monoxide health standard in Medford through the winter of 2014/2015. The maintenance plan is designed to protect public health and will allow EPA to redesignate the area from nonattainment to attainment status. An EPA-approved maintenance plan will remove impediments to industrial growth and will help shield the Medford area from sanctions on federal transportation funds. The plan proposes to continue existing pollution controls, such as the vehicle inspection program and wintertime oxygenated fuels, plus adding an industrial emissions tracking program. This latter program will monitor emission reports from industrial facilities to determine if total emissions do not exceed an annual allocation. The Department will take corrective action if the allocation is exceeded.

June 19, 1998 5:00 PM  
Last Day for Public Comment

 5/13/98  
Authorized Signer and Date

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Carbon Monoxide Maintenance Plan for the Medford Area

Fiscal and Economic Impact Statement

**Introduction**

The Medford Carbon Monoxide Maintenance Plan consists of three basic motor vehicle control strategies, all continuing from the attainment plan: 1) the federal new car program, 2) the motor vehicle inspection program, and 3) the wintertime oxygenated fuel program. The state has no control over the federal new car program. Since the motor vehicle inspection program and the oxygenated fuel program would continue in their respective present forms, there would be no additional fiscal and economic impact. Other maintenance plan provisions include: 1) PSEL Management Program, 2) CO Emissions Budget, and 3) Contingency Plan Elements. These provisions may have some minor fiscal and/or economic impacts as discussed below.

**General Public**

**(1) PSEL Management Program**

The PSEL Management Program should have no direct impact on the general public.

**(2) CO Emissions Budget**

The CO emissions budget should have no direct impact on the general public.

**(3) Contingency Plan Elements**

It is not possible to gauge the fiscal impact of strategies that might be necessary if the contingency plan is triggered.

### **Small Business**

**(1) PSEL Management Program**

The PSEL Management Program will have no effect on small businesses.

**(2) CO Emissions Budget**

The CO emissions budget should have no direct impact on small businesses.

**(3) Contingency Plan Elements**

No impact at this time; the impact would be evaluated before additional measures are required.

### **Large Business**

**(1) PSEL Management Program**

The PSEL Management Program may affect large businesses that own or operate a major point source (emitting 100 tons/year of CO). There may be some incidental expenses incurred if the Department sends letters requesting additional information on planned production activity.

**(2) CO Emissions Budget**

The CO emissions budget should have no direct impact on large businesses.

**(3) Contingency Plan Elements**

If a violation of the federal CO standards occurred, the requirements for Lowest Achievable Emission Rate would be reinstated. These controls can be very expensive. For example, a typical industrial CO emission point is a boiler and LAER controls would likely require installation of a thermal oxidizer. Capital costs for thermal oxidizers range from \$300,000 to \$500,000 with annual operating costs approaching \$300,000.

### **Local Governments**

**(1) PSEL Management Program**

The PSEL Management Program should have no direct impact on local governments.



**(2) CO Emissions Budget**

The emissions budget establishes a cap on emissions that cannot be exceeded by future motor vehicle emissions. There should be no direct impact on local governments because of the implementation of the CO emissions budget. However, if projected emissions were to exceed budget emissions, then federal funding for transportation projects throughout the region would be threatened. Local governments would then likely commit staff resources to evaluating various strategies that could be implemented so that the CO budget can be maintained. The cost of implementing these strategies varies depending on the approach selected.

**(3) Contingency Plan Elements**

There should be no initial direct economic impact on local governments if the contingency plan were triggered. Indirect impacts could include unanticipated staff time devoted to attending an ad hoc planning group convened to consider the suitability of implementing contingency strategies.

**State Agencies**

- DEQ

**(1) PSEL Management Program**

Permit inspectors currently review annual reports from sources for compliance with permit conditions and limitations. Determining compliance with the CO emissions budget for industrial facilities established in this plan would add an insignificant amount of time to that review. If sources were found to have exceeded the region's industrial allocation for CO emissions then staff would become involved in identifying with sources any additional controls, production targets or other measures that could be employed to remain within the allocation. It is estimated that this effort would take about 0.02 FTE and cost \$4,500.

**(2) CO Emissions Budget**

DEQ currently participates in interagency consultation on the development of the Regional Transportation Plan and Transportation Improvement Program. Emission budget comparisons are presented and reviewed through this process. No additional resources are needed to implement this element.

**(3) Contingency Plan Elements**

If the contingency plan is triggered, DEQ must evaluate emission and monitoring data to determine if additional emission reduction strategies are needed. This evaluation is expected to be conducted using existing Department resources. Depending upon the strategy selected, implementation costs for the Department could vary significantly. If additional contingency measures are recommended for adoption, the fiscal and economic impacts of the selected measures would be thoroughly evaluated as part of that rulemaking.

- Other Agencies

**(1) PSEL Management Program**

The PSEL Management Program should have no direct impact on other agencies.

**(2) CO Emissions Budget**

The establishment of a CO emissions budget should have no impact on state agencies other than the Oregon Department of Transportation (ODOT). If actual emissions exceed budgeted emissions, ODOT could be at risk of losing federal funding for regional transportation projects.

**(3) Contingency Plan Elements**

There should be no economic impact on other state agencies for the automatically triggered contingency plan elements (LAER and offsets for major point sources of CO). The impacts from other elements that might be selected are highly variable and would most likely directly affect local government(s) and/or DEQ. ODOT's Transportation Improvement Program could be affected if a selected measure involved a request for transportation funding.

**Assumptions**

As noted above.

**Housing Cost Impact Statement**

The Department has determined that this proposed rulemaking will have no effect on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Medford Carbon Monoxide Maintenance Plan

## Land Use Evaluation Statement

**1. Explain the purpose of the proposed rules.**

The Carbon Monoxide Maintenance Plan is designed to maintain compliance with carbon monoxide health standards in the Medford area through the winter of 2014/2015. The federal Clean Air Act requires maintenance plans for areas seeking redesignation from nonattainment to attainment with national ambient air quality standards.

The Plan includes a number of emission reduction strategies listed below, some of which affect land-use. The Motor Vehicle Inspection Program and the Oxygenated Fuels strategies are existing control programs that are being continued without any changes. There would be no additional land use impacts from continuing these programs. The relationship of the Plant Site Emission Limit (PSEL) Management Program and the automatically triggered contingency plan elements to the DEQ State Agency Coordination Program are explained below.

- (1) Motor Vehicle Inspection Program
- (2) Oxygenated Fuels
- (3) PSEL Management Program
- (4) Automatically triggered contingency plan elements

**2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?   X Yes    No**

**a. If yes, identify existing program/rule/activity:**

A component of the maintenance plan affects land use as identified in the SAC. The plan will make minor changes to the major New Source Review program to accommodate the Plant Site Emission Limit Management Program. The existing requirement for costly Lowest Achievable Emission Rate (LAER) technology will be replaced by less costly Best Available Control Technology (BACT). This change may make it easier for major new industry to locate in the Medford area and for existing industries to make major modifications to facilities. The major New

Source Review program is implemented through the Air Contaminant Discharge Permit (ACDP) program, which is an existing activity identified in the LCDC-approved DEQ State Agency Coordination (SAC) agreement. The existing procedure for statewide goal compliance and local plan compatibility adequately covers the changes to the New Source Review program. Under this procedure, the Department requires applicants for an ACDP to obtain a land use compatibility statement from the appropriate local jurisdiction before issuing an ACDP.

The contingency plan includes reinstatement of the current New Source Review requirements for major new and modified emission sources. Such a change would not affect the above-described SAC agreement. Land use impacts from other contingency plan elements that might be selected would vary. Any of the selected measures that would require a rule adoption would be evaluated for land use impacts as part of the rulemaking.

**b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?    X Yes     No (if no, explain):**

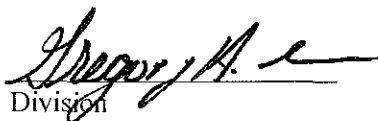
**c. If no, apply the following criteria to the proposed rules.**

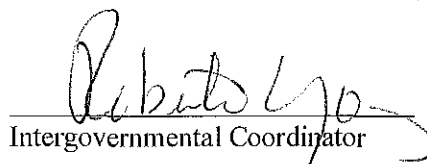
**In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.**

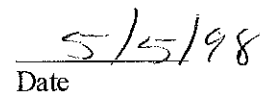
The New Source Review program is covered by a SAC agreement, as explained under 2a.

**3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.**

NA

  
Division

  
Intergovernmental Coordinator

  
Date

## **Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements.**

### **Carbon Monoxide Maintenance Plan for the Medford Area**

**1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

Yes, the federal Clean Air Act requires areas that wish to be redesignated from “nonattainment” to “attainment” status to submit a plan that will ensure that air quality standards are not violated for 10 years after Environmental Protection Agency (EPA) approval of the plan. These plans are called Maintenance Plans.

**2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

The requirements are performance based. The Carbon Monoxide Maintenance Plan must demonstrate that future emissions will not cause a violation of the carbon monoxide standard. As long as the Medford area stays in attainment with the federal carbon monoxide standard, the Clean Air Act allows states to identify the specific emission reduction strategies that will be used to maintain attainment.

**3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

The applicable federal requirements do not specifically address issues that are of concern to Oregon. The federal requirements are specifically designed to give each state the flexibility to adopt emission reduction strategies that are best suited for that area. The Department has used this flexibility to work with an advisory committee of local citizens, elected officials and business leaders to devise the elements of a plan that will accommodate local concerns and meet federal air quality requirements.

**4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

The emission reduction strategies included in the Maintenance Plan will ensure that the CO standard is maintained until 2015 and will allow EPA to redesignate the Medford

area to attainment for carbon monoxide. Once the area is redesignated, the existing stringent control requirements for major new and expanding industry will be replaced with less stringent and less expensive control requirements. In addition, the Medford area will be shielded from potential redesignation to a more stringent nonattainment classification. Such a redesignation would result in the imposition of prescriptive federal control requirements.

**5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?**

There is no deadline in the federal Clean Air Act for submitting a maintenance plan.

**6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?**

The maintenance plan is designed to accommodate projected growth. The plan is based on analyzed weather fluctuations over a 10-year period, and includes surplus carbon monoxide emission reductions, resulting in about a 2.5 percent margin for maintaining the standard. Emission forecasts are based on growth rates for all emission source categories.

**7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)**

Motor vehicles are the predominant source of carbon monoxide emissions and, as such, are the primary target of the maintenance plan strategies.

**8. Would others face increased costs if a more stringent rule is not enacted?**

If a maintenance plan is not adopted and a future violation of the carbon monoxide standard occurs, a new attainment plan will be required including prescriptive federal control requirements. In addition, Rogue Valley Council of Governments could experience difficulty demonstrating conformity of its transportation plan with air quality plans. If conformity can not be demonstrated, Rogue Valley Council of Governments could not receive federal transportation funds.

**9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?**

Industrial sources currently must provide annual reports to the Department regarding the previous year's emission levels. The Plant Site Emission Limit management program proposed in the plan is different from applicable federal requirements only insofar as

aggregating total industrial emissions and comparing that value to budgeted industrial emissions. This evaluation is required to continue to demonstrate maintenance of the CO standard. The margin of safety is small and the attainment demonstration was based on actual emissions rather than permitted emission levels, which are much higher. This tracking program is necessary to maintain that margin of safety and compliance with the CO standard.

**10. Is demonstrated technology available to comply with the proposed requirement?**

Yes. Demonstrated technology exists to comply with all state emission reduction strategies in the maintenance plan.

**11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?**

The proposed maintenance plan is designed to prevent air pollution. In particular, the continuation of the motor vehicle inspection program is a cost-effective way to prevent air pollution. The maintenance plan will also reduce the cost of controls on major industrial facilities that may be interested in locating in the Medford area.

**State of Oregon**  
**Department of Environmental Quality**

**Memorandum**

**Date:** May 11, 1998

**To:** Interested and Affected Public

**Subject:** Rulemaking Proposal and Rulemaking Statements - 1) Medford Area Carbon Monoxide Maintenance Plan; 2) Amendments to OAR 340-031-520, -0530, Designations of Nonattainment and Maintenance Areas

This memorandum contains information on a proposal by the Department of Environmental Quality (Department) for an amendment to the State Implementation Plan (SIP) that would allow the U. S. Environmental Protection Agency (EPA) to redesignate the Medford area to attainment status for the carbon monoxide (CO) standard. The proposed changes will also ensure that the Medford area continues to comply with the CO standard. Pursuant to ORS 183.335, this memorandum also provides information about the Environmental Quality Commission's intended action to adopt modifications to rules in Division 31.

This proposal directs the Department to submit a plan to the EPA that provides for maintenance of the CO health standard in Medford through the winter of 2014/2015. The maintenance plan is designed to protect public health, allow the removal of impediments to industrial growth imposed by the current plan and shield Medford from the loss of federal funds.

The Department has prepared an attainment emission inventory that identifies the level of CO emissions in the Medford area sufficient to attain the National Ambient Air Quality Standards (NAAQS). This attainment inventory is based on actual, typical emissions for the 1993 CO season and is consistent with EPA's guidance on emission inventories for CO nonattainment areas. The emissions inventory is from the same time period for which monitoring data also showed that the area was in attainment with the NAAQS for CO.

EPA's guidance allows the Department to demonstrate maintenance of the NAAQS for CO by showing either that future emissions of CO will not exceed the level of the attainment inventory, or that they will not cause a violation of the NAAQS. The Department will rely on the attainment inventory approach to demonstrate that for a period of at least ten years following the redesignation, Medford can maintain the NAAQS for CO.

The Department has the statutory authority to address this issue under Oregon Revised Statutes (ORS) chapter 468A, which authorizes the Commission to adopt plans and programs to achieve and maintain federal and state ambient air quality health standards. This plan, if approved by the Commission, will be adopted as a revision to the State Implementation Plan (OAR 340-20-



0047) and submitted to the U.S. Environmental Protection Agency for approval under the provisions of the federal Clean Air Act.

### **What's in this Package?**

Attachments to this memorandum provide details on the proposal as follows:

- Attachment A The official statement describing the fiscal and economic impact of the proposed rule. (required by ORS 183.335)
- Attachment B A statement providing assurance that the proposed rules are consistent with statewide land use goals and compatible with local land use plans.
- Attachment C Questions to be answered to reveal potential justification for differing from federal requirements.
- Attachment D The Executive Summaries of the proposed maintenance plan and emission inventory.
- Attachment E The actual language of the proposed rule (amendments).

### **Hearing Process Details**

The Department is conducting public hearings at which comments will be accepted either orally or in writing. The hearings will be held as follows:

**Date:** Thursday, June 11, 1998  
**Time:** 7 p.m. to 8 p.m. (Informational briefing from 6:30 p.m. to 7 p.m.)  
**Place:** Smullin Education Center, 2825 Barnett Road, Medford

**Date:** Tuesday, June 16, 1998  
**Time:** 6 p.m. (Question and answer session from 5 p.m. to 6 p.m.)  
**Place:** Jackson County Public Works Auditorium, 200 Antelope Road, White City

**Deadline for submittal of Written Comments:** 5:00 PM, June 19, 1998

Mary Heath will be the Presiding Officer at the hearing.

Written comments can be presented at the hearing or to the Department any time prior to the deadline. Comments should be sent to: Department of Environmental Quality, Attn: Kevin Downing, 811 S.W. 6th Avenue, Portland, Oregon 97204, fax (503) 229-5675 or by email to

downing.kevin@deq.state.or.us.

In accordance with ORS 183.335(13), no comments from any party can be accepted after the deadline for submission of comments has passed. Thus if you wish for your comments to be considered by the Department in the development of these rules, your comments must be received prior to the close of the comment period. The Department recommends that comments be submitted as early as possible to allow adequate review and evaluation of the comments submitted.

### **What Happens After the Public Comment Period Closes**

Following the close of the public comment period, the Presiding Officer will prepare a report that summarizes the oral testimony presented and identifies written comments submitted. The Environmental Quality Commission (EQC) will receive a copy of the Presiding Officer's report. The public hearing will be tape recorded, but the tape will not be transcribed.

The Department will review and evaluate the rulemaking proposal in light of all information received during the comment period. Following the review, the rules may be presented to the EQC as originally proposed or with modifications made in response to public comments received.

The EQC will consider the Department's recommendation for rule adoption during one of their regularly scheduled public meetings. The targeted meeting date for consideration of this rulemaking proposal is August 7, 1998. This date may be delayed if needed to provide additional time for evaluation and response to testimony received in the hearing process.

You will be notified of the time and place for final EQC action if you present oral testimony at the hearing or submit written comment during the comment period. Otherwise, if you wish to be kept advised of this proceeding, you should request that your name be placed on the mailing list.

### **Background on Development of the Rulemaking Proposal**

#### **Why is there a need for the rule?**

To redesignate the Medford area from nonattainment to attainment, EPA requires an enforceable plan that demonstrates how the area will continue to meet the CO standard for a minimum of ten years. The CO maintenance plan includes emission reduction strategies that are sufficient to ensure attainment through the winter of 2014/2015 which corresponds with the planning

timeframe associated with the Regional Transportation Plan. An EPA-approved CO maintenance plan and redesignation to attainment will provide the following benefits:

- Assure that public health will be protected;
- Protect against possible Clean Air Act sanctions on federal transportation funds;
- Eliminate industrial growth impediments, such as Lowest Achievable Emission Rate (LAER) control technology requirements.

### **How was the rule developed?**

The Department primarily relied on the Rogue Valley Council of Governments' (RVCOG) long-range Regional Transportation Plan (RTP) forecast for the Medford area and the deliberations of the Medford-Ashland Air Quality Plan Advisory Committee to develop the CO maintenance plan provisions. Since the area covered by the RTP is larger than the area encompassed by the Medford Urban Growth Boundary (UGB), the RTP growth projections were scaled to the UGB on the basis of land use and zoning data. The Medford UGB was estimated to have a population of 55,845 in 1993. Based on the long-range forecast, the Medford UGB population is expected to grow to approximately 82,100 by 2015 (2.1 percent per year).

The Medford-Ashland Air Quality Plan Advisory Committee (AQPAC) recommended the following key provisions:

- Continue the existing motor vehicle inspection program;
- Continue the wintertime oxygenated fuel program, with a reevaluation of the need for oxygenated fuel once the EPA Mobile 6 model is available (fall 1999);
- Implement a Plant Site Emissions Limit management program described below and in Section 4.52.3.2.3 of the plan document;
- Amend existing New Source Review regulations;
- Utilize a contingency plan that calls for implementation of additional measures to reduce CO, if necessitated by elevated CO levels.

In addition, RVCOG reviewed and made recommendations on the plan and the transportation

emissions budget reflected by the plan. The emissions budget will be the benchmark for future transportation conformity determinations.

Complete copies of the carbon monoxide maintenance plan and emission inventories will also be available for public review at DEQ Headquarters, 811 S.W. 6<sup>th</sup> Avenue, Portland; Medford DEQ Office, 201 W. Main Street, Suite 2-D, Medford; and Jackson County Library, 413 W. Main Street, Medford. Copies of the documents relied upon in the development of this rulemaking proposal can be reviewed at the Department of Environmental Quality's office at 811 S.W. 6<sup>th</sup> Avenue, Portland, Oregon. Please contact Kevin Downing, (503) 229-6549 for times when these documents are available for review.

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

The Medford area CO maintenance plan will affect the general public, large and small businesses involved in petroleum marketing, and motorists in the Jackson County area. The plan includes the following emissions reduction strategies:

Federal New Car Program

The federal new car program has been and will continue to be the most effective CO emission reduction strategy. In contrast to other pollutants, vehicle CO emission controls have not experienced much deterioration of performance with increased age and mileage. An additional 37 percent reduction in the fleet average emission rate is expected between 1993 and 2015. Expected improvements in CO emission control technology include heated catalysts that help reduce the higher emissions from cold starts.

Motor Vehicle Inspection Program

The basic vehicle inspection program will continue to operate. Gasoline powered and light duty diesel vehicles up to 20 years old and registered within the boundaries of the Medford-Ashland Air Quality Maintenance Area are subject to emissions testing and inspection at the time of registration renewal. This program, operating since 1986, has been effective in reducing CO pollution by promoting proper maintenance. The standards used in the program were selected on the basis of identifying high-emitting vehicles that are operating outside their design limits. The standards and associated enforcement tolerances take into account a limited amount of engine wear and tear, but are not so lenient that gross-emitting vehicles would pass an emissions test.

### Oxygenated Fuels

The 1990 federal Clean Air Act Amendments required the Medford area to implement an oxygenated fuel program to control CO, because the area was still designated nonattainment for the standard. The program was first implemented in 1992. The Department projects that by 2015 oxygenated fuels will have accounted for a reduction of 18,134 pounds of CO per day. With oxygenated fuel required through 2015, the Department's projected compliance with the CO standard would be maintained by a margin of at least 2.5 percent for winter 2014/15. The primary impact on the motoring public is a slight reduction in fuel economy of approximately three percent (on average). The Advisory Committee considered other alternatives to oxygenated fuel and found that upgrading the vehicle emissions inspection program to an enhanced test was the only approach that provided enough emissions benefit. This enhanced test would better simulate driving conditions and the operation of the vehicle's emission control equipment but would require inspection staff to operate each vehicle on a dynamometer according to a prescribed schedule of moderate acceleration and deceleration. This procedure would require new equipment, additional staff and also would likely double the test fees. The Committee considered oxygenated fuels the best and least burdensome approach.

Other maintenance plan provisions include:

### Plant Site Emissions Limit (PSEL) Management Program

Recent EPA guidance allows for demonstration of maintenance of the CO standard by using point source projections of actual emissions, rather than maximum allowable emission limits or PSELs. Based on this guidance, the Department will review emissions reports from major point sources annually to determine that total emissions in that year have not exceeded projected actual emissions in 2015, the maintenance year. If the allocation is exceeded, the Department will automatically initiate a process to identify whether additional control strategies are needed.

### CO Emissions Budget

Transportation conformity regulations, required by the 1990 Federal Clean Air Act Amendments, provide for the creation and identification of motor vehicle emissions budgets in the State Implementation Plan (SIP). Emissions budgets establish a cap on emissions that may not be exceeded by future motor vehicle emissions. In the Medford area, RVCOG forecasts motor vehicle emissions as part of periodically updating the long-range, regional transportation plan (RTP) and the Transportation Improvement Program (TIP). Predicted emissions from the RTP and TIP must be equal to or less than the SIP emissions budget(s).

### Contingency Plan Elements

The maintenance plan must contain contingency measures that will be implemented to prevent or correct a violation of the CO standard after the area has been redesignated to attainment. The Clean Air Act requires that measures in the original attainment plan be reinstated if a violation occurs. Under the contingency plan adopted by the Advisory Committee, the DEQ would convene a planning group if the validated second highest (within one calendar year) 8-hour CO concentration equals or exceeds 8.1 ppm (90 percent of the 8-hour CO standard). A range of actions would be considered for implementation, each one designed to preserve air quality. However, if a violation of the 8-hour CO standard were to occur, control measures that would be restored include Lowest Achievable Emission Rate (LAER) requirements plus offsets for major new and modified industrial sources and oxygenated fuels, if they are eliminated in the future.

### **How will the maintenance plan and associated rules be implemented?**

The Department will implement the CO maintenance plan through ongoing air quality monitoring, periodic emission inventory updates, and implementation of emission reduction strategies. The existing attainment plan will be repealed upon EPA approval of the maintenance plan. However, existing emission reduction strategies required by Oregon Administrative Rules will remain in effect, except as specifically amended or repealed by the Environmental Quality Commission and approved by EPA as part of this maintenance plan. Regional staff will be briefed concerning the changes ultimately adopted and approved.

The Department will continue operation of the motor vehicle inspection program and the oxygenated fuel program within existing resources. The PSEL Management Program introduces a minor amount of additional tracking work that will be absorbed within existing resources.

### **Are there time constraints?**

There is no deadline in the federal Clean Air Act for maintenance plans.

Memo To: Interested and Affected Public  
Medford Area Carbon Monoxide Maintenance Plan  
Page 8

**Contact for More Information**

If you would like more information on this rulemaking proposal, or would like to be added to the mailing list, please contact:

Kevin Downing  
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*This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at 503-229-5317 to request an alternate format.*

State of Oregon  
Department of Environmental Quality

Memorandum

Date: June 29, 1998

To: Environmental Quality Commission

From: Howard Harris

Subject: Hearing Officer's Report for Rulemaking Hearing  
Hearing Date and Time: June 11, 1998, beginning at 7:00 P.M.

Hearing Location: Smullin Education Center, 2825 Barnett Rd., Medford, OR

Title of Proposal: Medford Area Carbon Monoxide Maintenance Plan

A rulemaking hearing was held on the above titled proposal at 7:00 P.M. on June 11, 1998, as part of the Environmental Quality Commission's meeting agenda. A separate rulemaking hearing was held on June 16, 1998 in Medford on the above titled proposal and supporting rule amendments. The June 11, 1998, hearing was limited to testimony on the proposed Medford Area Carbon Monoxide Maintenance Plan. A separate report has been prepared for the June 16, 1998, hearing. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being tape recorded and of the procedures to be followed.

The June 11, 1998, hearing was conducted by Environmental Quality Commission Chair, Carol Whipple. Thirty people were in attendance, nine people signed up to give testimony.

Prior to receiving testimony, the Commission received a briefing from staff on the proposed Medford Area Carbon Monoxide Maintenance Plan. Following the briefing, Chair Whipple convened the public hearing on the proposed Medford Area Carbon Monoxide Maintenance Plan as a specific rulemaking proposal.

Summary of Oral Testimony

1. Mike Montero, Jackson County Chamber of Commerce

Mr. Montero stated that he served as Chair of the Medford-Ashland Air Quality Advisory Committee. He cited the broad-based membership of the advisory committee and the commitment to preserve and enhance the quality of the air. He alluded to the range of alternative strategies considered by the Committee, and indicated that the cost/return ratios made them



appear to be unwarranted for adoption at the present time. He focused on the oxygenated fuel program. He indicated the area was in a frustrating situation of not being able to demonstrate conformity without oxygenated fuel, and having to use a substance that may have dangerous side effects. He stated that the area would like to be in a position not to use substances that may have side effects, and that in the coming months, with a more accurate emissions model and improvements in auto technology, perhaps the area can be free of MTBE (methyl tertiary butyl ether) and oxygenated fuel. Mr. Montero expressed appreciation for the work of the DEQ staff and strongly urged the Commission to adopt the CO maintenance plan in its present form.

## 2. Wally Skyrman, Coalition to Improve Air Quality

Mr. Skyrman read his comments into the record. He cited the Coalition's support of regulation and enforcement and the cooperative efforts of others to improve air quality in the Medford area from what was once one of the poorest in the nation. He focused on the oxygenated fuel program and also expressed concerns about the future of slash and prescribed burning. He stated that newer cars do not gain much from oxygenated fuel and that other airshed improvements result in statistics indicating that the area can meet the EPA health standards for CO, even with a phaseout of oxygenated fuel. In a related transportation concern, he indicated that the Coalition advocates the control of heavy duty diesel vehicles.

Mr. Skyrman also submitted written comments which are summarized in the Department's Evaluation of Public Comment (Attachment D).

## 3. Matthew Hart, Medford City Council

Mr. Hart stated that the city is very happy about coming into compliance with carbon monoxide. He expressed appreciation for the manner in which DEQ and Environ staff have worked with the local area. He stated that oxygenated fuel was a hot topic, and he understood that updated modeling on traffic emissions may make this provision unnecessary in the near future. In such an event, he understood that the program could be dropped if the city of Medford endorsed that type of action. Mr. Hart strongly recommended adoption of the plan and forwarding it to EPA for acceptance, so the whole country can recognize the Medford area.

## 4. Ric Holt, Jackson County Commissioner

Mr. Holt mentioned the extensive efforts of the area to put in infrastructure for compressed natural gas and alternative fuels, garnering a Clean Cities designation. He focused his remarks on the oxygenated fuel program and the oxygenate, methyl tertiary butyl ether (MTBE). He

cited three public hearings on oxygenated fuel held over the last three plus years, with citizens giving testimony about destroyed cars and endangered lives. He said that he had some evidence of MTBE use in the Rogue Valley, contrary to information from DEQ staff. He requested that DEQ or EPA test groundwater to see how much contamination there is and cited the U.S. Geological Survey, showing that the Portland area, south is contaminated with MTBE. He indicated that 6,000 cars a day come into the Medford area from California, fueled with California gas that has MTBE in it.

He said that MTBE has contaminated all of California's groundwater. He cited melted car parts and health complaints from citizens due to oxygenated fuel and introduced into the record a letter from Dr. Gerry Lehrburger. Mr. Holt also introduced into the record a letter from Robert W. Gross, Ph.D., Board of Directors, Chair of the Santa Clara Valley Water District 3, who wrote to the California Governor asking for removal of MTBE and other ether additives to motor vehicle fuels in the state of California.

Mr. Holt stated that MTBE is listed by EPA as a carcinogen. Mr. Holt suggested that we put our emphasis on other alternative fuels that reduce CO by 60 percent and other pollutants by 80 and 90 percent. He also indicated that ethanol and MTBE destroy sensors in new cars and catalytic converters. He concluded that we were harming our citizens by forcing them (and California) to use oxygenates.

Mr. Holt submitted supporting documentation which is summarized in the Department's Evaluation of Public Comments (Attachment D).

#### 5. Stuart Foster, Oregon Transportation Commission

Mr. Foster, representing the Oregon Transportation Commission, stated that the Plan is in the best interest of the area. Oxygenated fuel is a critical element of the plan and should be part of the plan. He cited his involvement in the first State Implementation Plan for the area and noted the tremendous progress made. He urged adoption of the plan.

#### 6. Tom Koehler, Parallel Products

Mr. Koehler, representing Parallel Products, stated that there is quite a bit of conflicting information on oxygenated fuel. Ethanol gets confused with MTBE. He said that MTBE does have some peculiarities and real problems with groundwater quality in the state of California, however, ethanol does not. He indicated that ethanol is extremely biodegradable and has a half life of six hours in water; ethanol is renewable and can be made from agricultural products. Mr.

Koehler suggested that when speaking about the dangers of MTBE, we should all realize that gasoline itself is extremely dangerous. He said that it was appropriate to go with the recommendation of the citizens. He indicated that in Portland, retention of the oxygenated fuel program was supported by local governments.

7. Carter Rose

Mr. Rose stated that his understanding of MTBE is that it is a byproduct of the refining process and there were questions in the industry of what to do with it. He suggested that the Commission should inform itself as to the actual history of the approval of MTBE.

8. Larry Worch, Henry's Lady Chapter--Model A Club

Mr. Worch cited an informational flyer put out by the Vintage Car Club of Canada. He said that the oxygenates are tough on old cars and that ARCO uses oxygenates all the time. Mr. Worch also submitted supporting documentation which is summarized in the Department's Evaluation of Public Comments (Attachment D).

9. Steve Schultz

Mr. Schultz stated that he owns an older car and the mileage drops way off during the oxygenated fuel season. He said that the newer cars have sensors which compensate for the oxygenate. He indicated that his older car does not run well on oxygenated fuel and he questioned what we are gaining.

There was no further testimony and the hearing was closed at 8:00 P.M.

State of Oregon  
Department of Environmental Quality

Memorandum

Date: June 30, 1998

To: Environmental Quality Commission

From: Mary Heath

Subject: Presiding Officer's Report for Rulemaking Hearing  
Hearing Date and Time: June 16, 1998, beginning at 6 P.M.  
Hearing Location: Jackson County Public Works Auditorium, 200  
Antelope Road, Medford

Title of Proposal: Medford CO Maintenance Plan

The rulemaking hearing on the above titled proposal was convened at 5:50 P.M., June 16. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

At the June 16<sup>th</sup> hearing forty five people were in attendance, four people signed up to give testimony on this matter.

Prior to receiving testimony, Kevin Downing briefly explained the specific rulemaking proposal and responded to questions from the audience.

Summary of Oral Testimony

10. Bob Morris, Southern Oregon Timber Industries Association

Mr. Morris supported the proposed package because it was arrived at through a public process in which industry was involved. Industry, however, is not a major part of the CO problem in the Medford area. The Department's attention to industrial CO emissions is unwarranted because CO emissions as measured are related primarily to motor vehicles.

11. Philip Frazee

Mr. Frazee, among other comments directed to the Medford particulate plan, said that a better understanding of the impact of the build/no build option on CO noncompliance is warranted.

Memo To: Environmental Quality Commission  
June 30, 1998  
Presiding Officer's Report on  
June 16, 1998 Rulemaking Hearing  
Page 2

5. Stuart Foster

Mr. Foster spoke in support of the CO SIP because it is critical to the economic viability and livability of the Rogue Valley. We need to have a balanced approach in dealing with air quality issues. He stated that criticism directed towards particular transportation projects is unwarranted as the project will speed up vehicles which will reduce CO emissions.

12. Tyler Deke, Rogue Valley Council of Governments

The Rogue Valley Council of Governments has been heavily involved in the CO and PM plans, both as a member of the advisory committee and as technical support. The Council is very much pleased with the planning process and the resulting SIPs, which can be attributed to the broad-based membership of the advisory committee and the cooperative spirit of the members.

Written Testimony

The following people handed in written comments but did not present oral testimony:

Joan Cabreza, U.S. Environmental Protection Agency, Region X  
Dan Moore, Rogue Valley Council of Governments

There was no further testimony and the hearing was closed at 8:00 P.M..

**Index of Public Comments Received**  
**Attachment to the Presiding Officer's Report for Rulemaking Hearing**  
**Medford Area CO Maintenance Plan**

<u>No.</u>	<u>Form of Testimony</u>	<u>Name and Affiliation</u>
1	Oral	Mike Montero, Chair, Medford Air Quality Advisory Committee 5244 Dark Hollow Road Medford, Oregon 97501
2	Oral/Written	Wally Skyrman, American Lung Association Steering Committee of Coalition To Improve Air Quality 4588 Pacific Hwy. No. Central Point, Oregon 97502
3	Oral	Matthew Hart Medford City Council
4	Oral/Written	Ric Holt, Jackson County Commissioner County Courthouse 10 South Oakdale Medford, Oregon 97501
5	Oral	Stuart Foster P.O. Box 1667 Medford, OR 97501
6	Oral	Tom Koehler Parallel Products
7	Oral	Carter Rose
8	Oral	Larry Worch Henry's Lady Chapter - Model A Club
9	Oral	Steve Schultz 473 N. 1 <sup>st</sup> Street
10	Oral/Written	Bob Morris, Chairman of Southern Oregon Timber Industries Assoc. (SOTIA) Environmental Committee P.O. Box 100 Medford, OR 97501
11	Oral	Philip J. Frazee P.O. Box 453 Eagle Point, OR 97524
12	Oral	Tyler Deke, Rogue Valley Council of Governments P.O. Box 3275 Central Point, OR 97502
13	Written	Dan Moore, Rogue Valley Council of Governments P.O. Box 3275 Central Point, OR 97502
14	Written	Joan Cabreza U.S. Environmental Protection Agency Region X 1200 Sixth Avenue Seattle, Washington 98101

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for the  
Medford Area Carbon Monoxide Maintenance Plan

Department's Evaluation of Public Comment

[Note Commentor numbers refer to the list in Attachment C-3]

*Department responses are in italics.*

**Support the proposed carbon monoxide maintenance plan.** [1, 2, 3, 5, 6, 10, 12, 13]

**The Department's attention to industrial CO sources is unwarranted because CO emissions as measured are related primarily to motor vehicles.** [10]

*The proposed plan provides a balanced approach addressing all major sources of CO in the Medford area. Many of the strategies that have been adopted focus on motor vehicles including biennial inspection and maintenance of motor vehicles, traffic signal improvements to facilitate traffic movement, oxygenated fuels and efforts to consider land use patterns that support alternative travel modes. The Committee's decision to support the use of actual rather than permitted industrial emission levels relieves industry of the need to donate unused permitted emissions. The Department's proposed rulemaking to amend new source review requirements also provides flexibility for industrial growth. Both of these measures are concessions that recognize the relative contribution of industry to CO issues in the Medford area.*

**Newer cars do not gain much from oxygenated fuel.** [2]

*The "Interagency Assessment of Oxygenated Fuels," National Science and Technology Council, 1997, cited studies showing that newer cars, with the highest control technology, experience less of a reduction in CO from oxygenated fuel than older vehicles. The report also noted that high emitting vehicles, regardless of age and control technology, experience much larger reduction benefits from oxygenated fuel than low emitting vehicles. The current EPA Mobile model may overestimate the percentage of high emitters in the vehicle fleet for future years. Based on these factors, preliminary indications from EPA are that the new Mobile model, expected to be released in 1999, will likely show a reduced CO benefit from oxygenated fuel for future calendar years. In the plan, the Department has committed to revising mobile source estimates once the revised Mobile model becomes available.*

**Oxygenated fuel is tough on older, antique cars. [8]**

*Comment acknowledged. Contemporary fuels may pose problems for antique cars. Some of the problems can be managed by using EPA-approved fuel additives.*

**Older cars do not run well on oxygenated fuel and mileage drops way off during the oxygenated fuel season. [9]**

*Older vehicles built before 1981 cannot automatically compensate for fuel oxygen content, so the slight enleanment introduced by oxygenated fuel could cause driveability problems for such a vehicle if it is already operating on the lean side of the optimum air/fuel ratio. With respect to mileage, there is an acknowledged fuel economy decrease associated with oxygenated fuel, but the effects are not uniform across the vehicle fleet. The decrease basically is due to the lower energy content of the fuel compared to conventional gasoline. Some vehicles that are running too rich might experience an improvement in mileage, but well tuned vehicles would be likely to experience only a slight decrease in fuel economy.*

**Besides the reductions in CO from cars, other reductions in CO from industrial sources through replacement of older inefficient boilers, the decline in the number of residential woodstoves, and replacements with new, certified woodstoves yield statistics that show the Rogue Valley can meet EPA health standards for CO, even with a phaseout of oxygenated fuel. [2]**

*During the Air Quality Plan Advisory Committee review of strategy alternatives, the Department showed through rollforward analysis that high traffic volume intersections could meet the 8-hour CO standard without oxygenated fuel. However, since EPA requires the maintenance plan to keep total airshed CO emissions at or below the attainment year (1993) level, the emission projections showed a need to keep oxygenated fuel, or to replace it with another strategy that reduced motor vehicle emissions by approximately 20 percent. The reductions in car emissions, industrial emissions and residential woodstove emissions noted by the commentor were incorporated into that analysis.*

**Three public hearings on oxygenated fuel have been held in Jackson County over the last three plus years in which citizens testified about destroyed cars and endangered lives. Citizens have complained about adverse health effects and have brought in melted car parts, which have been attributed to the effects of oxygenated fuel. Ethanol and MTBE destroy sensors and catalytic converters. [4]**

*In other areas of the country, there were complaints of acute health effects following the introduction of oxygenated fuel containing MTBE. However, ethanol, which is the oxygenate of choice in Oregon, has not been the subject of similar acute health effects complaints in other areas of the country. The "Interagency Assessment of Potential Health Risks Associated with Oxygenated*



*Gasoline," National Science Technology Council, Committee on Environment and Natural Resources, 1996, reported on this issue with a focus on MTBE. Although the report indicated that controlled human-exposure to MTBE under laboratory conditions was negative for detecting acute adverse health effects, the report also concluded that the available exposure data was insufficient to determine exposure-related effects. "The Potential Health Effects of Oxygenate Added to Gasoline, A Review of the Current Literature," Health Effects Institute, 1996, concluded that adding oxygenates is unlikely to substantially increase the health risks associated with this fuel.*

*With regard to car parts affected by oxygenated fuel, a free-lance report authored by Christian G. Sturm in 1995 on oxygenated fuel impacts in the Portland-Vancouver area documented extensive interviews of Portland area auto dealer service departments (23 individual contacts reported). The reported observations would also be applicable to the Medford area, since gasoline supplied to Portland would be substantially similar to gasoline supplied to Medford during the oxygenated fuel season. None of the service departments indicated that vehicles had been destroyed. The most common complaint was an increase in plugged fuel filters, especially during the first winter season of oxygenated fuel in 1992/1993. Some service departments observed diminished plugged fuel filter systems after the second oxygenated fuel season. The service departments, where fuel filter plugging was a problem, have adjusted by advising more frequent replacement of fuel filters as a part of routine maintenance and as a preventative car maintenance measure. Another common observation was increased problems with plugged fuel injectors and diminished driveability. The report noted that pre-1975 model vehicles would have original non-metallic parts that would be vulnerable to the corrosive effects of oxygenated fuel. This is less of a problem in the post-1975 model vehicles, because of improved elastomers in the fuel systems of these vehicles. The "Interagency Assessment of Oxygenated Fuels," National Science and Technology Council, 1997, examined materials compatibility with oxygenated fuels and did not indicate any potential problems with sensors or catalytic converters.*

**There is evidence of MTBE use in the Rogue Valley, and the DEQ or EPA should test groundwater to determine whether there is contamination. Six thousand cars a day come into the Medford area from California, fueled with California gas containing MTBE. [4]**

*During the last three winter seasons (November to February of 1995/1996, 1996/1997, and 1997/1998, there has been no evidence of the use of MTBE by gasoline suppliers in the Medford area. Outside the oxygenated fuel control season, DEQ has no regulatory authority over the type of gasoline supplied. DEQ, therefore, has no direct way of knowing which gasoline jobbers/distributors or companies might be supplying gasoline containing MTBE. Outside the oxygenated fuel control season, distributors can haul gasoline to the Medford area from either Eugene, or Chico, California. Most of the gasoline coming from*

*Chico would be California Phase 2 reformulated gas (RFG), and it would most likely contain MTBE. However, the distributors indicated that Chico gasoline would have to be at least two cents per gallon cheaper than the Eugene terminal gasoline to make it economical to haul gasoline from Chico. While this kind of price spread has occasionally happened in the past, the occurrence was apparently very infrequent.*

*Most of the gasoline supplied to Medford area comes from the refineries in Washington by pipeline and tanker truck. There is no MTBE capability at the Washington refineries. One of the major oil companies, without a Washington refinery, indicated that it stopped supplying gasoline containing MTBE to the southern Oregon market in 1997. One other major refining company with operations in Washington indicated that any MTBE currently reaching the Oregon market would have been supplied by mistake.*

*The 6,000 cars a day figure was supplied by the Oregon Department of Transportation (ODOT). This is approximately one-half of the total daily volume currently estimated to cross the Oregon/California border on Interstate 5. This would be a very small fraction of total daily travel within the Medford area, and not all of those vehicles would reach the Medford area. Furthermore, some percentage of those vehicles would refuel on crossing the border, thereby diluting any MTBE in the gasoline.*

*The "Interagency Assessment of Oxygenated Fuels" indicated that washout of unburned MTBE from the atmosphere by precipitation would result in low concentrations of MTBE in water relative to spills and leaking underground storage tanks.*

*With regard to testing, all the tests to date of leaking underground storage tank sites in the Medford area have been non-detect for MTBE. The Western Region is now requiring tests for MTBE at problem sites.*

**MTBE is listed by EPA as a carcinogen. [4]**

*MTBE is a suspected human carcinogen, but is not currently listed by EPA as a human carcinogen, pending further scientific research.*

**Emphasis should be put on alternative fuels, other than oxygenated fuel. [4]**

*The Department encourages, but does not require the development and use of alternative fuels and vehicles designed to use such fuels. However, the Department has four electric vehicles and a flexible-fueled, Compressed Natural Gas, vehicle in its dedicated motor pool.*

**The Commission should be informed of the history and approval of MTBE as a gasoline additive. [7]**

*Based on an EPA fact sheet on MTBE, it is made by combining methanol and isobutylene. Methanol is typically manufactured from natural gas and isobutylene is obtained from the oil refining process. MTBE has been used as an octane enhancer since 1979 and came into widespread use in the mid-1980s. MTBE has also been used to make reformulated gasoline (required in California, but not in Oregon). Due to controversy over the use of MTBE in California reformulated gasoline, TOSCO announced in mid-1998 that it would use only ethanol in reformulated gasoline marketed in the San Francisco Bay area. TOSCO and Chevron Company have asked for changes in national and California reformulated gasoline specifications to eliminate the need for MTBE and other oxygenates. However, even if such action occurred, it would not likely affect the requirement for wintertime oxygenated fuel in the Oregon control areas.*

**Ethanol is sometimes confused with MTBE. Ethanol does not have problems with groundwater quality. It is extremely biodegradable and has a half life of six hours in water. [6]**

*Ethanol is the oxygenate of choice in Oregon's four oxygenated fuel control areas (Portland, Grants Pass, Medford, and Klamath Falls) during the wintertime oxygenated fuel season. Ethanol is an alcohol, whereas MTBE belongs to the ether group of chemicals. Ethers contain oxygen atoms that are chemically combined with two carbon atoms (C—O—C), whereas ethanol contains oxygen in the form of a hydroxyl group (OH). In general, ethers are not as reactive with other compounds, due to the inherent stability of the carbon-oxygen bond. Of the two compounds, ethanol is recognized as the easiest to remediate when ground or groundwater contamination occurs.*

**Clarification is needed on the Department's proposal on oxygenated fuel. [14]**

- **Pg. 28: Oxyfuel program...page 23 indicates it will be retained, and page 34 indicates it needs to be retained as part of the plan, but then other locations in the document indicate it may be removed after use of the Mobile model rerun in 1999. Monitoring data seem to indicate the program has made a difference, so why is there thought to removing it? A few sentences explaining what you hope Mobile will be able to show or clarify that Mobile doesn't, would also be helpful.**

*The revisions to the Mobile model are expected to reflect greater than projected long term effectiveness of catalytic converters. This revision may be significant enough to provide an emission benefit equivalent to oxygenated fuels in the Medford area. The Department is proceeding with this approach, even though oxyfuels have been proven effective as an emission reduction strategy, because there is strong public support for removing the requirement.*

- **Since oxyfuel was included in the plan and in projections for 2015, if the Mobile 6 run is done prior to maintenance plan finalization and oxyfuel is found unnecessary, the plan will be revised accordingly and oxyfuel placed as contingency, and a SIP revision will not be needed. But if the Mobile run is not completed prior to plan approval, a SIP revision would then be necessary. The plan should clarify this.**

*The Department will clarify the expected approval timeline. We agree that recent projections for the release of the revised Mobile model mean that the reanalysis may not be performed in time to include within the Plan prior to EPA approval and a formal revision may then be necessary. The Department is still committed to performing this analysis and, if the results are favorable, will submit the request to EPA as a SIP revision. The Department will be coordinating with EPA regarding the timing of review and approval of the plan.*

**The Coalition to Improve Air Quality expressed concern about slash and prescribed burning, indicating that ten years ago these sources constituted the largest source of particulate and CO in the area. The Coalition indicated that federal land managers are planning to increase prescribed forestry burning by upwards of 50 percent, which could counteract much of the gains that have been made in reducing CO emissions. [2]**

*Slash burning is a minor contributor to total CO emissions within the Medford Urban Growth Boundary (UGB) area and adjacent land parcels, estimated at 183 lbs/day out of a total of 105,975 lbs/day, or approximately 0.2 percent of total emissions in 1993. Slash burning emissions within the UGB are not expected to grow during the forecast period to 2015. This appears to be more of a particulate issue than a CO issue, since the analysis area for particulate contains more forested land than the Medford UGB. CO is a localized pollutant so emissions from outside the boundary would not have a significant impact in the UGB.*

**The impact of the build/no build option on CO noncompliance needs clarification. [11]**

*Build/no build is a technique to evaluate the impact of transportation projects on air quality. The evaluation considers whether air quality will be materially affected if the project is built as compared to if it is not built and current transportation trends continue. This technique is used primarily when no emission budget has been established for the pollutant of concern. The Medford CO maintenance plan establishes a budget for transportation emissions against which future projects can be evaluated for conformity to air quality goals. Therefore, a build/no build test will not be employed once the plan is approved by EPA. During EPA review the build/no build test and the emissions budget will apply, under our current rules.*

**Requirements for action within contingency plan are not clear. [14]**

- **Pg. 31: If there is a risk of NAAQS violation, DEQ will identify “ a planning group” to “recommend which strategies will be considered for implementation and ”within six months ...will determine a schedule of strategies”. This section seems really vague, and doesn’t state when the strategies would actually begin to be implemented? Strategies could possibly take years to get funded and implemented.**

*The federal requirements for contingency plans are only triggered when actual violations of the ambient air quality standard are recorded. The protocol outlined here is a state initiative designed to foster pollution prevention. Oregon’s protocol is triggered when air pollution levels at 90 percent of the standard are recorded. The lead time for implementation of transportation control measures, the likely effective strategy, can be long. This process can alert state and local authorities to begin to address the problem well ahead of the time when a response would otherwise be triggered under the federal requirements. Should a violation occur, the plan identifies measures that will be automatically reinstated.*

**Concerns regarding the timeframe for future commitments by the Department. [14]**

- **Pg. 36 and 37: 18 months from the end of 2001 would put the PEI update at mid-2003. That seems much too long a time for the simple generic projection validation that will initially be conducted, and since a full EI revision will not necessarily be needed. It seems like June, 2002 would be enough time for the short review of projection validity; if a complete EI revision is then found to be needed, 18 months or so would then be appropriate.**

*The Department has consulted with EPA on this point through a series of letters and emails beginning with a March 2, 1998 memo from the Department and concluding with agreement in a May 1, 1998 letter from Howard Harris. Our proposal is based on the recognition of a considerable time lag for the reporting of calendar year economic performance and population statistics, upwards of eight months. While the eighteen month period could be shortened in practice, the proposed time frame reflects realistic management of the workload associated with the other nonattainment and maintenance areas under our direct jurisdiction.*

**Revisions are needed to clarify the documentation. [14]**

- **Pg. iv, 10, 11, 12: Charts and graphs should display most recent data.**

*Agreed. Data have been updated.*

- **Pg. iv: This states there has been no violation since 1991, but page 2 says the area**

has been “in compliance” since 1992. Some explanation can perhaps clarify this.

*Although it can become confusing, both the statements are true and reflect their meanings under the Clean Air Act. An area exceeds when monitored levels are higher than the established ambient air standard. An area violates when two exceedances are recorded in a calendar year. Compliance is established in the subsequent years when two years of monitoring with no exceedances are recorded at any site in the area.*

- **Pg. v, top paragraph: Are there any strategies for wood stoves or industry that should be included here?**

*This section highlights elements of the attainment plan. Woodstove and industrial strategies were not featured in the attainment plans.*

- **Pg. v (and page 26): What is the source for the statement that the fleet average emission rate is expected to increase by 37% between 1993 and 2015? This is a key assumption in estimating emissions, so it is important to know how much validity can be attributed to it. Also, it is unclear; does this mean that there will be a decrease in overall total mobile emissions, in spite of the fact that there will also be an increase of 26,255 people during that time? Or does this just mean that compared to current emissions, the average car would have a 37% reduction by that time? (In which case, the reduced emissions could be offset by the population gain.)**

*The datum cited comes from a comparison of 1993 emission factors against 2015 emission factors. It is the latter scenario that we are projecting. Emission reductions by cars are offset by population gains and growth in vehicle miles traveled. On road mobile CO emissions remain relatively constant from 1993 to 2015.*

- **Pg. vii, The statement that if the PSEL is exceeded, DEQ will “automatically convene a process” seems rather loose. The process need to be explained in a bit more detail.**

*This process is outlined in more detail in the Maintenance Plan section, beginning on page 26.*

- **Pg. 2: what is total size of UGB area?**

*The Medford urban growth boundary is currently at 18,103.4 acres.*

- **Pg. 9: This states the Rogue Valley does not monitor year- round. If not, why not? (This also conflicts with page 17, which says it does).**

*The operation of monitoring sites in the National Ambient Monitoring Station*

*(NAMS) and the State and Local Ambient Monitoring Station (SLAMS) is negotiated and agreed upon by DEQ and EPA staff. The Brophy Building site is part of the NAMS system and is operated through the year partly because of the historic interest in the data from this long term site. The Rogue Valley Mall monitor is part of the SLAMS network and is operated seasonally to reduce operational costs for the Department when the information is not likely to record exceedance events. The reference to continuous monitoring refers to the monitoring technique, i.e., the monitor is continuously drawing air rather than securing discrete samples.*

- **Pg. 14: Are the wind speeds recorded at the airport representative of what is expected downtown? Or is this just the closest area that records speeds?**

*The airport data are used because there is no source of continuous wind speed data for downtown Medford. The historic completeness of the airport data also makes it most suitable for year to year and seasonal comparisons. It is reasonable to expect that, while there may be variation from downtown wind speeds, the airport data would be close enough to allow for seasonal and annual comparisons.*

- **Pg. 23-24: A decrease is projected mainly to a drop in emissions from area sources. Although the table shows this, the graph seems to show point sources having a bigger change. Plus the non road increase (up 3 TPY) would seem to nearly offset this 4 ton decrease. A short explanation of why area sources are expected to decrease would be helpful.**

*Point sources emissions decline in the short term because of shutdown of significant facilities. The decline in area sources emissions is related to residential wood combustion, i.e., declining use overall and increasing use of certified woodstoves.*

*Woodstove control, including curtailment strategies, woodstove certification and changeout programs, while having benefits for CO reductions were begun primarily for particulate reductions. These efforts commenced after the original CO attainment plans for Medford had been developed and approved. Since the Medford area is experiencing CO emission reductions associated with these efforts, the Department is proposing to include these efforts in the CO control strategies for the maintenance plan.*

- **Pg. 35. This states that the oxyfuel has 2.9% oxygen content; page 34 says 2.7%. This seems to be a conflict, unless the 2.7% was the regulation and 2.9% was the EQC approved version? Which is really operating now?**

*The current requirement is for 2.7 percent oxygen content during the oxyfuel season. The 2.9 percent level was approved by the EQC as our contingency plan for further CO exceedances as required under the general nonattainment*

*provisions of the Clean Air Act, section 172 (c)(9).*

- **Pg. 36 last paragraph in §4.52.4.2: What kind of periodic survey is this 5-yr survey...a saturation study?**

*The survey would be a saturation study.*

- **Pg. 37 first paragraph: This should be more specific, and indicate a revised plan would be submitted 8 years after the redesignation plan is approved.**

*Agreed.*

#### **Comments on the 1990 and 1993 emission inventories [14]**

- **Pg. 2 both inventories: Please include a discussion of rationale for including sources in the 25 mile buffer, and why Grants Pass sources were excluded. We assume this exclusion was because they would be included in Grants Pass Maintenance Plan. However, if sources in the buffer are included because it is assumed they may have some impact on the area, including them here and then including them again in the Grants Pass document would not be a case of double counting. It would merely acknowledge some possible impact of one area upon the other. Also on page 2 is a statement that Grants Pass sources are included in the buffer. Is this a typo?**

*Following EPA guidance "Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone" EPA-450/4-91-016 and the precedent established by the Portland CO NAA emission inventory, major point sources were not included in the Medford CO area's 25-mile boundary if they also were within the Grants Pass nonattainment area. Conversely, major point sources included in the Medford CO inventory will not be included in the Grants Pass CO emission inventory. This approach acknowledges that, at least in the Northwest, industrial sources are not major contributors to CO impacts. Sources within the Grants Pass non-attainment boundary will not be included in the Medford 1993 and future year emission inventories. The later reference is a typographic error and has been corrected.*

- **Pg. 75, mobile source Table 2.5.5: There is a possible error here: for all categories of aircraft except for air carrier, the take off numbers are higher than the approach numbers. Numbers for the air carrier are the opposite, and also seem quite low.**

*The emission estimation approach and calculations for aircraft emissions have been reviewed. In addition, emissions from this same category were compared to CO emissions calculated for the Portland CO Emission Inventory. It is our opinion that our CO emission estimates are sound and consistent with EPA guidance and our previous estimates of CO aircraft emissions for Portland.*



*Specifically, dividing Medford's Air Carrier 122.31 lbs/day for all modes by the annual LTO of 2985 equals 0.041 lbs/day per LTO. For the Portland airport when Air Carrier CO emissions of 4232.90 lbs/day for all modes are divided by annual LTOs of 91,483 it equals 0.046 lbs/day per LTO. The ratios for these two inventories compare very well.*

- **The references need to be redone for both inventories, as they are just about impossible to follow. The references in the text, the footnotes on the tables, and the references in Part 4 do not match up well. Tables refer to master reference numbers which are not included in the reference list, so there “no way to get there from here”. For example, Note #2 on table 2.4.3 cites reference #216, but the reference section contains only 115 references. There is also confusion with AP42-references, as there are many versions. Note #2 also refers to AP-42 Table 1.3-2, and it should be 1.3-1, etc. All of this made it nearly impossible to understand how emissions numbers were derived.**

*The Department apologizes for the confusion. The attempt to remove references that were not used within the Medford emission inventory and then renumber them seemed like a good idea at the time. The references have been renumbered and the corrected reference list is included in Part 4.*

**Clarification is needed to evaluate the inventory.**

- **§1.1.5: This section is a little unclear in both inventories; it says point sources with annual emissions less than 100 TPY were rejected, but then the bottom of the paragraph says those sources emitting greater than 1 TPY were inventoried. This should be clarified that they were classified as area sources.**

*This section will be rewritten to clearly say that permitted point sources with CO emissions of 100 tons per year or greater within the Medford CO Nonattainment area boundary were inventoried as point sources. Additionally, sources with emissions greater than 100 tons per year that are within a 25 mile buffer of the Medford CO Nonattainment area were included as part of the point source inventory. Sources within the nonattainment area with emissions greater than 1 but less than 100 tons per year were collectively inventoried as area sources under the small point source category. Emissions from this source can be found on Table 2.4.14 and Appendix B, Table B-2.*

- **Pg. 21: (1993) What does it mean that sources without permits have an assumed activity level of zero? Does this mean any source without a permit has no activity and therefore no emissions?**

*We should not have included this sentence. All of our stationary point sources and small stationary point sources have permits. We will omit this statement.*

- **Pg. 29: 2.4.4.1.1.1: The first paragraph seems to imply there are area sources in**

**this category...yet the second paragraph indicates there were none, which is a bit confusing. Maybe rewording the first paragraph slightly would clarify this.**

*The first paragraph describes our general methodology for including industrial incineration. The second paragraph refers to the Medford UGB specifically. We will clarify these paragraphs.*

- **Since Title V Permits are being used for the point source data, and not all Title V Permits have been issued statewide, have all T5 permits been issued for this area? If not, how have you accounted for sources for which no permits have yet been written?**

*Not all the TV permits have been issued for this inventory area. For the non issued permits the TV drafts permits were used with input from the permit writer and the inspector. Currently only Boise Cascade Corp. 15-0020 and Medford Corp. 15-0073 have not been issued.*

- **Pg. 25 Table 2.3.2: Yearly activity days/yr. for Boise Cascade Corp. and Medford Corp. appear to be wrong. Also the daily emissions (lbs) doesn't always compute (e.g., for Royal Oak, 487 TRY x 2000, divided by 357 days = 2728, not 2730); a number of daily values are slightly off**

*The daily emissions for Boise Cascade Corp. and Medford Corp. appear to be correct. Medford Corp.(15-0048) only operated for 59 days in 1993 then was shut down. The slight number discrepancies are likely due to rounding. See Appendix A for the actual calculations.*

- **Pg. 29 §2.4.4.1.1.1 and §2.4.4.1.1.2, and Table 2.4.13: According to the referenced EPA document, incineration activity should be assumed to occur 7 days/wk; is there a reason you have assumed only 5 days?**

*The guidance does not specify commercial or industrial incineration but industrial incineration should probably be 7 days/wk and we will change this. For commercial we assumed a 5 day work week because we did not feel that on average commercial operations ran 7 days per week. The guidance gives an activity of 6 days/wk for commercial/institutional fuel. Perhaps 6 days/wk would be more realistic.*

**Typographic errors and omissions were noted.**

- **Pg. 20 fifth paragraph, 1993 inventory: The first sentence seems to be missing something.**

*The first two sentences need to be combined to say:  
The control efficiency of a device at a source can be found in the source's TV or Air Contaminant Discharge Permit. When a control efficiency is included in the*

*permit it often references a source test which will include information on input and output emission quantities.*

- **Pg. 23: (1993) Biomass One is missing from Figure 12**

*Biomass One is included in the electronic copy of Figure 12, however, due to the formatting error of the printout it appeared as though it was omitted from the inventory. This formatting error will be corrected in the final printing of the inventory.*

- **Table 2.3.1: Footnotes are cut off on the right margin.**

*Formatting error. This page will be reformatted and reprinted.*

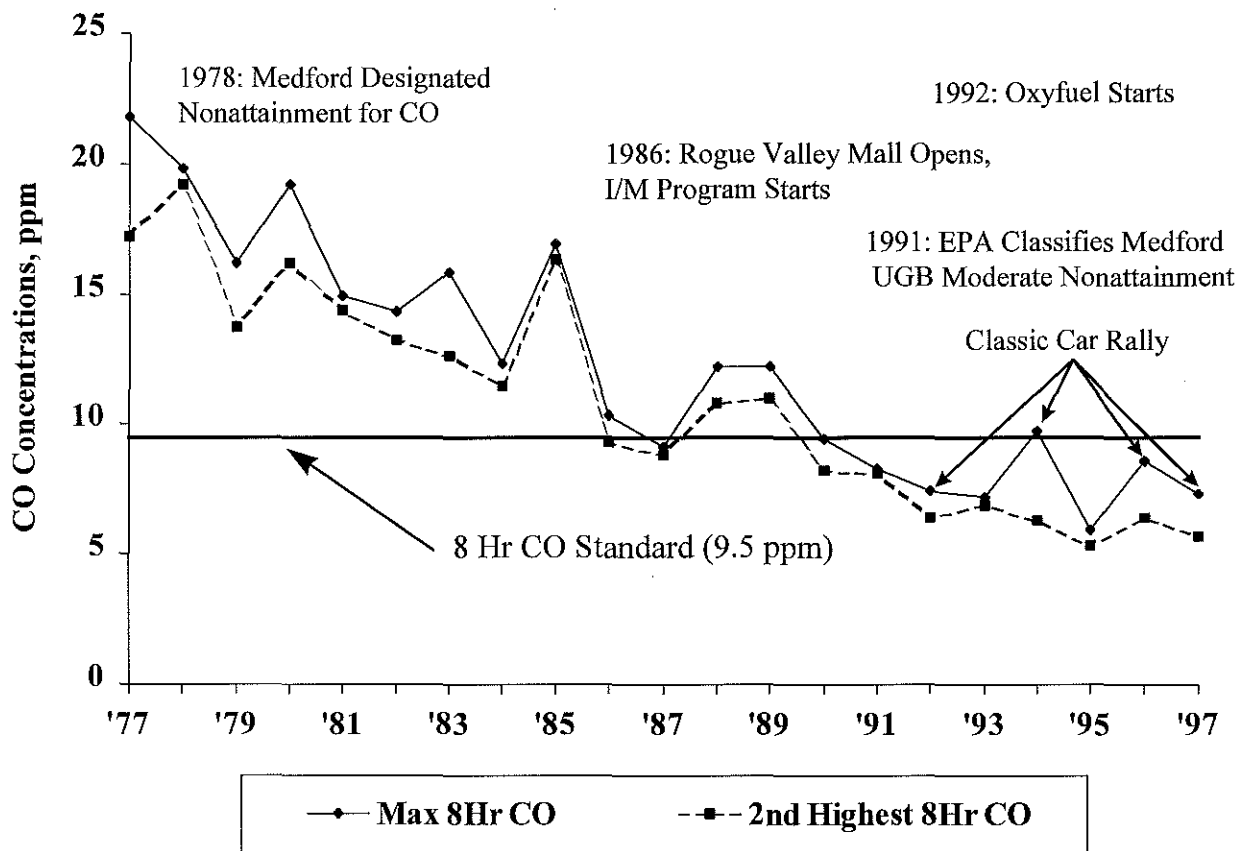
State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for the  
Medford Area Carbon Monoxide Maintenance Plan

Detailed Changes to the Original Rulemaking Proposal  
Made in Response to Public Comment

Page iv, also Figure 4.52.2.1, page 11

**Figure 4.52.0.1 Medford Downtown CO Trend**  
**Medford CO Data (Brophy Building) Max 8-Hr and 2<sup>nd</sup> High 8-Hr Avg., 1977-1967**



Woodstove Curtailment

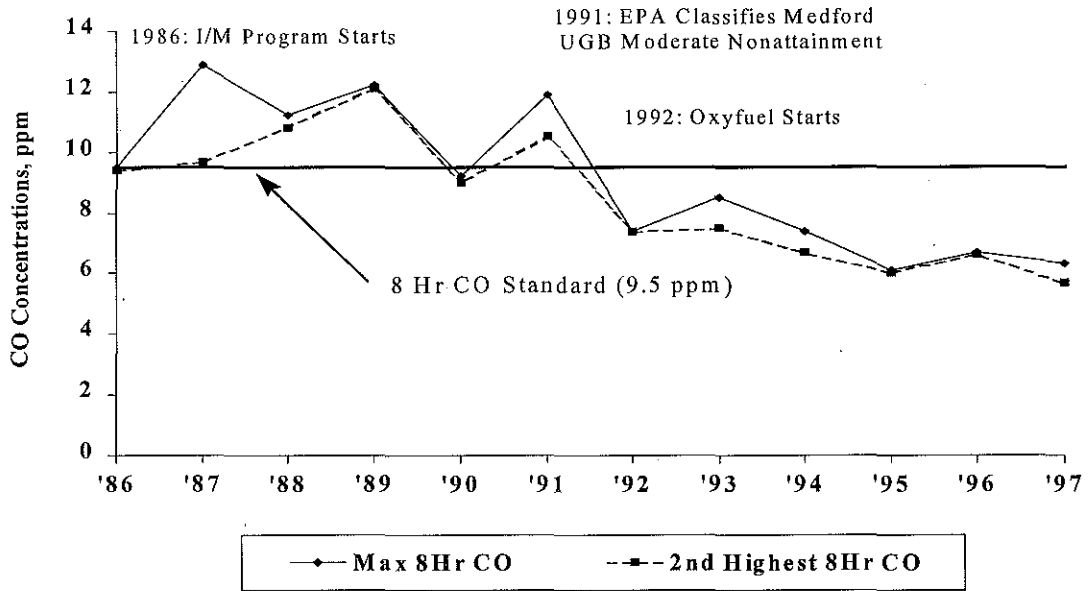
Woodstove emission control efforts in the Rogue Valley have made significant strides in reducing particulate emissions through emission certification standards for new stoves, changeout programs to encourage removal of noncertified stoves and local ordinances to curtail burning during stagnant weather periods. The city of Medford will be revising its woodstove curtailment ordinance to align it with suggestions made by the Advisory Committee to improve overall effectiveness in reducing particulate emissions. All of these efforts will also contribute to a decline of 21.8 percent in CO emissions from residential wood heating from 1993 to 2015.

Page 10,

**Table 4.52.2.1 Medford Carbon Monoxide: Five Highest Values from 19923 to 1997  
(Non-Overlapping 8-Hour Averages in Parts Per Million)**

Monitoring Site	Concentrations	Date
Brophy Building	9.7 ppm	06/18/94
	8.6 ppm	06/15/96
	<u>7.3 ppm</u>	<u>06/14/97</u>
	<del>7.4 ppm</del>	<del>06/20/92</del>
	7.2 ppm	12/23/93
	6.9 ppm	06/19/93
Rogue Valley Mall	8.5 ppm	12/23/93
	7.5 ppm	11/24/94
	7.4 ppm	12/22/93
	7.4 ppm	12/22/94
	7.4 ppm	12/18/93

**Figure 4.52.2.2 Medford 8-Hour CO Trend at Rogue Valley Mall**



**Table 4.52.2.2 Second High 8-Hour Carbon Monoxide Concentrations (1977-1996)**  
(in Parts Per Million)

Year	Brophy Building	Crater Music	Rogue Valley Mall
1977	17.2		
1978	19.2		
1979	13.7		
1980	16.2		
1981	14.4		
1982	13.2		
1983	12.6		
1984	11.5	12.4	
1985	16.3	13.3	
1986	9.3	12.6	
1987	8.8	9.5	9.7
1988	10.8		10.8
1989	11.0		12.1
1990	8.2		9.0

1991	8.1	10.5
1992	6.4	7.4
1993	6.9	7.5
1994	6.3	6.7
1995	5.3	6.0
1996	6.4	6.6
<u>1997</u>	<u>5.7</u>	<u>5.7</u>

Page 17,

The DEQ has made vigorous efforts to identify the localized areas that experience the highest peak CO concentrations. It conducted studies which entailed monitoring at more than 15 different locations during the winters of 1979/80, 1983/84, 1985/86, and 1995/96. Based on this work DEQ concluded that the Brophy monitor best represents peak CO levels in Central Medford and provides historical trends for this area of the city that formerly had the highest CO levels in the area. The studies have also confirmed that North Medford was the most critical remaining CO problem area, especially after the opening of the Rogue Valley Mall. Although mean CO levels were higher at the Crater Music site, peak CO concentrations have been highest at the Rogue Valley Mall monitor. Peak CO concentrations are more important for comparison to the health standards and so the continuous gas monitor was established at the Rogue Valley Mall site in 1987. Saturation monitoring has also been done in response to traffic signalization improvements to ensure that peak concentrations were still being recorded at the continuous gas monitoring locations. This work has confirmed that the existing network is appropriately sited. This large body of work is evidence that the DEQ CO site network has been continually reevaluated and can reasonably be considered to be representative of worst case CO concentrations.

Page 23,

Regional emissions are projected to be a total of 103,430 pounds per winter day in 2015; this is about a 2.4 percent decrease from the 1993 level. Emissions were projected assuming the oxygenated fuel program would continue throughout the term of this plan. As shown, the total emissions in all years after 1993 stay below the 1993 attainment emission level. The decrease in emissions from 1993 to 2015 is largely due to the decrease in area sources. The emission reduction from area sources is largely attributable to declining wood stove usage overall and replacement of older stoves with cleaner, certified stoves. Point source emissions and on-road mobile sources are expected to decrease slightly. Non-road mobile source emissions are projected to grow about 47 percent during the 1993-2015 period due primarily to projected growth in population. On-road mobile emissions do not increase at similar rates due to the fleet turnover and the vehicle inspection and maintenance program. As a share of total emissions, on-road mobile sources accounted for about 48 percent in 1993 and are projected to represent 49 percent of the total emissions in 2015.

Pages vi, 28,

<sup>1</sup> The Committee recommended continuation of oxygenated fuel until the Environmental Protection Agency's new Mobile 6 motor vehicle emissions model could be analyzed and the emission inventory re-evaluated. The revised model will include updated information on long term effectiveness of catalytic converters. These controls are proving to be more durable in their effectiveness than was previously assumed. The change in emission credits attributable to these devices may prove to be a sufficient margin to support removing the oxygenated fuel requirement in Medford. The re-evaluation is expected to occur in 1999 with review by the RVCOG policy board and the Environmental Quality Commission to decide whether the oxygenated fuel program should be continued. The Department will be coordinating with EPA regarding the timing of review and approval of the plan so that this request can be submitted as a plan amendment or a formal SIP revision, if need be.

Page 37,

The next periodic update of the emission inventory would be met with submittal of the revised maintenance plan, expected to occur 8 years after the redesignation plan is approved, and could be performed for any one of the subsequent calendar years after 2001.

1993 Inventory page 2,

The geographic area of the Medford UGB is shown in Figure 1. The 25-mile extension to the UGB area includes incorporated and unincorporated Jackson County and a part of Josephine County. Populated areas within the 25 mile buffer with large point sources included in this inventory are Medford, Rogue River, and White City. Although Grants Pass falls inside the Medford 25 mile buffer, it will not be inventoried here.

1990 Inventory page 5, 1993 Inventory page 5,

#### **1.1.5 SOURCES NOT INVENTORIED**

All sources in the Medford UGB CO nonattainment area were considered for inclusion into the emission inventory. Sources were rejected for one of the following reasons: 1) point source emitted less than 100 tons of CO per year, 2) point sources were identified in Grants Pass section of the State Implementation Plan area, 3) point, area, non-road, or mobile sources did not emit significant CO during the winter CO season, 4) categories were not applicable to the Medford area (e.g., emissions from waterborne vessels were not included due to lack of water). Major stationary point sources with CO emissions greater than 100 tons per year were also included if they were within a 25-mile buffer, of the Medford CO nonattainment area with the exception of major for point sources within the Grants Pass nonattainment area. ~~All smaller point sources inside the Medford UGB were considered and only those that contributed over 1 ton per year were inventoried.~~ Sources with emissions greater than one ton but less than 100 tons per year were collectively inventoried as area sources under the small point source category.



Emissions from this source category can be found on Table 2.4.14 and Appendix B, Table B-2.

1993 Inventory page 20,

~~Control Efficiencies were found in several. The most common way was from the permit which often references a source test measuring input and output emission quantities. The control efficiency of a device at a source can be found in the source's TV or Air Contaminant Discharge Permit. When a control efficiency is included in the permit it often references a source test which will include information on input and output emission quantities.~~ Where a source test was performed only on an output stream, the control efficiency was determined by a ratio of the output emission rate to the uncontrolled emission rate predicted by an emission factor. Control Efficiencies were stated by equipment manufacturers based on previous source tests on similar units, typically subject to verification by future source tests. Control Efficiencies were also determined when factors were used in mass balance calculations. For the case of Medford, no control efficiencies were effective for 1993 and were listed as zero.

1993 Inventory page 21,

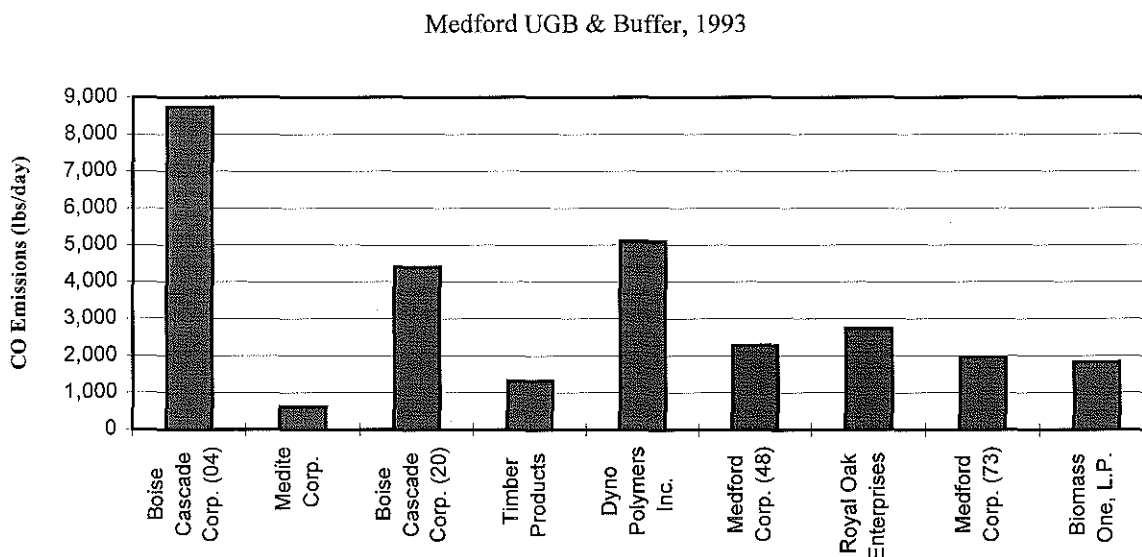
### **2.3.2.2 Seasonal Emission Calculations**

To determine typical daily emissions from point sources during the CO season, a seasonally adjusted activity level had to be found for each source. The equation for calculating typical daily emissions follows:

$$\text{Typical CO Season Emissions} = \frac{\text{Annual Emissions (tons/yr)}}{\text{(# of Activity Days x \# Weeks)}} \times \text{SAF}$$

For sources with permits, the typical annual activity levels in days per week and weeks per year were found in the sources' permits. ~~For those sources without permits, an activity level of zero was assumed.~~ Seasonal adjustments of the typical annual activity levels to the CO season for permitted sources inside the Medford UGB was performed using permitted operating times.

**Figure 12: Distribution of Seasonal Point Source CO Emissions for 1993**



Note: TV EFs represent Title V permit emission factors

**Table 2.3.1: Medford UGB 1993 CO Season: Summary of Point Source Emission by Firm**

Source Number	Company Name	(1)	(2)
		Annual (tons/yr)	Daily (lbs/day)
SCC 21-02-004-000 & 21-02-006-001			
15-0004	Boise Cascade Corporation	1,554	8,730
15-0014	Medite Corporation	107.5	614
15-0020	Boise Cascade Corporation	800	4,397
15-0025	Timber Products Company	229	1,310
15-0041	Dyno Polymers Incorporated	927	5,093
15-0048	Medford Corporation	67	2,276
15-0058	Royal Oak Enterprises, Inc	487	2,730
15-0073	Medford Corporation	343	1,958
15-0159	Biomass One, L.P.	320	1,827
Total CO (within a 25 mile radius/buffer of the Medford UGB)		4,835	28,937

Notes:

1) The rule effected annual emissions for 1993 are taken off of Table II.3.2. Medford UGB 1993 CO Season: Summary of Rule Effected Point Source Emissions (Tons/Year, Lbs/Day)

2) The rule effected typical daily emissions for 1993 are taken off of Table II.3.2 Medford UGB 1993 CO Season: Summary of Rule Effected Point Source Emissions (Tons/Year, Lbs/Day)

3) Entries in italics are calculated using the PSEL emission factors from the permit in affect in 1993.

All other entries are calculated using emission factors from the TV permit, TV permit draft, or best available source test information.

ajb 6/10/97

1990 Inventory page 29, 1993 Inventory page 29,

#### *2.4.4.1.1 Industrial Incineration*

In Oregon all industrial incineration sources are treated as permitted point sources. However, because emissions from these smaller "point sources" are below the point source cut-off level used in this inventory, they are included in this section as part of the area source category. Industrial on-site solid waste incineration activity is based upon annual actual emission calculations from Oregon DEQ Air Contaminant Discharge Permits. For the purpose of area source inventory "industrial" on-site solid waste incineration is restricted to DEQ class A2 and class B permits for sources with emissions less than 100 tons per year. Industrial incineration activity is assumed to occur 5 days/week and the seasonal adjustment factor is uniform (1.0) as found in EPA Procedures Document<sup>3</sup>, Table 5.8-1. Specific incineration rules apply to Infectious Wastes and Crematory Incinerators. Control efficiency, rule effectiveness and rule penetration would have to be applied to the emissions estimates. Applicable state regulations are from OAR 340-25-850, 855, 860, 865, 870, 875, 885, 890, 895, 900, and 905 (effective date 3-13-90), and Division 21-025 and 027 (effective date 1-16-84)<sup>32</sup>.

Using the administrative rules discussed above ~~t~~The Medford UGB does not contain any industrial incineration sources that fall into the description listed above and as such has not been inventoried here.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Advisory Committee Membership  
for  
Medford Area Carbon Monoxide Maintenance Plan

The following local interests were represented on the Medford-Ashland Air Quality Plan Advisory Committee:

City of Ashland	Jackson County
City of Central Point	Jackson County Health Department
City of Eagle Point	League of Women Voters
City of Jacksonville	Oregon Department of Transportation
City of Medford	Oregon Department of Forestry
City of Phoenix	Rogue Valley Council of Governments
City of Talent	Rogue Valley Transit District
Clean Cities Coalition	Sierra Club, Oregon Chapter
Fruit Growers League	Southern Oregon Timber Industries Association
Greater Jackson County Chamber of Commerce	Transportation Advisory Committee
Home Builders Association	

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
Medford Area CO Maintenance Plan

Rule Implementation Plan

Summary of the Proposed Rule

Ambient levels of carbon monoxide in the Medford area have sufficiently improved over historic high levels that the area is eligible to be redesignated with an approved maintenance plan. The carbon monoxide maintenance plan is designed to protect public health by preventing violations of the federal carbon monoxide standard. An EPA-approved maintenance plan will also remove Clean Air Act impediments to industrial development and will help alleviate the possibility of Clean Air Act sanctions on federal transportation funds.

Proposed Effective Date of the Rule

The amendment will be filed with the Secretary of State approximately September 1, 1998 and the rule change will become effective upon approval by EPA of the plan and its supporting documentation.

Proposal for Notification of Affected Persons

The plan consists primarily of continuing strategies already in place. These programs, including biennial vehicle inspection and oxygenated fuels, will continue as before. The woodstove curtailment program, which has been in place in most parts of the Rogue Valley since the mid 1980s, will see an extension into some smaller cities and minor modifications to ensure program uniformity throughout the basin. Citizens will be notified of these changes by the Jackson County Health Department in cooperation with the local jurisdiction. The details of the PSEL Management Program will be worked out with Department staff in the regional office and in the Technical Services section as EPA approval of the plan is obtained. Industrial sources currently have an obligation in their permits to annually submit estimates of their emissions. Nine sources are affected by this program and tracking will represent a minimal effort.

Proposed Implementing Actions

PSEL Management program - Staff in the regional office and Technical Services section will coordinate review of the annual operating reports from Medford area CO sources. If analysis reveals an exceedance of the industrial emissions budget, Airshed Planning staff will coordinate with regional staff to begin the tiered responses outlined in the Plan.

Proposed Training/Assistance Actions

No additional training is anticipated.

# Environmental Quality Commission

- Rule Adoption Item
- Action Item
- Information Item

**Agenda Item J**  
**August 6-7, 1998 Meeting**

**Title:**

New Source Review Rule Amendment for CO Maintenance Areas

**Summary:**

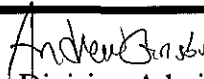
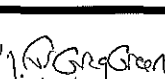
Under current rules, new or expanding major industrial sources in air quality maintenance areas are subject to BACT (Best Available Control Technology) for air emissions, and any additional emissions must either be accommodated within an area growth allowance (which is the difference between permitted emissions and attainment levels) or offset by reductions elsewhere. However, if projected future emissions are based on actual emission levels instead of permitted emissions, EPA guidance does not allow a growth allowance to be created.

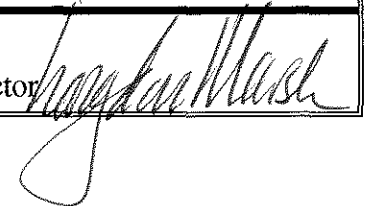
This rule amendment proposes to allow new or expanding major CO (Carbon Monoxide) sources in CO maintenance areas the option to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets or accommodation within a growth allowance. This rule change will allow more flexibility for growth without sacrificing air quality. This change will allow a similar evaluation procedure being used for new sources in areas that meet air quality standards to be utilized in CO maintenance areas.

**Department Recommendation:**

It is recommended that the Commission adopt the rule amendments regarding new source review requirements for sources in CO maintenance areas as presented in Attachment A of the Department Staff Report.

  
Report Author

   
Division Administrator

Director 

State of Oregon  
Department of Environmental Quality

Memorandum

**Date:** July 21, 1998  
**To:** Environmental Quality Commission  
**From:** Langdon Marsh  
**Subject:** Agenda Item J, New Source Review Rule Amendment for CO Maintenance Areas, EQC Meeting August 7, 1998

**Background**

On May 8, 1998, the Director authorized the Air Quality Division to proceed to a rulemaking hearing on proposed rules which would add an option for evaluating the environmental impact of carbon monoxide (CO) emissions of new or expanding sources in CO maintenance areas.

Pursuant to the authorization, hearing notice was published in the Secretary of State's Bulletin on June 1, 1998. The Hearing Notice and informational materials were mailed to the mailing list of those persons who have asked to be notified of rulemaking actions, and to a mailing list of persons known by the Department to be potentially affected by or interested in the proposed rulemaking action on May 11, 1998.

A Public Hearing was held on June 16, 1998 and June 24, 1998 with Mary Heath and David Nordberg serving as Presiding Officers. Written comment was received through June 25, 1998. The Presiding Officer's Report (Attachment C) summarizes the oral testimony presented at the hearing and lists all the written comments received. (A copy of the comments is available upon request.)

Department staff have evaluated the comments received (Attachment D). Based upon that evaluation, modifications to the initial rulemaking proposal are being recommended by the Department. These modifications are summarized below and detailed in Attachment E.

The following sections summarize the issue that this proposed rulemaking action is intended to address, the authority to address the issue, the process for development of the rulemaking proposal including alternatives considered, a summary of the rulemaking proposal presented for public hearing, a summary of the significant public comments and the changes proposed in

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Accommodations for disabilities are available upon request by contacting the Public Affairs Office at (503) 229-5317 (voice)/(503) 229-6993 (TDD).



Memo To: Environmental Quality Commission

**Agenda Item J**, New Source Review Rule Amendment for CO Maintenance Areas, EQC Meeting

August 7, 1998

Page 2

response to those comments, a summary of how the rule will work and how it is proposed to be implemented, and a recommendation for Commission action.

### **Issue this Proposed Rulemaking Action is Intended to Address**

Under current rules, new or expanding major industrial sources in maintenance areas are subject to Best Achievable Control Technology (BACT), and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. A growth allowance consists of the difference between permitted emissions and attainment levels. However, if projected future emissions are based on actual emission levels instead of permitted emissions, EPA guidance does not allow a growth allowance to be created. This rulemaking proposes to allow CO sources in maintenance areas to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets.

Currently, modeling is used as an evaluation technique for new sources in areas where air quality standards are met. Sources choosing to locate or expand in these areas must demonstrate no significant impact from their resulting emissions. The proposed rulemaking calls for a similar procedure for CO sources in maintenance areas.

### **Relationship to Federal and Adjacent State Rules**

The federal Clean Air Act specifies requirements for new or expanding sources of air pollution in areas that meet or exceed the applicable ambient air quality standards. These requirements have been incorporated into the state of Oregon's rules under the Prevention of Significant Deterioration rules, for attainment areas, and New Source Review rules for nonattainment areas. In addition, the state of Oregon has specified similar permit application or modification review requirements for sources in maintenance areas. This proposed rule incorporates additional flexibility offered by the federal requirements for attainment areas that allow sources to increase emissions without obtaining offsets, if modeling demonstrates no significant impact.

### **Authority to Address the Issue**

The Commission has authority to address this issue under Oregon Revised Statutes 468.020, 468.065, 468A.040, 468A.045 and 468A.065.

Memo To: Environmental Quality Commission

**Agenda Item J**, New Source Review Rule Amendment for CO Maintenance Areas, EQC Meeting  
August 7, 1998

Page 3

**Process for Development of the Rulemaking Proposal (including Advisory Committee and alternatives considered)**

This proposal was developed primarily through discussions with the Medford Ashland Air Quality Plan Advisory Committee. The issue arose during preparation of the Medford CO Maintenance Plan. Under current rules remaining emissions after BACT controls are employed must be accommodated within the airshed either through a growth allowance or offsets. The formulation of the Medford CO Maintenance Plan could not provide for a growth allowance and offsets were not reasonably available.

**Summary of Rulemaking Proposal Presented for Public Hearing and Discussion of Significant Issues Involved.**

This proposal would add an option for evaluating new or expanding major industrial sources in CO maintenance areas. Currently these sources must meet an emissions technology control standard known as Best Achievable Control Technology (BACT) and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. This rulemaking proposes to allow CO sources in maintenance areas the option to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets or accommodation within a growth allowance. This rule change would allow more flexibility for growth without sacrificing air quality.

**Summary of Significant Public Comment and Changes Proposed in Response**

During the public comment period the Department received two written comments. The comments from the Environmental Protection Agency Region 10 related primarily to the format of the proposed rule. The suggested changes were incorporated into the proposal. The other comment questioned whether an accumulation of "insignificant" impacts in an airshed as limited as Medford's could reasonably be expected to not result in an exceedance of the ambient standard. This concern was evaluated and is addressed in Attachment D however no changes were made to the proposal as a result.

Memo To: Environmental Quality Commission

**Agenda Item J**, New Source Review Rule Amendment for CO Maintenance Areas, EQC Meeting  
August 7, 1998

Page 4

### **Summary of How the Proposed Rule Will Work and How it Will be Implemented**

The proposed rule affects new or expanding major industrial sources in CO maintenance areas. This rulemaking allows them to conduct modeling of their emissions in order to show that there is no significant impact to air quality instead of the options currently required.

The proposal calls for the use of modeling techniques familiar to Department staff and sources to demonstrate the significance of an impact. Upon adoption of the rule, air quality permit writers in all Department offices will be notified of the change and directed to advise sources of the revised provision.

### **Recommendation for Commission Action**

It is recommended that the Commission adopt the rule amendments regarding new source review requirements for sources in CO maintenance areas as presented in Attachment A of the Department Staff Report.

### **Attachments**

- A. Rule (Amendments) Proposed for Adoption
- B. Supporting Procedural Documentation:
  - 1. Legal Notice of Hearing
  - 2. Fiscal and Economic Impact Statement
  - 3. Land Use Evaluation Statement
  - 4. Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements
  - 5. Cover Memorandum from Public Notice
- C. Presiding Officer's Report on Public Hearing
- D. Department's Evaluation of Public Comment
- E. Detailed Changes to Original Rulemaking Proposal made in Response to Public Comment
- F. Advisory Committee Membership
- G. Rule Implementation Plan

Memo To: Environmental Quality Commission

**Agenda Item J**, New Source Review Rule Amendment for CO Maintenance Areas, EQC Meeting

August 7, 1998

Page 5

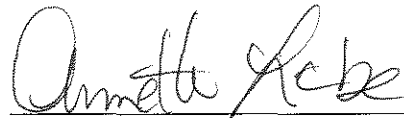
**Reference Documents (available upon request)**

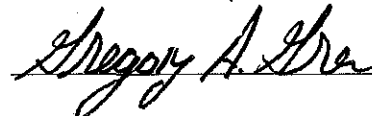
Written Comments Received (listed in Attachment C)

Approved:

Section:

Division:

  
\_\_\_\_\_

  
\_\_\_\_\_

Report Prepared By: Kevin Downing

Phone: 503 229-6549

Date Prepared: June 29, 1998

KD:KD

\\Deqaq1\kdownin\WINWORD\Medford CO Plan\EQC Adoption\Industry NSR Adoption.doc

6/29/98

## DIVISION 28

STATIONARY SOURCE AIR POLLUTION CONTROL AND PERMITTING  
PROCEDURES

## 340-028-1935

**Requirements for Sources in Maintenance Areas**

Proposed Mmajor Sources and Mmajor Modifications that would emit a Maintenance Pollutant within a designated ozone or carbon monoxide Maintenance Area, including VOC or NO<sub>x</sub> in a designated ozone Maintenance Area, must meet the requirements listed below:

(1) BACT. Except as provided in Section (7) of this rule, the owner or operator of the proposed Mmajor Source or Mmajor Modification shall apply BACT for each Maintenance Pollutant emitted at a Significant Emission Rate. For a Major Modification, the requirement for BACT applies only to each new or modified Emission Unit that increases emissions. For phased construction projects, the determination of BACT must be reviewed at the latest reasonable time before Commencement of Construction of each independent phase.

(2) Source Compliance. The owner or operator of the proposed Mmajor Source or Mmajor Modification shall demonstrate that all Major Sources owned or operated by such Person (or by an entity controlling, controlled by, or under common control with such Person) in the state are in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Act.

(3) Air Quality Protection:

(a) Offsets or Growth Allowance. Except as provided in Subsection (b) of this Section, the owner or operator of the proposed Major Source or Major Modification shall provide Offsets as specified in OAR 340-028-1960 and 340-028-1970. Except as provided in Section (7) of this rule, the requirements of this Section may be met in whole or in part in an ozone or carbon monoxide Maintenance Area with an allocation by the Department from a Growth Allowance, if available, in accordance with Section (8) of this rule and the applicable maintenance plan in the SIP adopted by the Commission and approved by EPA. An allocation from a Growth Allowance used to meet the requirements of this Section is not subject to OAR 340-028-1960 and 340-028-1970.

(b) Modeling. A proposed Major Source or Major Modification which would emit carbon monoxide emissions within a carbon monoxide Maintenance Area is exempt from Subsection (a) of this Section if it can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m<sup>3</sup> (8 hour average) and 2 mg/m<sup>3</sup> (1-hour average).

(4) Net Air Quality Benefit. If emission reductions or Offsets are required, the applicant shall demonstrate that a net air quality benefit will be achieved in the affected area as described in OAR 340-028-1970. Applicants in an ozone Maintenance Area shall demonstrate that the proposed VOC or NO<sub>x</sub> Offsets will result in a 10% net reduction in emissions, as required by OAR 340-028-1970(3)(c).

## (5) Alternative Analysis:

(a) Except as provided in Subsection (c) of this Section, the owner or operator of the proposed Major Source or Major Modification shall conduct an alternative analysis;

(b) This analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis is not required for a Major Source or Major Modification that is subject to this rule solely due to emissions of particulate matter in a designated TSP Maintenance Area.

(6) Additional Requirements For Listed Sources. In addition to other requirements of this rule, the following sources must comply with OAR 340-028-1940 for emissions of the Maintenance Pollutant:

(a) Sources with potential emissions of any Regulated Air Pollutant equal to or greater than 250 tons/year; and

(b) Sources with potential emissions of any Regulated Air Pollutant equal to or greater than 100 tons/year in the following source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary Zinc Smelters;

(F) Iron and Steel Mill Plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal Incinerators capable of charging more than 250 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants,

(L) Nitric acid plants;

(M) Petroleum Refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

(7) Contingency plan requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this Section applies in addition to other requirements of this rule until the Commission adopts a revised maintenance plan and EPA approves it as a revision to the SIP.

(a) The requirement for BACT in Section (1) of this rule is replaced by a requirement for LAER.

(b) An allocation from a Growth Allowance may not be used to meet the requirement for Offsets in Section (3) of this rule.

(c) The exemption provided in Section (3) (b) of this rule for Major Sources or Major Modifications within a carbon monoxide Maintenance Area no longer applies.

(8) Growth Allowance Allocation.

(a) Medford-Ashland Ozone. The Growth Allowance in the Medford Maintenance Area for Ozone is allocated on a first-come-first-served basis depending on the date of submittal of a complete Permit application. No single source shall receive an allocation of more than 50% of any remaining Growth Allowance. The allocation of emission increases from the Growth Allowance is calculated based on the ozone season (May 1 to September 30 of each year).

(b) Portland Ozone and Carbon Monoxide. Procedures for allocating the Growth Allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-030-0730 and 340-030-0740.

(9) Pending Redesignation Requests. This rule does not apply to a proposed Major Source or Major Modification for which a complete application to construct was submitted to the Department before the Maintenance Area was redesignated from nonattainment to attainment by EPA. Such a source is subject to OAR 340-028-1930.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-0047.]

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96

Secretary of State

**NOTICE OF PROPOSED RULEMAKING HEARING**

A Statement of Need and Fiscal Impact accompanies this form.

DEQ - Air Quality  
Agency and DivisionChapter 340  
Administrative Rules Chapter NumberSusan M. Greco  
Rules Coordinator(503) 229-5213  
Telephone811 S.W. 6th Avenue, Portland, OR 97213  
Address

June 16, 1998	6:00 PM	Jackson County Public Works Auditorium 200 Antelope Road, White City	Mary Heath
Hearing Date	Time	Location	Hearings Officer
June 24, 1998	1:00 PM	DEQ Headquarters, Room 10 811 SW 6 <sup>th</sup> Avenue, Portland	DEQ Staff
Hearing Date	Time	Location	Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request?

 Yes  No**RULEMAKING ACTION****AMEND:**

340-028-1935

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.040

**RULE SUMMARY**

This proposal would add an option for evaluating new or expanding major industrial sources in carbon monoxide maintenance areas. Sources exercising the option would model any proposed emission increases in carbon monoxide and must demonstrate no significant impact. Otherwise under current rules, sources must accommodate increased emissions within a growth allowance or obtain emission reductions through offsets elsewhere in the airshed.

June 25, 1998 5:00 PM  
Last Day for Public Comment*Susan M. Greco* 5/13/98  
Authorized Signer and Date



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
New Source Review Rule Amendment for CO Maintenance Areas

## Fiscal and Economic Impact Statement

### **Introduction**

This proposal allows for modeling of CO emissions for new or modified sources in CO maintenance areas. Costs are incurred when sources retain consultants to prepare and run the model and when Department staff review the model results for adequacy.

This proposal adds a third option for sources subject to the New Source Review regulations. The emissions remaining after Best Achievable Control Technology is applied currently must either be accommodated within a growth allowance or offset by reductions elsewhere. The proposed third option allows for modeling to demonstrate no significant impact but does not require it. Evaluating the fiscal impact of the proposed amendment should also take into account the impact relative to the existing options for compliance under the current rule. A growth allowance, if available, is the least costly method to comply with the requirements. The cost of offset emissions is negotiated between the source needing the offset and the business with the emission credit. CO offset trading is rare but a market price is estimated at \$5,000 a ton based on experiences in California.

### **General Public**

There is no direct impact to the general public. Industrial sources exercising the option provided in this rulemaking could incur costs that would be absorbed or reflected in price increases. The impact to the source would be relatively small (see below) and thus the cost to the ultimate consumer would be minuscule.

### **Small Business**

Small businesses do not meet the pollution emission thresholds that would require them to conform to New Source Review requirements or be affected by this proposed amendment.

### **Large Business**

As noted above, the rule provides two options for meeting the requirements and the proposal change adds a third option. Utilizing a growth allowance could be done without much cost to the source. CO offsets are rarely available and thus may not be a practicable option. To perform a modeling analysis, an affected business would retain a consultant, which would cost approximately \$8,000 for a mid-range, moderately complex source. Compared to obtaining offsets, modeling would be less expensive.

### **Local Governments**

There are no local governments with air quality permits who would be subject to this proposed rule amendment.

### **State Agencies**

- DEQ
  - 0.06 FTE
  - Revenues     \$ 2,600
  - Expenses     \$ 11,160
  
- Other Agencies
  - None affected

### **Assumptions**

As noted.

### **Housing Cost Impact Statement**

The Department has determined that this proposed rulemaking will have no effect on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
New Source Review Rule Amendment for CO Maintenance Areas

## Land Use Evaluation Statement

**1. Explain the purpose of the proposed rules.**

Under current rules, new or expanding major industrial sources in maintenance areas are subject to Best Achievable Control Technology and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. In Medford, for which a CO maintenance plan and redesignation request are currently being prepared, a growth allowance is not available because projected future emissions are based on actual (not permitted) emission levels. In order to create a growth allowance, permitted emissions must be less than the attainment levels established in the maintenance plan. This rulemaking proposes to allow CO sources in maintenance areas to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets. This rule change will allow more flexibility for growth without sacrificing air quality.

**2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?   X Yes    No**

**a. If yes, identify existing program/rule/activity:**

The major New Source Review program is implemented through the Air Contaminant Discharge Permit (ACDP) program, which is an existing activity identified in the LCDC-approved DEQ State Agency Coordination (SAC) agreement. The existing procedure for statewide goal compliance and local plan compatibility adequately covers the changes to the New Source Review program. Major industrial sources subject to permitting requirements under Title V are subject to NSR in the ACDP program. Under this procedure, the Department requires applicants for an ACDP to obtain a land use compatibility statement from the appropriate local jurisdiction before issuing an ACDP.

**b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?   X Yes    No (if no, explain):**

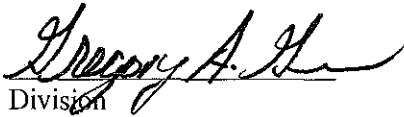
c. If no, apply the following criteria to the proposed rules.

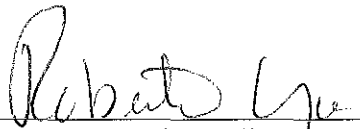
In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

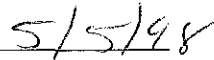
The New Source Review program is covered by a SAC agreement, as explained under 2a..

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.

NA

  
Division

  
Intergovernmental Coordinator

  
Date

**Questions to be Answered to Reveal  
Potential Justification for Differing from Federal Requirements.**

**New Source Review Rule Amendment for CO Maintenance Areas**

- 1. Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

There are no applicable federal requirements for New Source Review (NSR) in maintenance areas. Federal performance-based requirements exist for maintenance plans. A maintenance plan must demonstrate that air quality standards will be maintained for at least ten years in the future. States have discretion to choose the types of controls necessary to assure healthy air quality. The Environmental Quality Commission previously established maintenance area NSR requirements that blend the federal requirements for nonattainment areas with those for attainment areas as part of the Portland CO maintenance plan in July, 1996. This proposed rule incorporates additional flexibility offered by the federal requirements for attainment areas that allow sources to increase emissions without obtaining offsets if modeling demonstrates no significant impact.

- 2. Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**

The applicable federal requirements for maintenance plans are performance based. A maintenance plan must demonstrate that air quality standards will be maintained for at least ten years in the future. The federal performance standards for maintenance plans allow areas to select appropriate mix of controls to ensure that healthy air quality is maintained.

- 3. Do the applicable federal requirements specifically address the issues that are of concern in Oregon? Was data or information that would reasonably reflect Oregon's concern and situation considered in the federal process that established the federal requirements?**

N/A

- 4. Will the proposed requirement improve the ability of the regulated community to comply in a more cost effective way by clarifying confusing or potentially conflicting requirements (within or cross-media), increasing certainty, or preventing or reducing the need for costly retrofit to meet more stringent requirements later?**

Under the current rules, sources wishing to locate or expand their facility in CO maintenance areas may be unable to meet growth allowance or offset requirements. With the proposed rule, sources could increase CO emissions if no significant impact on air quality can be demonstrated. This modification should provide greater flexibility and allow for production increases without harming air quality.

**5. Is there a timing issue which might justify changing the time frame for implementation of federal requirements?**

No.

**6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?**

The proposed requirement will allow future growth to be accommodated in CO maintenance areas while protecting public health and air quality.

**7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)**

The proposed requirement offers greater flexibility to new or expanding major sources in CO maintenance areas while ensuring that they will not significantly impact air quality. Recent changes in EPA guidance allow areas to demonstrate maintenance by projecting actual, rather than permitted, emission levels. However, if a future demonstration of maintenance is based on projected actual emissions, no growth allowance may be established. This amendment will ensure that areas relying on actual emissions to demonstrate maintenance of the CO standard can accommodate growth with flexibility similar to areas where a growth allowance has been established.

**8. Would others face increased costs if a more stringent rule is not enacted?**

N/A; this rule increases flexibility in the current state rules.

**9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable federal requirements? If so, Why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?**

No.

**10. Is demonstrated technology available to comply with the proposed requirement?**

Yes.

**11. Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?**

The proposed requirement will ensure that public health and air quality will be protected from growth in carbon monoxide emissions from new or expanding sources.

**State of Oregon**  
**Department of Environmental Quality**

**Memorandum**

**Date:** May 11, 1998

**To:** Interested and Affected Public

**Subject:** Rulemaking Proposal and Rulemaking Statements - New Source Review Rule Amendment for CO Maintenance Areas

This memorandum contains information on a proposal by the Department of Environmental Quality (Department) for rule amendments regarding changes to the New Source Review program for major industrial sources of carbon monoxide (CO) in CO maintenance areas. Pursuant to ORS 183.335, this memorandum also provides information about the Environmental Quality Commission's intended action to adopt modifications to rules in Division 28.

This proposal would add an option for evaluating new or expanding major industrial sources in CO maintenance areas. Currently these sources must meet an emissions technology control standard known as Best Achievable Control Technology (BACT) and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. This rulemaking proposes to allow CO sources in maintenance areas the option to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets or accommodation within a growth allowance. This rule change would allow more flexibility for growth without sacrificing air quality.

The Department has the statutory authority to address this issue under Oregon Revised Statutes (ORS) chapter 468A, which allows the Commission to adopt plans and programs to achieve and maintain federal and state ambient air quality health standards. These rules implement ORS 468A.025. This rule, if approved by the Environmental Quality Commission, will be adopted as a revision to the State Implementation Plan (OAR 340-20-0047) and submitted to the U.S. Environmental Protection Agency under the provisions of the Clean Air Act.



### **What's in this Package?**

Attachments to this memorandum provide details on the proposal as follows:

- Attachment A The official statement describing the fiscal and economic impact of the proposed rule. (required by ORS 183.335)
- Attachment B A statement providing assurance that the proposed rules are consistent with statewide land use goals and compatible with local land use plans.
- Attachment C Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements.
- Attachment D The actual language of the proposed rule (amendments).

### **Hearing Process Details**

The Department is conducting public hearings at which comments will be accepted either orally or in writing. The hearings will be held as follows:

**Date:** Tuesday, June 16, 1998  
**Time:** 6:00 p.m. (Question and answer session from 5:00 p.m. to 6:00 p.m.)  
**Place:** Jackson County Public Works Auditorium, 200 Antelope Road, White City

**Date:** Wednesday, June 24, 1998  
**Time:** 1:00 p.m.  
**Place:** Room 10, DEQ Headquarters, 811 SW 6<sup>th</sup> Avenue, Portland

**Deadline for submittal of Written Comments:** 5:00 PM, June 25, 1998

DEQ staff will be the Presiding Officer at the hearing.

Written comments can be presented at the hearing or to the Department any time prior to the deadline above. Comments should be sent to: Department of Environmental Quality, Attn: Kevin Downing, 811 S.W. 6th Avenue, Portland, Oregon 97204, fax (503) 229-5675 or by email to [downing.kevin@deq.state.or.us](mailto:downing.kevin@deq.state.or.us).

In accordance with ORS 183.335(13), no comments from any party can be accepted after the deadline for submission of comments has passed. Thus if you wish for your comments to be

considered by the Department in the development of these rules, your comments must be received prior to the close of the comment period. The Department recommends that comments be submitted as early as possible to allow adequate review and evaluation of the comments submitted.

### **What Happens After the Public Comment Period Closes**

Following the close of the public comment period, the Presiding Officer will prepare a report which summarizes the oral testimony presented and identifies written comments submitted. The Environmental Quality Commission (EQC) will receive a copy of the Presiding Officer's report. The public hearing will be tape recorded, but the tape will not be transcribed.

The Department will review and evaluate the rulemaking proposal in light of all information received during the comment period. Following the review, the rules may be presented to the EQC as originally proposed or with modifications made in response to public comments received.

The EQC will consider the Department's recommendation for rule adoption during one of their regularly scheduled public meetings. The targeted meeting date for consideration of this rulemaking proposal is August 7, 1998. This date may be delayed if needed to provide additional time for evaluation and response to testimony received in the hearing process.

You will be notified of the time and place for final EQC action if you present oral testimony at the hearing or submit written comment during the comment period. Otherwise, if you wish to be kept advised of this proceeding, you should request that your name be placed on the mailing list.

### **Background on Development of the Rulemaking Proposal**

#### **Why is there a need for the rule?**

Under current rules, new or expanding major industrial sources in maintenance areas are subject to Best Achievable Control Technology, and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. A growth allowance consists of the difference between permitted emissions and attainment levels. However, if projected future emissions are based on actual emission levels instead of permitted emissions, EPA guidance does not allow a growth allowance to be created. This rulemaking proposes to allow CO sources in

maintenance areas to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets.

Currently, modeling is used as an evaluation technique for new sources in areas where air quality standards are met. Sources choosing to locate or expand in these areas must demonstrate no significant impact from their resulting emissions. The proposed rulemaking calls for a similar procedure for CO sources in maintenance areas.

**How was the rule developed?**

The Department has been working with a group of local citizens, elected officials and business leaders since last spring. This group has evaluated current CO conditions in the Rogue Valley, developed a projection for future growth and prepared a maintenance plan that will support a request for redesignation. It was discovered during the development of this plan that the current NSR rule would not provide needed flexibility to accommodate growth while still protecting air quality for this region. The Medford-Ashland Air Quality Plan Advisory Committee discussed the problem and recommended the proposed approach be adopted.

Copies of the documents relied upon in the development of this rulemaking proposal can be reviewed at the Department of Environmental Quality's office at 811 S.W. 6th Avenue, Portland, Oregon. Please contact Kevin Downing, 503 229-6549 for times when the documents are available for review.

**Whom does this rule affect including the public, regulated community or other agencies, and how does it affect these groups?**

The CO NSR rule directly affects new or expanding major industrial sources in CO maintenance areas. This rulemaking would allow sources to conduct modeling of their emissions in order to show that there is no significant impact to air quality instead of the options currently required.

Neither portion of this rulemaking has direct effects on other agencies or the public.

**How will the rule be implemented?**

The NSR proposal calls for the use of modeling techniques familiar to Department staff and sources to demonstrate the significance of an impact. Upon adoption of the rule, air quality permit writers in all Department offices will be notified of the change and directed to advise

sources of the provision.

**Are there time constraints?**

There are no time constraints associated with this rulemaking. Concurrent adoption of this proposal along with the Medford CO maintenance plan and redesignation request would provide the greatest opportunities for efficiency, reducing confusion associated with changing permitting requirements.

**Contact for More Information**

If you would like more information on this rulemaking proposal, or would like to be added to the mailing list, please contact:

Kevin Downing  
Oregon Department of Environmental Quality  
Air Quality Division  
811 SW 6<sup>th</sup> Ave.  
Portland, OR 97204-1390  
(503) 229-6549  
downing.kevin@deq.state.or.us

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*This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at 503-229-5317 to request an alternate format.*

State of Oregon  
 Department of Environmental Quality

Memorandum

Date: June 30, 1998

To: Environmental Quality Commission

From: Mary Heath, Dave Nordberg

Subject: Presiding Officer's Report for Rulemaking Hearing  
 Hearing Dates and Times: June 16, 1998, beginning at 6:00 P.M.  
 June 24, 1998, beginning at 1:00 P.M.  
 Hearing Locations: June 16, Jackson County Public Works Auditorium,  
 200 Antelope Road, Medford  
 June 24, DEQ Headquarters Conference Rm. 10A,  
 811 SW 6<sup>th</sup> Ave.  
 Portland, OR 97204

Title of Proposal: New Source Review Amendments for CO  
 Maintenance Areas

The rulemaking hearing on the above titled proposal was convened at 5:50 P.M., June 16 and at 1:00 P.M. June 24. People were asked to sign witness registration forms if they wished to present testimony. People were also advised that the hearing was being recorded and of the procedures to be followed.

At the June 16<sup>th</sup> hearing forty people were in attendance, nobody provided oral testimony on this matter. At the June 24<sup>th</sup> hearing no members of the public appeared.

Prior to receiving testimony, Kevin Downing briefly explained the specific rulemaking proposal and responded to questions from the audience.

Summary of Oral Testimony

None provided.

Written Testimony

The following people handed in written comments but did not present oral testimony:

Patricia Kuhn, 2419 Hillcrest Road, Medford, Oregon  
 David Bray, U.S. Environmental Protection Agency, Region X

The hearing on June 16<sup>th</sup> was held to consider several matters and was closed at 8:00 P.M.. The hearing on June 24<sup>th</sup> was closed at 1:30 P.M..

**Index of Public Comments Received**  
**Attachment to the Presiding Officer's Report for Rulemaking Hearing**  
**New Source Review Amendment for CO Maintenance Areas**

<u>No.</u>	<u>Form of Testimony</u>	<u>Name and Affiliation</u>
1	Written	Patricia Kuhn 2419 Hillcrest Road Medford, Oregon 97504
2	Written	David Bray U.S. Environmental Protection Agency Region X 1200 Sixth Avenue Seattle, Washington 98101

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for the  
New Source Review Rule Amendments for CO Maintenance Areas

Department's Evaluation of Public Comment

[Note Commentor numbers refer to the list in Attachment C-2]

*Department responses are in italics.*

**The Rogue Valley has a limited airshed with poor ventilation and a “bowl” with a lid that sometimes traps pollutants. Even limited emissions from industry will have an impact, besides who will determine what is significantly impacting air quality.**

[Commentor 1]

*Industrial sources are not likely to be the cause of health related issues where the public is subject to high levels of CO. The levels specified in the rule represent the highest impact and contributions to background CO will be considerably less. Increments allowed by this rule would not materially affect exceedances of the ambient CO health standard. Significant impact is defined in the rule as equal to or greater than 0.5 mg/m<sup>3</sup> (8 hour average and 2 mg/m<sup>3</sup> (1 hour average) and is derived from EPA guidance documents.*

**Change title of new paragraph 340-028-1935(3)(b) to “Demonstration of No Significant Impact” and the word “modeling” should be added after the word “demonstrate” in the paragraph itself. These changes will provide consistency with other concepts in the rule and parallel other requirements. [2]**

*The Department agrees with this recommendation and has incorporated the changes into this proposal.*

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for the  
New Source Review Rule Amendments for CO Maintenance Areas

Detailed Changes to the Original Rulemaking Proposal  
Made in Response to Public Comment

340-028-1935

(3) Air Quality Protection:

(a) Offsets or Growth Allowance. Except as provided in Subsection (b) of this Section, the owner or operator of the proposed major source or major modification shall provide offsets as specified in OAR 340-028-1960 and 340-028-1970. Except as provided in Section (7) of this rule, the requirements of this Section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by the Department from a growth allowance, if available, in accordance with Section (8) of this rule and the applicable maintenance plan in the SIP adopted by the Commission and approved by EPA. An allocation from a growth allowance used to meet the requirements of this Section is not subject to OAR 340-028-1960 and 340-028-1970.

(b) Demonstration of No Significant Impact Modeling. A proposed major source or modification which would emit carbon monoxide emissions within a carbon monoxide maintenance area is exempt from Subsection (a) of this Section if it can demonstrate through modeling that the source or modification will not cause or contribute to an air quality impact equal to or greater than  $0.5 \text{ mg/m}^3$  (8 hour average) and  $2 \text{ mg/m}^3$  (1-hour average).



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Advisory Committee Membership  
for  
New Source Review Rule Amendment for CO Maintenance Areas

The following local interests were represented on the Medford-Ashland Air Quality Plan Advisory Committee:

City of Ashland	Jackson County
City of Central Point	Jackson County Health Department
City of Eagle Point	League of Women Voters
City of Jacksonville	Oregon Department of Transportation
City of Medford	Oregon Department of Forestry
City of Phoenix	Rogue Valley Council of Governments
City of Talent	Rogue Valley Transit District
Clean Cities Coalition	Sierra Club, Oregon Chapter
Fruit Growers League	Southern Oregon Timber Industries Association
Greater Jackson County Chamber of Commerce	Transportation Advisory Committee
Home Builders Association	

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal  
for  
New Source Review Rule Amendment for CO Maintenance Area

Rule Implementation Plan

Summary of the Proposed Rule

This proposal would add an option for evaluating new or expanding major industrial sources in CO maintenance areas. Currently these sources must meet an emissions technology control standard known as Best Achievable Control Technology (BACT) and any remaining emissions must either be accommodated within a growth allowance or offset by reductions elsewhere. This rulemaking proposes to allow CO sources in maintenance areas the option to model the proposed emission increase to demonstrate no significant impact in lieu of obtaining offsets or accommodation within a growth allowance.

Proposed Effective Date of the Rule

The amendment will be effective upon filing with the Secretary of State, which will be approximately September 1, 1998.

Proposal for Notification of Affected Persons

Staff will be advised of the adoption of this proposal through typical Department channels, including meetings of the permitting staff and air quality managers' meetings. Industrial sources will be briefed on the availability of this option when they meet with permit writers to be advised on Department permitting requirements.

Proposed Implementing Actions

Department air quality permitting staff typically meet with representatives of industrial sources and their consultants in pre-permitting conferences to advise them of applicable permitting requirements. Sources will likely retain consultants to perform the modeling analysis provided for in the rule. The results of this analysis will be reviewed by Department staff and incorporated into the permit when approved.

Proposed Training/Assistance Actions

No additional training is required as staff are already familiar with this option in analyzing new source impacts on air quality.