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OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS 12/06/2001

State of Oregon
Department of Environmental Quality

State of Oregon
Department of Environmental Quality Memorandum

To: Environmental Quality Commission **Date:** December 4, 2001

From: Stephanie Hallock, Director

Subject: Director's Report

Emergency Preparedness at DEQ
In response to the terrorist attacks of September 11, I initiated an immediate assessment of DEQ's internal and external preparedness for catastrophic emergencies. I appointed Chuck Donaldson, the agency's Spill Response Manager, to lead this effort and ensure we have a clear plan of action in place for responding to emergencies. Chuck participated in early meetings of the Governor's Security Council and recently briefed the House Special Task Force on Emergency Management Preparedness on DEQ's role in state crisis response (see Attachment A, a fact sheet used for the task force presentation). Internally, we have assessed and are reinforcing general safety procedures in all DEQ offices to ensure employee safety and security.

Laboratory Role in Emergency Response
One result of September 11 has been a heightened awareness of the need for an integrated, state/federal emergency response system. Central to the system is the ability to identify unknown materials that could be weapons. The DEQ laboratory has been named as the lab that will provide these services to emergency response teams. This new role for the lab has already been used three times since September 11, once for an unknown solution that was attached to a bomb and twice for potential contamination of water supplies. The lab has the analytical capabilities to identify most chemicals, but has only minimal safety requirements in place for such work. In addition, we are doing this extra work at the expense of our current work load. Mary Abrams and I are currently working with state and federal emergency response staff to obtain resources to do this work in a safer and more efficient manner.

Budget Reductions
In response to a request from the Governor, we recently submitted 10 percent cuts in our General Fund budget, provided in 2 percent increments. DEQ's proposed budget reductions total about $2.8 million. We have not yet heard the Governor's plans for acting on any of the cuts submitted by state agencies, and it is likely that his decision will depend on the outcome of the special legislative session expected early next year. Attachment B shows the budget reductions we submitted.

Performance Partnership Agreement with EPA
In January 2002, we will start negotiations with EPA to update the Environmental Performance Partnership Agreement (PPA) between our agencies. The PPA establishes mutual goals and allocates DEQ and EPA Region 10 resources to priority work, in accordance with DEQ's Strategic Plan. We are now in the process of identifying issues we hope to resolve through PPA discussions, including:

- The interface of the Clean Water Act and Endangered Species Act and associated issues

(TMDLs, temperature standard guidance, Judge Hogan decision, interagency coordination, etc.)
- Program delegation issues and federal funding support for agency priorities
- Portland Harbor Superfund cleanup coordination
- Protection of Oregonians against terrorist attacks, including additional DEQ Lab capacity for responding to biological and chemical terrorist threats and increased security at the Umatilla Chemical Weapons Incinerator
- Columbia Gorge air quality/visibility project support
- Information Management and Data Sharing needs; federal funding needed to make environmental information more accessible to the public

Meetings with EPA and a public comment opportunity will happen this winter and spring so that an update to the PPA can be finalized in June 2002.

EPA Released Draft Temperature Guidance

On Halloween, EPA released *Draft Guidance for Developing Water Quality Temperature Criteria* for public comment. The comment period has already been extended until February 22, 2002. This guidance is the product of over two years of discussions between EPA, the Federal Fish Services, Oregon, Washington, and Idaho, and several tribal representatives. The purpose of this initiative is to identify a common approach to temperature that can be used throughout the Pacific Northwest. Although many of the concepts in the draft guidance have origins in Oregon's existing water quality criteria, we have raised questions about how those concepts might be applied and expect stakeholders to raise concerns during the comment period. We will work closely with EPA on acceptable solutions to those concerns. Once final, Oregon will have one year to decide whether and how to incorporate the guidance into our water quality criteria. Attachment C lists EPA's proposed criteria for different species, compared with Oregon's existing criteria.

Pollution Problems in Diamond Lake

Representative Susan Morgan is spearheading a workgroup that is seeking ways to restore the ecological balance at Diamond Lake. A number of state and federal agencies, as well as local economic interests, are wrestling with issues ranging from the potential removal of Tui Chub, to improving water quality, to meeting federal requirements for assessing the environmental impact of any solution proposed. A data-sharing meeting is scheduled for March 2002 to consolidate information on the status of the lake, followed by a broad public symposium in May. DEQ and the Forest Service are in the process of gathering information to support this effort.

Upcoming DEQ Fee Increases

We are currently developing rules to increase fees for wastewater permits and Air Contaminant Discharge Permits (ACDP) as approved by the 2001 Legislature. These rulemakings are scheduled to come to the Commission in January and March 2002, respectively, and stakeholders are aware of the increases. We are planning a 20% overall wastewater permit fee increase "across the board," that is, all types of wastewater permit will increase by 20%, including annual compliance, permit modification, renewal and other fees. For ACDP fees, we are planning a 30% overall increase by only increasing some of the annual fees; no increases are planned for modification and other fees. Attachment D shows our plans for bringing these rules to the Commission and putting the new fees into effect.

Primer on New Pollution Control Facilities Tax Credit Law
In early 2002, we plan to start rulemaking to simplify and streamline the pollution control tax credit application and approval process. When the Commission adopted a temporary rule to clarify the new law in September, the Department committed to develop a detailed primer on how the new program will work. We intend to develop that primer in conjunction with the new rules, which we hope to have in place by summer 2002.

Land Quality Division Administrator
Paul Slyman, Administrator of the Land Quality Division, has been called into service in the U.S. Coast Guard for an uncertain length of time. Dave Rozell, a manager in the Hazardous Waste section, has been acting in Paul's absence. Anticipating the possibility that Paul may not be allowed to return to DEQ until next fall, I will soon seek a permanent replacement for the Division Administrator position.

DEQ Office of Community and Government Relations
Since becoming Director, I have made three significant changes in the Director's Office to address my priorities. The first was to establish a position specifically to support the EQC. The second was to establish the Office of Compliance and Enforcement, and the third has been to develop a more proactive role for the Office of Communications and Outreach. Most recently, I established within the Director's office an Office of Community and Government Relations with Lauri Aunan as manager. I expanded Lauri's management role and role as legislative liaison to support and integrate several ongoing intergovernmental and cross-program activities. In addition to coordinating DEQ's legislative activities, the Office will be a resource to agency programs in building our relationships with sister agencies, local governments, legislators and stakeholders.

Fact Sheet

Attachment A

Oregon DEQ and Emergency Response

State of Oregon
Department of
Environmental
Quality

Emergency Response & Site Assessment

Contact:
Chuck Donaldson
Phone:(503) 229-6865
(800) 452-4011
Fax: (503) 229-6954

DEQ Laboratory

Contact:
Mary Abrams
Phone:(503) 229-5983
ext. 225
Fax: 503-229-6924

DEQ's Role in Responding to Emergencies

Under Oregon's Emergency Response Plan, DEQ is the state lead agency for managing the cleanup of hazardous chemicals and oil. DEQ also provides technical advice to agencies, such as police and fire departments, that are first on scene. To meet its response requirements, DEQ has three full-time State On-Scene Coordinators (SOSC) trained in hazardous material and oil spill response. Additional staff are trained to provide support and technical expertise, including chemical sampling and analysis. All Emergency response staff are trained and experienced in operating under the National Interagency Incident Management System (NIIMS) Incident Command System (ICS). DEQ maintains a 24/7 on-call duty officer to respond to emergencies.

Where DEQ is not the lead agency, we will continue to provide our expertise in the areas of water quality, air quality, solid waste, hazardous materials, laboratory analysis, sample collection and prioritization of environmental strategies to the incident commander and staff as part of the Incident Command structure.

DEQ's Role in Weapons of Mass Destruction Incidents

Chemical releases

If chemicals are released and the source is not military munitions, DEQ and the Environmental Protection Agency will manage the cleanup in a Unified Command under the National Interagency Incident Management System (NIIMS). If chemicals are released from military munitions, the cleanup will be managed in the same way once the Military resources deployed to handle the immediate danger posed by a nerve agent are withdrawn.

The DEQ Laboratory will provide identification of unknown chemicals, beyond initial field screening that may be done by HazMat Teams. The DEQ Laboratory receives unknown chemical samples and analyzes them to provide safety, management, and cleanup information to first responders and cleanup personnel.

Biological incidents

State and local health agencies will have the lead on responding to biological incidents. DEQ will function as part of the Incident Command staff and provide support to the incident commander. Management of the safe disposal of infectious waste and normal wastes are the responsibility of DEQ.

Nuclear incidents

DEQ will likely be part of the Incident Command Structure and be responsible for safe disposal of non-radioactive wastes.

Laboratory support for chemical analysis

The DEQ Laboratory will play a large role in providing initial identification and information about unknown chemical substances. The Laboratory can also provide continuing monitoring during response and cleanup activities. The DEQ Laboratory has analytical capabilities to safely perform initial screening and further quantification of unknown samples. This data can then be provided to on-scene coordinators as they make re-entry and site management decisions.

DEQ's Role in Natural Disaster Response

DEQ's expertise in the areas of water quality, air quality, solid waste, hazardous materials, laboratory analysis, sample collection and prioritization of environmental strategies will be available to state and local agencies through the Oregon Emergency Management system. DEQ will be responsible for managing the safe disposal of debris and hazardous waste.

Last Updated: 11/01
By: cdonaldson

Part II - LIST PROPOSED 2001-03 REDUCTIONS IN TWO PERCENT INCREMENTS IN DESCENDING PRIORITY ORDER

(1st 2% is the agency's highest priority to reduce)

Agency: Department of Environmental Quality

Met target? Yes

	GF	LF	OF/FF
Reduction Totals 01-03	2,866,489	-	-
Reduction Totals 03-05	2,866,489	-	-

			2001-2003							2003-2005		
Level	Description	Category	Date	GF	LF	OF/FF	Impact	Positions	FTE	GF	LF	OF/FF
1st 2%	WQ HQ Clerical Support	1	Jul-01	60,903			Reduces Clerical support for WQ HQ staff	1	0.50	60,903		
	HW S&S reduction	1	Jul-01	10,000						10,000		
	HW AG Reduction	1	Jul-01	155,000			Support for consent agreements, enforcement, and state program authorization expected to decline as TSD facility cleanups shift to Cleanup program. AG currently budgeted on OF, will require shift of budget to implement.			155,000		
	HW Support of NW Pollution Prevention Roundtable	1	Jul-01	35,202			Eliminates DEQ membership and participation in multistate NW pollution prevention organization. Fund shift required to make cut.			35,202		
	Eliminate Pollution Prevention and Green permits coordinator position	1	Jul-01	219,993			Reduced inter-program coordination of pollution prevention issues	1	1.00	219,993		
	WQ Reduce Lower Columbia NEP Support	1	Jul-01	108,000			Eliminates DEQ direct contribution to LCREP effort. OWEB Lottery support of $192,000 remains in the budget. OWEB may be able to replace this funding with NMFS grant		0.50	108,000		
2nd 2%	AQ PM10 Network Reductions	1	Jan-02	133,952		See Note	Reduces PM10 sampling at some sites with PM2.5 monitors		0.70	133,952		See Note
	AQ Total suspended particulate lead sampling	1	Jan-02	76,544		See Note	Eliminates 2 sites which have been below detectable levels for years		0.40	76,544		See Note
	AQ Hermiston PM10 Network Reductions	1	Jan-02	47,840		See Note	Reduces PM10 sampling at rotating sites in Eastern Oregon		0.25	47,840		See Note
	LQ Cleanup Support reduction	1	Jan-02	113,265			Shifts Spill Response from the GF to be support by HSRAF, cuts cleanup support.		0.55	113,265		
	AQ Maintenance Plan reduction	1	Jan-02	246,029		See Note	Delays the schedule for development of AQ maintenance plans for Portland, Salem, Lakeview, LaGrande		1.15	246,029		See Note
	WQ Eliminate Use Attainability Analysis (UAA)	1	Jan-02	141,977			OWEB may be able to replace this funding with NMFS grant		0.75	141,977		

Attachment B

3rd 2%	WQ Eliminate non-point source policy coordinator	1	Jul-01	219,993		Eliminates single point of coordination with other federal and state agencies on non-point source policy issues.	1	1.00	219,993		
	Reduce office of communication and outreach program support	1	Jan-02	175,789		Eliminates one FTE of Communication and Outreach support to the AQ and WQ programs.	1	1.00	175,789		
	AQ Reduce pass through of General Fund to LRAPA	1	Jan-02	12,454		Amount reduced equals 10% of LRAPA special payment in the LAB budget. Total AQ GF reductions exceed 10% of AQ GF budget.			12,454		
4th 2%	AQ Eliminate General Support of Open Burning	1	Jan-02	190,741	See Note	Reduce open burning complaint response by 1 FTE, which could shift stricter maintenance plan requirements onto other pollution sources.	1	1.00	190,741		See Note
	WQ - eliminate voluntary monitoring support position	1	Jan-02	182,368		Reduce 1 FTE currently providing support to voluntary WQ monitor organizations. OWEB may be able to replace this funding with NMFS grant.	1	1.00	182,368		
	WQ - Shift 1 FTE from TMDL development to the new TMDL Implementation grant	1	Jan-02	182,368		Reduces TMDL by 1 FTE, slowing development of TMDL plans.	1	1.00	182,368		
5th 2%	WQ - Eliminate 1 FTE of Base Monitoring	1	Jan-02	158,742		Reduces 1 FTE of Base Montioring analytical capacity and associated data used around the WQ program.	1	1.00	158,742		
	WQ - Eliminate 1 additional FTE of Base Monitoring	1	Jan-02	196,328		Reduces 1 additional FTE of Base Montioring analytical capacity and associated data used around the WQ program.	1	1.00	196,328		
	WQ - Eliminate 1 FTE from Environmental Partnership for Oregon Communities (EPOC)	1	Jan-02	199,001		Eliminates more than half of the available GF resource for EPOC.	1	1.00	199,001		

Numeric Temperature Criteria from EPA Draft Guidance

BIOLOGICALLY-BASED, SPECIES LIFE STAGE NUMERIC VALUES

Char Salmonids (Dolly Varden and Bull Trout)

Spawning, Incubation, and Juvenile Rearing
Summer maximum temperature should not exceed a single daily maximum of 12C (54F)
Current Oregon criteria is 10C (50F) (7 day average of daily max. temps)

Migratory Populations
Daily maximum temperature should not exceed 12C (54F)
Current Oregon criteria is 10C (50F) (7 day average of daily max. temps)

Cold Water Salmonids (Pacific Salmon, Steelhead, and Coastal Cutthroat Trout)

Spawning/Incubation
The seven-day average of the daily maximum temperatures should not exceed 13C (55F), and the weekly mean temperature should not exceed 10C (50F)
Current Oregon criteria is 12.8C (55F) (7 day average of daily max. temps)

Juvenile Rearing (covers smoltification, except steelhead)
The seven-day average of the daily maximum temperatures should not exceed 16C (61F), and the weekly mean temperature should not exceed 15C (59F)
Current Oregon criteria is 17.8C (64F) (7 day average of daily max. temps)

Steelhead Smoltification
The seven-day average of the daily maximum temperatures should not exceed 14C (57F), and the weekly mean temperature should not exceed 12C (54F)
Current Oregon criteria is 17.8C (64F) (7 day average of daily max. temps)

Adult Migration
The seven-day average of the daily maximum temperatures should not exceed 18C (65F), and the weekly mean temperature should not exceed 16C (61F)
Current Oregon criteria is 17.8C (64F) * (7 day average of daily max. temps)

Moderately Cold Water Salmonids (Interior nonadadromous redband trout, Lahontan cutthroat trout)

Spawning/Incubation
The seven-day average of the daily maximum temperatures should not exceed 13C (55F), and the weekly mean temperature should not exceed 10C (50F)
Current Oregon criteria is 12.8C (55F) (7 day average of daily max. temps)

Juvenile Rearing
The seven-day average of the daily maximum temperatures should not exceed 20C (68F)
Current Oregon criteria is 17.8C (64F) (7 day average of daily max. temps)

***/ Criteria for migration through the Lower Willamette (RM 50) & Columbia Rivers (RM 309) is 20C (68F).**

Attachment D

Upcoming DEQ Fee Invoices

Wastewater Permits

The 2001 Legislature approved a 20% overall fee increase for wastewater permits.

DEQ plans to implement this increase "across the board" -- all types of wastewater permit fees are proposed to increase by 20%, including annual compliance fees, modification fees, renewal fees, etc. This proposed fee increase is scheduled for the Environmental Quality Commission's January 2002 meeting.

- In May 2001, DEQ sent wastewater permit holders an invoice for their fiscal year 2002 annual compliance fees. A supplemental invoice for 2002 wastewater annual compliance fees will be sent in February 2002. The supplemental billing will be 20% of the bill that was sent in May 2001 -- the differential between the annual compliance fee to be adopted by the EQC in January 2002, and the amount invoiced in May 2001.

- Invoices for the 2003 annual compliance fee will be sent in May 2002. The invoice will reflect a 20% permanent increase to the annual compliance fee.

For more information, contact Mike Kortenhof at 503-229-6066.

Air Contaminant Discharge Permits (ACDP)

The 2001 Legislature approved a 30% overall fee increase for ACDP permits.

DEQ plans to implement this fee increase by increasing only some of the ACDP annual fees; no increases are proposed for modification fees or other ACDP fees. The overall increase for ACDP fees, as a group, is targeted at 30%; however, the actual fee increase for permit holders' annual fees will likely vary by permit category. This proposed fee increase is scheduled for the EQC's March 2002 meeting.

- Invoices for the ACDP 2002 annual fee were sent in late October 2001. The amount is based on the permit type selected (or assigned) and the fees adopted in the May 2001 ACDP rule adoption.

- A supplemental billing will be sent in April 2002. The overall increase for ACDP fees, as a group, is targeted at 30%; however, the actual fee increase for permit holders' annual fees will likely vary by permit category. The actual amount of each bill will be the differential between the fee rate adopted in March 2002 and the amount invoiced in October 2001. Public hearing on these proposed fee increases will be held before the end of 2001.

- Invoices for the ACDP 2003 annual fee will be sent in October 2002.

For more information, contact Pat Vernon at 503-229-6480.

State of Oregon
Department of Environmental Quality Memorandum

DEQ Item No. 01-1327 (92.94)

To: Environmental Quality Commission
Stephanie Hallock, Director
Larry Knudsen, Department of Justice
Larry Edelman, Department of Justice

Date: November 2, 2001

From: Wayne C. Thomas, Adminstrator
Chemical Demilitarization Program WCT 11/02/01

Subject: Information Package—Proposed Modification to the UMCDF Hazardous Waste Permit "Approval Process for UMCDF Operation"

Please find attached a copy of the information package developed by the Department for distribution to interested individuals responding to the Public Notice (included as Attachment A of the information package) that was mailed out on October 22, 2001.

The Department is proposing this modification to the Umatilla Chemical Agent Disposal Facility (UMCDF) Hazardous Waste Treatment and Storage Permit (HW Permit) [ID No. ORQ 000 009 431] per the direction provided by the Commission at its September 21, 2001 meeting in Ashland, Oregon.

The Department will be making a brief presentation to the Commission on this package at its December 7, 2001 meeting in Portland, Oregon.

If you have any questions concerning this matter, please contact me at (541) 567-8297, x. 21, or Sue Oliver of my staff at (541) 567-8297, x. 26.

Enclosure: Fact Sheet--Proposed Modification of the UMCDF HW Permit "Approval Process for UMCDF Operation" [Modification No. UMCDF-01-028-MISC(EQC)] [DEQ Item No. 01-1296 (92.94)]

Cf: Trisha Markham, DEQ Hermiston (w/o enclosure)

State of Oregon
Department of
Environmental
Quality

FACT SHEET

Proposed Modification of the
Hazardous Waste Storage and Treatment Permit
for the
Umatilla Chemical Agent Disposal Facility
(Permit No. ORQ 000 009 431)

Permit Modification No. UMCDF-01-028-MISC(EQC) "Approval Process for UMCDF Operation"

Introduction

In February 1997, the Environmental Quality Commission ("Commission" or EQC) and the Department of Environmental Quality ("Department" or DEQ) issued a Hazardous Waste Storage and Treatment Permit (HW Permit) to the United States Army[1] to build and operate the Umatilla Chemical Agent Disposal Facility (UMCDF). Construction of UMCDF started in June 1997 and is now essentially complete. The UMCDF is currently in a "systemization"[2] phase prior to the start of actual hazardous waste treatment operations.

On September 21, 2001 the Commission directed the Department to propose a HW Permit modification for public review and comment. The proposed modification will add a HW Permit Condition requiring the UMCDF Permittees to obtain written DEQ approval prior to the start of surrogate testing operations of the UMCDF incinerators. The DEQ is also proposing the addition of a HW Permit Condition requiring the UMCDF Permittees to obtain written approval from the EQC prior to the start of chemical agent treatment operations. This Fact Sheet describes the proposed modification and provides background information concerning the basis for the proposed modification.

Attachment A is a public notice that was mailed to interested parties and contains detailed information concerning information repositories and public hearings related to the proposed modification. Attachments B and C are related to a draft "Start-up Checklist" listing various requirements that must be fulfilled before start of surrogate and/or agent operations at UMCDF (see "How the Department Proposes to Implement the New Permit Conditions" on Page 4 for further discussion of the Start-up Checklist).

Location and Purpose of UMCDF

The UMCDF is located in northeastern Oregon at the Umatilla Chemical Depot, about seven miles west of Hermiston, Oregon (about 175 miles east of Portland, Oregon). The address is 78072 Ordnance Road, Hermiston, OR 97838-9544. The UMCDF is a hazardous waste treatment facility that will use four incinerators to destroy a stockpile of chemical warfare agents that has been stored at the Umatilla Chemical Depot (UMCD) since 1962.

The chemical agents stored at UMCD include nerve agents and blister ("mustard") agents in liquid form. Nerve agents ("GB" and "VX") are contained in munitions, such as rockets, projectiles, and land mines,

[1] There are three "Permittees" named on the UMCDF HW Permit. The U.S. Army Umatilla Chemical Depot and the U.S. Army Project Manager for Chemical Stockpile Disposal (PMCSD) are named as Owner and Operator of UMCDF. Washington Demilitarization Company (the Army's construction and operations contractor) is named as a co-operator of UMCDF.

[2] Systemization is a pre-operational testing phase that involves testing components, instruments, and associated equipment using non-hazardous materials and waste feeds (such as simulated munitions filled with ethylene glycol to test conveyors, controls, and feed mechanisms).

and in large containers, such as spray tanks, bombs, and "ton containers." Mustard agent is stored only in ton containers.

Description of the UMCDF

UMCDF includes two liquid injection incinerators to destroy liquid nerve and blister agents. In addition to the liquid incinerators there are two other high temperature furnaces that will be used for thermal treatment of metal parts ("Metal Parts Furnace") and destruction of explosives and propellants ("Deactivation Furnace System"). All container handling, munitions disassembly, and incinerator loading will be conducted within an enclosed building. Emissions from the building and the incinerators will be directed through pollution control systems before being released to the atmosphere. Computer controls will shut down waste feed to the incinerators if proper operating conditions are not maintained or if chemical agent is detected in the exhaust from any of the four incinerators.

Proposed Modification to the UMCDF HW Permit

Because the UMCDF HW Permit is considered an operating document, modifications are expected to occur over the duration of the project. For example, modifications are required if there are alterations to the originally permitted facility, new information becomes available to the Permittees or to the Department, or if there are new regulations that apply to the facility. There have already been over 100 modifications made to the HW Permit at the request of the Permittees.

The proposed modification will add two new conditions to the UMCDF HW Permit. The new Permit Conditions will require the UMCDF Permittees to obtain written approval from the Department prior to the start of surrogate "shakedown"[3] operations and written approval from the Commission prior to the start of chemical agent shakedown operations. The approval requirement would not apply to the start-up of each furnace, but rather to the start-up of the first UMCDF furnace to feed surrogate or agent material during the surrogate and agent testing phases. Shakedown and Trial Burns (surrogate and agent) will be conducted on each UMCDF Furnace (Liquid Incinerators 1 & 2, Deactivation Furnace System, and Metal Parts Furnace), but furnace testing will usually be sequential, not simultaneous.

The Department proposes to add two Permit Conditions to Module VI ("Short Term Incineration—Shakedown, Trial Burn and Post-Trial Burn") of the HW Permit in a section titled "Shakedown" (Condition VI.A.6.). The Department proposes to revise Condition VI.A.6. by adding Permit Conditions VI.A.6.ii.a. and VI.A.6.iii.a. as indicated by the underlined text below:

VI.A.6. Shakedown

i. Shakedown Periods I and II for each incinerator shall be conducted in accordance with the approved trial burn plans provided for in Permit Condition VI.A.5.

ii. Shakedown Period I for each incinerator shall begin with the initial introduction of surrogate into the furnace system following construction and shall end with the start of the surrogate trial burn.

Proposed Text Addition →

a. The Permittee shall not commence Shakedown Period I for the first furnace system to begin surrogate shakedown until it has received written notification from the Department approving the commencement of surrogate operations.

[3] Hazardous waste regulations allow a facility to operate with permitted waste feeds for up to 720 hours (equivalent to 30 days at 24 hours/day operation) prior to conducting actual "trial burn" tests. This period is known as a "shakedown" period. Because of the extreme toxicity of chemical warfare agents, UMCDF is required to first test the incineration systems with surrogate waste feeds (chemicals not as toxic as the chemical warfare agents, but more difficult to burn) prior to beginning shakedown operations with actual chemical warfare agents.

iii. Shakedown Period II for each incinerator shall begin with the introduction of chemical agent into the incinerator system and shall end with the start of the chemical agent trial burn. There shall be a separate Shakedown Period II for each chemical agent for each incinerator.

Proposed Text Addition →

a. The Permittee shall not commence Shakedown Period II for the first furnace system to begin agent shakedown until it has received written notification from the Environmental Quality Commission approving the commencement of chemical agent operations.

iv. Each shakedown period shall not exceed 720 operating hours. The Permittee may petition the Department for one extension of any shakedown period for up to 720 additional operational hours for the surrogate test or chemical agent tests in accordance with 40 CFR §270.62(a).

Regulatory Basis to Modify UMCDF HW Permit

Regulations regarding the permitting and operation of hazardous waste treatment, storage, and disposal facilities are known as the "Resource, Conservation and Recovery Act" (RCRA) regulations. They are contained in Title 40 of the Code of Federal Regulations (CFR). In accordance with the RCRA regulations, the State of Oregon has been authorized by the U.S. Environmental Protection Agency to implement its own hazardous waste program. Oregon has adopted RCRA regulations as Oregon Administrative Rules.

In accordance with 40 CFR §270.41, the Department/Commission may not modify the UMCDF HW Permit unless sufficient cause [as defined in 40 CFR §270.41(a) and (b)] exists to warrant such action. If the Department/Commission determines that sufficient cause exists to modify the UMCDF HW Permit, a draft Permit must be prepared and processed in accordance with the applicable requirements of 40 CFR Part 124, Subpart A.

The Department believes that sufficient cause, based on two of the criteria listed in 40 CFR §270.41(a), does exist to warrant a modification of the UMCDF HW Permit to require Department/Commission approval to initiate each of the two phases of facility hazardous waste operations (surrogate and chemical agent). These two applicable causes for modification are:

- 40 CFR §270.41(a)(1) -- "*There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.*"
- 40 CFR §270.41(a)(2) -- "*The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.*"

There have been a significant number of changes made to the original design and operating parameters of UMCDF, and public interest and concern remains high. For example, the Permittees have indicated that they do not intend to operate UMCDF with the Dunnage Incinerator. The Dunnage Incinerator was originally permitted to treat a significant portion of the secondary waste that will be generated during chemical agent disposal operations. The proposed modification will allow the Department and the Commission to ensure that appropriate secondary waste treatment methodologies are identified prior to approval of the start of surrogate operations.

In addition, the significant compression of the UMCDF systemization and testing schedule has affected the ability of the Department to evaluate UMCDF readiness with a relatively informal process and in a sequential manner. Modification of the HW Permit provides the tool necessary for the Commission and

Department to make a determination in an open public process that UMCDF has satisfied the requirements of the State of Oregon prior to the operational start-up.

The Department's Recommendation to the Commission

On September 21, 2001 the Department presented a report[4] to the Commission recommending that the Commission modify the UMCDF HW Permit to explicitly require the Permittees to obtain Department approval prior to starting surrogate operations and Commission approval prior to the start of chemical agent operations. The Department believes that requiring the Permittees to obtain explicit approval for starting both surrogate and agent operations provides the Department, the Commission, and the public a final opportunity to assess UMCDF's overall readiness through an open and defined process.

The Department recommended to the Commission that it delegate the authority to approve the start of surrogate operations to the Department. Surrogate operations are, in effect, part of the testing process for UMCDF. Success during surrogate operations will then become a significant factor in the Department's evaluation and recommendation to the Commission on whether UMCDF is prepared to go to chemical agent operations. Commission approval for the start of chemical agent operations is appropriate, since it is the chemical agent that presents the greatest risk to human health and the environment.

How the Department Proposes to Implement the New Permit Conditions

The Department proposes to use a defined, rigorous, and public evaluation process to assess UMCDF's readiness to begin surrogate operations (similar to the current process, with a Request for Comments and a Public Hearing). Successful demonstration of furnace operations during surrogate trial burns is required before UMCDF is considered ready to move into operations with chemical agent. After completing its review of the results of the surrogate trial burns, the Department would again undertake a public evaluation process and make a recommendation to the Commission on whether UMCDF has demonstrated readiness to move to chemical agent operations. The Commission will make the final decision on whether UMCDF will be allowed to begin agent operations.

To complete the operational readiness evaluation the Department has developed a "Start-up Checklist" that includes requirements that must be fulfilled prior to the beginning of surrogate and/or chemical agent operations. Each Checklist Requirement is accompanied by a defined set of criteria that will be used to evaluate whether the requirement has been met. The Department would use the Start-up Checklist (with associated evaluation criteria), a public comment process, and field evaluations to complete its review and make the surrogate start-up decision. The Department would follow the same process to develop its recommendation to the Commission on agent start-up.

The Draft Start-up Checklist is not being proposed for inclusion in the HW Permit, but is provided here (See Attachments B and C) to show how the Department and the Commission propose to evaluate UMCDF's operational readiness. To maintain sufficient flexibility to respond to changing circumstances, new information, and emerging issues, the Checklist is subject to further revision.

The Checklist includes numerous Requirements that are already incorporated into the UMCDF HW Permit. Attachment B presents a summary list of the Checklist Requirements organized into groupings based on whether the Requirement originated from (1) an existing HW Permit Condition, (2) a Requirement imposed as a condition of approval for a past permit modification, or (3) an additional Requirement being imposed by the Department. The additional Requirements are being proposed because the Department and the

[4] The Staff Report was presented as Agenda Item H at the September 20-21, 2001 meeting of the Commission. It was titled "Approval Process for Umatilla Chemical Agent Disposal Facility Operation" and is available upon request from DEQ's Chemical Demilitarization Program in Hermiston. Please see contact information in Attachment A of this Fact Sheet to request a copy of the Staff Report.

Commission believe that the Requirements reflect a significant issue or activity that must be resolved. Significant issues include resolution of secondary waste treatment processes, successful completion of systemization and operational testing activities, and final modifications to the HW Permit and Permit Application to reflect the "as-built" configuration of UMCDF.

Attachment B is a summary list of the Requirements in the draft Start-up Checklist. It includes an indication in the last two columns of the table noting whether the Department is proposing that the Requirement be completed prior to surrogate start-up and/or prior to agent start-up. Attachment B shows that some Requirements would be evaluated prior to both surrogate and agent start-up. In some cases that means that the Requirement (and all of its associated evaluation criteria) will be evaluated in full prior to each operational phase (surrogate and agent). In other cases it means that there is more than one component of the Requirement to be evaluated, one or more of which must be completed before start of surrogate operations, and others that must be completed prior to agent operations.

Attachment C presents each Checklist Requirement and its associated evaluation criteria. Each criterion is followed by a notation in brackets indicating whether the Department is proposing that the criterion be fulfilled prior to surrogate or agent operations (in some cases, both will apply).

Opportunity for Public Comment

The Department, on the behalf of the Commission, is inviting public comment not only on the proposed modification to the UMCDF HW Permit, but also on the need for the modification. The modification will add two Permit Conditions (described on Page 2) requiring the Permittees to obtain Department approval prior to starting surrogate operations and Commission approval prior to starting chemical agent treatment operations. **The Department is seeking comment not only on the proposed language of the new Permit Conditions, but also on whether the public believes that there is a need to impose these additional requirements on the Permittees, given the possibility that additional public processes have the potential to delay the start of operations.**

The original 1997 decision to issue the HW Permit was based in part on the need to destroy the chemical weapons stockpile at the Umatilla Chemical Depot as soon as possible because of the extreme hazard it presents to public health and the environment. Requiring formal start-up approval processes does have the potential to delay the beginning of surrogate and/or agent operations. Of the alternatives the Department presented to the Commission in September 2001, Department approval of surrogate start-up and Commission approval for agent start-up presented the least risk of a schedule delay (with the exception of taking no action). The Department and the Commission would do everything they could to minimize the possibility of delay by coordinating the decision approval processes to parallel facility operational schedules.

The Commission's decision to approve and issue the original UMCDF HW Permit was reached through a very open and public process. Approval to start UMCDF operations, especially for chemical agent operations, represents a decision of similar magnitude. The Department believes there is an expectation by both the Commission and interested members of the public that the decision to approve the start of operations at UMCDF should also be conducted in an open and public forum. The use of a defined approval process will facilitate such an approach.

Although the Draft Start-up Checklist is not being proposed for inclusion in the HW Permit, it is being provided to illustrate how the Department and the Commission propose to evaluate UMCDF's operational readiness. **The public is invited to comment not only on the individual Checklist Requirements, but also on the evaluation criteria for each Requirement, including whether the Requirement (in its entirety or on a component basis) must be completed prior to surrogate operations and/or prior to agent operations.**

The Department will review and consider all oral and written comments received during the comment period. Department staff will then prepare a report with a recommendation to the Environmental Quality Commission. The report will include the Department's response to all significant comments received during the open public comment period. The Commission is anticipated to make a final decision on the proposed modification to the UMCDF HW Permit in January 2002 at its regularly scheduled meeting (January 24-25, to be held in Pendleton, Oregon). The Commission may decide to modify the HW Permit as proposed or with changes, or may decide against modifying the HW Permit.

How to Submit Comments on the Proposed Permit Modification

The public comment period on this proposed Permit Modification will remain open from October 22 through 5:00 p.m. on December 10, 2001. Written comments may be submitted by e-mail, fax, or regular mail any time during the comment period, provided the comment is received by the Department no later than 5:00 p.m. on December 10. E-mail comments should be submitted to **markham.trisha@deq.state.or.us** and include the words "Public Comment" in the subject line. Comments submitted by facsimile transmission should be sent to (541) 567-4741. Comments sent by regular mail should be addressed to Mr. Wayne C. Thomas, Administrator, Chemical Demilitarization Program, 256 E. Hurlburt, Hermiston, Oregon 97838. There will be two opportunities for the public to provide oral comments to the Department: November 29, 2001 in Hermiston, Oregon (Good Shepherd Medical Center, 610 N.W. 11th, beginning at 7:00 p.m.) and December 7, 2001 in Portland, Oregon (DEQ, 811 S.W. Sixth Ave., Room 3A, beginning at 9:30 a.m.).

For More Information

For more information about this Permit Modification, or for information on UMCDF, please contact Trisha Markham, Chemical Demilitarization Program, Hermiston office of the DEQ [Phone 541-567-8297 (ext. 25) or toll free in Oregon (800) 452-4011, E-mail: markham.trisha@deq.state.or.us]. The Department's Chemical Demilitarization Program has prepared numerous fact sheets about the chemical weapons destruction process at the Umatilla Chemical Depot, available upon request:

- Storage and Management of Hazardous Waste (June 2000, also available in Spanish)
- Public Participation (June 2000, also available in Spanish)
- Hazardous Waste Storage Permit Application (June 2000, also available in Spanish)
- Modification of a Hazardous Waste Permit (June 2000, also available in Spanish)
- Metal Parts Furnace (September 2000, also available in Spanish)
- Liquid Incinerator (September 2000, also available in Spanish)
- Dunnage Incinerator (September 2000, also available in Spanish)
- Deactivation Furnace System (September 2000, also available in Spanish)
- Rocket Processing (January 2001)
- Projectile Processing (January 2001)
- Mine Processing (January 2001)
- Bulk Item Processing (January 2001)

Attachments

A Public Notice: Request for Comments and Notice of Public Hearing

B Start-Up Checklist Requirements (Summary List)

C Start-up Checklist Requirements with Evaluation Criteria

Public Notice: Request for Comments and Notice of Public Hearing

Proposed Modification of the Hazardous Waste Storage and Treatment Permit for the Umatilla Chemical Agent Disposal Facility (Permit No. ORQ 000 009 431)

[Permit Modification No. UMCDF-01-028-MISC(EQC), "Approval Process for UMCDF Operation"]

State of Oregon
Department of Environmental Quality

Office of the Director
Chemical Demilitarization Program
256 E. Hurlburt
Hermiston, OR 97838
Phone: (541) 567-8297
(800) 452-4011
Fax: (541) 567-4741
Contact: Trisha Markham
DEQ Item No. 01-1284

www.deq.state.or.us

Notice issued: October 22, 2001

Written comments due: 5:00 p.m., December 10, 2001

Public Hearings/Meetings:
Public Hearing: 7:00 p.m., November 29, 2001. Good Shepherd Medical Center, 610 N.W. 11th, Hermiston, Oregon. (DEQ staff will be available to answer questions before the meeting from 6:00-7:00 p.m.)

Environmental Quality Commission meeting: 9:30 a.m., December 7, 2001. DEQ Headquarters Building, Meeting Room 3A, 811 S.W. Sixth Ave., Portland, Oregon. (The Commission will receive a brief presentation from DEQ staff and then will accept public testimony about the proposed modification.)

How can I send comments?
DEQ will accept oral comments at either of the two meetings listed above, or by mail, fax and e-mail.

Contact Name: Trisha Markham, Chemical Demilitarization Program, Hermiston DEQ

Phone: 541-567-8297 (ext. 25) or toll free in Oregon (800) 452-4011

Mailing address: DEQ Chemical Demilitarization Program, 256 E. Hurlburt, Suite 105, Hermiston, OR 97838

Fax: 541-567-4741

E-mail: markham.trisha@deq.state.or.us
(Please include "Public Comment" in the subject line. E-mail comments will be acknowledged as soon as possible. The DEQ is not responsible for delays between servers that result in missed comment deadlines.)

How can I review documents?
You can review documents related to the proposed permit modification and the Umatilla Chemical Agent Disposal Facility (UMCDF) at the Hermiston DEQ office (please call ahead for an appointment) or at one of the following information repositories:

Hermiston Public Library
235 E. Gladys Avenue
Hermiston, OR 97838
(541) 567-2882

Mid Columbia Library (Kennewick Branch)
1620 S. Union St.
Kennewick, WA 99336
(509) 586-3156

Pendleton Public Library
502 S.W. Dorion Avenue
Pendleton, OR 97801
(541) 966-0210

Portland State University Library
951 S.W. Hall, Fifth Floor
Portland, OR 97204
(503) 725-4617

What are DEQ's responsibilities?
The Oregon Department of Environment Quality (DEQ) is the regulatory agency that helps protect and preserve Oregon's environment. DEQ is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. One way DEQ does this is by requiring permits for certain activities.

A Hazardous Waste Storage and Treatment Permit (HW Permit) for UMCDF was issued by the DEQ and the Environmental Quality Commission (DEQ's policy and rule-making board) in February 1997. It is DEQ's responsibility, under the direction of the EQC, to process permit modification requests and to ensure that UMCDF complies with the conditions of the HW Permit.

What kind of facility is this?

The UMCDF is a hazardous waste treatment facility that will use four incinerators to destroy a stockpile of chemical warfare agents that has been stored at the Umatilla Chemical Depot (UMCD) since 1962. The chemical agent stockpile at UMCD includes about 3,717 tons of nerve agents ("VX" and "GB") and blister ("mustard") agents in liquid form.

Nerve agents are contained in munitions, such as rockets, projectiles and land mines, and in large containers, such as spray tanks, bombs, and "ton containers." Mustard agent is stored only in ton containers. All of the chemical warfare agents are highly toxic.

Who are the UMCDF Permittees?

There are three Permittees named on the UMCDF HW Permit. The U.S. Army Umatilla Chemical Depot and the U.S. Army Project Manager for Chemical Stockpile Disposal (PMCSD) are named as Owner and Operator of UMCDF. Washington Demilitarization Company (the Army's construction and operations contractor) is named as a co-operator of UMCDF.

Where is the facility located?

The UMCDF is located in northeastern Oregon at the Umatilla Chemical Depot, about seven miles west of Hermiston, Oregon (about 175 miles east of Portland, Oregon). The address is 78072 Ordnance Road, Hermiston, OR 97838-9544.

What is proposed?

At the direction of the EQC, the DEQ is proposing to modify the UMCDF HW Permit. The proposed modification will add a HW Permit Condition requiring the UMCDF Permittees to obtain written DEQ approval prior to the start of surrogate testing operations of the UMCDF incinerators. The DEQ is also proposing the addition of a HW Permit Condition requiring the UMCDF Permittees to obtain written approval from the EQC prior to the start of chemical agent treatment operations.

Who is affected?

Residents in the Mid-Columbia Basin.

Where can I get more information?

Each of the Information Repositories listed above has information about UMCDF and the proposed modification. You can also call or e-mail the DEQ Office in Hermiston (markham.trisha@deq.state.or.us) to have an information package sent to you by mail or electronic transmission.

The information package includes a Fact Sheet that details the proposed modification, including draft permit language and the DEQ's justification and legal authority for proposing the modification. The Fact Sheet also includes a description of the process that the DEQ will use to decide whether to approve the start of surrogate operations at UMCDF.

The information package also includes a draft "Start-up Checklist," one of the tools that DEQ is proposing to use to evaluate the readiness of UMCDF to begin surrogate or agent operations. The Checklist is not being proposed for inclusion in the HW Permit, but is being provided to illustrate how DEQ and EQC propose to conduct the readiness evaluation. The public is invited to comment not only on the draft HW Permit language, but also on the evaluation process and the draft Start-up Checklist.

What happens next?

After the completion of the public comment period the DEQ will review and consider all oral and written comments received during the comment period. DEQ staff will prepare a report with a recommendation to the EQC on whether to adopt the proposed modification. The report will include the DEQ's response to all significant comments received during the open public comment period.

The EQC is anticipated to make a final decision on the proposed modification in January 2002 at its regularly scheduled meeting (January 24-25, to be held in Pendleton, Oregon). The EQC may decide to modify the HW Permit as proposed or with changes, or may decide against modifying the HW Permit.

Accessibility information

DEQ is committed to accommodating people with disabilities at our hearings. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact Trisha Markham at (541) 567-8297 (ext. 25) or toll free in Oregon at (800) 452-4011.

People with hearing impairments may call DEQ's TTY number, (503) 229-6993.

ATTACHMENT B
SUMMARY OF DRAFT START-UP CHECKLIST REQUIREMENTS

Listed below is a tabular summary of the Department's current draft checklist requirements that must be completed prior to the start of either surrogate testing operations or chemical agent disposal operations at UMCDF. Notations are included to clarify the Department's current proposal on which Requirements are associated with surrogate operations and which are associated with agent operations. Some Requirements may be applicable to both phases and would require two separate assessments to determine their current status. The checklist requirements are organized into three categories: 1) those which are specifically required by the HW Permit; 2) those which have been required as conditions of approval for Permit Modification Requests; and 3) other requirements established by the Department. A more detailed listing of the specific evaluation criteria for these checklist requirements is provided in the accompanying Attachment C of this information package.

NO.	REQUIREMENT	REQUIREMENT BASIS	OPERATIONAL PHASE	
			SURROGATE	AGENT
REQUIRED BY EXISTING HW PERMIT CONDITIONS				
1.	All required surrogate trial burn plans submitted (at least 180 days prior) and approved.	HW Permit Condition VI.A.5.ii.	X	
2.	All required surrogate trial burn reports, and necessary Permit Modification Requests (PMR) to revise UMCDF operating parameters in preparation for agent trial burns, submitted and approved.	HW Permit Conditions VI.A.5.iv. and VI.A.5.v.		X
3.	All required agent trial burn plans submitted (at least 180 days prior) and approved.	HW Permit Condition VI.A.5.ii.		X
4.	Umatilla Chemical Depot (UMCD)/UMCDF in compliance with all remaining HW Permit Conditions not already specifically addressed in this list.	HW Permit	X	X
5.	40 CFR 264 Subpart AA/BB/CC (Air Emission Standards for Process Vents, Equipment Leaks, and Tanks/Containers) requirements incorporated into HW Permit and Application, as well as the UMCDF design and operational configuration.	HW Permit Condition II.P.2.	X	X

NO.	REQUIREMENT	REQUIREMENT BASIS	OPERATIONAL PHASE	
			SURROGATE	AGENT
6.	UMCDF Perimeter Monitoring Network (PMN) for Comprehensive Monitoring Program (CMP) baseline air monitoring activated at least one calendar year prior.	HW Permit Condition II.A.4.ii.	X	
7.	UMCDF Independent Oversight Program structure and implementation acceptable to DEQ.	HW Permit Condition II.E.5.	X	X
8.	All required tank and tank system certifications, including primary containment sumps, submitted to DEQ.	HW Permit Conditions IV.B.4., IV.C.4. through IV.C.7.	X	X
9.	Information demonstrating the planned surrogate materials for the Liquid Incinerators (LICs) are "non-ignitable" submitted to and approved by DEQ.	HW Permit Conditions IV.N.1.	X	
10.	All required miscellaneous treatment unit certifications submitted to DEQ.	HW Permit Conditions V.A.3.iv. and V.A.3.v.	X	
11.	At least eight CMP sampling events completed and resulting data included in the CMP baseline dataset, and all required quarterly sampling events completed to date.	HW Permit Conditions II.A.4.ii.a. and II.A.4.ii.b.	X	X
12.	Remote UMCDF monitoring stations(s) installed and operational per DEQ request.	HW Permit Condition I.N.1.v.	X	
13.	UMCD/UMCDF standard operating procedure(s) related to operational limitations during adverse weather conditions submitted at least 180 days prior.	HW Permit Condition II.A.3.i.	X	
14.	Brine Reduction Area (BRA) limited stack test plan submitted to DEQ (90 days prior to test) and approved.	HW Permit Condition V.A.4.i. and V.A.4.iv.	X	
15.	Chemical Stockpile Emergency Preparedness Program (CSEPP) readiness approval received from the Oregon Governor's office.	HW Permit Condition II.H.4.i.	X	
16.	All required Facility Construction Certification (FCC) packages submitted and accepted.	HW Permit Condition I.R.	X	X

NO.	REQUIREMENT	REQUIREMENT BASIS	OPERATIONAL PHASE	
			SURROGATE	AGENT
17.	Post-Trial Burn Risk Assessment Protocol completed and issued by DEQ.	HW Permit Conditions II.N.2. and II.N.3.	X	
18.	Brine Reduction Area (BRA) performance test plan submitted to DEQ (180 days prior to test) and approved.	HW Permit Conditions V.A.4.i. and V.A.4.iv.		X
REQUIRED AS PERMIT MODIFICATION REQUEST (PMR) APPROVAL CONDITIONS				
19.	Revisions to Oregon Administrative Rules (OAR) 340-101 and 340-102 to address the appropriate application of the Oregon state-only waste codes F998/F999 and P998/P999 promulgated and corresponding changes properly incorporated into the HW Permit and Permit Application.	PMR UMCDF-99-021-WAP(2)	X	
20.	Unlined carbon steel duplex strainers removed from Pollution Abatement System (PAS) and replaced by new dual simplex strainer design.	PMR UMCDF-98-021-PAS(1R)	X	
Other Requirements Established by DEQ				
21.	UMCD Hazardous Waste (HW) Storage Permit approved, issued and implemented.	DEQ/EQC	X	X
22.	UMCDF Class 3 J-Block Permitted Storage Permit Modification Request (PMR) UMCDF-00-004-WAST(3) approved and implemented.	DEQ/EQC	X	X
23.	UMCDF Hazardous Waste Treatment and Storage Permit (HW Permit) and RCRA Part B Permit Application (Permit Application) current and approved. All information, attachments and documentation revised and updated, including valid Professional Engineer (PE) stamps where required.	DEQ/EQC	X	X
24.	Treatment and disposal options, including sampling and analytical requirements, identified and implemented for all expected UMCDF secondary waste streams.	DEQ/EQC	X	X

NO.	REQUIREMENT	REQUIREMENT BASIS	OPERATIONAL PHASE	
			SURROGATE	AGENT
25.	UMCDF construction complete, facility turned over to operations and maintenance, and all systemization activities successfully completed, including preparation of necessary operational and maintenance procedures.	DEQ/EQC	X	X
26.	UMCDF waste/munitions tracking procedure and system developed, approved and implemented.	DEQ/EQC		X
27.	All necessary waste management processes and contracts implemented to manage all waste streams generated during operations.	DEQ/EQC	X	X
28.	Appropriate DEQ personnel approved for unescorted access to UMCDF.	DEQ/EQC	X	
29.	UMCD/UMCDF in compliance with approved/issued Air Quality Permit and all applicable Maximum Achievable Control Technology (MACT) and air quality regulations. All outstanding air quality issues resolved to DEQ's satisfaction.	DEQ/EQC	X	X
30.	UMCD/UMCDF in compliance with all applicable water quality regulations. All outstanding water quality issues resolved to DEQ's satisfaction.	DEQ/EQC	X	X
31.	UMCD/UMCDF in compliance with all remaining requirements determined by DEQ to be necessary for facility start-up, and not otherwise addressed in this list.	DEQ/EQC	X	X

ATTACHMENT C
COMPLETE LIST OF DRAFT START-UP CHECKLIST REQUIREMENTS
(INCLUDING ASSOCIATED EVALUATION CRITERIA DEVELOPED TO DATE)

Listed below is the Department's current draft list of activities and requirements that must be completed prior to the start of either surrogate testing operations or chemical agent disposal operations at UMCDF. Notations are included to clarify the Department's current proposal on which Requirements/criteria are associated with surrogate operations and which are associated with agent operations. Some Requirements may be applicable to both phases and would require two separate assessments to determine their current status. Some Requirements related to the operation of certain treatment systems not planned to be operated in the initial stages of either surrogate and/or agent operations [such as the Deactivation Furnace System (DFS), Metal Parts Furnace (MPF) or Brine Reduction Area (BRA)], may not need to be completed prior to allowing the start of operations for the initial treatment system [the Liquid Incinerator (LIC)]. This list includes the Measurement Criterion for each Requirement summarized in the accompanying Attachment B of this information package.

REQUIREMENT NO. 1: All required surrogate trial burn plans submitted (at least 180 days prior) and approved. [HW Permit Condition VI.A.5.ii.]

Measurement Criterion #1a: UMCDF submitted Class 2 PMR to update and revise the LIC#1 Trial Burn Plan (TBP) in preparation for surrogate trial burn operations. *[surrogate]*

Measurement Criterion #1b: DEQ approved the surrogate TBP for LIC #1 and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[surrogate]*

Measurement Criterion #1c: UMCDF submitted Class 2 PMR to update and revise the LIC#2 TBP in preparation for surrogate trial burn operations. *[surrogate]*

Measurement Criterion #1d: DEQ approved the surrogate TBP for LIC #2 and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[surrogate]*

Measurement Criterion #1e: UMCDF submitted Class 2 PMR to update and revise the DFS TBP in preparation for surrogate trial burn operations. *[surrogate]*

Measurement Criterion #1f: DEQ approved the surrogate TBP for DFS and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[surrogate]*

Measurement Criterion #1g: UMCDF submitted Class 2 PMR to update and revise the MPF TBP in preparation for surrogate trial burn operations. *[surrogate]*

Measurement Criterion #1h: DEQ approved the surrogate TBP for MPF and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[surrogate]*

REQUIREMENT NO. 2: All required surrogate trial burn reports, and necessary Permit Modification Requests (PMR) to revise UMCDF operating parameters in preparation for agent trial burns, submitted and approved. [HW Permit Conditions VI.A.5.iv. and VI.A.5.v.]

Measurement Criterion #2a: UMCDF submitted the LIC#1 Surrogate Trial Burn Report (TBR) within 90 days of completing the LIC#1 surrogate trial burn. *[agent]*

Measurement Criterion #2b: DEQ approved the LIC#1 Surrogate TBR. *[agent]*

Measurement Criterion #2c: UMCDF submitted PMR to update HW Permit emission limits and operating conditions based on results of LIC#1 surrogate trial burn. *[agent]*

Measurement Criterion #2d: DEQ approved the PMR updating LIC#1 emission limits and operating conditions, and issued page changes for the HW Permit to all controlled copy holders. *[agent]*

Measurement Criterion #2e: UMCDF submitted the LIC#2 Surrogate TBR within 90 days of completing the LIC#2 surrogate trial burn. *[agent]*

Measurement Criterion #2f: DEQ approved the LIC#2 Surrogate TBR. *[agent]*

Measurement Criterion #2g: UMCDF submitted PMR to update HW Permit emission limits and operating conditions based on results of LIC#2 surrogate trial burn. *[agent]*

Measurement Criterion #2h: DEQ approved the PMR updating LIC#2 emission limits and operating conditions, and issued page changes for the HW Permit to all controlled copy holders. *[agent]*

Measurement Criterion #2i: UMCDF submitted the DFS Surrogate TBR within 90 days of completing the DFS surrogate trial burn. *[agent]*

Measurement Criterion #2j: DEQ approved the DFS Surrogate TBR. *[agent]*

Measurement Criterion #2k: UMCDF submitted PMR to update HW Permit emission limits and operating conditions based on results of DFS surrogate trial burn. *[agent]*

Measurement Criterion #2l: DEQ approved the PMR updating DFS emission limits and operating conditions, and issued page changes for the HW Permit to all controlled copy holders. *[agent]*

Measurement Criterion #2m: UMCDF submitted the MPF Surrogate TBR within 90 days of completing the MPF surrogate trial burn. *[agent]*

Measurement Criterion #2n: DEQ approved the MPF Surrogate TBR. *[agent]*

Measurement Criterion #2o: UMCDF submitted PMR to update HW Permit emission limits and operating conditions based on results of LIC#1 surrogate trial burn. *[agent]*

Measurement Criterion #2p: DEQ approved the PMR updating MPF emission limits and operating conditions, and issued page changes for the HW Permit to all controlled copy holders. *[agent]*

REQUIREMENT NO. 3: All required agent trial burn plans submitted (at least 180 days prior) and approved. [HW Permit Condition VI.A.5.ii.]

Measurement Criterion #3a: UMCDF submitted Class 2 PMR to update and revise the LIC#1 Trial Burn Plan (TBP) in preparation for agent trial burn operations. *[agent]*

Measurement Criterion #3b: DEQ approved the agent TBP for LIC #1 and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[agent]*

Measurement Criterion #3c: UMCDF submitted Class 2 PMR to update and revise the LIC#2 TBP in preparation for agent trial burn operations. *[agent]*

Measurement Criterion #3d: DEQ approved the agent TBP for LIC #2 and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[agent]*

Measurement Criterion #3e: UMCDF submitted Class 2 PMR to update and revise the DFS TBP in preparation for agent trial burn operations. *[agent]*

Measurement Criterion #3f: DEQ approved the agent TBP for DFS and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[agent]*

Measurement Criterion #3g: UMCDF submitted Class 2 PMR to update and revise the MPF TBP in preparation for agent trial burn operations. *[agent]*

Measurement Criterion #3h: DEQ approved the agent TBP for MPF and issued page changes for both the HW Permit and Permit Application, as appropriate, to all controlled copy holders. *[agent]*

REQUIREMENT NO. 4: UMCD/UMCDF in compliance with all remaining HW Permit Conditions not already specifically addressed in this list.

Measurement Criterion #4a: DEQ verified within the last 3 months that Permittees are in compliance with all applicable HW Permit Conditions. *[surrogate and agent]*

REQUIREMENT NO. 5: 40 CFR 264 Subpart AA/BB/CC requirements incorporated into HW Permit and Application, as well as the UMCDF design and operational configuration. [HW Permit Condition II.P.2.]

Measurement Criterion #5a: DEQ approved PMR UMCDF-00-022-MISC(3) and issued page changes for both the HW Permit and Permit Application to all controlled copy holders. *[surrogate]*

Measurement Criterion #5b: UMCDF implemented all design and operational changes required by DEQ as part of approval of PMR UMCDF-00-022-MISC(3). *[surrogate and agent]*

REQUIREMENT NO. 6: UMCDF Perimeter Monitoring Network (PMN) for Comprehensive Monitoring Program (CMP) baseline air monitoring activated at least one calendar year prior. [HW Permit Condition II.A.4.ii.]

Measurement Criterion #6a: PMN activated and producing air monitoring data acceptable for use in establishing a baseline at least one calendar year prior to the start of surrogate operations. *[surrogate]*

REQUIREMENT NO. 7: UMCDF Independent Oversight Program structure and implementation acceptable to DEQ. [HW Permit Condition II.E.5.]

Measurement Criterion #7a: DEQ reviewed the UMCDF Independent Oversight Program within the last 6 months and determined it to be acceptable and consistent with the EQC's intent in Permit Condition II.E.5. *[surrogate and agent]*

REQUIREMENT NO. 8: All required tank and tank system certifications, including primary containment sumps, submitted to DEQ. [HW Permit Conditions IV.B.4. and IV.C.4. through IV.C.7.]

Measurement Criterion #8a: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the Agent Collection Tank System, including associated piping, pumps and ancillary equipment (ACS-TANK-101 and –102). *[surrogate or agent, depending on use]*

Measurement Criterion #8b: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the Spent Decontamination Holding Tank System, including associated piping, pumps and ancillary equipment (SDS-TANK-101, -102 and –103). *[surrogate or agent, depending on use]*

Measurement Criterion #8c: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the Brine Surge Tank System , including associated piping, pumps and ancillary equipment (BRA-TANK-101, -102, -201, and –202). *[surrogate]*

Measurement Criterion #8d: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the Primary Containment System Sumps (MDB-SUMP-106 thru –110, -112 thru –118, -124 thru –126, -134, -135, -145 thru –149, -153, -154, -164, -168, -169, -174, -175, -179, -184, -189, -190; and DDYR-CHPAN-101, -102, -201). *[surrogate]*

REQUIREMENT NO. 9: Information demonstrating the planned surrogate materials for the LIC are "non-ignitable" submitted to and approved by DEQ. [HW Permit Condition IV.N.1.]

Measurement Criterion #9a: Measurement Criterion # UMCDF submitted information demonstrating the "non-ignitability" of LIC surrogate materials at least 6 months prior to the start of Shakedown Period I. *[surrogate]*

REQUIREMENT NO. 9 (Continued):

Measurement Criterion #9b: DEQ approved the submitted information as sufficient to demonstrate that LIC surrogate materials are "non-ignitable." *[surrogate]*

REQUIREMENT NO. 10: All required miscellaneous treatment unit certifications submitted to DEQ. [HW Permit Conditions V.A.3.iv. and V.A.3.v.]

Measurement Criterion #10a: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the BRA Drum Dryers, including associated piping and ancillary equipment (DDRY-101, DDRY-102, DDRY-103). *[surrogate]*

Measurement Criterion #10b: UMCDF submitted the required construction, installation, structural integrity and suitability certifications for the BRA Evaporator Packages, including associated piping and ancillary equipment (EVAP-101, EVAP-201, EXCH-101, EXCH-201). *[surrogate]*

REQUIREMENT NO. 11: At least eight CMP sampling events completed and resulting data included in the CMP baseline dataset, and all required quarterly sampling events completed to date. [HW Permit Conditions II.A.4.ii.a. and II.A.4.ii.b.]

Measurement Criterion #11a: UMCDF completed at least eight CMP sampling events in accordance with the CMP Workplan and Sampling and Analysis Plan (SAP), and submitted the results to DEQ. *[surrogate]*

Measurement Criterion #11b: DEQ accepted at least eight sets of CMP sampling data, which have been generated in accordance with the CMP Workplan and SAP, to establish the baseline conditions. *[surrogate]*

Measurement Criterion #11c: UMCDF completed all quarterly CMP sampling events since the initiation of the baseline phase. *[surrogate and agent]*

REQUIREMENT NO. 12: Remote UMCDF monitoring stations(s) installed and operational per DEQ request. [HW Permit Condition I.N.1.v.]

Measurement Criterion #12a: UMCDF installed and made operational remote monitoring stations, which provide unrestricted 24-hr DEQ access to facility operating and monitoring data, at the following locations: DEQ Hermiston office, DEQ field office in the Personnel Support Building (PSB), and engineering office adjacent to the UMCDF Control Room. *[surrogate]*

REQUIREMENT NO. 13: UMCD/UMCDF standard operating procedure(s) related to operational limitations during adverse weather conditions submitted at least 180 days prior. [HW Permit Condition II.A.3.i.]

Measurement Criterion #13a: UMCD/UMCDF submitted standard operating procedure(s) (SOP) describing the specific operational limitations that will be in effect during adverse weather conditions at least 180 days prior to the start of surrogate operations. *[surrogate]*

REQUIREMENT NO. 14: Brine Reduction Area (BRA) limited stack test plan submitted to DEQ (90 days prior to test) and approved. [HW Permit Conditions V.A.4.i. and V.A.4.iv.]

Measurement Criterion #14a: UMCDF submitted to DEQ the BRA limited stack test plan that will demonstrate compliance of the BRA with HW Permit emissions and operating limits prior to conducting the formal BRA Performance Test during initial GB brine operations. *[surrogate]*

Measurement Criterion #14b: DEQ approved the BRA limited stack test plan. *[maybe surrogate, but definitely before test]*

REQUIREMENT NO. 15: Chemical Stockpile Emergency Preparedness Program (CSEPP) readiness approval received from the Oregon Governor's office. [HW Permit Condition II.H.4.i.]

Measurement Criterion #15a: Documentation on file from the State of Oregon, Governor's Office, notifying DEQ that CSEPP is sufficiently ready to adequately respond to events at UMCD and UMCDF. *[surrogate]*

REQUIREMENT NO. 16: All required Facility Construction Certification (FCC) packages submitted and accepted. [HW Permit Condition I.R.]

Measurement Criterion #16a: DEQ accepted all required Container Handling Building (CHB) 100% FCC packages, including the following subsystems: CHB60, CHB81. *[surrogate]*

Measurement Criterion #16b: DEQ accepted all required Laboratory (LAB) 100% FCC packages, including the following subsystem: LAB22. *[surrogate]*

Measurement Criterion #16c: DEQ accepted all required Brine Reduction Area (BRA) 100% FCC packages, including the following subsystems: BRA00, BRA10, BRA20, BRA60, BPS80. *[surrogate]*

Measurement Criterion #16d: DEQ accepted all required Liquid Incinerator (LIC) 100% FCC packages, including the following subsystems: LC101, LC160, LC100, LC201, LC260, LC200, LC220, LC120. *[surrogate]*

REQUIREMENT NO. 16 (Continued):

Measurement Criterion #16e: DEQ accepted all required Deactivation Furnace System (DFS) 100% FCC packages, including the following subsystems: DFS01, DFS30, DFS60, DFS61, DFS00, DFS10, DFS20. *[surrogate]*

Measurement Criterion #16f: DEQ accepted all required Metal Parts Furnace (MPF) 100% FCC packages, including the following subsystems: MPF01, MPF60, MPF00. *[surrogate]*

Measurement Criterion #16g: DEQ accepted all required Pollution Abatement System (PAS) 100% FCC packages, including the following subsystems: PAS00, PAS01, PAS10, PAS20, PAS30, PAS40, PAS81, PAS82, PAS84. *[surrogate]*

Measurement Criterion #16h: DEQ accepted all required Agent Collection System (ACS) 100% FCC packages, including the following subsystems: ACS00, ACS11, ACS12, ACS21, ACS22, ACS40, ACS31, ACS32, ACS33. *[surrogate or agent, depending on use]*

Measurement Criterion #16i: DEQ accepted all required Heating, Ventilation and Air Conditioning (HVC) 100% FCC packages, including the following subsystems: HVC40, HVC00, HVC41, HVC42, HVC43, HVC60, HVC30, HVC44. *[surrogate]*

Measurement Criterion #16j: DEQ accepted all required Process Utility Building (PUB) 100% FCC packages, including the following subsystem: PUB83. *[surrogate]*

Measurement Criterion #16k: DEQ accepted all required Demilitarization Equipment 100% FCC packages, including the following subsystems: MMS40, MMS41, MMS42, PHS31, PHS32, PHS41, PHS42, PHS61, PHS62, PHS63, RHS31, RHS32, BDS80, MMS11, MMS12, PHS11, PHS12, PHS21, PHS22, RHS11, RHS12, RHS21, RHS22. *[surrogate or agent, depending on use]*

Measurement Criterion #16l: DEQ accepted all required Spent Decontamination System (SDS) 100% FCC packages, including the following subsystems: SDS00, SDS11, SDS12, SDS13, SDS20. *[surrogate or agent, depending on use]*

Measurement Criterion #16m: DEQ accepted all required Munitions Demilitarization Building (MDB) 100% FCC packages, including the following subsystems: MDB02, MDB03, MDB04, MDB05, MDB06, MDB07, MDB08, MDB12, MDB21, MDB22, MDB23, MDB24, MDB25, MDB26. *[surrogate]*

Measurement Criterion #16n: DEQ accepted all required General Site 100% FCC packages, including the following subsystem: STE81. *[surrogate]*

REQUIREMENT NO. 17: Post-Trial Burn Risk Assessment Protocol completed and issued by DEQ. [HW Permit Conditions II.N.2. and II.N.3.]

Measurement Criterion #17a: DEQ issued final scope of work and contract with Ecology and Environment to take the lead in preparation of the Post-Trial Burn Risk Assessment (RA) Workplan. *[surrogate]*

REQUIREMENT NO. 17 (Continued):

Measurement Criterion #17b: DEQ and the Post-Trial Burn RA Workgroup completed a draft Workplan for public review and comment. *[surrogate]*

Measurement Criterion #17c: Public review and comment process for draft Workplan completed. *[agent]*

Measurement Criterion #17d: DEQ approved and issued a final Post-Trial Burn RA Workplan which contains the required Protocol and guidance. *[agent]*

REQUIREMENT NO. 18: Brine Reduction Area (BRA) performance test plan submitted to DEQ (180 days prior to test) and approved. [HW Permit Conditions V.A.4.i. and V.A.4.iv.]

Measurement Criterion #18a: UMCDF submitted to DEQ the BRA performance test plan that will demonstrate compliance of the BRA with HW Permit emissions and operating limits during initial GB brine operations. *[agent]*

Measurement Criterion #18b: DEQ approved the BRA performance test plan. *[maybe agent, but definitely before test]*

REQUIREMENT NO. 19: Revisions to Oregon Administrative Rules (OAR) 340-101 and 340-102 to address the appropriate application of the Oregon state-only waste codes F998/F999 and P998/P999 promulgated and corresponding changes properly incorporated into the HW Permit and Permit Application. [PMR UMCDF-99-021-WAP(2)]

Measurement Criterion #19a: DEQ promulgate revised OARs clarifying the proper waste designation procedures for hazardous wastes carrying Oregon state-only waste codes. *[surrogate]*

Measurement Criterion #19b: OAR changes regarding Oregon state-only hazardous waste codes F998/F999 and P998/P999 incorporated into the HW Permit and Permit Application via an approved PMR from UMCDF. *[surrogate]*

REQUIREMENT NO. 20: Unlined carbon steel duplex strainers removed from PAS and replaced by new dual simplex strainer design. [PMR UMCDF-98-021-PAS(1R)]

Measurement Criterion #20a: UMCDF submitted PMR for approval to replace unlined carbon steel duplex strainers from the PAS with new dual simplex strainers. *[surrogate]*

Measurement Criterion #20b: DEQ approved submitted PMR. *[surrogate]*

Measurement Criterion #20c: UMCDF completed installation and testing of new dual simplext strainers in the PAS. *[surrogate]*

REQUIREMENT NO. 21: Umatilla Chemical Depot (UMCD) Hazardous Waste (HW) Storage Permit approved, issued and implemented.

Measurement Criterion #21a: DEQ determined UMCD RCRA Part B Storage Permit Application complete. *[surrogate]*

Measurement Criterion #21b: DEQ approved UMCD Storage Unit Operations and Management Plan (SUOMP) submitted per OAR 340-104-1201. *[surrogate]*

Measurement Criterion #21c: DEQ completed draft UMCD HW Storage Permit and issued for public comment. *[surrogate]*

Measurement Criterion #21d: DEQ approved and issued final UMCD HW Storage Permit. *[surrogate]*

Measurement Criterion #21e: UMCD on schedule with implementation of required changes to chemical agent munition storage areas and management program. *[surrogate]*

Measurement Criterion #21f: UMCD completed implementation of all required changes to chemical agent munition storage areas and management program. *[agent]*

REQUIREMENT NO. 22: UMCDF Class 3 J-Block Permitted Storage Permit Modification Request (PMR) UMCDF-00-004-WAST(3) approved and implemented.

Measurement Criterion #22a: EQC approved PMR UMCDF-00-004-WAST(3) and DEQ issued page changes for both the HW Permit and Permit Application to all controlled copy holders. *[surrogate]*

Measurement Criterion #22b: UMCDF implemented all physical and procedural changes required by DEQ for storage of secondary wastes in J-Block. *[agent]*

REQUIREMENT NO. 23: UMCDF Hazardous Waste Treatment and Storage Permit (HW Permit) and RCRA Part B Permit Application (Permit Application) current and approved. All information, attachments and documentation revised and updated, including valid Professional Engineer (PE) stamps where required.

Measurement Criterion #23a: All UMCDF specifications, and the RCRA Tank Assessment, in the Permit Application (Volumes IV, VI and VII) have been PE-certified within the last 12 months, or a review has determined no update is needed. Specifications include the following: 13201, 13202, 13215, 15120, 15160, 16641, 2210, 2511, 2512, 2556, 3100, 3200, 3250, 3300, 5500, 9850, 9900, 11510, 11522, 11524, 13185, 13186, 13187, 13188, 13210, 13211, 13212, 13213, 15161, 15828, 15829, 15830, 15831 and 15987. *[surrogate and agent]*

Measurement Criterion #23b: All UMCDF drawings in the Permit Application (Volume V) have been PE-stamped within the last 12 months, or a review has determined no update is needed. *[surrogate and agent]*

REQUIREMENT NO. 23 (Continued):

Measurement Criterion #23c: The entire Permit Application has been updated and transitioned to the revised administrative organizational structure approved on March 4, 1999 as a part of PMR UMCDF-98-019-MISC(1R). *[surrogate]*

Measurement Criterion #23d: All Attachments to the Permit Application have been updated, as appropriate, within the last 12 months, or a review has been performed to document that an update is not needed. *[surrogate and agent]*

Measurement Criterion #23e: All Attachments to the HW Permit have been updated, as appropriate, within the last 12 months, or a review has been performed to document that an update is not needed. *[surrogate and agent]*

Measurement Criterion #23f: TBD as necessary. *[surrogate and/or agent]*

REQUIREMENT NO. 24: Treatment and disposal options, including sampling and analytical requirements, identified and implemented for all expected UMCDF secondary waste streams.

Measurement Criterion #24a: Permittees completed characterization of UMCD secondary waste streams necessary for development of permitting documentation to feed these waste streams to UMCDF treatment units. *[surrogate]*

Measurement Criterion #24b: UMCDF submitted all necessary PMRs to DEQ for adding UMCDF and UMCD secondary waste feed streams to the UMCDF Liquid Incinerators, Deactivation Furnace System and Metal Parts Furnace. *[surrogate]*

Measurement Criterion #24c: DEQ approved all PMRs for adding UMCDF and UMCD secondary waste feed streams to the UMCDF Liquid Incinerators, Deactivation Furnace System and Metal Parts Furnace. *[agent]*

Measurement Criterion #24d: Permittees made technical decision on the treatment method that will be developed/utilized for personal protective equipment and halogenated plastic secondary waste at UMCDF. *[surrogate]*

Measurement Criterion #24e: UMCDF submitted PMR to DEQ for the treatment of personal protective equipment and other halogenated plastic secondary waste streams. *[agent]*

Measurement Criterion #24f: Permittees made technical decision on the treatment method that will be developed/utilized for agent-contaminated carbon. *[surrogate]*

Measurement Criterion #24g: UMCDF submitted PMR to DEQ for the treatment of agent-contaminated carbon. *[agent]*

Measurement Criterion #24h: UMCDF on schedule and making acceptable progress toward completion of all secondary waste management and treatment activities not otherwise addressed in this Requirement. *[surrogate and agent]*

Measurement Criterion #24i: TBD as necessary. *[surrogate and/or agent]*

REQUIREMENT NO. 25: UMCDF construction complete, facility turned over to operations and maintenance, and all systemization activities successfully completed, including preparation of necessary operational and maintenance procedures.

Measurement Criterion #25a: UMCDF completed all required construction activities, and facility turned over to operations and maintenance. *[surrogate]*

Measurement Criterion #25b: UMCDF completed preparation of all necessary operational and maintenance procedures. *[surrogate and agent]*

Measurement Criterion #25c: UMCDF completed all required systemization activities, and resolved any outstanding "punch list" items. *[surrogate and agent]*

Measurement Criterion #25d: Operations staff from the Program Manager for Chemical Demilitarization (PMCD) Headquarters declared UMCDF ready for operations. *[surrogate and agent]*

MeasurementCriterion #25e: TBD as necessary. *[surrogate and/or agent]*

REQUIREMENT NO. 26: UMCDF waste/munitions tracking procedure and system developed, approved and implemented.

Measurement Criterion #26a: UMCDF completed development of waste/munitions tracking procedure and system for use during operations. *[agent]*

Measurement Criterion #26b: UMCDF completed changes to facility and operational procedures to implement the approved waste/munitions tracking system. *[agent]*

REQUIREMENT NO. 27: All necessary waste management processes and contracts implemented to manage all waste streams generated during operations.

Measurement Criterion #27a: UMCDF implemented processes and contract(s) to facilitate management and off-site disposal of salts generated from operation of the BRA. *[surrogate and agent]*

Measurement Criterion #27b: UMCDF implemented processes and contract(s) to facilitate management and off-site disposal or treatment of munition casings. *[agent]*

Measurement Criterion #27c: UMCDF implemented processes and contract(s) to facilitate management and off-site disposal of various furnace and treatment unit ashes or similar residues. *[surrogate and agent]*

Measurement Criterion #27d: UMCDF implemented processes and contract(s) to facilitate management of all remaining waste streams destined for off-site disposal or treatment. These waste streams include, but are not limited to, refractory brick, LIC slag, maintenance residues and sludges, miscellaneous parts and debris, miscellaneous liquid wastes, and non-process wastes. *[surrogate and agent]*

Measurement Criterion #27e: UMCDF implemented processes to facilitate management of all generated waste streams destined for further on-site treatment. These waste streams include, but are not limited to, spent carbon, miscellaneous liquid wastes, explosives residues, agent-contaminated maintenance residues, laboratory wastes, and personal protective equipment. *[surrogate to some extent, but mostly agent]*

REQUIREMENT NO. 28: Appropriate DEQ personnel approved for unescorted access to UMCDF.

Measurement Criterion #28a: Tom Beam approved for UMCDF unescorted access and all appropriate security badges and clearances issued. *[surrogate]*

Measurement Criterion #28b: Ken Chapin approved for UMCDF unescorted access and all appropriate security badges and clearances issued. *[surrogate]*

Measurement Criterion #28c: Nick Speed approved for UMCDF unescorted access and all appropriate security badges and clearances issued. *[surrogate]*

Measurement Criterion #28d: Dan Duso approved for UMCDF unescorted access and all appropriate security badges and clearances issued. *[surrogate]*

Measurement Criterion #28e: Sue Oliver approved for UMCDF unescorted access and all appropriate security badges and clearances issued. *[surrogate]*

REQUIREMENT NO. 29: UMCD/UMCDF in compliance with approved/issued Air Quality Permit and all applicable MACT and air quality regulations. All outstanding air quality issues resolved to DEQ's satisfaction.

Measurement Criterion #29a: Current documentation on file (within last six months) from the DEQ Air Quality Program, Eastern Region, stating that there are no outstanding air quality issues related to the operation of UMCD or UMCDF. *[surrogate and agent]*

Measurement Criterion #29b: DEQ issued the revised Air Contaminant Discharge Permit (ACDP) for UMCD/UMCDF. *[surrogate]*

REQUIREMENT NO. 30: UMCD/UMCDF in compliance with all applicable water quality regulations. All outstanding water quality issues resolved to DEQ's satisfaction.

Measurement Criterion #30a: Current documentation on file (within last six months) from the DEQ Water Quality Program, Eastern Region, stating that there are no outstanding water quality issues related to the operation of UMCD or UMCDF. *[surrogate and agent]*

REQUIREMENT NO. 31: UMCD/UMCDF in compliance with all remaining requirements determined by DEQ to be necessary for facility start-up, and not otherwise addressed in this list.

Measurement Criterion #31a: TBD as necessary. *[surrogate and agent]*

12/7/01 EQC Meeting, Item I, handout.

Testimony before the Environmental Quality Commission
December 7, 2001

Madame Chair and Members of the Commission:

My name is Dan Brosnan. I'm a County Commissioner from Morrow County and with me is Tamra Mabbott, County Planning Director.

As you know, Morrow County is one of the host counties for the Umatilla Chemical Depot, along with Umatilla County. These two counties, together with Benton County, Washington, comprise the three counties involved in the Chemical Stockpile Emergency Preparedness Program.

Morrow County has been involved with and heavily impacted by the military for over sixty years. The condemnation of private and public land to establish the Depot and Navy Bombing Range had a devastating impact on some of our citizens and the county. The influx of workers led to rapid, unregulated building of substandard housing; inadequate water and sewer systems; and roads which in many cases were simply tracks across the desert. We are still trying to correct many of these problems.

With the signing of the international treaty mandating destruction of chemical weapons, a new burden was created for the host counties. We moved from having a terrible but relatively inert threat in our midst, to an active program, which hopefully will remove the danger, but which raises a whole host of new concerns. Make no mistake, Morrow County wants these weapons destroyed. We are, however, determined, just as you are, that it be done in a safe, timely, and environmentally acceptable manner.

To that end, we have been paying close attention to the permitting and construction of the incinerator as we move forward to thermal operations. We have attended many of the public meetings, had numerous discussions with Department of Environmental Qualify staff, and Mr. Wayne Thomas has briefed the County Commissioners several times. He, in fact, supported and was instrumental in our acquiring funding from the Department of the Army to enable us to hire a consulting firm to help us understand and comment on the permit process. We appreciate his help and assistance.

We understand you are considering adding a condition to the permit which would require sign-off by this body prior to the start up of operations. This new condition would be additional to and precede the Governor's approval. We strongly support this concept. As the state body charged with developing and implementing the permit this seems only appropriate.

On a related matter, and to further the county's interests, we have had discussion with Mr. Thomas and with Ms. Hallock regarding additional language in the permit to address one of our concerns. As you may or may not be aware, Morrow County has an ordinance, passed several years ago, requiring

storage fees for toxic chemicals stored in Morrow County. We have billed the Army repeatedly for these fees. They have refused payment based on their opinion that there is no authority or authorization for them to make payment. We propose adding a condition to the permit that would state that the Army must comply with all state laws and local ordinances requiring payment of fees for storage or disposal of hazardous waste.

The rationale for these fees is that the U.S. Government has waived sovereign immunity under RCRA for payment of reasonable service charges in connection with state RCRA programs. The Federal Facility Compliance Act clarified the scope of this waiver as including any "substantive or procedural requirement including, but not limited to, fees or charges in connection with permits, planning, inspections, or other nondiscriminatory charges that are assessed in connection with a federal, state, interstate, or local solid waste or hazardous waste regulatory program." These fees, under RCRA, must be used for purposes related to emergency preparedness such as maintaining roads for emergency response, emergency medical response, law enforcement, and other health and safety purposes. We are prepared to use the fees for those explicit purposes.

CSEPP funding is limited and does not cover expenses for many items covered under RCRA. CSEPP funds are also limited to current storage and the period during incineration, not post incineration, nor for other related hazardous waste needs. CSEPP will not fund emergency response programs, law enforcement and other health and safety programs needed for other hazardous waste programs. The funding burden for those services falls on the county. A burden we suspect is growing especially given the fact that the Army has requested permission through a Permit Modification Request to not install the dunnage incinerator and to significantly increase the storage of waste in J-Block. Additionally, given that the Army has not identified methods of destruction for all wastes, secondary and other hazardous waste, and has not identified the treatment and final disposition of wastes, we are even more concerned with the long term implications and our ability to deal with hazardous wastes on the depot. It appears to us that long term storage of some waste may occur well past the end of the CSEP Program funding. We must have funds and programs in place to deal with that.

When we first approached DEQ staff about adding a permit condition, they sought advice from the Attorney General's office. The A.G.'s advice was that the permit condition could be added but that enforcement of county ordinances would be up to the county, not the state. We understand and agree and would still like to request the EQC include the permit condition. By including our proposed permit condition, it will better position the county to collect fees, authorized by RCRA.

Unlike the state, which collects taxes from salaries, cities and counties do not have a method for recovering costs to mitigate impacts. When the boom cycle of incineration ends and the workers leave, CSEPP funding will stop and local government will be left to fund emergency response and health and safety programs. We need a mechanism to fund those programs.

While we at the county recognize the right thing to do is destroy the weapons, we are adamant in our insistence that we not inherit any legacy wastes. The Army must be required to leave us with a totally clean site.

With this in mind, Morrow County would like to request of you, the permitting agency, that the Army comply with certain conditions prior to the Environmental Quality Commission authorizing start-up of thermal operations. Those prerequisite conditions should require that the Army submit detailed plans regarding waste (and that those plans be approved by the Commission), that all waste streams be identified by type and amount, that treatment methods for waste be identified and approved by the commission and that final disposal of treated residue be identified. Finally, we ask you that the Army be required to agree to treatment and restoration of the site to an acceptable level and not to allow them get away with "only what is absolutely necessary" as the Deputy Assistant Secretary implied is the Army's intent. Legacy waste is simply not acceptable to the citizens of Morrow and Umatilla Counties.

Finally, I would like to thank the DEQ staff for their hard work on this project. We recognize the long hours and negative feedback they frequently endure. Also, I would like to thank you for this opportunity to share our concerns. I would be happy to answer any questions you may have.

12/7/01 EQC Meeting, Item I, handout

UMATILLA
chemical agent disposal facility

UMCDF

Permittees' Comments on the EQC/DEQ Proposed Permit Modification

Presented to: Environmental Quality Commission
7 December 2001

UMATILLA
chemical agent disposal facility

Introduction

- **Permittees agree there must be a clearly defined start-up process**
- **Share Permittees thoughts regarding the proposed method and the Army's process**

Umatilla Chemical Agent Disposal Facility (UMCDF) Commitment

- Ensure Safety of Workers and Public while providing environmental protection
- Reduce public risk
- Ensure Public Awareness
- No Legacy or Secondary Waste

UMATILLA
chemical agent disposal facility

Programmatic Accomplishments

- JACADS mission completion, November 2000
- TOCDF completion of GB Campaign, early 2002
- ANCDF Surrogate Trial Burn Operations, early 2002
- Agent contaminated waste streams destined for the DUN will be processed in other UMCDF furnaces
- Decision on DPE treatment in the MPF, November 2001
- Decision on Carbon treatment in CMS/DFS, May 2002

Permittees Understand the Permit Modification in Concept

- Recognize the Commission and DEQ desire to measure readiness for startup of UMCDF
- Agree with open process to provide public awareness and evaluation of startup
- Support Oregon's emphasis on defined start-up process for reducing public risk

Permittees' Concerns with the Proposed Permit Modification

- Proposal targets safe start-up yet has potential to extend public risk

- Checklist and Criteria are not all
  - regulatory based
  - defined by standards
  - fixed in time

- Proposal duplicates existing Army start-up process

Permittees' Recommendations on the Proposed Permit Modification

- **Army process as alternative includes:**
  - A coordinated public involvement startup process
  - Resources and opportunity for DEQ to engage in the Army's startup process
  - Identification of Secondary Waste treatment methodologies

- **Enacting Proposed Permit Modification**
  - Define checklist and criteria on regulatory basis with standards and fixed time frames
  - Add checklist as a Permit Condition
  - Adopt an open public process to coincide with facility readiness
  - Adopt a readiness evaluation process to coincide with facility readiness

UMATILLA
chemical agent disposal facility

Conclusion

- Permittees support the concept for public safety and environmental protection
- Encourage EQC/DEQ to consider Permittee comments, concerns and recommendations
- Recommendations allow EQC, DEQ, and the Permittees to measure readiness for startup in an open public process without extending risk to the public

Oregon Environmental Quality Commission

Public Forum
Request to Present Information

Karyn Jones
Name (Please Print Clearly)

P.O. Box 1693 Hermiston, OR 97838
Address

GASP and Oregon Wildlife Federation & myself
Affiliation

Agenda Item _____ or
Topic of Presentation Umatilla Chem Demil Mods

Please limit comments to five minutes

(4)

Oregon Environmental Quality Commission

Public Forum
Request to Present Information

Dr Robert J Paine
Name (Please Print Clearly)

501 Euclid, Ashland OR
Address

Sierra Club
Affiliation

Agenda Item _____ or
Topic of Presentation Umatilla

Please limit comments to five minutes

(2)

Oregon Environmental Quality Commission

Public Forum
Request to Present Information

Dan Brosnan
Name (Please Print Clearly)

75950 Hwy 74 Heppner, OR.
Address

Morrow County Commissioner
Affiliation

Agenda Item Umatilla Depot or
Topic of Presentation _____

Please limit comments to five minutes

Oregon Environmental Quality Commission

Public Forum
Request to Present Information

Umatilla Permittees
Name (Please Print Clearly)

Umatilla Chemical Depot
Address

Affiliation

Agenda Item I or
Topic of Presentation Start up process of Umatilla Chemical Agent Disposal Facility

Please limit comments to five minutes

Oregon Environmental Quality Commission

Public Forum
Request to Present Information

Armand Minthorn
Name (Please Print Clearly)

PO Box 638 Pendleton ORE. 97801
Address

Confederated Tribes of Umatilla
Affiliation

Agenda Item _____ or
Topic of Presentation Umatilla

Please limit comments to five minutes

State of Oregon

Department of Environmental Quality Memorandum

Date: November 16, 2001

To: Environmental Quality Commission

From: Stephanie Hallock, Director

Subject: Agenda Item J, Permanent Rule Adoption: On-Site Fee Reduction
December 7, 2001 EQC Meeting

Department Recommendation

The Department recommends the Commission adopt permanent rules to reduce on-site sewage disposal fees as presented in Attachment A.

Need for Rulemaking

The 2001 Oregon Legislature passed and the Governor signed Senate Bill (SB) 5516 reducing on-site fees from levels established in rule in 1999. On June 22, 2001, the EQC adopted a temporary rule to amend the fee schedule consistent with the reduced fees. The temporary rule was implemented on July 1 and is effective until December 28, 2001. This rulemaking will permanently adopt the amended fee schedule.

Effect of Rule

The rule would reduce the fees paid by some on-site sewage system owners and sewage disposal service providers for several on-site program services as shown in Attachment A. The fee reduction will reduce the on-site program revenue by an estimated $352,000 over the next biennium.

Commission Authority

The Commission has authority to take this action under ORS 454.625 and ORS 468.020.

Stakeholder Involvement

Since this rulemaking is in response to Legislative action, no stakeholder or advisory groups were involved in rule development.

Public Comment

The public comment period for this rulemaking opened on August 20 and closed on September 28. A public hearing was convened in Portland on September 24, 2001. No one attended the public hearing and no written comments were received.

Key Issues

This rule proposal reduces on-site sewage system fees to levels established in Senate Bill 5516 adopted by the 2001 Legislature. The 1999 Legislature approved a fee increase but did not set specific fee levels. Specific fee increases were adopted by the EQC in November 1999, based on recommendations from the Department's advisory committee. On subsequent review by the Legislative Fiscal Office, it was noted that the on-site fee schedule adopted by the EQC was not the same as the draft schedule presented to the legislative committee during the 1999 legislative session. SB

5516 set on-site fees to the 1999 draft schedule levels.

As a result, the On-Site program will reduce staff by two Full Time Equivalents (FTE). The loss of two FTE will stop development and support of a certification program for on-site service providers. In addition, plans to develop an on-site system operating permit concept that would emphasize operation and maintenance of non-standard systems will not proceed. Finally, loss of the FTE will reduce enforcement capability in the Office of Compliance and Enforcement.

Next Steps

With adoption of permanent rules, the Department will continue to charge license holders and permit fee payers the reduced fees.

The on-site program has stopped work to develop an Installer's Certification Program and to fill two staff vacancies. Enforcement efforts will be reduced as necessary due to reduced staff levels.

No further actions are needed to implement the rules.

Attachments

A. Proposed Rule Revisions
B. Presiding Officer's Report on Public Hearings
C. Relationship to Federal Requirements
D. Fiscal and Economic Impact Statement
E. Land Use Evaluation

Available Upon Request

Public Information Package

Approved:

Section: Ed Woods

Division: Mike Downs

Report Prepared By: Chuck Harman

Phone: (503) 229-5013

Attachment A

AMENDMENTS TO DIVISION 071
ON-SITE SEWAGE DISPOSAL

Strikethroughs indicate deleted text; underlining indicates inserted text. These changes are consistent with temporary rules adopted by the EQC on June 22, 2001.

340-071-0140
FEES – GENERAL

(1) **ON-SITE SEWAGE DISPOSAL SYSTEMS – MAXIMUM FEE**

Except as provided in section (4) of this rule, the following non-refundable fees are required to accompany applications for site evaluations, permits, licenses and services provided by the Department.

~~ON-SITE SEWAGE DISPOSAL SYSTEMS~~	~~MAXIMUM FEE~~	
(a) New Site Evaluation:		
(A) Single Family Dwelling:		
(i) First Lot	~~$450~~	$425
(ii) Each Additional Lot Evaluated During Initial Visit	~~$450~~	$425
(B) Commercial Facility System:		
(i) For First One Thousand (1,000) Gallons Projected Daily Sewage Flow	~~$450~~	$425
(ii) For systems with projected sewage flows greater than one thousand (1,000) gallons but not more than 2,500 gallons, the site evaluation application fee shall be ~~$450~~ $425 plus an additional $110 for each 500 gallons or part thereof above 1,000 gallons.		
(C) Site Evaluation Report Review		$400
(D) Fees for site evaluation applications made to an agreement county shall be in accordance with that county's fee schedule;		
(E) Each fee paid for a site evaluation report entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) days of the initial site evaluation, at no extra cost;		
(F) Separate fees shall be required if site inspections are to determine site suitability for more than one (1) system on a single parcel of land.		
(b) Construction-Installation Permit:		
(A) For First One Thousand (1,000) Gallons Projected Daily Sewage Flow:		
(i) Standard On-Site System	~~$665~~	$630
(ii) Alternative System:		
(I) Aerobic System	~~$665~~	$630
(II) Capping Fill	~~$990~~	$950
(III) Cesspool	~~$665~~	$630
(IV) Disposal Trenches in Saprolite	~~$665~~	$630
(V) Evapotranspiration-Absorption	~~$665~~	$630
(VI) Gray Water Waste Disposal Sump		$280
(VII) Pressure Distribution	~~$990~~	$950
(VIII) Redundant	~~$665~~	$630
(IX) Sand Filter	~~$990~~	$950
(X) Seepage Pit	~~$665~~	$630

(XI) Seepage Trench ..... ~~$665~~ $630
(XII) Steep Slope ..... ~~$665~~ $630
(XIII) Tile Dewatering ..... ~~$990~~ $950

(iii) At the discretion of the Agent, the permittee may be assessed a re-inspection fee, not to exceed $235, when a pre-cover inspection correction notice requires correction of improper construction and, at a subsequent inspection, the Agent finds system construction deficiencies have not been corrected. The Agent may elect not to make further pre-cover inspections until the re-inspection fee is paid;

(iv) With the exceptions of sand filter and pressure distribution systems, a $40 fee may be added to all permits that specify the use of a pump or dosing siphon.

(B) For systems with projected daily sewage flows greater than one thousand (1,000) gallons, the Construction-Installation permit fee shall be equal to the fee required in paragraph (1)(b)(A) of this rule plus $60 for each five hundred (500) gallons or part thereof above one thousand (1,000) gallons;
NOTE: Fees for construction permits for systems with projected daily sewage flows greater than two thousand five hundred (2,500) gallons shall be in accordance with the fee schedule for WPCF permits.

(C) Commercial Facility System, Plan Review:

(i) For a system with a projected daily sewage flow of less than six hundred (600) gallons, the cost of plan review is included in the permit application fee;

(ii) For a system with a projected daily sewage flow of six hundred (600) gallons, but not more than one thousand (1,000) gallons projected daily sewage flow $230

(iii) For a system with a projected sewage flow greater than 1,000 gallons, the plan review fee shall be $250, plus an additional $40 for each five hundred (500) gallons or part thereof above one thousand (1,000) gallons, to a maximum sewage flow limit of two thousand five hundred (2,500) gallons per day.

(D) Permit Transfer, Reinstatement or Renewal:

(i) If Field Visit Required ..... ~~$400~~ $325
(ii) No Field Visit Required ..... ~~$100~~ $95

(E) Alteration Permit:

(~~a~~i) Major ..... ~~$650~~ $345
(~~b~~ii) Minor ..... ~~$290~~ $165

(F) Repair Permit:

(i) Single Family Dwelling:

(I) Major ..... ~~$360~~ $345
(II) Minor $165

(~~iiii~~) Commercial Facility:

(I) Major – The appropriate fees identified in paragraphs (1)(b)(A), (B), and (C) of this rule apply;
(II) Minor $290

(G) Permit Denial Review ..... ~~$400~~ $220

(c) Authorization Notice:

(A) If Field Visit Required ..... ~~$400~~ $390
(B) No Field Visit Required $100
(C) Authorization Notice Denial Review $400

(d) Annual Evaluation of Alternative System (Where Required) $330

(e) Evaluation of Temporary or Hardship Mobile Home $330

(f) Variance to On-Site System Rules $1,300
NOTE: The variance application fee may be waived if the applicant meets the requirements of OAR 340-071-0415(5).

(g) Rural Area Consideration pursuant to OAR 340-071-0410:
- (A) Site Evaluation ..... ~~$450~~ $425
  NOTE: In the event there is on file a site evaluation report for that parcel that is less than ninety (90) days old, the site evaluation fee shall be waived.
- (B) Construction-Installation Permit – The appropriate fee identified in subsection (1)(b) of this rule applies.

(h) Sewage Disposal Service:
- (A) New Business License ..... ~~$800~~ $425
- (B) Renewal of Existing and Valid Business License ..... ~~$400~~ $320
- (C) Transfer of or Amendments to License $200
- (D) Reinstatement of Suspended License $250
- (E) Pumper Truck Inspection, First Vehicle:
  - (i) Each Inspection ..... ~~$120~~ $100
  - (ii) Each Additional Vehicle, Each Inspection ..... ~~$60~~ $50

(i) Experimental Systems Permit $5,850

(j) Existing System Evaluation Report $400

(k) Innovative or Alternative Technology or Material Review $1,000

(l) Material Plan Review $300

(2) Contract County Fee Schedules, General:
- (a) Each county having an agreement with the Department under ORS 454.725 shall adopt a fee schedule for services rendered and permits to be issued. The county fee schedule shall not include the Department's surcharge fee identified in section (3) of this rule;
- (b) A copy of the fee schedule and any subsequent amendments to the schedule shall be forwarded to the Department;
- (c) Fees shall not exceed actual costs for efficiently conducted services.

(3) Surcharge. In order to offset a portion of the administrative and program oversight costs of the statewide on-site sewage disposal program, a surcharge of $40 for each site evaluated, for each construction installation permit and all other activities for which an application is submitted, shall be levied by the Department and by each Agreement County. Proceeds from surcharges collected by the Department and Agreement Counties shall be accounted for separately. Each Agreement County shall forward the proceeds to the Department as negotiated in the memorandum of agreement (contract) between the county and the Department.
EXCEPTION: The surcharge shall not apply to:
~~1~~(a) Sewage Disposal Service License applications;
~~2~~(b) Pumper Truck Inspections.

(4) Refunds. A refund may be made of all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

(5) Fees for WPCF Permits. The following fee schedule shall apply to WPCF Permits for on-site sewage disposal systems issued pursuant to OAR 340-071-0162:
- (a) Application filing fee (all categories) $50
- (b) Permit processing fees for sewage lagoons and other on-site disposal systems over 1,200 gpd:
  - (A) New Applications $2,000
  - (B) Permit Renewals (including request for effluent limit modifications) $1,000

(C) Permit Renewal (without request for effluent limit modifications) $500
(D) Permit modification (involving increase in effluent limits)..... $1,000
(E) Permit modification (not involving an increase in effluent limits) $500

(c) Permit processing fees for on-site systems of 1,200 gpd or less:
(A) New Applications $400
(B) Permit Renewals (involving request for effluent limit modifications)..... $200
(C) Permit Renewals (without request for effluent limit modifications) $100
(D) Permit Modifications (involving increase in effluent limitations) $150
(E) Permit Modifications (not involving an increase in effluent limits)..... $100

(d) Registration fee for General Permits $150

(e) Site Evaluation Fee:
(A) Facilities with design flow of 5,000 gpd or less, same as subsection (1)(a) of this rule;
(B) Facilities with design flow greater than 5,000 gpd $1,200

(f) Site Evaluation Confirmation Fee..... $350
NOTE: A Site Evaluation Confirmation Fee is required if the site evaluation is performed by a qualified consultant but, through the site evaluation review process, a site visit is still required by the Department or Agent.

(g) Plan Review Fee:
(A) Commercial Facilities with design flows less than 5,000 gpd same as paragraph (1)(b)(C) of this rule;
(B) Commercial Facilities with design flows of 5,000 gpd or More $500
(C) Non-commercial Facilities..... $100
NOTE: A plan review fee is required when engineered plans must be reviewed for a facility ~~which~~ that requires a WPCF permit.

(h) Annual Compliance Determination Fee:
(A) On-site sewage lagoon with no discharge $600
(B) On-site subsurface systems with individual WPCF Permit or general permit:
(i) Standard or alternative subsurface system not listed below, with design flow of 20,000 gpd or more..... $500
(ii) Standard or alternative subsurface system not listed below with design flow less than 20,000 gpd $250
(iii) Aerobic systems, 1,500 gpd or more..... $500
(iv) Aerobic systems, less than 1,500 ..... $250
(v) Recirculating Gravel Filter, 1,500 gpd or more..... $500
(vi) Recirculating Gravel Filter, less than 1,500 gpd..... $250
(vii) Sand Filter, 1,500 gpd or more.....$500
(viii) Sand Filter, less than 1,500 gpd..... $250
(ix) Holding tanks $200
(I) The owner of a holding tank regulated under a WPCF permit submitting an annual written certification, on a Department approved form, that the holding tank has been operated the previous year in full compliance with the permit and that the previous year service log for the holding tank is available for inspection by the Department .....$25.....

Stat. Auth.: ORS 454.625, ~~&~~ 468.020, & ORS 468.065(2)
Stats. Implemented: ORS 454.745, ~~&~~ 468.065, & 468B.050
Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99

Attachment B

State of Oregon
Department of Environmental Quality **Memorandum**

To: Chuck Harman, Water Quality Division Date: October 1, 2001
From: Ranei Nomura, Water Quality Division

Subject: Presiding Officers' Report for Rulemaking Hearing on September 24, 2001
Title of Proposal: Permanent Rulemaking – On Site Fee Reduction

A public hearing was provided on September 24, 2001, at 4 p.m. for the above proposal. The rulemaking hearing was convened at 4:40 p.m. and closed at 4:41 p.m. No one was in attendance. A statement was made for the record explaining that the copy of OAR 340-071-0140 provided in the rulemaking public notice package contained errors in OAR 340-071-0140(5). This section of the rule was incorrectly copied and contained the wrong fees, however, it was not proposed for changes in this rulemaking effort so the Department did not re-notice the package.

The tape recording of the hearing is attached.

Attachment C
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Permanent Amendment of Rule to Reduce On-Site Sewage Disposal Fees

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?**
   There are no applicable federal requirements.

2. **Are the applicable federal requirements performance based, technology based, or both with the most stringent controlling?**
   Not applicable.

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?**
   Not applicable.

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 proposed fee reductions for the on-site sewage treatment and disposal program will not directly affect the ability of the regulated community to comply with environmental regulations in a more cost-effective way. However, the reductions will prevent DEQ from filling two full time equivalent (fte) positions and require stopping work on development of a certification program for sewage disposal service providers, development of an on-site operating permit project, and reduction of enforcement capability.
5. **Is there a timing issue which might justify changing the time frame for implementation of federal requirements?**
   Not applicable.

6. **Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?**
   The proposal does not affect the issue of accommodation of uncertainty and future growth.

7. **Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)**

   The on-site fees are being reduced to levels presented to the 1999 Legislature. These reduced fees do not necessarily reflect recommendations received from DEQ's advisory committee assembled after the 1999 Legislature approved a fee increase. However, the same fee categories were maintained and fees are not being decreased by large amounts in most cases so the Department expects that reasonable equity is being maintained.

8. **Would others face increased costs if a more stringent rule is not enacted?**

   No.

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?**

    Not applicable.

11. **Will the proposed requirement contribute to the prevention of pollution or address a potential problem and represent a more cost effective environmental gain?**

    Not applicable.

Attachment D
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Permanent Amendment of Rule to Reduce On-Site Sewage Disposal Fees

Fiscal and Economic Impact Statement

Introduction

DEQ is proposing to adopt permanent rules to decrease on-site sewage system fees as directed by the 2001 Legislature in SB 5516. This proposal would make permanent the temporary rules adopted by EQC on June 22, 2001 to reduce on-site sewage system fees in response to SB 5516. These fees are found in OAR 340-071-0140(1). They include, but are not limited to the following: site evaluation fees, construction-installation permit fees, authorization notice fees, sewage disposal service licensing and inspection fees, etc. The fee reduction will result in a loss of revenue to DEQ estimated at $352,000 over the next biennium.

General Public

The fee reduction will result in lower application costs for homeowners who are constructing, repairing or altering standard on-site sewage disposal and treatment systems. The reduction would vary depending on the type and size of a system so an estimate of total savings is not provided here. The new site evaluation fee for a single family dwelling will be reduced from $450 to $425 and the construction-installation fee for a standard on-site system will be reduced from $665 to $630. Other fees that may affect the general public were also reduced.

Based on recent DEQ permit records for the 14 direct service counties, there are approximately 1400 new on-site systems put in each year.

Small Businesses

The fee reduction will result in lower licensing fees for small businesses that install and service on-site sewage disposal and treatment systems. License fees for a new business license will be reduced from their current rate of $800 to $425. The license renewal fee will be reduced from $400 to $320 yearly. Pumper truck inspection fees will be reduced from $120 to $100 for each inspection and from $60 to $50 for each additional vehicle at each inspection.

There are approximately 1100 licensed on-site sewage disposal service providers. Nearly all of these are small businesses.

Large Businesses

The fee reduction will result in lower licensing fees for large businesses that install and service on-site sewage disposal and treatment systems. License fees for a new business license will be reduced from their current rate of $800 to $425. The license renewal fee will be reduced from $400 to $320 yearly. Pumper truck inspection fees will be reduced from $120 to $100 for each inspection and from $60 to $50 for each additional vehicle at each inspection.

Local Governments
Some revenue reductions may occur in the 22 contract counties that implement the on-site program as agents for DEQ that adopt DEQ fees directly. However, counties can independently set their fees as described in OAR 340-071-0140(1)(a)(D) and 340-071-0140(2)(a) - (c) so a quantifiable impact is difficult to determine for the contract counties.

State Agencies
DEQ: DEQ estimates that the on-site fee reduction will result in an estimated loss of $352,000 in revenue over the biennium. This loss in revenue will prevent DEQ from filling two full time equivalent (fte) positions and require stopping work on development of a certification program for sewage disposal service providers, development of an on-site operating permit project, and reduction of enforcement capability.

Other Agencies: No other state agencies should be impacted directly by this action.

Assumptions
DEQ estimates that the on-site fee reduction will result in an estimated loss of $352,000 in revenue based on assuming a typical number of permits and licenses in a biennium.

Housing Cost Impact Statement
DEQ has determined that this proposed rulemaking may slightly reduce the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling if that dwelling utilizes an on-site sewage disposal system. Fee reduction savings estimates for a single family dwelling would range from $50 for a standard on-site sewage disposal system to as much as $235 for a system that requires a sand filter.

Attachment E

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal for Permanent Amendment of Rule to Reduce On-Site Sewage Disposal Fees

Land Use Evaluation Statement

1. Explain the purpose of the proposed rules.
The Department is proposing to adopt permanent rules to decrease on-site sewage system fees as directed by the 2001 Legislature in SB 5516. This proposal would make permanent the temporary rules adopted by EQC on June 22, 2001 to reduce on-site sewage system fees in response to SB 5516. These fees are found in OAR 340-071-0140(1). They include, but are not limited to the following: site evaluation fees, construction-installation permit fees, authorization notice fees, sewage disposal service licensing and inspection fees, experimental systems permit fees, innovative/alternative technology or material review fees, etc.

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 X No____

a. If yes, identify existing program/rule/activity:
On-site sewage disposal and treatment systems.

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes X No___ (if no, explain):
A land use compatibility statement signed by the local land use authority is required from the applicant prior to authorizing discharges under on-site permits.

c. If no, apply the following criteria to the proposed rules.
Not Applicable.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.
Not applicable.

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.
Not Applicable.

Water Quality Division
Division

Mikell O'Mealy for Roberta Young
Intergovernmental Coordinator

11/16/01
Date

Environmental Quality Commission

DRAFT

Performance Evaluation
Director, Department of Environmental Quality

Purpose Statement and Process

Attachments

A. Director's Suggestions for Performance Appraisal
B. Performance Measures and Evaluation Form
C. LCDC Performance Evaluation regarding the Director

Purpose Statement

The Environmental Quality Commission (Commission) is responsible under ORS 468.045 for directing the performance of the Director of the Department of Environmental Quality (DEQ). The Commission exercises part of its responsibility by performing a biennial performance evaluation of the Director. Such evaluation is intended to increase and improve communications both within the Department and the broad spectrum of outside agencies, governments, and private parties with whom the Director interacts. The evaluation further allows the Commission to review goals, establish criteria, provide commendations, and broadly recognize the work of the Director.

Process

1. The Commission shall evaluate the performance of the DEQ Director on a biennial basis. Normally, the process will require an eight-week period.
2. The Commission may solicit and review information concerning the performance of the Director from any source.
3. Immediately prior to an evaluation, the Commission shall:
   a. Appoint a subcommittee of the Commission to prepare for and schedule the evaluation.
   b. Review and adopt criteria for the evaluation.
4. In keeping with the Commission-adopted criteria, the Director shall provide the Commission with a written self-evaluation.
5. The Commission shall review the Director's self-evaluation in Executive Session, absent the Director.
6. The Commission shall follow the review of the Director's self-evaluation with an Executive Session with the Director.
7. The Commission shall accept and compile all input from appropriate sources and provide due consideration within the overall performance review process.
8. The Commissioners shall then complete their own individual evaluations of the Director using adopted criteria.
9. The Commissioners' evaluations shall be submitted to the Commission Chair for compilation. Evaluations and compilations shall be kept confidential to the extent allowed under Oregon law.
10. Based upon all input and the individual evaluations and their compilations, an executive session will be held with the Director to review results.
11. The evaluation will become a basis for all employment aspects.
12. The Commission will prepare a public release of the performance evaluation in summary form. Prior to such release, the Commission Chair will review such document with the Director.

Attachments

A. Director's Suggestions for Performance Appraisal

- Evaluation Process
- Contacts
- Criteria for Evaluation

B. Performance Measures and Evaluation Form

C. LCDC Performance Evaluation regarding the Director

Director's Suggestion for Performance Appraisal

Evaluation Process

- Minimum of once per biennium; could be annual
- If deficiencies noted in any area, establish expectations for improvement and evaluate in six months
- Director provides EQC one to two page written summary of key accomplishments and deficiencies
- EQC makes contacts outlined below; envisioned as brief telephone conversations with or without prepared questions
- Executive session meeting with Director
- Written evaluation to the Governor with compensation and/or performance improvement recommendations if appropriate

Contacts

- Responsiveness to Governor's Office needs. Contact: Louise Solliday, Governor's Natural Resource Policy Advisor (503) 378-6206; Robin McArthur-Phillips, Governor's Community Development Office (503)378-6892 ext. 33; Mike Greenfield, Director, Department of Administrative Services (503) 373-0957

- Effectiveness with stakeholders. Contacts: John Ledger, Associated Oregon Industries (503) 588-0050; Janet Gillaspie, Assoc. of Clean Water Agencies (503) 236-6722; Jeff Allen, Oregon Environmental Council (503) 222-1963; Maureen Kirk, OSPIRG (503) 231-4181; Kathryn Van Natta, NW Pulp & Paper (503) 393-0007; Dave Barrows (503)227-5591; Nina Bell, NW Environmental Advocates (503)295-0490; Paulette Pyle, Agriculture lobbyist (503) 370-8092

- Effectiveness with other government agencies. Contacts: Dan Opalski, EPA (503) 326-3250; Willie Tiffany, League of Oregon Cities (503) 588-6550; Cheryl Koshuta, Port of Portland (503) 944-7236; Jim Brown, State Forester (503) 945-7211; Lindsay Ball, Director, ODFW (503)872-5272; Ann Hanus, Director, Division of State Lands (503) 378-3805 ext. 224; Ken Rocco, Legislative Fiscal Office (503) 986-1844

- Effectiveness in management of agency. Contacts: Any member of DEQ Executive Management Team and Union Officials Doug Drake (503) 229-5350 and Leslie Kochan (503) 229-5529

- Effectiveness in supporting Environmental Quality Commission: Commissioners

Criteria for Evaluation

Responsiveness to Governor's Office

- Chair contacts Governor's Office representatives and the Director, Department of Administrative Services
- Brief write up of results

Effectiveness with stakeholders

- Each EQC member contacts their legislative representatives and/or key legislators (i.e., Chairs or members of legislative committees the Department regularly interacts with)
- Each EQC member contacts one of the stakeholders from the contact list (or others)
- Brief write ups of results

Effectiveness with other government agencies

- Each EQC member contacts one agency rep from the contact list
- Brief write ups of results

Effectiveness in Management of the Agency

- Chair or EQC designee meets with Executive Management Team for confidential discussion of Director performance
- Chair or EQC designee meets with agency union representatives for confidential discussion of Director performance
- Brief write up of results

Effectiveness in Supporting Environmental Quality Commission

- Review and discuss Director's self-evaluation
- Review and discuss write ups from various contacts
- Review and discuss quality of materials and presentations to EQC by DEQ
- Discuss quality and timeliness of EQC involvement in key policy issues
- Identify expectations and areas of importance for upcoming evaluation

Performance Measures and Evaluation Form

Commissioner Name_____

Performance Period: July 1, 2001 to June 30, 2003

Mid-Rating Period: June 30, 2002

Performance Measures	Performance Ratings (Circle one number)
1. POLICY AND DIRECTIVES Director will give clear direction to staff to ensure implementation of Commission policy in a timely manner. Include evidence from DEQ activities, processes and actions underway or completed during the past review period. Director ensures, through subordinates, that staff field decisions are based on existing statutes, goals, executive orders, Commission rules and Department policies. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight[1] _____%
2. SERVICES AND RELATIONS Director ensures effective services to and relations with the Commission through use of Special Assistant. Upon confirmation, all new Commissioners receive up to date goals and applicable enabling, operational and regulatory statutes and rules; a handbook including Commission and staff names, mailing, fax and email addresses, telephone numbers; and business cards. Per diem/mileage forms will be provided at each meeting to be submitted together for payment. Any required tax information will be provided on a timely basis. Commission/staff disagreements will be openly discussed with resolution/outcome reflected in meeting minutes. Meeting materials will be provided to all Commission members for review in a timely manner. Any written communication to the Commission from work groups and/or advisory committees will be included in agenda packets. Clerical and other necessary support services will be available. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%

[1] Assign a weight between 0 and 100 percent to each of the ten Performance Measures so that the combined total of all ten weights is 100 percent.

3. COMMUNICATION Clearly and effectively communicate issues, ideas, resources and/or information in a timely manner. Emphasis will be placed on collaborative processes and high quality, informative materials including applicable analyses, documents, surveys and reports to facilitate a range of policy implications for discussion. The Commission will be kept informed so as not to be surprised by significant issues. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
4. INTER/INTRA GOVERMENTAL RELATIONSHIPS Effectively represents the agency and the State within the state, federal and local government organizational structures. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
5. IMPLEMENTATION OF STRATEGIC PLAN Progress toward accomplishing priorities, objectives and strategies as approved by Commission. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
6. PROBLEM SOLVING Identifies challenges, opportunities and problems clearly and aids DEQ in the analysis of possible actions or responses as necessary. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%

7. RECRUITMENT/RETENTION/DIVERSITY Appoint(s), re-appoints, assigns and reassigns as necessary all subordinate offices and employees of the department, clearly prescribes their duties and fixes their compensation, subject to State Personnel Relations Law ORS 179.090. Department personnel are to be highly qualified, responsive to DEQ's entire customer base including EQC. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
8. DECISION MAKING Director's decisions and actions reflect a high level of understanding of Oregon state government and the political environment in which the agency must function. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
9. COMMISSION EFFECTIVENESS In order to assist the Commission in being as effective as possible, the Director will provide information monthly that is relevant to DEQ issues. Such information may include explanation of the States' interest when amending and adopting goals, rules, policies and/or guidelines. The Director will also communicate opportunities within Oregon State government for training and educational experiences to enhance high quality board service. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%
10. RESULTS Responses and actions are productive; results are appropriate and positive, timely, consistent, and high quality. COMMENTS	Outstanding 5 Exceeds expectations 4 Fully meets expectations 3 Needs improvement 2 Unsatisfactory 1 Not Rated N Weight _____%

11. OVERALL PERFORMANCE

Multiply the number circled in each section by the weight given[2] and add the totals from each of the 10 measures to find the overall rating.

COMMENTS

Date of Approval: _____

Melinda Eden, Chair
Environmental Quality Commission

Overall Rating _____

Outstanding	5
Exceeds expectations	4
Fully meets expectations	3
Needs improvement	2
Unsatisfactory	1

[2] Example: If "Fully meets expectations" was given a 20% rating for one performance measure, multiply 4 by 0.20 to get a 0.80 rating for that measure. Add ratings from each of the ten measure to get the overall rating.

Definitions

Performance Ratings:

Outstanding – performance at this level far surpasses expected performance and is among the top 10% of the organization
Exceeds Expectation – performance at this level meets expectations and in some cases exceeds expectations
Fully Meets Expectations
Improvement Needed – performance at this level is partially met but requires some improvement
Unsatisfactory – performance at this level is unacceptable and requires a development plan

Skills Listing:

Leadership
- Establishes a high performance climate by using techniques of coaching, leadership, mentoring and development.
- Increases a group's energy and creative potential.
- Maintains group cohesiveness and cooperation.
- Demonstrates working knowledge of staffing, compensation, performance management and employee relations processes.
- Demonstrates high ethical standards and fiscal accountability in managing public resources.

Strategic Thinking
- Recognizes the environmental context in which the organization operates.
- Understands current and future problems and challenges faced by the organization.
- Demonstrates ability to apply strategic objectives to departmental operations.

Communications
- Speaks clearly and expresses self well in groups and in one-on-one conversations.
- Demonstrates strong listening and written skills, including grammar, organization and structure.
- Shares appropriate information on a timely basis.

Teamwork
- Works cooperatively.
- Contributes to the team by supporting and encouraging team members.
- Supports consensus decision by the team.

Customer Service/Focus
- Identifies customers.
- Anticipates and understands customer needs.
- Acts to meet customer needs.
- Continues to search for ways to increase customer satisfaction.

Personal Responsibility/Accountability
- Inspires self and others to set and maintain high standards of excellence.
- Works with high energy, focus and persistence.

Definitions

(Groupings by performance/goal results and supporting skills/behavioral traits.)

1. Outstanding

Performance/Goal Results

- Significantly exceeds goals.
- Always produces more than required.
- Project plans and actions serve as a model for effective staff and resource activities.
- Provides exceptional presentations that inform and educate.
- Resolves controversial and complex decisions.
- Implements creative solutions to long-standing or especially troublesome problems.

Supporting Skills

- Serves as a model for working productively.
- Always performs special assignments and projects or unanticipated activities and completes them earlier than required.
- Works with an unusually high degree of energy, focus and persistence.
- Work is performed at the highest level of accuracy.
- Works independently with broad direction and little, or no, follow-up.
- Develops highest quality products or services.
- Gives life to a project everyone has already dismissed.
- Motivates employees to significantly exceed departmental goals while focusing on organization wide issues.
- Frequently helps others within DEQ, even when it is "not in the job description."
- Can always be relied upon to serve as the source of accurate information.
- Serves as a leader in team discussions, yet does not monopolize team discussions.
- Contributes constructive ideas and suggestions that have major impact.
- Collaboration and cooperation have led to significant improvement in work area.
- Always assists coworkers in completing assignments, with the only goal of improving organization effectiveness.
- Displays exceptional skill at organizing and responding to complex project issues.
- Serves as a model for outstanding customer service.
- Highly respected by peers and colleagues

2. Exceeds Expectations

Performance/Goal Results

- ❑ Often exceeds goals.
- ❑ Frequently produces more than required
- ❑ Handles controversial or complex decisions.

Supporting Skills

- ❑ Self-motivated and sets high productivity levels.
- ❑ Anticipates developments or delays and makes adjustments.
- ❑ Goes the extra mile to ensure that goals and objectives are met.
- ❑ Serves as a facilitator in ensuring clear and effective communication among involved parties.
- ❑ Seeks special assignments and projects.
- ❑ Meets targets, timetables and deadlines, and is often prepared ahead of schedule.
- ❑ Frequently handles difficult pressure situations and distractions.
- ❑ Motivates employees to exceed departmental goals and objectives.
- ❑ Can always be counted on to add something new or innovative to each project.
- ❑ Exhibits excellent oral and written communication to all levels of staff.
- ❑ Frequently performs special assignments and projects or unanticipated activities and appears to be positively challenged by them.
- ❑ Puts success of team above own interests.
- ❑ Takes great initiative to ensure that customer needs are exceeded.
- ❑ Serves as the ideal standard for collaboration and cooperation.
- ❑ Consistently analyzes all problems and crafts workable, creative solutions.
- ❑ Views problems as an opportunity to use new technology or implement better methods.

3. Fully Meets Expectations

Performance/Goal Results

- ❑ Meets all goals.
- ❑ Completes all regularly assigned duties.
- ❑ Performs all assignments regardless of distractions or pressure situations.
- ❑ Work completed with acceptable level of accuracy and professionalism.
- ❑ Prompt and prepared for meetings and other scheduled events.
- ❑ Responds quickly and appropriately to unanticipated delays or developments.

Supporting Skills

- ❑ Recognizes and analyzes complex problems and takes action or recommends effective, creative solutions.
- ❑ Adjusts priorities as needed.
- ❑ Minimal supervision is needed.
- ❑ Provides follow up directives and continually communicates a shared vision.
- ❑ Recognizes, responds, and supports employees with changing conditions.
- ❑ Assists other management in communicating difficult issues.
- ❑ Develops project plans that are creative and innovative and makes good use of staff and organization resources.
- ❑ Active participant in group discussions.
- ❑ Contributes constructive activities and suggestions that are implemented.
- ❑ Frequently helps others achieve their goals through support and/or assistance.
- ❑ Recognizes and analyzes problems and takes appropriate action.
- ❑ Researches and efficiently prepares products and activities at acceptable standards.
- ❑ Handles routine pressure situations and distractions of the job while maintaining normal workload.
- ❑ Demonstrates reliable and predictable attendance and/or punctuality.
- ❑ Rarely is off due to unscheduled absences.
- ❑ Meets targets, timetables and deadlines.
- ❑ Works quickly and strives to increase productivity.
- ❑ Prompt and prepared for meetings and other scheduled events.
- ❑ Responds to routine developments appropriately.
- ❑ Motivates employees to meet departmental goals and objectives.
- ❑ Provides direction to employees by clearly communicating a shared vision.
- ❑ Flexible when dealing with changing conditions.
- ❑ Helps the team accomplish their goals.
- ❑ Assesses individuals' strengths and weaknesses and suggests methods for improvement.
- ❑ Proactively changes and communicates progress to all.
- ❑ Successfully manages project team activities.
- ❑ Follows policies, procedures and regulations.
- ❑ Ensures customer satisfaction through consistent or special effort in response to customer need.
- ❑ Provides requested assistance and information to others in a prompt and courteous manner.
- ❑ Works to enable understanding and obtains clarification when needed.

(continued)

- Responds appropriately to questions.
- Demonstrates good presentation skills.
- Participates in team discussions.
- Performs special assignments and projects or unanticipated activities.
- Contributes ideas and suggestions.
- Volunteers to serve for special projects
- Takes initiative to understand new or more complex equipment, software or changes in operational procedures.
- Exhibits positive attitudes, especially during times of change and disruption.
- Recognizes and provides support and/or assistance to coworkers.
- Works actively to resolve conflicts.
- Accepts direction from supervisor.
- Demonstrates willingness and ability to assume responsibility.
- Demonstrates strong problem solving skills to ensure smooth operations.
- Consistently analyzes problems and applies logical solutions.
- Makes effective decisions on a timely basis.

4. Improvement Needed

Performance/Goal Results

- ❑ Assignments occasionally are not completed on time.

Supporting Skills

- ❑ Does not understand some basic functions or activities of the unit.
- ❑ Inconsistently organizes activities and information.
- ❑ Occasionally fails to make proficient use of equipment/technology.
- ❑ Inconsistently uses correct practices or procedures
- ❑ Inconsistent in meeting targets, timetables or deadlines.
- ❑ Inconsistent in promptness or preparation for meetings or other scheduled events.
- ❑ Some routine assignments and duties require supervisory guidance.
- ❑ Inconsistent in completing assigned work.
- ❑ Recognizes problems, but requires some assistance to develop workable solutions.
- ❑ Occasionally unable to meet an acceptable standard of quality
- ❑ Inconsistent in organization or maintaining operations.
- ❑ Occasionally communicates in an inappropriate manner.
- ❑ Occasionally and reluctantly performs special assignments and projects or unanticipated activities.
- ❑ Occasionally volunteers to serve or help with special projects.
- ❑ Inconsistent in making decisions on a timely basis.
- ❑ Inconsistent in analysis of problems or application of logical solutions.
- ❑ Marginally courteous; may provide requested assistance and information to others in a less than prompt or courteous manner.

5. Unsatisfactory

Performance/Goal Results

- ❑ Assignments often not completed on time.

Supporting Skills

- ❑ Rarely performs special assignments and projects or unanticipated activities.
- ❑ Is often not at work due to unscheduled absences.
- ❑ Attendance and/or punctuality habits cause hardship for colleagues.
- ❑ Requires frequent supervision and follow-up.
- ❑ Frequent errors.
- ❑ Low tolerance to pressure situations or distractions.
- ❑ Rarely motivates employees.
- ❑ Rarely available to staff.
- ❑ Rarely manages changing conditions.
- ❑ Project activities often need to be redone.
- ❑ Budget and staff time are not used in an effective manner.
- ❑ Rarely communicates.
- ❑ Rarely participates in team discussion.
- ❑ Rarely contributes ideas and suggestions.
- ❑ Reluctantly cooperates with others to achieve OPB goals.
- ❑ Reluctantly accepts direction from supervisor.
- ❑ Minimally supports team leader.
- ❑ Rarely develops and maintains cooperative relationships with team or with others outside the work unit.
- ❑ Often the source of negative conflict.
- ❑ Rarely volunteers to work on special projects.
- ❑ Unit and individual productivity is significantly disrupted by unreliable attendance and/or punctuality.
- ❑ Often does not meet requirements.
- ❑ Frequently does note meet targets, timetables or deadlines.
- ❑ Frequently lacks promptness or preparation for meeting or other scheduled events.
- ❑ Routine developments require supervision.
- ❑ Frequently does not perform regularly assigned work in a satisfactory manner.
- ❑ Requires direct supervision while performing most aspects of routine assignments.
- ❑ Rarely recognizes problems or unable to recommend effective solutions.
- ❑ Frequent errors that have negative impact.
- ❑ Must be reminded about customer service standards.
- ❑ Rarely able to work under pressure situations or handle distractions.
- ❑ Rarely effective in organizing or maintain operations.
- ❑ Frequently requires clarification of information.
- ❑ Occasionally does not provide assistance and information to others in a prompt or courteous manner.

Land Conservation and Development Commission

Performance Evaluation
Director
Department of Land Conservation and Development

1. Purpose Statement

2. Process

3. Performance Measures

A. Policy and Directives
B. Services and Relations
C. Communication
D. Inter/Intra Governmental Relationships
E. Implementation of Strategic Plan
F. Problem Solving
G. Recruitment/Retention/Diversity
H. Decision Making
I. Commission Competence
J. Results
K. Overall Performance

ORS 197.040 Duties of Commission
ORS 197.075 - 197.090. Department of Land Conservation and Development.
197.085 Director; appointment; compensation and expenses.
197.090 Duties and authority of director; appealing local land use decision.

Public Involvement Policy

Oregon Land Conservation and Development Commission
Performance Evaluation of
Department of Land Conservation and Development Director

PURPOSE STATEMENT

The Land Conservation and Development Commission (Commission) is responsible under ORS 197.040 for (a) directing the performance of the Director of the Department of Land Conservation and Development (DLCD); (b) adopting, amending, and revising goals, rules, and land use policies; (c) cooperating with appropriate agencies of the United States, Oregon and its political subdivisions, other states, and person(s) with respect to land conservation and development; (d) appointing advisory committees to aid the Commission; (e) preparing, or causing to be prepared, land use inventories and statewide planning guidelines; (f) reviewing regional and local comprehensive land use plans; (g) coordinating planning efforts of state agencies with goals and local plans; (h) insuring widespread citizen involvement; and (I) providing periodic reports to the Legislature. The Commission exercises part of its responsibilities by performing an annual Performance Evaluation and fixing the salary of the Director unless otherwise provided by law. The Commission also evaluates the Director's administration of the department.

PROCESS

1. The Commission shall evaluate the performance of the DLCD Director annually.
2. The Commission may solicit and receive information about the performance of the Director and the Department at any time, from any source, and in any format, for example, oral comments or testimony, written statements, letters, or communications, memoranda, and proposals from citizens, elected and appointed officials, and Department employees.
3. Immediately prior to that evaluation, the Commission shall:
   a. Appoint a subcommittee of the Commission to prepare for and schedule the evaluation and to develop an employment contract and a procedure for determining salary, including consulting with the Department of Administrative Services (DAS) and the Commission's Department of Justice attorney.
   b. Adopt criteria for the evaluation, or review and approve existing criteria, in a setting that allows public comment.
4. Using the criteria adopted by the Commission, the Director shall complete a written self-evaluation, which shall be given to the Commission. This self-evaluation shall be kept confidential to the extent allowed under Oregon law.
5. The Commission shall review the Director's self-evaluation without the Director and in Executive Session, unless the Director chooses otherwise.
6. The Commission shall then review the Director self-evaluation with the Director, in executive session, unless the Director chooses otherwise.
7. Commissioners shall then complete their own, individual evaluations of the Director, using the adopted criteria, and shall submit them to the chair for compilation. These evaluations shall be kept confidential, to the extent allowed under Oregon law.
8. Based upon the individual evaluations, the Commission or its subcommittee shall meet with the Director and negotiate an employment contract in Executive Session unless the Director chooses otherwise.
9. The Commission shall provide to the public a written summary of the evaluations and the results of this process and the joint review.

Approved by the Land Conservation and Development Commission
September 27, 2001

LAND CONSERVATION & DEVELOPMENT COMMISSION DLCD DIRECTOR PERFORMANCE EVALUATION PERFORMANCE MEASURES	CIRCLE ONE NUMBER
1. POLICY AND DIRECTIVES Director will give clear direction to staff to ensure implementation of Commission policy in a timely manner. Include evidence from DLCD activities, processes and actions underway or completed during the past review period. Staff performance appraisal policies, processes and forms will support Commission actions. Director ensures, through subordinates, that staff field decisions when working with local governments and other state agencies are based only on existing statutes, goals, executive orders and adopted Commission policies. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
2. SERVICES AND RELATIONS Upon confirmation, all new Commissioners will receive up to date goals and applicable enabling, operational and regulatory statutes and rules; a handbook including Commission and staff names, mailing, fax and email addresses, telephone numbers; business cards and electronic keys. Per diem/mileage forms will be provided at each meeting and will be submitted together for payment. Opportunity will be provided for Commissioners to donate per diem/mileage expenses. Required tax information will be provided on a timely basis. Commission/staff disagreements will be openly discussed with resolution/outcome reflected in meeting minutes. Staff briefings will include all members of the Commission. Any written communication to the Commission from work groups and/or advisory committees will be included in agenda packets. Provide clerical and other necessary support services (ORS 197.090.) COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
3. COMMUNICATION Clearly and effectively communicate issues, ideas, resources and/or information in a timely manner. Emphasis will be placed on collaborative processes and high quality, informative materials including applicable analyses, documents, surveys and reports to facilitate a range of policy implications for discussion. Such information will include a statement explaining the States' interest when amending and adopting goals, rules, policies and/or guidelines. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1

4. INTER/INTRA GOVERNMENTAL RELATIONSHIPS Effectively represents the agency and the State within the state, federal and local government organizational structures. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
5. IMPLEMENTATION OF STRATEGIC PLAN Progress toward accomplishing priorities, objectives and strategies as approved by Commission. Public involvement strategies will include policy approved by Commission on March 8, 2001. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
6. PROBLEM SOLVING Identifies challenges, opportunities and problems clearly and aids LCDC in the analysis of possible actions or responses as necessary. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
7. RECRUITMENT/RETENTION/DIVERSITY Appoint(s), re-appoints, assigns and reassigns as necessary all subordinate officers and employees of the department, clearly prescribes their duties and fixes their compensation, subject to State Personnel Relations Law ORS 197.090. Department personnel are to be highly qualified, responsive to DLCD's entire customer base including LCDC. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
8. DECISION MAKING Director's decisions and actions reflect a high level of understanding of Oregon state government and the political environment in which the agency must function. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1

9. COMMISION COMPETENCE In order to assist the Commission in being as effective as possible, the Director will provide information monthly that is relevant to LCDC issues. The Director will also communicate opportunities within Oregon State government for training and educational experiences to enhance high quality board service. COMMENTS	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1
10. RESULTS Responses and actions are productive; results are appropriate and positive, timely, consistent, and high quality.	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1

11. OVERALL PERFORMANCE Add the numbers circled in each section and divide by the number of items in the performance evaluation. COMMENTS Date of Approval: June 14, 2001 Steven Pfeiffer, Chair Land Conservation and Development Commission	Excels 5 Exceeds expectations 4 Meets expectations 3 Needs improvement 2 Unsatisfactory 1

Land Conservation and Development Commission
Public Involvement Policy

I. Goals of Public Involvement

A. Provide information to the public on the activities of the agency with particular emphasis on proposed legislation and rulemaking.
B. Ensure complete compliance with the legal requirements of rulemaking. Go beyond minimum requirements to inform all interested persons to the greatest extent possible within budget limitations.
C. Maintain excellent working relationships with all organizations that represent groups interested in agency activities.

2. Public Participation and Outreach Plan

All significant department initiatives shall include a public participation and outreach plan prior to commencement. Examples of significant agency initiatives include goal amendments and major rulemaking. Public participation and outreach plans should be flexible, developed after exploring a variety of options, finding the best plan for a particular project. Plans shall be submitted to the Citizens Involvement Advisory Committee for comment prior to initiation. Plans should contain the following elements:

A. A description of the project, including expected outcomes, legal constraints, and any parameters for the project established by the Land Conservation and Development Commission.
B. Planned use of advisory committees, working groups, focus groups, conference presentations or other techniques for gaining guidance on the proposed project.
C. A clear description of the roles of these groups: advisory to the commission, advisory to the department, fact-finding, educational or other role.
D. Planned use of mailings and news releases, including the type of media coverage envisioned, use of mailing lists, emailing lists, the agency's website and other aids to distribution of information.
E. A timeline for completing work, including points at which outreach and public participation will occur.
F. A description of the consistency of the recommended plan with the Administrative Procedures Act and the agency's Strategic Plan.
G. Consideration of the resources available to support the public participation and outreach plan.
H. A response to recommendations on the plan from the Citizens Involvement Advisory Committee.

3. Guidelines for Advisory Committees and Working Groups

A. Establishment of Committees and Working Groups
1. If the issues to be addressed are of statewide concerns, the department will seek broad representation from around the state.
2. If the issues involve the interests of groups representing such matters as farming, development, or environmental protection, the department will seek representation through organizations espousing those interests. The department

will appoint individuals named by those organizations to serve on committees and groups.

3. If the issues affect cities or counties in a region rather than a broad geographic area, the department will seek representation from those jurisdictions.
4. If the issues affect local governments and special districts, the department will seek a balance between staff and elected officials from these organizations to gain a fuller perspective. Requests for participation by local governments shall be sent to the elected head of the local government.
5. The department will seek participation from citizens without affiliation with organizations already participating in the committee or group.

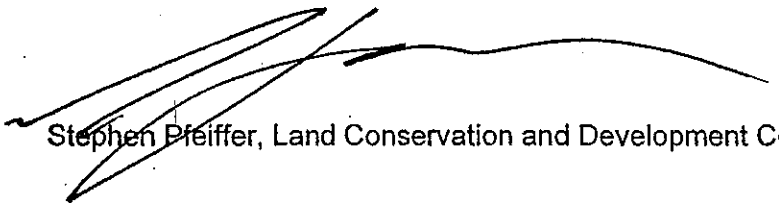
4. Operation of Committees and Working Groups

A. Advisory committees shall set their own requirements for transmitting information, consistent with department resources. The department and committees shall strive to distribute draft rules or other materials at least five working days before committee meetings.
B. The department will maintain an up-to-date list of members of all advisory committees and work groups, with postal and email addresses, telephone and fax numbers, available to members and the general public.
C. The department will make minutes or other record of the preceding meeting available to the advisory committee or working group before the next meeting.

5. Response to Advice from Advisory Committees and Working Groups

A. Successive draft rules or proposals, and the final drafts or proposals for the commission, shall include staff recommendations, together with alternative proposals from the advisory committee or working group if different from the staff recommendation.

Date of Approval: May 4, 2001



Stephen Pfeiffer, Land Conservation and Development Commission Chair

12/6-7/01 EQC Meeting, Item K handout ...

Summary of Director's Financial Transactions as defined by OAM 10.90.00.PO 7/1/01 - 11/30/01

TIME REPORTING

Summary of leave taken:

SL	36
VA	66
HO	32
PB	3
GL	8

VACATION PAYOFF: none

EXCEPTIONAL PERFORMANCE LEAVE: none

TRAVEL EXPENSE SUMMARY

Date	Destination	Reason for Travel	Trip Cost
7/18/2001	Seattle	Meet with Region 10 state directors, BC environmental director and EPA (Gang of Seven)	$278.00
8/9 - 8/10/01	Joseph	August EQC Meeting	$331.40
9/5 - 9/7/01	Baker City, Hines, Bend	ER road trip. Meet with regional offices to discuss legislature/budget Meet with tribal chairs and local government officials	$508.16
9/20 - 9/21/01	Ashland	September EQC Meeting	$307.37
10/25 - 10/26/01	Grants Pass, Medford	WR road trip. Meet with regional offices, legislators and tribal chairs	$326.22
11/18/2001	Bend	AQ Managers Retreat	$277.00
		TOTAL:	**$2,028.15**

'ISE OF SMALL PURCHASE ORDER TRANSACTION SYSTEM (SPOTS) PURCHASING CARD: none

State of Oregon

Department of Environmental Quality Memorandum

Date: September 18, 2001

To: Environmental Quality Commission

From: Stephanie Hallock, Director

Subject: Agenda Item A: Development of Performance Appraisal Process for Director; Review and Approval of Director's Transactions
September 20, 2001 EQC Meeting

Department Recommendation

The Department requests the Commission adopt a policy (Attachment 1) delegating to the Management Services Division Administrator the review and approval of certain financial transactions of the Director. The Commission would review the approved transactions annually. These post transaction reviews and approvals would be documented in Commission meeting minutes.

Key Issues

The Department of Administrative Services issued Oregon Accounting Manual (OAM) Policy No. 10.90.00.PO effective July 16, 2001, which set accountability and control standards for the review and approval of certain agency head transactions. The recommended action ensures the Department is in compliance with this new policy.

EQC Action Alternatives

OAM 10.90.00.PO gives the Commission the option of reviewing and approving each specified transaction itself or delegating this task to the agency second-in-command or chief financial officer. Commissions delegating the process must at least annually review the financial transactions of the Director approved as delegated.

Attachments

1. Proposed Department Policy for Approval of Director's Transactions
2. Oregon Accounting Manual Policy No. 10.90.00.PO

Approved:

Section: Helen Lottridge

Division: Helen Lottridge

Report Prepared By: Judith L. Hatton

Phone: 503-229-5389

DEPARTMENT OF ENVIRONMENTAL QUALITY POLICIES AND PROCEDURES	POLICY NUMBER: A10.90.00.PO
	SEPTEMBER 20, 2001
	PAGE 1 OF 1
SUBJECT: APPROVAL OF DIRECTOR'S TRANSACTIONS	APPROVAL:

INTENT: to set accountability and control standards for the review and approval of the director's financial transactions.

AUTHORITY: Oregon Accounting Manual (OAM) Policy No. 10.90.00.PO

POLICY: As delegated by the Environmental Quality Commission, the Management Services Division administrator will review and approve the Director's monthly time reports, requests for vacation payoff, use of exceptional performance leaves, travel expense reimbursement claims, and Small Purchase Order Transaction System (SPOTS) card purchases. This review will be performed in accordance with OAM 10.90.00.PO.

Annually, at the time of the Director's evaluation, the Commission will review the transactions approved as delegated. These post transaction reviews and approvals will be documented in the minutes of the Commission meeting.

OREGON ACCOUNTING MANUAL	Number 10.90.00.PO
Oregon Department of Administrative Services. State Controller's Division — Policy	Effective Date July 16, 2001
Chapter Internal Control	
Part Approval of Agency Head Transactions	
Section	Approval: (Signature on File at SCD)

Accountability and Control Standards

.101	This policy sets accountability and control standards for the determination and delegation of review and approval authority for the agency head's monthly time report, requests for vacation payoff, use of exceptional performance leave, travel expense reimbursement claims, and Small Purchase Order Transaction System (SPOTS) card purchases. This policy is intended to ensure that these transactions are reviewed for completeness and accuracy and that they are in conformance with and measured against the documentation and compliance standards provided herein. In the case of agency heads that are elected, this policy may be applied at the option of that elected official.

Establishing Review and Approval Authority

.102	Agency heads appointed by the Governor shall delegate review and approval authority for agency head financial transactions to the chief financial officer or to the person who holds the position of second-in-command to the agency head. The delegation shall be in writing. Agency heads appointed by or reporting to a board or commission shall work with that body to create a review and approval structure for financial transactions of the agency head. The board or commission may delegate the review and approval authority, by direct designation or motion, in writing, to the board or commission chair or ranking officer. Or, the board or commission may delegate to the agency second-in-command, chief financial officer, or may choose to retain an active role in the approval process. Boards and commissions choosing to take an active role in the review and approval process must make the review and approvals of financial transactions a part of their regular meetings and document them in the minutes. Boards and commissions delegating the review and approval process must at least annually review the financial transactions of the agency head approved as delegated. These post transaction reviews and approvals must be documented in the minutes of the board or commission annual meeting.

Requirement for Internal Procedure and Review

.103	This policy requires agencies to develop internal procedures for the review and approval of the following agency head transactions: a. Time reporting: Review and approve the agency head's monthly report of sick

leave, vacation, holiday or other leave hours used. Review for completeness and accuracy and to ensure that all time that has been taken has been reported. Ensure that leave hours comply with HRSD 60.000.01 Sick Leave, 60.000.05 Vacation Leave, 60.010.01 Holidays, 60.000.15 Family Medical Leave, 60.005.01 Leave Without Pay and 60.000.10 Special Leaves with Pay. Time reporting (leave usage) must be documented using either paper or electronic timekeeping methods. The documentation must show that the time reports have been and approved by the appropriate authority, which, in the case of a board or commission, may be the ranking officer of the board. Note: Heads of agencies are classified as exempt from the Fair Labor Standards Act (FLSA) and as such should not be required to report actual hours worked. The time reporting review is intended to focus only on hours related to the categories defined above. The documentation must provide evidence for an audit trail and must be maintained by the agency for the prescribed IRS retention schedule for time records of three years and one quarter as well as the current record retention standards per Secretary of State, Archives Division.

b. Travel expense reimbursements: Review and approve all travel claims submitted by the agency head, whether for in-state or out-of-state travel. Ensure compliance with DAS Travel Rules **OAM 40 10 00.PO** as well as **OAM 10 40 00 PO**, Expenditures. The review and approval of travel transactions must be documented to provide an audit trail and evidence that the review complies with and was conducted in accordance with the prevailing state policies as listed.

c. Exceptional Performance Leave: This leave shall be granted to agency heads using the criteria set forth in HRSD 60.000.10 "Special Leaves With Pay". For agency heads appointed by the Governor, this leave shall only be granted by the Governor or by the Director of the Department of Administrative Services on behalf of the Governor. For agency heads reporting to a board or commission; this leave shall be granted by that body or by the board or commission chair and documented in the minutes of the board or commission. The review and approval responsibility is to ensure that the Exceptional Performance leave was granted based on appropriate criteria and authority and is in compliance with HRSD policy 60.000.10. The review and approval of these transactions must be documented to provide an audit trail and evidence that the review complies with and was conducted in accordance with the prevailing state policies as listed. The documentation must clearly demonstrate the criteria upon which the leave was granted. The documentation must include copies of the written request and approval granting the leave and copies of the board or commission minutes, if applicable. The documentation must be retained according to the current record retention standards per Secretary of State, Archives Division.

d. Vacation Payoff: Review and approve ensuring compliance with HRSD policy 60 000.05 "Vacation Leave". The review and approval of these transactions must be documented to provide an audit trail and evidence that the review complies with and was conducted in accordance with HRSD 60.000.05. That review must clearly demonstrate that the vacation payoff was approved in accordance with Section (6) (b) of that policy which mandates that a vacation payoff is only granted when taking vacation leave is not appropriate. Copies of the written request and approval granting the vacation payoff and copies of the board or commission minutes, if applicable, must be part of the documentation for these transactions.

e. Use of the Small Purchase Order Transaction System (SPOTS) purchase card: Review purchases to ensure that they are appropriate expenditures that further the business of the state and the mission of the agency and that the use of the SPOTS card complies with **OAM 55 30 00.PO**. The review must be conducted by someone other than the person whose name appears on the card. The review approval of transactions must be documented to provide an audit trail and evidence that the review complies with and was conducted in accordance with the

	prevailing state policies as listed. The documentation for all of the above should be retained according to the current record retention standards per Secretary of State, Archives Division.

Fiscal Officer Responsibility

.104	Agency fiscal officers processing these financial transactions for the agency head have a duty to pre-audit and verify that the transactions comply with this policy.

Seeking Guidance from State Controller's Division

.105	For the purposes of this policy, those persons delegated to review and approve financial transactions for state agency heads have a duty to comply with the provisions of this policy. Any agency head requests to deviate from this policy must be approved by the State Controller. Those persons delegated review and approval authority having reservations or questions about an agency head financial transaction may seek guidance from the State Controller's Division.

Transactions Subject to Audit

.106	All financial transactions of state agency heads are subject to periodic audit by the Secretary of State Audits Division.

FORM #AD1743

OREGON STATE PAYROLL SYSTEM

EMPLOYEE MONTHLY TIMESHEET

PAYROLL AGENCY #	PERSONNEL AC	SHIFT	CHECK DISTRIBTN		SOCIAL SECURITY #	CONC JOB	POSITION #	CLASS	PAY BASIS	APPT TYPE	WORK SCHED	TIME SHEET #
34000	34000	1	11000	CUMMINS, STEPHANIE	541-56-1012	1	0000001	MESN Z7014	S		AA7	

START TIME	O/T	BEN PKG	COST CENTER DISTRIBUTION			PERIOD ENDING
0000	NE	XX	014100214010 100.00 %	%	%	%	07/31

LINE	1 SU	2 MO	3 TU	4 WE	5 TH	6 FR	7 SA	8 SU	9 MO	10 TU	11 WE	12 TH	13 FR	14 SA	15 SU	16 MO	17 TU	18 WE	19 TH	20 FR	21 SA	22 SU	23 MO	24 TU	25 WE	26 TH	27 FR	28 SA	29 SU	30 MO	31 TU	DATE - DAY	PAY TYPE	REG HRS	LWOP
01																																	RG		
02																																	HO		
03																																	~~GTS~~		
04																																	RG		
05				8																													HO	8	
06				/																													~~GTS~~		
07																																			
08																																	VA		
09												2							4					6			8			8			SL	28	
10																																	CTL		
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14																																	LO		
15																																			
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17																																	HP		
18																																	SDE		
19																																	CTA		
20																																			
												PRELIMINARY AND FINAL TOTALS																						—		
																																	—		

OTHER ADJUSTMENTS, BASED ON NUMBER OF INCIDENTS:

LEAVE BALANCES AS OF:

# OF DAYS WORKED:	FORECAST	PRELIM	FINAL
	21		

TIME SHEET	START DATE	END DATE	FULL TIME HOURS:
	07/01/01	07/31/01	176.0

SIGNED, CERTIFYING TRUE AND ACCURATE

EMPLOYEE: Stephanie Wallock

SUPERVISOR: Helen Latham

FORM #AD1743

OREGON STATE PAYROLL SYSTEM

EMPLOYEE MONTHLY TIMESHEET

FINAL COPY

PAYROLL AGENCY #	PERS. AGENCY #	SHIFT	CHECK DISTRIBTN		SOCIAL SECURITY #	CONC JOB	POSITION #	CLASS	PAY BASIS	APPT TYPE	WORK SCHED	TIME SHEET #
34000	34000	1	11000	CUMMINS, STEPHANIE H	541-56-1012	1	0000001	MESN Z7014	S	P	AA7	5-

START TIME	O/T	BEN PKG	COST CENTER DISTRIBUTION			PERIOD ENDING
0000	NE	XX	M 034100214010 100.00%	%	%	08/31/

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	DATE - DAY			
WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	PAY TYPE	REG HRS	LWOP	MISC HRS
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																															HO			
																															GTS			
																															RG			
																															HO			
																															GTS			
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2																												2			SL	4		
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																										3					PB	3		
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																															HP			
																															SDE			
																															CTA			
																															—			
																															—			

PRELIMINARY AND FINAL TOTALS

Accounting Office
Dept. of Environmental Quality
RECEIVED
AUG 28 2001

OTHER ADJUSTMENTS, BASED ON NUMBER OF INCIDENTS:

LEAVE BALANCES AS OF:

# OF DAYS WORKED:	FORECAST	PRELIM	FINAL
	23		

TIME SHEET	START DATE	END DATE	FULL TIME HOURS:	
	08/01/01	08/31/01	184.0	

EMPLOYEE: SIGNED, CERTIFYING TRUE AND ACCURATE

SUPERVISOR: Mick Middleton

FORM #AD1743

OREGON STATE PAYROLL SYSTEM

EMPLOYEE MONTHLY TIMESHEET

PRELIMINARY

PAYROLL AGENCY #	PER AGENCY	SHIFT	CHECK DISTRIBTN		SOCIAL SECURITY #	CONC JOB	POSITION #	CLASS	PAY BASIS	APPT TYPE	WORK SCHED	TIME SHEET #
34000	34000	1	11000	CUMMINS, STEPHANIE H	541-56-1012	1	0000001	MESN Z7014	S	P	AA7	5-

START TIME	O/T	BEN PKG	COST CENTER DISTRIBUTION				PERIOD ENDING
1000	NE	XX	0341002140l0 100.00 %	%	%	%	09/30/0

LINE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	DATE - DAY	PAY TYPE	REG HRS	LWOP	MISC HRS
	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU						
11																																	RG			
12																																	HO			
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*												PRELIMINARY AND FINAL TOTALS																					—			
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OTHER ADJUSTMENTS, BASED ON NUMBER OF INCIDENTS:

LEAVE BALANCES AS OF:

# OF DAYS WORKED:	FORECAST	PRELIM	FINAL
	19		

TIME SHEET	START DATE	END DATE	FULL TIME HOURS:	SIGNED, CERTIFYING TRUE AND ACCURATE
	09/01/01	09/30/01	160.0	EMPLOYEE: [signature] SUPERVISOR: [signature]

ORM #AD1743

OREGON STATE PAYROLL SYSTEM

EMPLOYEE MONTHLY TIMESHEET

PRELIMINARY

PAYROLL AGENCY #	PERS AGENCY #	SHIFT	CHECK DISTRIBTN		SOCIAL SECURITY #	CONC JOB	POSITION #	CLASS	PAY BASIS	APPT TYPE	WORK RED	TIME SHEET #
34000	34000	1	11000	CUMMINS, STEPHANIE H	541-56-1012	1	0000001	MESN 27014	S	P	AA7	4-

START TIME	O/T	BEN PKG	COST CENTER DISTRIBUTION			PERIOD ENDING
000	NE	XX	034100214010 100.00 %	%	%	10/31/0

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	DATE - DAY			
	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	PAY TYPE	REG HRS	LWOP	MISC HRS
1																																RG			
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4																																RG			
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9	2		2																													SL	4		
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PRELIMINARY AND FINAL TOTALS

OTHER ADJUSTMENTS, BASED ON NUMBER OF INCIDENTS:

AVE BALANCES OF:

# OF DAYS WORKED:	FORECAST	PRELIM	FINAL

IME SHEET START DATE 10/01/01 END DATE 10/31/01 FULL TIME HOURS: 184.0

SIGNED, CERTIFYING TRUE AND ACCURATE

EMPLOYEE: Stephanie Murdock SUPERVISOR:

ORM #AD1743

OREGON STATE PAYROLL SYSTEM

EMPLOYEE MONTHLY TIMESHEET

FINAL COPY

PAYROLL AGENCY #	PERSONNEL AGENCY	SHIFT	CHECK DISTRIBTN	SOCIAL SECURITY #	CONC JOB	POSITION #	CLASS	PAY BASIS	APPT TYPE	BARGAINING UNIT	TIME SHEET #
34000	34000	1	11000	CUMMINS, STEPHANIE H 541-56-1012	1	0000001	MESN Z7014	S	P	AA7	3-(

PART TIME	O/T	BEN PKG	COST CENTER DISTRIBUTION			PERIOD ENDING
000	NE	XX	034100214010 100.00 %	%	%	%	11/30/0

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	DATE - DAY				
TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR		PAY TYPE	REG HRS	LWOP	MISC HRS
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																															HP			
																															SDE			
																															CTA			
																															—			
																															—	176		

PRELIMINARY AND FINAL TOTALS

OTHER ADJUSTMENTS, BASED ON NUMBER OF INCIDENTS:

LEAVE BALANCES AS OF:

# OF DAYS WORKED:	FORECAST	PRELIM	FINAL
	20		

TIME SHEET | START DATE 11/01/01 | END DATE 11/30/01 | FULL TIME HOURS: 176.0

SIGNED, CERTIFYING TRUE AND ACCURATE

EMPLOYEE: Stephanie Hardock

SUPERVISOR: by Dale Lethridge

$12/VIT11987

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock 9340000295	Department of Environmental Quality	July 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other _____

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging	14. TOTAL Meals and Lodging
7/18	6am	7:30	PDX>Seattle>PDX	*	11.50	~~7.50~~	* 23.00 ~~15.00~~		34.50 ~~22.50~~
									0.00
									0.00
									0.00
									0.00
									0.00
			*taxable meal						0.00
			allowance						0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
			15. TOTALS	$0.00	$0.00	$7.50	$15.00	$0.00	34.50 ~~$22.50~~

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
03-14010-41002	4151	34.50		Personal Vehicle Mileage			$0.00
✓	4153	22.00		Parking @ PDX			$8.00
				Shuttle in Seattle			$14.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
	TOTALS	56.50					$22.00

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)
Gang of Seven meeting in Seattle

22. GRAND TOTAL AMOUNT	56.50	~~$44.50~~
23. TRAVEL ADVANCE AMOUNT		$0.00
24. AMOUNT DUE EMPLOYEE/STATE	56.50 ✓	~~$44.50~~

☐ IF EMPLOYEE OWES STATE
Personal Check/Money Order Attached
(Make payable to the State of Oregon)

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee: Stephanie Hallock	27. Title: Director	Date: 7/23/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By: Helen Lottridge	29. Title: MSD Admin	Date: 7-27-01

Travel Expense.dot (rev. 2/99)

Airfare : 221.50
Claim : 56.50
Total 278.00

Fax to: EMMA Fax#: 95032296762

Azumano/Away Travel

Prepared on 07/12/01 13:10:46, PNR SRJNK2
Prepared by KATIE
Passenger: HALLOCK/STEPHANIE

18JUL WED AIR United Airlines Inc Flight: 6863 Class: Y Seat: 04A
Depart: Portland, OR(PDX) 730A
Arrive: Seattle, WA(SEA) 822A
Equipment: EM2 Elapsed time: :52
NON-SMOKING
OPERATED BY UNITED EXPRESS/SKYWEST

AIR United Airlines Inc Flight: 6882 Class: Y Seat: 08C
Depart: Seattle, WA(SEA) 600P
Arrive: Portland, OR(PDX) 650P
Equipment: EM2 Elapsed time: :50
NON-SMOKING
OPERATED BY UNITED EXPRESS/SKYWEST

Ticket Information

Fare Quoted (Total)	Base Fare	US Taxes	Other Taxes	Ticketing Date	Reservation #
USD 221.50	USD 195.34	USD 14.66	USD 11.50	06JUL	SRJNK2

Airfares are not guaranteed until ticketed.

This is an electronic transaction. Present identification to airline representative the day of departure to receive your boarding pass.
Please notify prior to departure if any portion of this transaction is unused.
Air transportation subject to individual contract terms of the transporting carrier. Terms and conditions may be obtained from the air carrier.

*** PTKT:TKT/ORI/INV TO TVL ARR * INCL GOVT PARK PASS
UNITED AIRLINES 800-241-6522

YOUR UNITED AIRLINES CONFIRMATION NUMBER IS: SRJNK2

YOUR UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167087895226 $221.50

YOU MAY ALSO VIEW THIS ITINERARY ONLINE AT WWW.AZUMANOTRAVEL.COM
YOUR VIEWTRIP CONFIRMATION CODE IS: SRJNK2

TICKET CONFIRMATION

Agency phone 503-370-7442/800-289-2959
No frequent flyer numbers given
Please review this itinerary and advise us immediately of any inaccura
No car or hotel requested
This itinerary may carry fees for revisions or cancellations.
This itinerary may carry fees for revisions or cancellations.

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

S14/VIT 12119

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock 9340000295	Department of Environmental Quality	August 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging (see attached e-mail)	14. TOTAL Meals and Lodging
8/9	5am	11:30	PDX>Joseph	7.50	7.50	prov.	prov.	58.00	65.50
8/10	2pm	8pm	Joseph>PDX	15.00	prov.	prov.	15.00		15.00 ~~0.00~~
									0.00
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									0.00
									0.00
									0.00
									0.00
									0.00
				22.50					0.00
			15. TOTALS	~~$0.00~~	~~$7.50~~	$0.00	$0.00	$58.00	80.50 ~~$65.50~~

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
PCA MSD02				Personal Vehicle Mileage			$0.00
				Parking @ PDX			$16.00
03-14010-41002 ✓	4101	83.40		Room Tax			$2.90
	4103	16.00					$0.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
	TOTALS	99.40					$18.90

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)
August EQC meeting in Joseph OR

22. GRAND TOTAL AMOUNT	99.40	~~$84.40~~
23. TRAVEL ADVANCE AMOUNT		$0.00
24. AMOUNT DUE EMPLOYEE/STATE	99.40 ✓	~~$84.40~~

☐ IF EMPLOYEE OWES STATE
Personal Check/Money Order Attached
(Make payable to the State of Oregon)

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee: Stephanie Hallock	27. Title: Director	Date: 8/13/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By: Helen Gribble	29. Title: MSD Admin	Date: 8-14-01

Travel Expense.dot (rev. 2/99)

Air fare: $232.00
Claim: 99 40
TOTAL: $331 40

Fax to: EMMA Fax#: 95032296762

Azumano/Away Travel

Prepared on 07/06/01 13:09:04, PNR SSXFNE
Prepared by KATIE
Passenger: HALLOCK/STEPHANIE
GINSBURG/ANDY
AUNAN/LAURIE

09AUG THU **AIR** Alaska Airlines Flight: 2094 Class: V no seat info.
Depart: Portland, OR(PDX) 635A
Arrive: Pendleton, OR(PDT) 805A
Meal: Equipment: DH8 Elapsed time: :55+:20
One stopover in Pasco, WA(PSC):
1st Elapsed Time: :55
2nd Elapsed Time: :20
NON-SMOKING
OPERATED BY HORIZON AIR

10AUG FRI **AIR** Alaska Airlines Flight: 2212 Class: H no seat info.
Depart: Pendleton, OR(PDT) 540P
Arrive: Portland, OR(PDX) 710P
Meal: Equipment: DH8 Elapsed time: :20+:55
One stopover in Pasco, WA(PSC):
1st Elapsed Time: :20
2nd Elapsed Time: :55
NON-SMOKING
OPERATED BY HORIZON AIR

Ticket Information

Fare Quoted (Total)	Base Fare	US Taxes	Other Taxes	Ticketing Date	Reservation #
USD 696.00	USD 600.00	USD 45.00	USD 51.00	06JUL	SSXFNE

Airfares are not guaranteed until ticketed.

This is an electronic transaction. Present identification to airline representative the day of departure to receive your boarding pass.
Please notify prior to departure if any portion of this transaction is unused.
Air transportation subject to individual contract terms of the transporting carrier. Terms and conditions may be obtained from the air carrier.

*** PTKT:TKT/ORI/INV TO TVL ARR * INCL GOVT PARK PASS
HORIZON AIR 800-547-9308

YOUR ALASKA AIRLINES CONFIRMATION NUMBER IS: JYZYUV

YOUR ALASKA AIRLINES TICKET NUMBER/AMOUNT IS: 0277087895246 $232.00
YOUR ALASKA AIRLINES TICKET NUMBER/AMOUNT IS: 0277087895247 $232.00
YOUR ALASKA AIRLINES TICKET NUMBER/AMOUNT IS: 0277087895248 $232.00

YOU MAY ALSO VIEW THIS ITINERARY ONLINE AT WWW.AZUMANOTRAVEL.COM
YOUR VIEWTRIP CONFIRMATION CODE IS: SSXFNE

323/VIT/12435

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock 9340000295	Department of Environmental Quality	September 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging	14. TOTAL Meals and Lodging
9/5	5am		ER road trip Baker City	22.50	7.50	now 0.00	15.00	50.00	72.50
9/6			(see attached) Hines	30.00	7.50	7.50	15.00	~~60.00~~ 55 *	90.00 ~~95.00~~
9/7		6pm	Bend PDX	36.00	7.50	9.50 ~~7.50~~	19.00 ~~15.00~~		~~30.00~~ 36.00
									0.00
									0.00
									0.00
			* Lodging per diem maximum for Harney County - $55						0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
				88.50				105.00	0.00
			15. TOTALS	~~$0.00~~	~~$22.50~~	~~$15.00~~	~~$45.00~~	~~$110.00~~	193.50 ~~$192.50~~

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
PCA MSD02				Personal Vehicle Mileage	0.345	868	$299.46
03-14010-74102	4101	201.20		Room Tax (9/5)			$3.50
	4741	31.45		Room Tax (9/60			$4.20
	4103	299.46		Lunch for Stephanie & 3 reps. of			$31.45
				Confederated Tribes of the Umatilla			$0.00
							$0.00
				(208+96+72+130+34+112+			$0.00
				160)			$0.00
							$0.00
							$0.00
	TOTALS	532.11				868	$338.61

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)	22. GRAND TOTAL AMOUNT	532.11 ~~$531.11~~
ER road trip. Meetings with DEQ regional	23. TRAVEL ADVANCE AMOUNT	$0.00
offices to discuss legislature/budget	24. AMOUNT DUE EMPLOYEE/STATE	532.11 ~~$531.11~~
Meet w/ tibal chairs, local gov. Officials	☐ IF EMPLOYEE OWES STATE Personal Check/Money Order Attached (Make payable to the State of Oregon)	

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee Stephanie Hallock	27. Title Director	Date 9/10/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By	29. Title	Date 9-19-01

Travel Expense.dot (rev. 2/99)

Claim : $ 532.11
Refund : (23.95)
Total : $ 508.16

In accordance w/ Stephanie's note, I have subtracted $15.00 from this lunch receipt:
$7.50 Roberta
$7.50 Lauri
Brings total to $31.45

Includes lunch for Stephanie and 3 reps of Confederated Tribes of the Umatilla Indian Res. Also paid for Lauri A. & Roberta Y. but that should be deducted from what DEQ pays me. Lauri & Roberta will reimburse me. S.

WILDHORSE RESORT AND CASINO
WILDHORSE RESTAURANT
WE HOPE YOU ENJOYED YOUR MEAL!!!
>>>> Please Pay Cashier <<<<
Date: Sep05'01 12:49PM
Card Type: VISA
Acct #: [redacted]
Exp Date: 01/02
Auth Code: 005452
Check: 9015
Table: 50/1
Server: 194 Julie
VSCA: Auth Driver
STEPHANIE H CUMMING

46.45

Total:

Signature

I agree to pay above total according to my card issuer agreement.
* * * * Customer Copy * * * *

10/5/01 Per telephone call between Stephanie & Judy it was decided that DEQ should not pay for lunches provided for the 3 Umatilla Indian Tribe representatives.
Therefore, Stephanie will issue a personal ✓ for

31.45 Reimb amount
7.50 per diem allowance
$23.95

Kathy -
In case this ✓ comes to you... it should be an ROA on this voucher. Jan

DEPARTMENT OF ENVIRONMENTAL QUALITY
TRANSMITTAL ADVICE
REDUCTION OF EXPENSE

CK #	TRAN AMNT	FOR THE ACCOUNT OF	VO #	PJT #
CHECK NAME		REASON FOR PAYMENT		INV #
1316	23.95	CUMMINS, STEPHANIE H	VIT12438	
STEPHANIE HALLOCK CUMMINS		REFUND OF 3 LUNCHES FOR UMATILLA INDIAN REPRES.		
	23.95	TOTAL		

ROX

DEPOSIT SLIP # 07951

27-Nov-2001

$23.95

314/VIT12582

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock 934000029S	Department of Environmental Quality	September 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging	14. TOTAL Meals and Lodging
9/20	6am 0539	9:30	Portland>Ashland	10.50	10.50 ~~7.50~~	*	*	91.00	101.50 ~~98.50~~
9/21	3pm	5pm	Ashland>PDX	10.50	*	*	10.50		10.50 ~~0.00~~
									0.00
									0.00
									0.00
									0.00
			*meals						0.00
			provided						0.00
									0.00
									0.00
			Joint EQC meeting w/ OWEBS - meeting held						0.00
			at WTC						0.00
									0.00
				21.00					0.00
			15. TOTALS	~~$0.00~~	~~$7.50~~	~~$0.00~~	~~$0.00~~	$91.00	112.00 ~~$98.50~~

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
PCA MSD02				Personal Vehicle Mileage	0.345		$0.00
				Room Tax (9/20)			$6.37
03-14010-74102	4101	118.37		Parking @ PDX			$16.00
	4103	16.00					
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
	TOTALS	134.37					$22.37

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)	22. GRAND TOTAL AMOUNT	134.37	~~$120.87~~
EQC meeting in Ashland OR	23. TRAVEL ADVANCE AMOUNT		$0.00
	24. AMOUNT DUE EMPLOYEE/STATE	134.37	~~$120.87~~
	☐ IF EMPLOYEE OWES STATE Personal Check/Money Order Attached (Make payable to the State of Oregon)		

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee: Stephanie Hallock	27. Title: Director	Date: 9/24/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By: Helen Lottridge	29. Title: MSD Admin	Date: 10-5-01

Travel Expense.dot (rev. 2/99)

Airfare $172.00
Claim : 134.37
TOTAL : 306.37

Nan. Emma N.
From: Becky @ away

2 pages

CUSTOMER NUMBER: 8117
DATE OF INVOICE: SEP 18 2001
INVOICE NUMBER: ITIN
AGENT NUMBER: BL PAGE: 01

AZUMANO/AWAY TRAVEL
350 MISSION SE
SALEM OREGON 97302
PHONE: 503 370-7442
FAX: 503 370-7320

DEPT OF ENVIRONMENTAL QUALITY
ATTN: LAURIE HUNTER
811 SW 6TH AVE 6TH FL
PORTLAND OR 97204

COFFER/JERRY
8117.EMMA.503.229.5990
GINSBURG/ANDY
8117.EMMA.503.229.5990
HALLOCK/STEPHANIE
8117.EMMA.503.229.5990
KNUDSEN/LARRY
8117.EMMA.503.229.5990
KORTENHOF/MIKE
THIS IS YOUR ONLY
E-TKT INVOICE/RECEIPT
RETAIN FOR YOUR RECORDS
PRESENT CODE: AZU-GOV1010 TO
THRIFTY PARKING FOR DISCOUNT

20 SEP 01 - THURSDAY
UNITED 6905 COACH CLASS OPERATED BY-UNITED EXPRESS/SKY
LV: PORTLAND ORE 800A NONSTOP MILES- 222 CONFIRMED
AR: MEDFORD 906A
SEAT- 3C 5A 5B 5C 7A 7B 8C10A10B
EQUIPMENT-EMB120 TURBO ELAPSED TIME- 1:06

21 SEP 01 - FRIDAY
UNITED 6910 COACH CLASS OPERATED BY-UNITED EXPRESS/SKY
LV: MEDFORD 350P NONSTOP MILES- 222 CONFIRMED
AR: PORTLAND ORE 452P
SEAT- 5A 5B 5C 7B 7C 8A 8B 8C10B
EQUIPMENT-EMB120 TURBO ELAPSED TIME- 1:02

UNITED AIRLINES 800-241-6522

JERRY COFFER. YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195263 :173.00

ANDY GINSBURG.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195264 :173.00

STEPH HALLOCK.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195265 :173.00

LARRY KNUDSEN.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195266 :173.00

MIKE KNORTENHOF.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195267 :173.00

MIKE LLEWELYN.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195268 :173.00

MIKELL OMEALY.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195269 :173.00

MARK REEVE.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0
UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167095195270 :173.00

PAUL SLYMAN.YOUR UNITED AIRLINES CONFIRMATION NUMBER LB94C0

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock	Department of Environmental Quality	November 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging	14. TOTAL Meals and Lodging
11/8	7am	5pm	Portland>Redmond>Ptld			Provided			0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
			15. TOTALS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
PCA MSD02				Personal Vehicle Mileage	0.345		$0.00
				PDX parking			$8.00
03-14010-41002	4103	850		Redmond Airport parking			$0.50
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
	TOTALS	850					$8.50

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)	22. GRAND TOTAL AMOUNT	$8.50
AQ Retreat in Bend-Riverside	23. TRAVEL ADVANCE AMOUNT	$0.00
	24. AMOUNT DUE EMPLOYEE/STATE	$8.50
	☐ IF EMPLOYEE OWES STATE Personal Check/Money Order Attached (Make payable to the State of Oregon)	

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee: Stephanie Hallock	27. Title: Director	Date: 11/16/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By: Helen Lottridge	29. Title: MSD4	Date: 11-29-01

Travel Expense.dot (rev. 2/99)

Airfare : $268.50
Claim : 8.50
TOTAL: $277.00

CUSTOMER NUMBER: 8117
DATE OF INVOICE: NOV 05 2001
INVOICE NUMBER: ITIN
AGENT NUMBER: BN PAGE: 01
HALLOCK/STEPHANIE
8117.EMMA.5032295990

AZUMANO/AWAY TRAVEL
350 MISSION SE
SALEM OREGON 97302
PHONE: 503 370-7442
FAX: 503 370-7320

DEPT OF ENVIRONMENTAL QUALITY
ATTN: LAURIE HUNTER
811 SW 6TH AVE 6TH FL
PORTLAND OR 97204

THIS IS YOUR ONLY
E-TKT INVOICE/RECEIPT
RETAIN FOR YOUR RECORDS
PRESENT CODE: AZU-GOV1010 TO
THRIFTY PARKING FOR DISCOUNT

08 NOV 01 - THURSDAY
UNITED 6932 COACH CLASS OPERATED BY-UNITED EXPRESS/SKY
LV: PORTLAND ORE 825A NONSTOP MILES- 116 CONFIRMED
AR: REDMOND 905A
SEAT- 3C
EQUIPMENT-EMB120 TURBO ELAPSED TIME- :40

UNITED 6939 COACH CLASS OPERATED BY-UNITED EXPRESS/SKY
LV: REDMOND 323P NONSTOP MILES- 116 CONFIRMED
AR: PORTLAND ORE 410P
SEAT- 4A
EQUIPMENT-EMB120 TURBO ELAPSED TIME- :47

TRAVEL AWARDS ACCEPTED BY STATE EMPLOYEES
BECOME THE PROPERTY OF THE STATE OF OREGON.
YOU MUST NOTIFY YOUR AGENCY OF ANY AWARDS RECEIVED.
*** PTKT:TKT/ORI/INV TO TVL ARR * INCL GOVT PARK PASS
RESERVATION BOOKED WITH BARB BY EMMA
HORIZON AIR 800-547-9308

YOUR UNITED AIRLINES CONFIRMATION NUMBER IS: M124GW

UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167099486396 $268.50

YOU MAY ALSO VIEW THIS ITINERARY ONLINE AT WWW.AZUMANOTRAVEL.COM
YOUR VIEWTRIP CONFIRMATION CODE IS: M124GW
AGENCY PHONE 503-370-7442/800-289-2959
EMERGENCY AFTER HOURS 877-840-0183
CAR OR HOTEL NOT REQUESTED.
THIS IS YOUR ONLY E-TKT RECEIPT. PLEASE RETAIN FOR YOUR RECORDS.
PRESENT CODE AZU-GOV1010 TO THRIFTY PARKING FOR DISCOUNT.

COMPARED TO THE FULL FARE THIS REPRESENTS A SAVINGS OF $ 228.50

AIR TRANSPORTATION	236.28	TAX	32.22	TTL	268.50

SUB TOTAL	268.50
CREDIT CARD PAYMENT	268.50-
AMOUNT DUE	0.00

337/VIT12785

STATE OF OREGON
TRAVEL EXPENSE DETAIL SHEET

USE TAB KEY TO MOVE TO NEXT FILL-IN FIELD

Complete regulations governing travel by state employees are contained in the current Executive Department administrative rules.

1. Name of Employee	2. Agency	3. Period (Month and Year)
Stephanie Hallock 934000029S	Department of Environmental Quality	October 2001

4. Official Station	5. Division, Work Unit, Cost Center	Regular Schedule Work Shift
Director	OD	☒ 8 am - 5 pm ☐ Other

6. ☐ Unrepresented ☐ Management Service ☒ Executive Service ☐ Board/Commission Member ☐ Volunteer
☐ Bargaining Unit Name AFSCME ☐ Other

7. Date	8. Time of Departure	9. Time of Arrival	10. Destination	11. Per Diem/ Hourly Allowance	12. INDIVIDUAL MEAL REIMBURSEMENT Breakfast	Lunch	Dinner	13. Lodging	14. TOTAL Meals and Lodging
10/25	~~6am~~ 0559	9am	Portland>Medford	42.00	~~7.50~~	~~7.50~~	~~15.00~~	59.00	101.00 ~~89.00~~
10/26	2:30pm	5pm	Medford>Portland	31.50	~~7.50~~	7.50			31.50 ~~15.00~~
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
									0.00
				73.50					0.00
			15. TOTALS	~~$0.00~~	~~$15.00~~	~~$15.00~~	~~$15.00~~	$59.00	132.50 ~~$104.00~~

16. COST CENTER			17. Date	18. MISCELLANEOUS EXPENSES Private Car Mileage, Room Tax, Phone, etc.	19. Rate Per Mile	20. Private Car Miles	21. Amount
PCA MSD02				Personal Vehicle Mileage	0.345		$0.00
03-14010-74102	4101	137.22		Room Tax (9/20)			$4.72
	4103	16.00		Parking @ PDX			$16.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
	TOTALS	153.22					$20.72

25. REASON FOR TRAVEL: (Be specific; must be completed for all travel expenses.)	22. GRAND TOTAL AMOUNT	153.22	~~$124.72~~
WR Road Trip: Medford & Grants Pass DEQ	23. TRAVEL ADVANCE AMOUNT		$0.00
Legislators & Tribal heads.	24. AMOUNT DUE EMPLOYEE/STATE	153.22	~~$124.72~~
	☐ IF EMPLOYEE OWES STATE Personal Check/Money Order Attached (Make payable to the State of Oregon)		

I certify that all reimbursements claimed reflect actual duty required expenses or allowances entitled; that no part thereof has been heretofore claimed or will be claimed from any other source.	26. Signature of Employee: Stephanie Hallock	27. Title: Director	Date: 10/29/01
I certify that the above claimed expenses are authorized duty required expenses. Funds for payment of this claim are available in the approved budget for the period covered and have been allotted for expenditure.	28. Approved By: Leslie Lothon	29. Title: MDA	Date: 10-30-01

Travel Expense.dot (rev. 2/99)

Airfare: $173.00
Claim: 153.22
TOTAL: $326.22

Fax to: EMMA Fax#: 95032296762

Azumano/Away Travel

Prepared on 08/29/01 15:16:13, PNR RKC5ZC
Prepared by MARY
Passenger: HALLOCK/STEPHANIE
8117.EMMA.5032295990

25OCT AIR United Airlines Inc Flight: 6905 Class: Y Seat: 04C
THU Depart: Portland, OR(PDX) 800A
Arrive: Medford, OR(MFR) 906A
Equipment: EM2 Elapsed time: 1:06
NON-SMOKING
OPERATED BY UNITED EXPRESS/SKYWEST

26OCT AIR United Airlines Inc Flight: 6912 Class: Y Seat: 05C
FRI Depart: Medford, OR(MFR) 655P 3:50
Arrive: Portland, OR(PDX) 757P
Equipment: EM2 Elapsed time: 1:02
NON-SMOKING
OPERATED BY UNITED EXPRESS/SKYWEST

Ticket Information

Fare Quoted (Total)	Base Fare	US Taxes	Other Taxes	Ticketing Date	Reservation #
USD 173.00	USD 148.84	USD 11.16	USD 13.00	29AUG	RKC5ZC

Airfares are not guaranteed until ticketed.

*** PTKT:TKT/ORI/INV TO TVL ARR * INCL GOVT PARK PASS
RESERVATION BOOKED WITH MARY BY EMMA
UNITED AIRLINES 800-241-6522

YOUR UNITED AIRLINES CONFIRMATION NUMBER IS: RKC5ZC

UNITED AIRLINES TICKET NUMBER/AMOUNT IS: 0167093613232$173.00

Agency phone 503-370-7442/800-289-2959
No car or hotel requested
This is your only e-ticket receipt. Please retain for your records.
Present code AZU-GOV1010 to Thrifty Parking for discount.

State of Oregon

Department of Environmental Quality Memorandum

Date: November 15, 2001

To: Environmental Quality Commission

From: Stephanie Hallock, Director

Subject: Agenda Item M, Rule Adoption: Incorporation of National Emission Standards for Hazardous Air Pollutants (NESHAPs)
December 7, 2001 EQC Meeting

Department Recommendation

The Department recommends the Commission adopt proposed rules to incorporate new National Emission Standards for Hazardous Air Pollutants and update existing rules as presented in Attachment A.

Need for Rulemaking

One of the requirements of the Title V program is for the Department to adopt new and revised Federal NESHAPs. This assures continued delegation of authority from EPA for the Department to implement applicable NESHAPs in the state. In addition perchloroethylene is no longer listed by EPA as a volatile organic compound (VOC). Until now, DEQ was regulating VOC emissions from perchloroethylene dry cleaning facilities. Because of EPA's de-listing, DEQ proposes to eliminate regulation of VOC emissions from perchloroethylene dry cleaning facilities and extend control system monitoring, recordkeeping, and maintenance requirements to all perchloroethylene dry cleaning facilities to reduce public exposure to this hazardous air pollutant and ensure consistency among the industry.

Effect of Rule

This proposal would:

- Adopt new NESHAPs for four source categories;
- Update Oregon's hazardous air pollutant regulations by adopting changes to the federal NESHAPs through July 1, 2001;
- Eliminate a rule (OAR 340-232-0240) that limits VOC emissions from perchloroethylene dry cleaning facilities;
- Extend the requirement so that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance, as currently required of most perchloroethylene dry cleaning facilities by the Perchloroethylene Dry Cleaning NESHAP and OAR 340-232-0240.

Attachment F contains a list of changes (Federal Register citations) that EPA has promulgated for NESHAPs adopted by reference and the types of sources in Oregon impacted by these NESHAPs.

Commission Authority

The Commission has authority to take this action under ORS 465.505, 468.020 & 468A.025.

Public Comment

A public comment period extended from August 16, 2001 to September 27, 2001 and included a public hearing in Portland. The Presiding Officer's Report of public input is provided in Attachment B. One person testified in favor of the rulemaking; no written comments were received.

Key Issues

The key issues are:

- This rulemaking does not add new control requirements for sources affected by the NESHAPs. Sources are obligated to comply with the control requirements mandated in the NESHAPs whether or not the Department adopts the NESHAPs. However, the Secondary Aluminum Production NESHAP affects sources that may not be aware of their obligation to install control equipment. The Department will continue to identify sources subject to the Secondary Aluminum Production NESHAP and offer technical assistance and modify permits as needed.
- Eliminating the rule that limits VOC emissions from perchloroethylene dry cleaning facilities is a change to Oregon's State Implementation Plan (SIP) and will require EPA approval. We expect approval to be relatively straightforward, as EPA no longer lists perchloroethylene as a VOC.
- Extending the requirement that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance will exceed Federal requirements for these activities (see Attachment C). These provisions, however, are authorized by Oregon's Hazardous Waste Statutes and ensure that control systems mandated by these statutes will be operated and maintained in a way that will minimize emissions of perchloroethylene. Monitoring, recordkeeping and maintenance are documented in an annual report to the Department. The Department's review assists in targeting technical assistance and compliance needs. The rule changes will require approximately 25 dry cleaning facilities to employ monitoring, recordkeeping and maintenance procedures similar to ones required for the remaining 300 dry cleaning facilities in Oregon.

Next Steps

The following is a summary of steps contained in the Rule Implementation Plan:

- Resubmit NESHAP delegation request to EPA
- Submit elimination of VOC rule to EPA as a change to the SIP
- Train staff on implementation of new NESHAPs
- Identify and offer assistance to sources affected by new NESHAPs
- Incorporate new NESHAPs into Title V and ACDP permits.
- Amend the Perchloroethylene Dry Cleaning General Permit (future EQC action)

Attachments

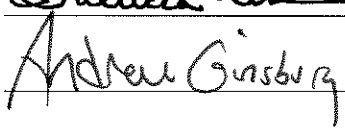
A. Proposed Rule Revisions
B. Presiding Officer's Report on Public Hearing
C. Relationship to Federal Requirements
D. Fiscal and Economic Impact Statement
E. Land Use Evaluation Statement
F. NESHAPs Proposed for Adoption
G. Cover Memorandum from Public Notice

Available Upon Request

1. Legal Notice of Hearing
2. Rule Implementation Plan

Approved:

Section: 

Division: 

Report Prepared By: Jerry Ebersole
Phone: (503) 229-6974

Attachment A

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Major and Area Source NESHAP Adoption

Proposed Rule Changes

DIVISION 226
GENERAL EMISSION STANDARDS

340-226-0140
Additional Control Requirements for Stationary Sources of Air Contaminants
In addition to other applicable requirements, the Department may establish control requirements by permit if necessary as specified in sections (1) through (5) of this rule:
(1) Requirements will be established to prevent violation of an Ambient Air Quality Standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof. For existing sources, the Department will conduct monitoring to confirm a violation of an Ambient Air Quality Standard .
(2) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring, or a combination thereof. For existing sources, the Department will conduct monitoring to confirm visibility impairment.
(3) A requirement applicable to a major source will be established if it has been adopted by EPA but has not otherwise been adopted by the Commission.
(4) An additional control requirement will be established if requested by the owner or operator of a source.
(5) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under chapter 340, divisions 200 through 26832:
(a) Chemical weapons; and
(b) Combustion and degradation by-products of chemical weapons.
[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0640; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 232
EMISSION STANDARDS FOR VOC POINT SOURCES

340-232-0010
Introduction
(1) This division regulates sources of VOC which contribute to the formation of photochemical oxidant, mainly ozone.
(2) Since ozone standards are not violated in Oregon from October through April (because of insufficient solar energy), natural gas-fired afterburners may be permitted, on a case-by-case basis, to lay idle during the winter months.
(3) Sources regulated by this division are new and existing sources in the Portland and Medford AQMA's and in the Salem SATS listed in subsections (a) through (n) of this section, including:

(a) Gasoline dispensing facilities, storage tank filling;
(b) Bulk gasoline plants and delivery vessels;
(c) Bulk gasoline terminal loading;
(d) Cutback asphalt;
(e) Petroleum refineries, petroleum refinery leaks;
(f) VOC liquid storage, secondary seals;
(g) Coating including paper coating and miscellaneous painting;
(h) Aerospace component coating;
(i) Degreasers;
(j) Asphaltic and coal tar pitch in roofing;
(k) Flat wood coating;
(l) Rotogravure and Flexographic printing;
~~(m) Perchloroethylene dry cleaning;~~
(m~~n~~) Automotive Gasoline.
(4) Emissions units not covered by the source categories listed in section (3) of this rule which emit or have the potential to emit over 100 tons of VOC per year are subject to OAR 340-232-0040(5).
[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]
Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0100

340-232-0030
Definitions
The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.
(1) "Aerospace component" means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.
(2) "Air dried coating" means coatings which are dried by the use of air at ambient temperature.
(3) "Applicator" means a device used in a coating line to apply coating.
(4) "Bulk gasoline plant" means a gasoline storage and distribution facility which receives gasoline from bulk terminals by railroad car or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and gasoline dispensing facilities.
(5) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck.
(6) "Can coating" means any coating applied by spray, roller, or other means to the inside and/or outside surfaces of metal cans, drums, pails, or lids.
(7) "Carbon bed breakthrough" means the initial indication of depleted adsorption capacity characterized by a sudden measurable increase in VOC concentration exiting a carbon adsorption bed or column.
(8) "Certified storage device" means vapor recovery equipment for gasoline storage tanks as certified by the State of California Air Resources Board Executive Orders, copies of which are on file with the Department, or which has been certified by other air pollution control agencies and approved by the Department.
(9) "Class II hardboard paneling finish" means finishers which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.
(10) "Clear coat" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color.
(11) "Coating" means a material applied to a surface which forms a continuous film and is used for protective and/or decorative purposes.

(12) "Coating line" means one or more apparatus or operations which include a coating applicator, flash-off area, and oven or drying station wherein a surface coating is applied, dried, and/or cured.
(13) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.
(14) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.
(15) "Custody transfer" means the transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.
(16) "Cutback asphalt" means a mixture of a base asphalt with a solvent such as gasoline, naphtha, or kerosene. Cutback asphalts are rapid, medium, or slow curing (known as RC, MC, SC), as defined in **ASTM D2399**.
(17) "Day" means a 24-hour period beginning at midnight.
(18) "Delivery vessel" means any tank truck or trailer used for the transport of gasoline from sources of supply to stationary storage tanks.
~~(19) "Dry cleaning facility" means any facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes but is not limited to any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves.~~
(20) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation.
(21) "External floating roof" means a cover over an open top storage tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
(22) "Extreme performance coatings" means coatings designed for extreme environmental conditions such as exposure to any one of the following: continuous ambient weather conditions, temperature consistently above 95°C, detergents, abrasive and scouring agents, solvents, corrosive atmosphere, or similar environmental conditions.
(23) "Extreme performance interior topcoat" means a topcoat used in interior spaces of aircraft areas requiring a fluid, stain or nicotine barrier.
(24) "Fabric coating" means any coating applied on textile fabric. Fabric coating includes the application of coatings by impregnation.
(25) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.
(26) "Freeboard ratio" means the freeboard height divided by the width (not length) of the degreaser's air/solvent area.
(27) "Forced air dried coating" means a coating which is dried by the use of warm air at temperatures up to 90°C (194°F).
(28) "Gas Freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.
(29) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 27.6 kPa (4.0 psi) or greater which is used to fuel internal combustion engines.
(30) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.
(31) "Gas service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.
(32) "Hardboard" is a panel manufactured primarily from inter-felted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press.
(33) "Hardwood plywood" is plywood whose surface layer is a veneer of hardwood.
(34) "High performance architectural coating" means coatings applied to aluminum panels and moldings being coated away from the place of installation.

(35) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floating upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
(36) "Large appliance" means any residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other similar products.
(37) "Leaking component" means any petroleum refinery source which has a volatile organic compound concentration exceeding 10,000 parts per million (ppm) when tested in the manner described in method 31 and 33 on file with the Department. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes. Excluded from these sources are valves which are not externally regulated.
(38) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.
(39) "Liquid-mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.
(40) "Liquid service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.
(41) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank(s) into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.
(42) "Low solvent coating" means a coating which contains a lower amount of volatile organic compound than conventional organic solvent borne coatings. Low solvent coatings include waterborne, higher solids, electrodeposition and powder coatings.
(43) "Major modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase for any pollutant subject to regulation under the Clean Air Act.
(44) "Major source" means a stationary source which emits or has the potential to emit any pollutant regulated under the Clean Air Act at a significant emission rate.
(45) "Marine Tank Vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.
(46) "Marine Terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.
(47) "Marine Vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.
(48) "Maskant for chemical processing" means a coating applied directly to an aerospace component to protect surface areas when chemical milling, anodizing, aging, bonding, plating, etching and/or performing other chemical operations on the surface of the component.
(49) "Miscellaneous metal parts and products" means any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, magnet wires, automobiles, ships, and airplane bodies.
(50) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
(51) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.
(52) "Oven-dried" means a coating or ink which is dried, baked, cured, or polymerized at temperatures over 90°C (194°F).
(53) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.
(54) "Paper coating" means any coating applied on paper, plastic film, or metallic foil to make certain products, including (but not limited to)adhesive tapes and labels, book covers, post cards, office copier

paper, drafting paper, or pressure sensitive tapes. Paper coating includes the application of coatings by impregnation and/or saturation.
(55) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.
(56) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum, crude oil, or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" does not mean a re-refinery of used motor oils or other waste chemicals. "Petroleum refinery" does not include asphalt blowing or separation of products shipped together.
(57) "Plant site basis" means all of the sources on the premises (contiguous land) covered in one Air Contaminant Discharge Permit unless another definition is specified in a Permit.
(58) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitations on the capacity of a source to emit an air pollutant, excluding air pollution control equipment, shall be treated as part of its design if the limitation is enforceable by the Department.
(59) "Pretreatment wash primer" means a coating which contains a minimum of 0.5% acid by weight for surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.
(60) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.
(61) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage.
(62) "Prime coat" means the first of two or more films of coating applied in an operation.
(63) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.
(64) "Reasonably available control technology" or "RACT" means the lowest emission limitation that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
(65) "Roll printing" means the application of words, designs and pictures to a substrate by means of hard rubber or steel rolls.
(66) "Sealant" means a coating applied for the purpose of filing voids and providing a barrier against penetration of water, fuel or other fluids or vapors.
(67) "Specialty printing" means all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing. Specialty Printing includes printing on paper plates and cups, patterned gift wrap, wallpaper, and floor coverings.
(68) "Splash filling" means the filling of a delivery vessel or stationary storage tanks through a pipe or hose whose discharge opening is above the surface level of the liquid in the tank being filled.
(69) "Source" means any building, structure facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.
(70) "Source category" means all sources of the same type or classification.
(71) "Submerged fill" means any fill pipe or hose, the discharge opening of which is entirely submerged when the liquid is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge of which is entirely submerged when the liquid level is 18 inches, or is twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.
(72) "Thin particleboard" means a manufactured board 1/4 inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.
(73) "Thirty-day rolling average" means any value arithmetically averaged over any consecutive thirty days.
(74) "Tileboard" means paneling that has a colored waterproof surface coating.
(75) "Topcoat" means a coating applied over a primer or intermediate coating for purposes such as appearance, identification or protection.

(76) "True vapor pressure" means the equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," February, 1980.
(77) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.
(78) "Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the primary seal, the tank shell, the liquid surface, and the floating roof.
(79) "Vapor Tight" means, as used in OAR 340-232-0110, a condition that exists when the concentration of a volatile organic compound, measured one centimeter from any source, does not exceed 10,000 ppm (expressed as methane) above background.
[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0020.]
[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the agency.]
Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 6-1996, f. & cert. ef. 3-29-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0102; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01

~~340-232-0240~~
~~Perchloroethylene Dry Cleaning~~
~~(1) The owner or operator of a perchloroethylene dry cleaning facility shall:~~
~~(a) Vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device;~~
~~(b) Emit no more than 100 ppmv of volatile organic compounds from the dryer control device before dilution;~~
~~(c) Immediately repair all components found to be leaking liquid volatile organic compounds;~~
~~(d) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;~~
~~(e) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;~~
~~(f) Drain all filtration cartridges, in the filter housing, for at least 24 hours before discarding the cartridges;~~
~~(g) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere;~~
~~(h) Any other filtration or distillation system can be used if equivalency is demonstrated. Any system reducing waste losses below 1 kg solvent per 100 kg clothes cleaned will be considered equivalent. For dry-to-dry configuration units, the following shall apply in lieu of subsections (1)(a) and (b) of this rule:~~
~~(A) The dryer/condenser system must be closed to the atmosphere at all times except when articles are being loaded or unloaded through the door of the machine;~~
~~(B) The dryer/condenser system must not vent to the atmosphere until the air vapor stream temperature on the outlet side of the refrigerated condenser is equal to or less than 45° F.~~
~~(2) Exemptions: The requirements of subsections (1)(a) and (b) of this rule are not applicable to:~~
~~(a) Coin-operated facilities;~~
~~(b) Facilities where an absorber or other necessary control equipment cannot be accommodated because of inadequate space; or~~
~~(c) Facilities with insufficient steam capacity to desorb absorbers.~~
~~(3) Compliance Demonstration: Compliance to this rule shall be demonstrated as follows:~~
~~(a) Compliance with subsections (1)(a), (f), and (g) of this rule shall be determined by means of a visual inspection;~~

~~(b) Compliance with subsection (1)(c) of this rule shall be determined by means of a visual inspection of the following components:~~
~~(A) Hose connections, unions, couplings and valves;~~
~~(B) Machine door gaskets and seatings;~~
~~(C) Filter head gasket and seating;~~
~~(D) Pumps;~~
~~(E) Base tanks and storage containers;~~
~~(F) Water separators;~~
~~(G) Filter sludge recovery;~~
~~(H) Distillation unit;~~
~~(I) Diverter valves;~~
~~(J) Saturated lint from lint basket; and~~
~~(K) Cartridge filters.~~
~~(c) Compliance with subsection (1)(b) of this rule shall be determined by:~~
~~(A) A test consistent with EPA Guideline Series document, "**Measurement of Volatile Organic Compounds", EPA-450/2-78-041** and in accordance with EPA Method 23 "Determination of Halogenated Organics from Stationary Sources" (proposed **43 FR 39766, June 11, 1980**); or~~
~~(B) The proper installation, operation, and maintenance of equipment which has been demonstrated to be adequate to meet the emission limits of 100 ppmv.~~
~~(d) Compliance with subsections (1)(d) and (e) of this rule shall be determined by means of the procedure in the "**Standard Test Method for Gasoline Diluent in Used Gasoline Engine Oils by Distillation", ANSI/ASTM D322**.~~
~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~
~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99; Renumbered from 340-022-0220~~

DIVISION 244
OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM
Emission Standards

340-244-0220
Federal Regulations Adopted by Reference

(1) Except as provided in sections (2) and (3) of this rule, **40 CFR Part 61, Subparts A** through **F, I, J, L, N** through **P, V** and **Y** through **FF (July 1, 2001<u>0</u>)** and **40 CFR Part 63, Subparts A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, <u>MM,</u> OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, <u>RRR, TTT, VVV,</u> ~~and~~ XXX<u>, CCCC</u> and <u>GGGG</u> (July 1, 2001<u>0</u>)** are by reference adopted and incorporated herein.

(2) Where "Administrator" or "EPA" appears in **40 CFR Part 61** or **63**, "Department" shall be substituted, except in any section of **40 CFR Part 61** or **63**, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

(3) <u>**40 CFR Part 63 Subpart M – Dry Cleaning Facilities using Perchloroethylene**: The exemptions in 40 CFR 63.320(d) and (e) do not apply.</u>

(~~4~~3) **40 CFR Part 61** Subparts adopted by this rule are titled as follows:

(a) Subpart A -- General Provisions;
(b) Subpart B -- Radon Emissions from Underground Uranium Mines;
(c) Subpart C -- Beryllium;
(d) Subpart D -- Beryllium Rocket Motor Firing;
(e) Subpart E -- Mercury;
(f) Subpart F -- Vinyl Chloride;

(g) Subpart I -- Radionuclide Emissions from Federal Facilities Other than Nuclear Regulatory Commission Licensee and Not Covered by Subpart H;
(h) Subpart J -- Equipment Leaks of Benzene;
(~~h~~i) Subpart L -- Benzene Emissions from Coke By-Product Recovery Plants;
(~~i~~j) Subpart N -- Inorganic Arsenic Emissions from Glass Manufacturing Plants;
(~~j~~k) Subpart O -- Inorganic Arsenic Emissions from Primary Copper Smelters;
(~~k~~l) Subpart P -- Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;
(~~l~~m) Subpart V -- Equipment Leaks (Fugitive Emission Sources);
(~~m~~n) Subpart Y -- Benzene Emissions from Benzene Storage Vessels;
(o) Subpart BB -- Benzene Emissions from Benzene Transfer Operations; and
(~~n~~p) Subpart FF -- Benzene Waste Operations.
(54) **40 CFR Part 63** Subparts adopted by this rule are titled as follows:
(a) Subpart A -- General Provisions;
(b) Subpart F -- SOCMI;
(c) Subpart G -- SOCMI -- Process Vents, Storage Vessels, Transfer Operations, and Wastewater;
(d) Subpart H -- SOCMI -- Equipment Leaks;
(e) Subpart I -- Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;
(f) Subpart L -- Coke Oven Batteries;
(g) Subpart M -- Dry Cleaning Facilities using Perchloroethylene;
(h) Subpart N -- Hard and Decorative Chromium Electroplating and Chromium Anodizing;
(i) Subpart O -- Ethylene Oxide Sterilization;
(j) Subpart Q -- Industrial Process Cooling Towers;
(k) Subpart R -- Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);
(l) Subpart S -- Pulp and Paper Industry;
(m) Subpart T -- Halogenated Solvent Cleaning;
(n) Subpart U -- Group I Polymers and Resins;
(o) Subpart W -- Epoxy Resins and Non-Nylon Polyamides Production;
(p) Subpart X -- Secondary Lead Smelting;
(q) Subpart Y -- Marine Tank Vessel Loading Operations;
(r) Subpart AA -- Phosphoric Acid Manufacturing Plants;
(s) Subpart BB -- Phosphate Fertilizer Production Plants;
(t) Subpart CC -- Petroleum Refineries;
(u) Subpart DD -- Off-Site Waste and Recovery Operations;
(v) Subpart EE -- Magnetic Tape Manufacturing Operations;
(w) Subpart GG -- Aerospace Manufacturing and Rework Operations;
(x) Subpart HH -- Oil and Natural Gas Production Facilities;
(y) Subpart II -- Shipbuilding and Ship Repair (Surface Coating);
(z) Subpart JJ -- Wood Furniture Manufacturing Operations;
(aa) Subpart KK -- Printing and Publishing Industry;
(bb) Subpart LL -- Primary Aluminum Reduction Plants;
(cc) Subpart MM -- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi-Chemical Pulp Mills
(~~dd~~ee) Subpart OO -- Tanks -- Level 1;
(~~ee~~dd) Subpart PP -- Containers;
(~~ff~~ee) Subpart QQ -- Surface Impoundments;
(~~gg~~ff) Subpart RR -- Individual Drain Systems;
(~~hh~~gg) Subpart SS -- Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
(~~ii~~hh) Subpart TT -- Equipment Leaks -- Control Level 1;
(~~jj~~ii) Subpart UU -- Equipment Leaks -- Control Level 2 ~~Standards~~;
(~~kk~~jj) Subpart VV -- Oil-Water Separators and Organic-Water Separators;
(~~ll~~kk) Subpart WW -- Storage Vessels (Tanks) -- Control Level 2;
(~~mm~~ll) Subpart YY -- Generic Maximum Achievable Control Technology Standards;

(nnmm) Subpart CCC -- Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants;
(oonn) Subpart DDD -- Mineral Wool Production;
(ppoo) Subpart EEE -- Hazardous Waste Combustors;
(qqpp) Subpart GGG -- Pharmaceuticals Production;
(rrqq) Subpart HHH -- Natural Gas Transmission and Storage Facilities;
(ssrr) Subpart III -- Flexible Polyurethane Foam Production;
(ttss) Subpart JJJ -- Group IV Polymers and Resins;
(uutt) Subpart LLL -- Portland Cement Manufacturing Facilities;
(vvuu) Subpart MMM -- Pesticide Active Ingredient Production;
(wwvv) Subpart NNN -- Wool Fiberglass Manufacturing;
(xxww) Subpart OOO -- Manufacture of Amino/Phenolic Resins;
(yyxx) Subpart PPP -- Polyether Polyols Production;
(zz) Subpart RRR -- Secondary Aluminum Production;
(aaayy) Subpart TTT -- Primary Lead Smelting;
(bbbzz) Subpart VVV -- Publicly Owned Treatment Works;
(cccaaa) Subpart XXX -- Ferroalloys Production: Ferromanganese and silicomanganese;~~Manufacturing of Nutritional Yeast.~~
(ddd) Subpart CCCC -- Manufacturing of Nutritional Yeast;
(eee) Subpart GGGG -- Solvent Extraction for Vegetable Oil Production.
[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 16-1995, f. & cert. ef. 6-21-95; DEQ 28-1996, f. & cert. ef. 12-19-96; DEQ 18-1998, f. & cert. ef. 10-5-98]; [DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 32-1994, f. & cert. ef. 12-22-94]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520; DEQ 11-2000, f. & cert. ef. 7-27-00

340-244-0230
Accidental Release Prevention
(1) List. For purposes of this rule the Commission adopts by reference the List of Regulated Substances and Thresholds for Accidental Release Prevention **40 CFR Part 68 Subpart F** (July 1, 2001~~0~~) which includes the Department of Transportation Division 1.1 Explosive Standards List (49 CFR 172.101). (**Table 3**).
(2) Risk Management Plan. The owner or operator of a stationary source at which a substance listed in **Table 3** is present in greater than the threshold quantity shall prepare and implement a written risk management plan to detect and prevent or minimize accidental releases, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.
(3) Compliance. The owner or operator of a stationary source required to prepare and implement a risk management plan under section (2) of this rule shall:
(a) Register the risk management plan with the EPA;
(b) Submit copies of the risk management plan to the U.S. Chemical Safety and Hazard Identification Board, the Department, and the Oregon Office of Emergency Management; and
(c) Submit as part of the compliance certification required under OAR 340-218-0080, annual certification to the Department that the risk management plan is being properly implemented.
(4) Compliance schedule:
(a) The owner or operator of a stationary source shall prepare and implement a risk management plan under section (2) of this rule according to the schedule promulgated by the EPA;
(b) The owner or operator of a stationary source that adds a listed substance or exceeds the threshold shall prepare and implement a risk management plan according to the schedule promulgated by the EPA.
[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]
[ED. NOTE: The Table referenced in this rule is not printed in the OAR compilation. Copies are available from the agency.]
Stat. Auth.: ORS 468.020 & ORS 468A.310

Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5400; DEQ 11-2000, f. & cert. ef. 7-27-00

Attachment B

State of Oregon
Department of Environmental Quality Memorandum

Date: September 20, 2001

To: Environmental Quality Commission

From: Gregg Lande, Air Quality Division

Subject: Presiding Officer's Report for Rulemaking Hearing
Hearing Date and Time: September 20, 2001, beginning at 3:00 p.m.
Hearing Location: DEQ Headquarters, Room 3A
811 S.W. Sixth Avenue
Portland

Title of Proposal: Annual Update: Incorporation of National Emission Standards for Hazardous Air Pollutants (NESHAPs)

The rulemaking hearing on the above titled proposal was convened at 3:00 p.m. One person was in attendance and presented testimony.

Summary of Oral Testimony

Kathryn Vannatta, Governmental Affairs Manager, of the NW Pulp and Paper Association presented oral testimony to the effect that her Association and its members supported the Department's proposal to adopt these federal standards, in particular those effecting their operations, by reference. She also offered her Association's support to the Department in implementing these standards.

There was no further testimony and the hearing was closed at 3:35 p.m.

Attachment C

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Major and Area Source NESHAP Adoption

Questions to be Answered to Reveal Potential Justification for Differing from Federal Requirements

This rulemaking, for the most part, is an adoption by reference of Federal standards. However, extending the requirement so that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance will exceed Federal requirements. Under the current VOC rule, which will be deleted by this rulemaking, and the NESHAP, which will remain, about 300 of the 325 perchloroethylene dry cleaners in Oregon must perform control system monitoring, recordkeeping, and maintenance. This rulemaking will extend the control system monitoring, recordkeeping, and maintenance requirement to all 325 or so perchloroethylene dry cleaning facilities in order to ensure consistency among the industry and reduce public exposure to perchloroethylene.

1. **Are there federal requirements that are applicable to this situation? If so, exactly what are they?**

   Yes. The National Emission Standards for Hazardous Air Pollutants (NESHAP), proposed in this rulemaking for adoption by reference, are federal requirements.

2. **Are the applicable federal requirements performance-based, technology-based, or both with the most stringent controlling?**

   Both. The regulations combine technology, performance goals, work practices and material substitution. They allow the owner/operator discretion in selecting the particular combination necessary to maintain compliance.

3. **Do applicable federal requirements specifically address issues 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?**

   Federal requirements specifically address control of hazardous air pollutants of concern in Oregon. Data and information representative of human health and environmental effects of hazardous air pollutants and available emission control technology were considered in the federal process that established these rules.

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. Currently, perchloroethylene dry cleaners are subject to three sets of requirements relating to the control of air emissions. They are:

   - ORS 465.505 Waste minimization requirements for dry cleaning facilities
   - OAR 340-232-0240: Emission Standards for VOC Point Sources
   - 40 CFR Part 63 Subpart M: National Emission Standards for Hazardous Air Pollutants (NESHAP)

   This rulemaking will consolidate the air quality requirements of all these sets of requirements in OAR 340 Division 244 and will rely on the NESHAP for rule language.

5. **Is there a timing issue that 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?**

   N/A

7. **Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources? (level the playing field)**

   Yes. It is estimated that all but about 25 perchloroethylene dry cleaners in Oregon are currently required to perform monitoring and recordkeeping and maintain their control equipment. This rulemaking will require all dry cleaners to monitor and record emission control parameters, and maintain their control equipment.

8. **Would others face increased costs if a more stringent rule is not enacted?**

   No.

9. Does the proposed requirements include procedural requirements, reporting or monitoring requirements different from applicable federal requirements? If so, why? What is the " compelling reason" for different procedural, reporting or monitoring requirements?

Yes. The Perchloroethylene Dry Cleaning NESHAP requires control equipment only on newer perchloroethylene dry cleaning systems and certain older dry cleaning systems. The Department proposes to differ from the NESHAP by requiring the same control equipment on all systems. This is based on ORS 465.505, which requires control equipment on all perchloroethylene dry cleaning systems in Oregon.

In addition, the NESHAP requires monitoring and recording of control equipment parameters and maintenance of control equipment only for newer perchloroethylene dry cleaning systems and certain older dry cleaning systems. The proposed rule makes the exemptions contained in the NESHAP inapplicable. This has the effect of requiring all perchloroethylene dry cleaners to monitor and record control equipment parameters, and to maintain their control equipment. Under the current VOC rule, which will be deleted by this rulemaking, and the NESHAP, about 300 of the 325 perchloroethylene dry cleaners in Oregon must perform the monitoring, recordkeeping, and maintenance.

ORS 465.505(3) authorizes the Department to require dry cleaning operators to provide any information necessary for carrying out the waste minimization measures required by ORS 465.505. ORS 465.505(5) authorizes the EQC to adopt rules necessary to implement the waste minimization measures. Monitoring, recordkeeping, and maintaining the control equipment are essential for implementing the waste minimization measures.

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?

There is an economic incentive for perchloroethylene dry cleaners to perform monitoring and to maintain their control equipment. In the preamble to the Perchlorethylene Dry Cleaning NESHAP, EPA estimated that the annualized cost to perform pollution prevention, leak detection and repair, monitoring, reporting, and recordkeeping was about $460. This estimate did not reflect credit received from solvent savings. If a credit for solvent savings was included, the total cost was about $350. Currently the cost of perchloroethylene is about $8 per gallon. However, there is an Oregon State tax on perchloroethylene of about $26 per gallon. Therefore, the incentive to monitor and properly maintain the control equipment is even greater in Oregon.

Attachment D

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Major and Area Source NESHAP Adoption

Fiscal and Economic Impact Statement

Introduction

This proposal would:

- Adopt new NESHAPs for four source categories;
- Update Oregon's hazardous air pollutant regulations by adopting changes to the federal NESHAPs through July 1, 2001;
- Eliminate a rule (OAR 340-232-0240) that limits VOC emissions from perchloroethylene dry cleaning facilities;
- Extend the requirement so that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance, as currently required of most perchloroethylene dry cleaning facilities by the Perchloroethylene Dry Cleaning NESHAP and OAR 340-232-0240.

Sources subject to this rulemaking are obligated to comply with federal NESHAPs regardless of the Department's adoption of these regulations. The economic impact of the NESHAPs was assessed by EPA when they promulgated the standards.

This rulemaking does not establish new fees. The rulemaking only adopts newly promulgated federal emission standards for major and non-major sources, and uses the existing fee authority to assess fees for the source categories in OAR 340-216-0090 (ACDP) and 340-220-0030 through 340-220-0050 (TV Operating Permits).

Though no changes have been made to the Federal NESHAP for perchloroethylene dry cleaning, this rulemaking will add a requirement that all perchloroethylene dry cleaners monitor and record emission control parameters, and maintain their control equipment. It is estimated that all but about 25 perchloroethylene dry cleaners in Oregon are currently required to perform the monitoring, recordkeeping and maintenance.

In order to perform the monitoring, a temperature monitoring device will need to be installed on the outlet side of the control device, at a cost of about $100 to $150. In the preamble to the Perchlorethylene Dry Cleaning NESHAP, EPA estimated that the annualized cost to perform pollution prevention, leak detection and repair, monitoring, and recordkeeping was about $460.

The $460 estimate did not reflect credit received from solvent savings. If a credit for solvent savings was included, the total cost was estimated to be about $350. These cost estimates include the annualized costs associated with pollution prevention and leak detection and repair, which are currently required of all perchloroethylene dry cleaning. The annualized costs associated with control equipment monitoring and maintenance would be less than the $460 and $350 cost estimations. Currently the cost of perchloroethylene is about $8 per gallon. However, there is an Oregon State tax on perchloroethylene of about $26 per gallon (this tax is scheduled to be reduced to $10 per gallon on January 1, 2002). Therefore, the incentive to monitor and properly maintain the control equipment is even greater in Oregon than in other states.

General Public

There would be no known economic impact to the general public as a result of these proposed rules. The only costs to the general public would be possible pass-through costs to customers, but the cost to any given customer is assumed to be negligible.

Small Business

Small businesses are typically non-major sources but can also be major sources of hazardous air pollutants (HAPs). Except for most drycleaners, non-major HAP sources subject to a NESHAP are required to obtain an ACDP and pay existing ACDP fees. Most non-major HAP sources subject to a NESHAP will qualify for assignment to the General ACDP.

Implementing the NESHAPs through the Department's Title V Operating Permit Program for major HAP sources will not add additional cost. The Department is simply implementing standards that are federal requirements. Major HAP sources subject to the NESHAPs are already subject to Title V permit fees.

The Department does not foresee permitting additional sources because of this rulemaking.

Large Business

Large businesses are either non-major sources or major sources of HAPs. Except for most drycleaners, non-major HAP sources subject to a NESHAP are required to obtain an ACDP and pay existing ACDP fees. Most non-major HAP sources subject to a NESHAP will qualify for assignment to the General ACDP.

Implementing the NESHAPs through the Department's Title V Operating Permit Program for major HAP sources will not add additional cost. The Department is simply implementing standards that are federal requirements. Major HAP sources subject to the NESHAPs are already subject to Title V permit fees.

The Department does not foresee permitting additional sources because of this rulemaking.

Local Governments

There is no known or projected fiscal or economic impact of these rules on local governments.

State Agencies

There is no known or projected fiscal or economic impact of this proposed rulemaking on state agencies. In particular, all associated fees or economic impacts of this proposed rulemaking have been previously considered and documented at the time of the Department's Title V permit program design; January, 1993. The Department anticipates insignificant additional revenue as a result of this rulemaking. In addition, the Department anticipates any increase in workload as a result of this rulemaking to be absorbed by existing staff.

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.

Attachment E

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Rulemaking Proposal
for
Major and Area Source NESHAP Adoption

Land Use Evaluation Statement

1. **Explain the purpose of the proposed rules.**

   This proposal would:

   - Adopt new NESHAPs for four source categories;
   - Update Oregon's hazardous air pollutant regulations by adopting changes to the federal NESHAPs through July 1, 2001;
   - Eliminate a rule that limits VOC emissions from perchloroethylene dry cleaning facilities;
   - Require all perchloroethylene dry cleaning facilities to monitor and maintain their control devices.

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 issuance of air permits has been deemed a DEQ Land Use program. The proposed NESHAPs for major source categories will be implemented through the Department's Title V Operating Permit Program and the NESHAPs for area source categories will be implemented through the Department's Air Contaminant Discharge Permit (ACDP) Program.

   b. **If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?** ☒ **Yes** ☐ **No (if no, explain):**

   Current procedures require local government to provide a land use compatibility determination before an air permit is issued or before approval of a Notice of Construction.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

N/A

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.**

   N/A

Division

Intergovernmental Coordinator

8/9/01
Date

Attachment F

NESHAPs Proposed for Adoption

Subpart	Source Category	Oregon Affected Sources	EPA Promulgated		Last DEQ Adoption			Subsequent EPA Revisions	
						Covered EPA Revisions Through			
			Date	FR Citation	Date	Date	FR Citation	Date	FR Citation
PART 61									
A	General Provisions	0	4/6/1973	38 FR 8826	7/1/2000	2/24/1997	62 FR 8328	12/14/2000	65 FR 78280
B	Radon Emissions from Underground Storage Tanks	0	12/15/1989	54 FR 51694	7/1/2000				
C	Beryllium	0	4/6/1973	38 FR 8826	7/1/2000	11/7/1985	50 FR 46294		
D	Beryllium Rocket Motor Firing	0	4/6/1973	38 FR 8826	7/1/2000	11/7/1985	50 FR 46294		
E	Mercury	0	4/6/1973	38 FR 8826	7/1/2000	9/23/1988	53 FR 36972		
F	Vinyl Chloride	0	10/21/1976	41 FR 46564	7/1/2000	12/23/1992	57 FR 60999		
I	Radionuclide Emissions from Federal Facilities Other than Nuclear Regulatory Comission Licensee and Not Covered by Subpart H	0	12/15/1989	54 FR 51697	7/1/2000	12/30/1996	61 FR 68981		
L	Benzene Emissions from Coke By-Product Recovery Plants	0	9/14/1989	54 FR 38073	7/1/2000	2/12/1999	64 FR 7467		
N	Inorganic Arsenic Emissions from Glass Manufacturing Plants	0	8/4/1986	51 FR 28025	7/1/2000	2/12/1999	64 FR 7467		
O	Inorganic Arsenic Emissions from Primary Copper Smelters	0	8/4/1986	51 FR 28029	7/1/2000	5/31/1990	55 FR 22027		
P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities	0	8/4/1986	51 FR 28033	7/1/2000	10/3/1986	51 FR 35355		
V	Equipment Leaks (Fugitive Emission Sources)	0	6/6/1984	49 FR 23513	7/1/2000	7/10/1990	55 FR 28349	12/14/2000	65 FR 78280
Y	Benzene Emissions from Benzene Storage Vessels	0	9/14/1989	54 FR 38077	7/1/2000	12/11/1989	54 FR 50887	12/14/2000	65 FR 78283
FF	Benzene Waste Operations	0	3/7/1990	55 FR 8346	7/1/2000	1/7/1993	58 FR 3095		
PART 63									
A	General Provisions	N/A	3/16/1994	59 FR 12430	7/1/2000	6/10/1999	64 FR 31375	10/17/2000	65 FR 62215
F	Synthetic Organic Chemical Manufacturing Industry (SOCMI)	0	4/22/1994	59 FR 19454	7/1/2000	4/26/1999	64 FR 20191	7/6/2000	65 FR 41594
								1/22/2001	66 FR 6927
G	SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater	0	4/22/1994	59 FR 19468	7/1/2000	4/26/1999	64 FR 20191	10/17/2000	65 FR 62215
								12/14/2000	65 FR 78284
								1/22/2001	66 FR 6929

Attachment F
NESHAPs Proposed for Adoption

Subpart	Source Category	Oregon Affected Sources	EPA Promulgated		Last DEQ Adoption			Subsequent EPA Revisions	
						Covered EPA Revisions Through			
			Date	FR Citation	Date	Date	FR Citation	Date	FR Citation
H	SOCMI - Equipment Leaks	0	4/22/1994	59 FR 19568	7/1/2000	4/26/1999	64 FR 20198	12/14/2000	65 FR 78285
								1/22/2001	66 FR 6936
I	Certain Processes Subject to the Negotiated Regulations for Equipment Leaks	0	4/22/1994	59 FR 19587	7/1/2000	1/17/1997	62 FR 2792		
L	Coke Oven Batteries	0	10/27/1993	58 FR 57911	7/1/2000	1/13/1994	59 FR 1992	10/17/2000	65 FR 62215
M	Perchloroethylene Dry Cleaning*	319	9/22/1993	58 FR 49376	7/1/2000	12/14/1999	64 FR 69643		
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing*	23	1/25/1995	60 FR 4963	7/1/2000	12/14/1999	64 FR 69643		
O	Ethylene Oxide Sterilization*	1	12/6/1994	59 FR 62589	7/1/2000	12/14/1999	64 FR 69643		
Q	Industrial Process Cooling Towers	0	9/8/1994	59 FR 46350	7/1/2000	7/23/1998	63 FR 39519		
R	Gasoline Distribution Facilities	0	12/14/1994	59 FR 64318	7/1/2000	1/16/1998	63 FR 2630		
S	Pulp and Paper Industry	5	4/15/1998	63 FR 18616	7/1/2000	4/12/1999	64 FR 17563	12/22/2000	65 FR 80762
								5/14/2001	66 FR 24269
T	Halogenated Solvent Cleaning*	17	12/2/1994	59 FR 61805	7/1/2000	12/14/1999	64 FR 69643	9/8/2000	65 FR 54422
U	Group I Polymers and Resins	0	9/5/1996	61 FR 46924	7/1/2000	6/30/1999	64 FR 35028		
W	Epoxy Resins Production and Non-Nylon Polyamides Production	0	3/8/1995	60 FR 12676	7/1/2000			7/6/2000	65 FR 41594
X	Secondary Lead Smelting*	0	6/23/1995	60 FR 32594	7/1/2000	12/14/1999	64 FR 69643		
Y	Marine Tank Loading Operations	0	9/15/1995	60 FR 48399	7/1/2000				
AA	Phosphoric Acid Manufacturing	0	6/10/1999	64 FR 31376	7/1/2000				
BB	Phosphate Fertilizer Production	0	6/10/1999	64 FR 31382	7/1/2000				
CC	Petroleum Refineries	0	8/18/1995	60 FR 43260	7/1/2000	8/18/1998	63 FR 44140	7/6/2000	65 FR 41594
DD	Off-Site Waste and Recovery	0	7/1/1996	61 FR 34158	7/1/2000	7/20/1999	64 FR 38963	1/8/2001	66 FR 1266
EE	Magnetic Tape Manufacturing	0	12/15/1994	59 FR 64596	7/1/2000	4/9/1999	64 FR 17464		
GG	Aerospace Manufacturing and Rework	0	9/1/1995	60 FR 45956	7/1/2000	9/1/1998	63 FR 46532	10/17/2000	65 FR 62215
								12/8/2000	65 FR 76945
HH	Oil and Natural Gas Production	0	6/17/1999	64 FR 32628	7/1/2000			6/29/2001	66 FR 34550
II	Shipbuilding and Ship Repair (Surface Coating)	2	12/15/1995	60 FR 64336	7/1/2000	12/17/1996	61 FR 66227	10/17/2000	65 FR 62215
JJ	Wood Furniture Manufacturing	8	12/7/1995	60 FR 62936	7/1/2000	12/28/1998	63 FR 71380		

Attachment F
NESHAPs Proposed for Adoption

Subpart	Source Category	Oregon Affected Sources	EPA Promulgated		Last DEQ Adoption			Subsequent EPA Revisions	
						Covered EPA Revisions Through			
			Date	FR Citation	Date	Date	FR Citation	Date	FR Citation
KK	Printing and Publishing	1	5/30/1996	61 FR 27140	7/1/2000				
LL	Primary Aluminum Reduction	2	10/7/1997	62 FR 52407	7/1/2000				
MM	**Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills**	5	1/12/2001	66 FR 3193					
OO	Tanks - Level 1	N/A	7/1/1996	61 FR 34184	7/1/2000	7/20/1999	64 FR 38985		
PP	Containers	N/A	7/1/1996	61 FR 34186	7/1/2000	7/20/1999	64 FR 38987	1/8/2001	66 FR 1267
QQ	Surface Impoundments	N/A	7/1/1996	61 FR 34190	7/1/2000	7/20/1999	64 FR 38988		
RR	Individual Drain Systems	N/A	7/1/1996	61 FR 34193	7/1/2000	7/20/1999	64 FR 38989	1/8/2001	66 FR 1267
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a	N/A	6/29/1999	64 FR 34866	7/1/2000	11/22/1999	64 FR 63704		
TT	Equipment Leaks - Control Level 1	N/A	6/29/1999	64 FR 34886	7/1/2000	11/22/1999	64 FR 63705		
UU	Equipment Leaks - Control Level 2	N/A	6/29/1999	64 FR 34899	7/1/2000	11/22/1999	64 FR 63706		
VV	Oil-Water Separators and Organic-Water Separators	N/A	7/1/1996	61 FR 34195	7/1/2000	7/20/1999	64 FR 38991	1/8/2001	66 FR 1268
WW	Storage Vessels (Tanks) - Control Level 2	N/A	6/29/1999	64 FR 34918	7/1/2000				
YY	Generic MACT	0	6/29/1999	64 FR 34921	7/1/2000	12/22/1999	64 FR 71852		
CCC	Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants	0	6/22/1999	64 FR 33218	7/1/2000				
DDD	Mineral Wool Production	0	6/1/1999	64 FR 29503	7/1/2000				
EEE	Hazardous Waste Combustors*	2	6/19/1998	63 FR 33820	7/1/2000	11/19/1999	64 FR 63211	7/10/2000	65 FR 42296
								11/9/2000	65 FR 67271
								5/1/2001	66 FR 24272
GGG	Pharmaceuticals Production	0	9/21/1998	63 FR 50326	7/1/2000			8/29/2000	65 FR 52596
HHH	Natural Gas Transmission and Storage Facilities	0	6/17/1999	64 FR 32647	7/1/2000			6/29/2001	66 FR 34555
III	Flexible Polyurethane Foam Production	0	10/7/1998	63 FR 53996	7/1/2000				

Attachment F
NESHAPs Proposed for Adoption

Subpart	Source Category	Oregon Affected Sources	EPA Promulgated		Last DEQ Adoption			Subsequent EPA Revisions	
						Covered EPA Revisions Through			
			Date	FR Citation	Date	Date	FR Citation	Date	FR Citation
JJJ	Group IV Polymers and Resins	0	9/12/1996	61 FR 48229	7/1/2000	6/30/1999	64 FR 35028	8/29/2000	65 FR 52323
								2/23/2001	66 FR 11546
								2/26/2001	66 FR 11236
LLL	Portland Cement Manufacturing*	1	6/14/1999	64 FR 31925	7/1/2000	9/30/1999	64 FR 53070		
MMM	Pesticide Active Ingredient Production	0	6/23/1999	64 FR 33589	7/1/2000				
NNN	Wool Fiberglass Manufacturing	0	6/14/1999	64 FR 31708	7/1/2000				
OOO	Manufacture of Amino/Phenolic Resins	1	1/20/2000	65 FR 3290	7/1/2000				
PPP	Polyether Polyols Production	0	6/1/1999	64 FR 29439	7/1/2000	6/14/1999	64 FR 31895	7/6/2000	65 FR 41594
RRR	**Secondary Aluminum Production***		3/23/2000	65 FR 15689					
TTT	Primary Lead Smelting	0	6/4/1999	64 FR 30204	7/1/2000				
VVV	Publicly Owned Treatment Works	0	10/26/1999	64 FR 57579	7/1/2000				
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	0	5/20/1999	64 FR 27458	7/1/2000	5/20/1999	64 FR 27458	3/22/2001	66 FR 16012
CCCC	**Manufacturing Nutritional Yeast**	0	5/21/2001	66 FR 27884					
GGGG	**Solvent Extraction for Vegetable Oil Production**	0	4/12/2001	66 FR 19011					

NESHAPs not currently adopted by the Department in bold, all others are existing NESHAPs that will be amended.
* Applies to area and major sources
Through 7/1/2001

Attachment G

State of Oregon
Department of Environmental Quality **Memorandum**

Date: August 15, 2001

To: Interested and Affected Public

Subject: Rulemaking Proposal and Rulemaking Statements -
Annual Update: Incorporation of National Emission Standards for Hazardous Air Pollutants (NESHAPs)

This memorandum contains information on a proposal by the Department of Environmental Quality (Department) to adopt new rules/rule amendments regarding hazardous air pollutants. Pursuant to ORS 183.335, this memorandum also provides information about the Environmental Quality Commission's intended action to adopt a rule.

This proposal would:

- Adopt new NESHAPs for four source categories;
- Update Oregon's hazardous air pollutant regulations by adopting changes to the federal NESHAPs through July 1, 2001;
- Eliminate a rule (OAR 340-232-0240) that limits VOC emissions from perchloroethylene dry cleaning facilities;
- Extend the requirement so that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance, as currently required of most perchloroethylene dry cleaning facilities by the Perchloroethylene Dry Cleaning NESHAP and OAR 340-232-0240.

Elimination of the rule limiting VOC emissions from perchloroethylene dry cleaning facilities, if adopted, will be submitted to the US Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the Clean Air Act. Extending the requirement so that all perchloroethylene dry cleaning facilities perform control system monitoring, recordkeeping, and maintenance will exceed Federal requirements. Under the current VOC rule, which will be deleted by this rulemaking, and the NESHAP, which will remain, about 300 of the 325 perchloroethylene dry cleaners in Oregon must perform control system monitoring, recordkeeping, and maintenance. This rulemaking will extend the control system monitoring, recordkeeping, and maintenance requirement to all 325 or so perchloroethylene dry cleaning facilities in order to ensure consistency among the industry and reduce public exposure to perchloroethylene. The Department has the statutory authority to address these issues under ORS 465.505, 468.020 & 468A.025.

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 to adopt and amend NESHAPs, eliminate VOC rule pertaining to perchloroethylene dry cleaning rule, and add monitor and maintenance requirements for perchloroethylene dry cleaners.
Attachment E	NESHAPs list proposed for adoption.

Hearing Process Details

The Department is conducting a public hearing at which comments will be accepted either orally or in writing. The hearing will be held as follows:

Date:	September 20, 2001
Time:	3:00 p.m.
Place:	DEQ Headquarters room 3A 811 SW 6th Avenue Portland, OR 97204

Deadline for submittal of Written Comments: September 27, 2001

Mr. Gregg Lande 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 date above. Comments should be sent to: Department of Environmental Quality, Attn: Mr. Jerry Ebersole, 811 S.W. 6th Avenue, Portland, Oregon 97204. Comments can also be emailed to: EBERSOLE.Gerald@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 are submitted as early as possible to allow adequate review and evaluation of the comments submitted.

What Happens After the Public Comment Period Closes

Following 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 December 6, 2001. 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 Oregon's Title V Operating Permit Program, the Department must adopt new and revise existing NESHAP standards. This proposed rulemaking fulfills that obligation, and updates Oregon's Hazardous Air Pollutant Program standards. This assures that the Department, rather than EPA, will implement the applicable NESHAP standards in the state of Oregon.

This proposed rulemaking adopts by reference new NESHAP standards for the following major source categories:

- Manufacturing of Nutritional Yeast
- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (Pulp and Paper II)
- Secondary Aluminum Production
- Solvent Extraction for Vegetable Oil Production

This rulemaking also adopts by reference federal NESHAP standards for the following area source category:

- Secondary Aluminum Production

Further information on these and other NESHAPs can be obtained at the following web site or obtained from Mr. Jerry Ebersole.

http://www.epa.gov/ttn/atw/eparules.html

OAR 340-232-0240 contains control and work practice requirements aimed at reducing VOC emissions from perchloroethylene dry cleaning operations. Perchloroethylene was recently listed by EPA as a non-VOC. Therefore, OAR 340-232-0240 is no longer needed. Perchloroethylene dry cleaning facilities will still be required to reduce perchloroethylene emissions, a listed hazardous air pollutant, by ORS 465.505 and the Perchloroethylene Dry Cleaning NESHAP.

All dry cleaning facilities in Oregon using perchloroethylene are currently required by Oregon statute to have a control system. However, not all perchloroethylene drycleaners are required to monitor and maintain the control system. This rulemaking will extend the requirement that perchloroethylene dry cleaners be required to monitor and maintain the control system. Monitoring and proper maintenance of the control system will lead to efficient use of perchloroethylene and reduce public exposure to this hazardous air pollutant.

How was the rule developed?

This proposal fulfills a requirement under Oregon's federally approved Title V Operating Permit Program. An advisory committee was not convened because the Department believed no new policy decisions were needed since sources are obligated to comply with the federal NESHAPs regardless of the Department's adoption of these regulations.

The Department relied primarily on the Federal Register, the Code of Federal Regulations, and the Oregon Revised Statutes, in developing this rulemaking proposal. They are available for review at the Department of Environmental Quality's office at 811 SW 6th Avenue, Portland, Oregon. Please contact Mr. Jerry Ebersole, (503) 229-6974 for times when the CFR and other supporting 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 proposed amendments affect all sources subject to the new and amended federal NESHAPs, provided as Attachment E.

How will the rule be implemented?

Currently the NESHAPs, which are federal rules, are being implemented by both EPA and the Department. Upon delegation, the Department will be the primary implementing agency. Delegation of the NESHAPs has been held up because of Oregon's "audit privilege law". In the Performance Partnership Agreement (PPA) between EPA and the Department, the Department committed to resubmitting it's delegation request soon after fixing the audit privilege law. The recently concluded legislative session fixed Oregon's audit privilege law clearing the way for delegation. After the conclusion of this rulemaking, the Department will resubmit it's delegation request to EPA.

With the exception of the Perchloroethylene Dry Cleaning NESHAP, the Department will utilize the Oregon Title V Operating Permit and Air Contaminant Discharge Permit (ACDP) programs to implement the NESHAP standards. The Department will implement the Perchloroethylene Dry Cleaning NESHAP through Waste Management and Cleanup Division's annual Dry Cleaner Hazardous Waste and Air Compliance Report. As a result of a recent rule adopted by the EQC, perchloroethylene dry cleaners that do not submit the information needed to confirm their compliance status with the Perchloroethylene Dry Cleaning NESHAP, are required to obtain an ACDP permit.

Assuming the EQC adopts the proposed rules, the Department's Air Quality Program Development staff will work with the regional staff to develop procedures to incorporate the new standards into affected sources' air quality permits and for determining compliance. The Department will also inform potentially affected sources of their obligations and how to apply for an extension of compliance dates.

Are there time constraints?

Each NESHAP has a unique compliance schedule for new and existing sources. It is important that the Department adopt new and amended NESHAPs as soon as possible to allow the Department to take the lead on compliance assurance activities associated with the NESHAPs.

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:

Mr. Jerry C. Ebersole
811 SW 6th Avenue
Portland, OR 97204
(503) 229-6974
In Oregon 1-800-452-4011
EBERSOLE.Gerald@deq.state.or.us

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: November 19, 2001

To: Environmental Quality Commission

From: Stephanie Hallock, Director S. Hallock

Subject: Agenda Item N, Rule Adoption:
SIP Amendments: LRAPA Title 36 and VIP On-Site Testing
December 7, 2001 EQC Meeting

Department Recommendation

The Department recommends the Commission:

1. Approve Lane County Regional Air Pollution Authority's (LRAPA) Title 36 Excess Emissions rules, and
2. Adopt both LRAPA's Title 36 rules and the Department's Vehicle Inspection Program (VIP) On-site Testing rules and related procedures as amendments to Oregon's State Implementation Plan (SIP). These proposed SIP amendments are presented in Attachments A2 and A3.

Need for Rulemaking

The requested actions are primarily procedural to satisfy requirements for Commission oversight of LRAPA's air quality standards and for Commission adoption of SIP amendments. Because LRAPA's Title 36 rules and the VIP On-Site Testing rules both involve SIP amendments, they have been incorporated into one agenda item.

LRAPA has authority to adopt air quality rules for Lane County. However, ORS 468A.135(2) requires LRAPA to submit rules that include air quality standards, including its Title 36 rules, to the Commission for approval prior to enforcement. The Commission's approval is not rulemaking, but simply a determination that LRAPA's rules are at least as stringent as the Department's.

OAR 340-200-0040 (Attachment A1) requires the Commission to adopt both LRAPA's Title 36 rules and the VIP program changes as SIP amendments before the Department can submit these changes to EPA for approval as part of Oregon's SIP as required by the federal Clean Air Act.

Effect of Rule

LRAPA Title 36: LRAPA adopted its Title 36 Excess Emissions rules in 1992 to establish conditions for allowing emissions in violation of applicable air quality rules (e.g, process upsets, startups). In August 2001, LRAPA updated these rules to incorporate federal and state changes. LRAPA has now submitted Title 36 in its entirety for Commission approval pursuant to ORS 468A.135(2) and adoption as a SIP amendment.

VIP On-Site Testing: The Commission adopted VIP On-Site Vehicle Testing Program rules and procedures on September 21, 2001, but through oversight, Department staff did not request the Commission to amend the SIP at the same time, as it normally does. The proposed SIP amendment completes that procedural step.

EQC Authority

The Commission has authority to take this action under ORS 468A.135(2) (approval of LRAPA's rules) and OAR 340-200-0040 (SIP amendments).

Stakeholder Involvement

Both the Department and LRAPA involved stakeholders in the rulemaking processes for adoption of their rules. See Attachments B1 and C.

Public Comment

No public comment was received on the proposed SIP amendments. See Attachments B1, B2, and C.

Key Issues

The Department has determined that LRAPA's Title 36 rules (Attachment A2) satisfy the requirements for Commission approval pursuant to ORS 468A.135(2). LRAPA's Title 36 rules are at least as stringent as those adopted by the Commission and were adopted in accordance with rulemaking procedures established by the Commission. The Department recommends the Commission approve Title 36 in its entirety.

The proposed adoption of LRAPA's Title 36 and the VIP rules and procedures (Attachment A3) as SIP amendments simply completes the procedural step needed to bring Oregon's SIP up to date. Both the Department and LRAPA, pursuant to Department delegation, provided notice of the proposed SIP amendments as part of their public notices for adoption of these rules.

Next Steps

If adopted as SIP amendments, the Department will submit LRAPA's Title 36 rules and the VIP On-Site Testing rules and procedures to EPA for approval as updates to Oregon's SIP.

Attachments

A. Proposed Rule Revisions
   1. SIP Amendment rule, OAR 340-200-0040
   2. LRAPA Title 36 Excess Emissions rules
   3. VIP On-Site Vehicle Testing rules and procedures
B. LRAPA Title 36, Excess Emissions
   1. Staff Report for LRAPA Board of Directors 8/14/01 meeting: Public Hearing and Proposed Adoption of Amendments to LRAPA Title 36 Excess Emissions rules
   2. Minutes of LRAPA's Board of Directors 8/14/01 meeting, Item 7, adoption of Title 36 Excess Emissions rules
C. VIP On-Site Vehicle Testing program: Staff Report for the EQC's 8/31/01 adoption of the On-Site Testing program

Available Upon Request

1. Legal Notices of Hearings on the proposed SIP amendments
2. Cover Memorandum from Public Notices
3. Written Comments Received (none on SIP amendments)

Approved:

Section: Gregory K. Aldrich

Division:

Report Prepared By: Loretta Pickerell
Phone: 503-229-5556

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 200 - Department of Environmental Quality

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS
General

340-200-0040
State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal **Clean Air Act,** Public Law 88-206 as last amended by Public Law 101-549.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this Chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval.

(3) Notwithstanding any other requirement contained in the SIP, the Department may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of **40 CFR 51.102 (July 1, 1992)**; and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

[**NOTE:** Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.]

[Publications: The publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.035
Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-*f*1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

LANE REGIONAL AIR POLLUTION AUTHORITY

TITLE 36
Excess Emissions

Following the reporting and recordkeeping prescribed herein[;] or approval of procedures for startup, shutdown or maintenance shall not absolve permittees from enforcement action for conditions resulting in excess emissions. [~~If the approved procedures are not followed, or if excess emissions are determined to be avoidable, enforcement action may occur pursuant to section 36-030.~~]

Section 36-001 General Policy and Discussion

1. Emissions of air contaminants in excess of applicable standards or permit conditions are considered unauthorized and are subject to enforcement action, pursuant to sections 36-010 through 36-030. These rules apply to any permittee operating a source which emits air contaminants in violation of any applicable air quality rule or permit condition resulting from the breakdown of air pollution control equipment or operating equipment, process upset, startup, shutdown, or scheduled maintenance.

2. The purpose of these rules is to:

   A. [~~R~~]require that, where applicable, all excess emissions be reported by sources to the Authority immediately;

   B. [~~R~~]require permittees to submit information and data regarding conditions which resulted or could result in excess emissions; [~~and~~]

   C. [~~I~~]identify criteria to be used by the Authority for determining whether enforcement action will be taken against a permittee for excess emissions[~~.~~]; and

   D. and provide sources an affirmative defense to enforcement when noncompliance with technology-based limits is due to an emergency pursuant to LRAPA 36-040.

Section 36-005 Definitions

The following definitions are relevant for the purposes of Title 36, only. Additional definitions can be found in Title 12, "Definitions."

1. "Event" means any period of excess emissions.

2. "Excess Emissions" means emissions which are in excess of a[~~n~~] Title V or Air Contaminant Discharge Permit condition or any applicable air quality rule. Excess emissions also represent violations and, for major sources (Title V permit holders), permit deviations that must be reported as required in the Title V permit.

3. "Immediately" means one of the following:

   A. [~~D~~]during LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or

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B. [~~D~~]during LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

4. "Permittee" means the owner or operator of the facility, in whose name the operation of the source is authorized by the Title V or Air Contaminant Discharge Permit.

5. "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

6. "Shutdown" means that time during which normal operation of an air contaminant source or emission control equipment is terminated.

7. "Startup" means that time during which an air contaminant source or emission control equipment is brought into normal operation.

8. "Unavoidable" means events which are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

9. "Upset" or "Breakdown" mean any failure or malfunction of any pollution control equipment or process equipment which may cause excess emissions.

Section 36-010 Planned Startup and Shutdown

1. This rule applies to any source [~~W~~]where startup or shutdown of a production process or system may result in excess emissions[~~,~~] and: [~~prior~~]

   A. which is a major source; or

   B. which is in a non-attainment or maintenance area for the pollutant which may constitute excess emissions; or

   C. from which the Authority requires the application in subsection 2 of this rule.

2. Authority approval shall be required [~~for~~] of the [~~startup/shutdown~~] procedures that will be used by the permittee to minimize excess emissions during startup/shutdown. [~~Application for a~~]Approval of procedures is required prior to a first-time occurrence of a startup or shutdown event to which the procedures apply and prior to modifying previously approved procedures. Applications for approval shall be submitted and received by the Authority in writing at least seventy-two (72) hours prior to the event, and shall include the following:

   A. [~~T~~]the reasons why the excess emissions during startup and shutdown [~~could~~] will not be avoid[~~ed~~]able;

   B. [~~I~~]identification of the specific production process or system causing the excess emissions;

   C. [~~T~~]the nature of the air contaminants likely to be emitted, and an estimate of the amount and duration of the excess emissions; and

D. [F]identification of specific procedures to be followed which will minimize excess emissions.

[~~2. In cases where planned startup and shutdown occurs on a periodic or regular schedule, approval of the schedule and procedures may be obtained by providing the information specified in 36-010-1. In such cases, the 72 hour approval requirement is waived. This pre-approval must be renewed annually.~~]

3. Approval of the startup/shutdown procedures by the Authority shall be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period, to the extent practicable, and that no adverse health impact on the public will occur. The permittee shall record all excess emissions in the upset log as required in subsection 36-025-3 and report immediately following any event resulting in excess emissions in accordance with LRAPA 36-010-2.A and B.

4. Once startup/shutdown procedures are approved, the permittee is not required to notify the Authority prior to a planned startup or shutdown event which may result in excess emissions unless:

   A. required by permit conditions; or

   B. the source is located in a non-attainment area for a pollutant which may be emitted in excess of applicable standards.

5. When required by subsection 4 of this rule, notification shall be made by telephone or in writing as soon as possible prior to the startup or shutdown event and shall include the date and estimated time and duration of the event.

6. A permittee who either failed to obtain approval as required in subsection 2.above, or did not provide notification required under subsection 4, above, shall immediately notify the Authority by telephone of the startup/shutdown event, and shall be subject to the requirements under upsets and breakdowns in Section 36-020.

7. The Authority may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

[4]8. No planned startup or shutdown resulting in excess emissions shall occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced ["] Yellow, Stage I Red["], or Stage II Red woodstove advisory period within areas designated by the Authority as PM_{10} Nonattainment Areas.

[~~5. In cases where the Authority has not received notification of a planned startup or shutdown within the required seventy-two (72) hours prior to the event, or where such approval has not been waived pursuant to subsection 36-010-2, the permittee shall immediately notify the Authority by telephone of the situation, and shall be subject to the requirements under Upsets and Breakdowns in section 36-020.~~]

Section 36-015 Scheduled Maintenance

1. Where it is anticipated that shutdown, by-pass, or operation at reduced efficiency of [~~production equipment or~~] air pollution control equipment for necessary scheduled maintenance may result in excess emissions, the source operator must obtain prior Authority approval of new or revised procedures that will be used to minimize excess emissions. Application for approval of procedures associated with scheduled maintenance shall be submitted and

received by the Authority in writing at least seventy-two (72) hours prior to the event, and shall include the following:

A. [~~T~~]the reasons explaining the need for maintenance, including why it would be impractical to shut down the source operation during the period, and why the by-pass or reduced efficiency could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;

B. [~~I~~]identification of the specific production or emission control equipment or system to be maintained;

C. [~~T~~]the nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and

D. [~~I~~]identification of specific procedures to be followed which will minimize excess emissions.

[~~2. In cases where maintenance occurs on a periodic or regular schedule, approval of the schedule and procedures may be obtained by providing the information specified in 36-015-1. In such cases, the 72-hour approval requirement is waived. This pre-approval must be renewed annually.~~]

[~~3~~]2. Approval of the above procedures by the Authority shall be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The permittee shall record all excess emissions in the upset log as required in subsection 36-025-3 and report immediately following any event resulting in excess emissions in accordance with LRAPA 36-020-2-A and B.

3. In cases where maintenance occurs on a periodic or regular schedule, once maintenance procedures are approved, owners or operators shall not be required to notify the Authority prior to a scheduled maintenance event which may result in excess emissions unless:

A. required by permit condition; or

B. the source is located in a non-attainment area for a pollutant which may be emitted in excess of applicable standards.

4. When required by subsection 3.A or B of this rule, notification shall be made by telephone or in writing, as soon as possible prior to the scheduled maintenance event and shall include the date and estimated time and duration of the event.

5. The Authority may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

[~~4~~]6. No scheduled maintenance associated with the approved procedures in subsection 2 of this rule which is likely to result in excess emissions shall occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced Yellow, [~~"~~]Stage I Red[~~"~~], or Stage II Red woodstove advisory period, in areas determined by the Authority as PM_{10} Nonattainment Areas.

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[~~5. In cases where the Authority has not received notification of maintenance that is likely to cause excess emissions within the required seventy-two (72) hours prior to the event, or where such approval has not been waived pursuant to subsection 36-025-2, the permittee~~]

7. A permittee who either failed to obtain approval as required in subsection 2 of this rule or did not provide notification required under subsection 3, above, shall immediately notify the Authority by telephone of the [~~situation~~] maintenance event, and shall be subject to the requirements under Upsets and Breakdowns in section 36-020.

Section 36-020 Upsets and Breakdowns

1. [~~All permittees must notify the Authority immediately by telephone of all cases of~~] The owner or operator of a source may be entitled to an affirmative defense to enforcement for upsets or breakdowns caused by an emergency and resulting in emissions in excess of technology-based standards provided that:

   A. the Authority is notified immediately of the emergency condition; and

   B. the owner or operator fulfills requirements outlined in the Emergency Provision in 36-040.

2. Excess emissions events due to upset or breakdown, other than those described in subsection 1, above, must be reported to the Authority by the owner or operator according to the following requirements:

   A. Unless otherwise specified by permit condition, major sources subject to the Title V Operating Permit Program and all sources subject to a NESHAP or NSPS emission standard shall report immediately to the Authority the first onset per calendar day of any excess emissions event due to upset or breakdown. Based on the severity of the event, the Authority may require that a written report be submitted pursuant to LRAPA 36-025-1 and 2.

   B. Sources other than those covered under 2.A, above, need not report excess emissions events due to upset or breakdown immediately unless otherwise required by permit condition, written notice by the Authority, or if the excess emission is of a nature that could endanger public health. Based on the severity of the event, the Authority may require submittal of a written report pursuant to LRAPA 36-025-1 and 2.

   C. All permittees shall record all excess emissions due to upset or breakdown[~~. In addition, the event is to be recorded~~] in the upset log as required in subsection 36-025.3. [~~Submittal of a written report may be requested, based on the severity of the event, pursuant to subsections 36-025-1 and 36-025-2.~~]

   D. Minimal and Letter (insignificant) permit holders are not subject to these record-keeping and reporting requirements.

[~~2~~]3. During any period of excess emissions due to upset or breakdown, the Authority may require that a source immediately reduce or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by the Authority would be taken upon consideration of the following factors:

   A. [~~1~~]whether potential risk to the public or environment exists;

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B. [~~W~~]whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists; [~~or~~]

C. [~~W~~]whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or

D. [~~W~~]whether continued excess emissions are determined by the Authority to be avoidable.

[~~3~~]4. In the event of an on-going period of excess emissions due to upset or breakdown, the source shall cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The source need not cease operation if it can obtain Authority approval of procedures that will be used to *minimize* excess emissions until such time as the condition causing the excess emissions is corrected or brought under control. Approval of these procedures shall be based on the following information supplied to the Authority:

A. The reasons why the condition(s) causing the excess emissions can not be corrected or brought under control. Such reasons shall include, but not be limited to, equipment availability and difficulty of repair or installation.

B. Information as required in section 36-010-2.B, C and D.

[4]5. Approval of the above procedures by the Authority shall be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur.

Section 36-025 Reporting and Recordkeeping Requirements

1. For any [~~period of~~] excess emissions event, the Authority may require the [~~permittee~~] owner or operator to submit a written excess emission report for each calendar day of the event. If required, this report shall be submitted within fifteen (15) days of the date of the event, [~~which~~] and shall include[s] the following:

A. [~~F~~]the date and time [~~each~~] the event was reported to the Authority;

B. whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown or malfunction;

[~~B~~]C. [~~F~~]information as described in subsections 36-030-1[~~.A through 36-030-1.C~~] through 5; [~~and~~]

[~~C~~]D. [~~F~~]the final resolution of the cause of the excess emissions[~~,~~]; and

E. where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to LRAPA 36-040.

2. Based on the severity of the event, the Authority may waive the 15-day reporting period and specify either a shorter or longer time period for report submittal. The Authority may also waive the submittal of the written report if, in the judgement of the Authority, the period or magnitude of excess emissions was minor. In such cases, the permittee shall [~~record the~~ ~~information as part of the records pursuant to subsection 36-~~

LRAPA Title 36: Excess Emissions

3. All permittees shall keep an upset log of all planned and unplanned excess emissions. The upset log shall include all pertinent information as required [~~by subsections 36-025-1.A through 36-025-1.C.~~] in subsection 1 of this rule and shall be kept by the permittee for five (5) calendar years.

4. At each annual reporting period specified in a permit, or sooner if required by the Authority, the permittee shall submit:

   A. a copy of the log entries for the reporting period[~~. Upset logs shall be kept by the permittee for two (2) calendar years.~~]; and

   B. where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance, as outlined in LRAPA 36-010 and LRAPA 36-015. The owner or operator shall specify in writing whether these procedures are new, modified, or have already been approved by the Authority.

Section 36-030 Enforcement Action Criteria

In determining [~~if a period of excess emissions is avoidable, and~~] whether enforcement action is warranted, the Authority [~~shall consider the following~~] based upon information submitted by the [~~source~~] owner or operator, shall consider the following criteria:

1. Where applicable, whether the owner or operator submitted a description of any emergency which may have caused emissions in excess of technology-based limits and sufficiently demonstrated, through properly signed, contemporaneous operating logs, upset logs, or other relevant evidence that an emergency caused the excess emissions and that all causes of the emergency where identified.

2. Whether notification occurred immediately pursuant to LRAPA 36-020-1.A, 2.A, or 2.B

3. Whether the Authority was furnished with complete details of the event, including but not limited to:

   A. the date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

   B. the equipment involved;

   C. steps taken to mitigate emissions and corrective actions taken; and

   D. the magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate (supported by operating data and calculations);

4. Whether, during the excess emissions event, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit;

5. Whether the appropriate remedial action was taken.

6. Whether the permittee followed procedures approved by the Authority for startup, shutdown, or scheduled maintenance.

LRAPA Title 36: Excess Emissions

[~~1.~~]7. [~~Whether~~] [t]~~T~~he event was not due to negligent or intentional operation by the [~~source~~] owner or operator. For the Authority to find that an incident of excess emissions is not due to negligent or intentional operation by the [~~source~~] owner or operator, the permittee [~~must~~] shall demonstrate, upon Authority request, that all of the following conditions were met:

A. The process or handling equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with good practice for minimizing emissions.

B. Repairs or corrections were made in an expeditious manner when the [~~O~~]operator(s) knew or should have known that emission limits were being or were likely to be exceeded. Expeditious manner may include such activities as use of overtime labor or contract labor and equipment that would reduce the amount and duration of [~~the~~] excess emissions.

C. The event was not one in a recurring pattern of incidents which indicate inadequate design, operation, or maintenance.

[~~2. Whether appropriate remedial action was taken.~~

~~3. Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown or malfunction.~~

~~4. Whether the Authority was furnished with complete details of the event--i.e., the equipment involved, the duration or best estimate of the time until return to normal operation, the magnitude of emissions and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate (supported by operating data and calculations).~~

~~5. Whether the amount and duration of the excess emissions were limited to the maximum extent practicable during the period of excess emissions;~~

~~6. Whether notification occurred immediately pursuant to subsections 36-020-1 through 36-020-2.~~]

Section 36-040 Emergency Provision

1. An emergency constitutes an affirmative defense to enforcement with the technology-based emission limits if the source meets criteria specified in LRAPA 36-030-1 through 6.

2. The permittee seeking to establish the occurrence of an emergency has the burden of proof.

3. This provision is in addition to any emergency or upset provisions contained in any applicable requirement.

Attachment A. Proposed Rule Revision

3. VIP On-Site Vehicle Testing Rules and Procedures

The Oregon Administrative Rules contain OARs filed through March 15, 2001

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 256
MOTOR VEHICLES

340-256-0010
Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle or an unloaded raised idle mode as described in OAR 340-256-0340.

(2) "Carbon dioxide" means a compound consisting of the chemical formula (CO_2).

(3) "Carbon monoxide" means a compound consisting of the chemical formula (CO).

(4) "Certificate of Compliance" means a certification issued by a Private Business Fleet or a Public Agency Fleet Vehicle Emission Inspector or a Vehicle Emissions Inspector employed by the Department of Environmental Quality or an Independent Contractor that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the emission control criteria, standards, and rules of the Commission.

(5) "Certified Repair Facility" means an automotive repair facility, possessing a current and valid certificate issued by the Department, that employs automotive technicians certified by the Department's Automotive Technician Emission Training Program (ATETP).

(6) "Commission" means the Environmental Quality Commission.

(7) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

(8) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.

(9) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(1).

(10~~9~~) "Department" means the Department of Environmental Quality.

(11~~10~~) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.

(12~~11~~) "Director" means the director of the Department.

(13~~12~~) "Electric vehicle" means a motor vehicle which uses a propulsive unit powered exclusively by electricity.

(14~~13~~) "Emissions Inspection Station" means an inspection facility, operated by the Department of Environmental Quality or an Independent Contractor, for the purpose of conducting emissions inspections of all vehicles required to be inspected pursuant to this Division.

(154) "Enhanced test" means an inspection and maintenance program designed to measure exhaust and fuel evaporative system emissions levels using a loaded transient driving cycle and other measurement techniques as described in OAR 340-256-0350.
(165) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
(176) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations.
(187) "Gas analytical system" means a device which measures the amount of contaminants in the exhaust emissions of a motor vehicle, and which has been issued a license by the Department pursuant to OAR 340-256-0450 and ORS 468A.380.
(198) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.
(2019) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.
(210) "GPM" means Grams Per Mile.
(221) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.
(232) "Heavy duty motor vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has an actual vehicle curb weight as delivered to the ultimate purchaser of 6000 pounds or over.
(243) "Hydrocarbon gases" means a class of chemical compounds consisting of hydrogen and carbon.
(254) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.
(265) "Independent Contractor" means any person, business firm, partnership or corporation with whom the Department enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities pursuant to ORS 468A.370.
(276) "Inspection and Maintenance Program (I/M) means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the vehicle exhaust and an inspection of emission control systems, to identify vehicles that do not meet the standards of this Division or which have malfunctioning, maladjusted or missing emission control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the emission control systems function as intended and to reduce tailpipe emissions of air contaminants.
(287) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.
(298) "Light duty motor vehicle" means any motor vehicle rated at 8500 pounds GVWR or less and has an actual vehicle curb weight as delivered to the ultimate purchaser of under 6000 pounds.
(3029) "Medford-Ashland Air Quality Maintenance Area (AQMA)" has the meaning given in OAR 340-204-0010.
(310) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12-month period beginning January of the year in which production thereof begins.

(32~~1~~) "Motorcycle" means any motor vehicle, including mopeds, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

(33~~2~~) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(34~~3~~) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle, or a system or device which inhibits the introduction of fuels which can adversely affect the overall motor vehicle pollution control system.

(354) "Motor Vehicle Fleet Operation" means ownership, control, or management or any combination thereof by any person of five or more motor vehicles.

(36~~5~~) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(37~~6~~) "Noise level" means the sound pressure level measured by use of metering equipment with an "A" frequency weighting network and reported as dBA.

(38~~7~~) "OBD" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the vehicle's emissions control systems. These OBDII (or higher systems) have typically been placed on 1996 and newer motor vehicles.

(39~~8~~) "OBD Test" means an emissions related test in which the vehicle's On Board Diagnostic computer is downloaded, supplying diagnostic information to evaluate the effectiveness of the vehicle emissions control systems.

(40) "On-Site Vehicle Test" means an emissions related test that is conducted at the vehicle owner's location. Such test will be performed by DEQ using DEQ test equipment and is only available as a service for automobile dealerships.

(41~~39~~) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of ten or more successive days.

(42~~40~~) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(43~~1~~) "Oxides of Nitrogen" or NO_x means oxides of nitrogen except nitrous oxides.

(44~~2~~) "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(45~~3~~) "Portland Vehicle Inspection Area" has the meaning given in OAR 340-204-0010.

(464) "PPM" means parts per million by volume.

(47~~5~~) "Private Business Fleet" means ownership by any person of 100 or more Oregon-registered, in-use, motor vehicles, excluding those vehicles held primarily for the purpose of resale.

(48~~6~~) "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.

(49~~7~~) "Propulsion exhaust noise" means that noise created in the propulsion system of a motor vehicle that is emitted into the atmosphere from any opening downstream from the exhaust ports. This definition does not include exhaust noise from vehicle auxiliary equipment such as refrigeration units powered by a secondary motor.
(50~~48~~) "Public Agency Fleet" means ownership of 50 or more government-owned vehicles registered pursuant to ORS 805.040.
(51~~49~~) "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.
(52~~50~~) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public or dedicated or appropriated to public use.
(53~~51~~) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.
(54~~52~~) "Ringlemann Smoke Chart" means the **Ringlemann Smoke Chart** with instructions for use as published in May, 1967, by the U.S. Department of Interior, Bureau of Mines.
(55~~53~~) "RPM" means engine crankshaft revolutions per minute.
(56~~54~~) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.
(57~~55~~) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.
(58~~56~~) "Visible Emissions" means those gases or particulates, excluding uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.
[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]
Stat. Auth.: ORS 467.030 & ORS 468A.360
Stats. Implemented: ORS 467.030 & ORS 468A.350 – ORS 468A.400
Hist.: [DEQ 8, f. 4-7-70, ef. 5-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 89, f. 4-22-75, ef. 5-25-75; DEQ 139, f. 6-30-77, ef. 7-1-77; DEQ 9-1978, f. & ef. 7-7-78; DEQ 22-1979, f. & ef. 7-5-79; DEQ 18-1980, f. & ef. 6-25-80; DEQ 12-1982, f. & ef. 7-21-82; DEQ 23-1984, f. 11-19-84, ef. 4-1-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1996, f. & cert. ef. 11-26-96]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0005 & 340-024-0305; DEQ 17-2000, f. & cert. ef. 10-25-00

340-256-0320
Motor Vehicle Inspection Program Fee Schedule
This rule sets out the fee schedule for Certificates of Compliance, and licenses issued by the Department of Environmental Quality, Vehicle Inspection Program:
(1) The cost of each Certificate of Compliance issued at an Emissions Inspection Station:
(a) In the Portland Vehicle Inspection Area will be a maximum of $21; or
(b) In the Medford-Ashland Air Quality Maintenance Area will be a maximum of $10.
(2) The cost of each Certificate of Compliance issued by a Private Business Fleet or Public Agency Fleet:
(a) In the Portland Vehicle Inspection Area will be a maximum of $10; or
(b) In the Medford-Ashland Air Quality Maintenance Area will be a maximum of $5.

(3) The cost of each License issued to a Private Business Fleet or Public Agency Fleet is as follows:
(a) Initial $5;
(b) Annual renewal $1.
(4) The cost of each License issued to a Private Business Fleet or Public Agency Fleet Vehicle Emission Inspector is as follows:
(a) Initial $5;
(b) Annual renewal $1.
(5) The cost of each License issued for a Gas Analytical System is as follows:
(a) Initial $5;
(b) Annual renewal $1.
(6) The cost of each Certificate of Compliance issued on-site to an automobile dealership will be a maximum of $26.
[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]
Stat. Auth.: ORS 468A.400
Stats. Implemented: ORS 468A.400
Hist.: DEQ 20-1981, f. 7-28-81, ef. 8-1-81; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0307

340-256-0356
Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships
The on-site vehicle test will be performed in accordance with the Vehicle Inspection Program Inspection and Maintenance Policies and Procedure Number 226.00. The test will be performed by DEQ using DEQ testing equipment and conducted at the dealership location. The test program applies to manufacturer franchise automobile dealerships only, as defined in ORS 650.120(1). Dealerships may use either on-site testing or the centralized DEQ test stations.

SIP REVISION

5.4.7 Test Procedures and Standards

The authority to establish test procedures and standards is contained in Oregon statutes ORS 468A.360 through 468A.460 in Section 2.2.11 of the Oregon SIP. The test procedures and test standards are specified in the regulation in Section 2.2.7 of the Oregon SIP.

In the Portland area:

The first two model years are exempt.
Next three model year vehicles - basic test
1981 - to 6 year old vehicles - enhanced test
1975 -1980 model year vehicles - basic test

The restructuring of the vehicle test schedule above, by adding the OBD test for 1996 to three year old vehicles, will begin on or before January 1, 2001. OBD testing for light duty passenger vehicles and light duty trucks (GVWR less than or equal to 8500 lbs) will begin January 1, 2001, as these vehicles are currently equipped with advanced OBD systems (OBDII or higher). OBD testing of gasoline powered heavy duty vehicles (greater than 8500 lbs GVWR) will begin when advanced OBD systems are available on these vehicles.

In the Medford area:

The first two model years are exempt
Next 19 model year vehicles – basic test

The restructuring of the vehicle test schedule above, by adding the OBD test for 1996 to three year old vehicles, will begin on the date that is mandated by EPA for the OBD testing in Medford. Before the mandatory implementation, OBD testing will be used as a pass only screen; vehicles that fail the OBD test will receive a basic emissions test. The following is the estimated implementation schedule for OBD based on vehicle types:

- OBD testing for light duty passenger vehicles and light duty trucks (GVWR less than or equal to 8500 lbs) will begin when mandated by EPA, as these vehicles are currently equipped with advanced OBD systems (OBDII).

- OBD testing of gasoline powered heavy duty vehicles (greater than 8500 lbs GVWR) will begin when advanced OBD systems are available on these vehicles and EPA mandates OBD testing of these vehicles.

In both the Portland and Medford test areas, vehicles will be rejected for unsafe conditions, including overheating, fluid leaks, or other conditions determined to be unsafe to the inspection program operations.

For the basic test, vehicles 1981 and newer must pass both an idle and 2500 rpm emissions standards for carbon monoxide and hydrocarbons. Subject vehicles with model years older than 1981 are not judged at the 2500 rpm test point.
All basic tested vehicles are given a second chance idle test.

In the Portland area, a gas cap test will be performed for all basic tests. Also, a cap test and an evaporative system purge test will be done as part of all Portland area tailpipe enhanced tests. In the Medford area, neither the cap nor the purge test will be performed in conjunction with their basic test. Finally, the purge tests will not be done as an add-on to the OBD test in either the Medford or Portland area and the cap test may be done on OBD tested vehicles in Portland and Medford.

The enhanced test is a 31 second loaded transient cycle as outlined in the test procedures.

Detailed testing procedures for the basic test are shown in Appendix H Section 710.00 and Appendix K. Detailed testing procedures for the enhanced test are shown in OAR 340-256-0350 and OAR 340-256-0410. The OBD test procedure is outlined in OAR 340-256-0355.

Both the Portland and Medford inspection areas will continue using self-testing fleet operations, including requiring that these fleets perform OBD tests on 1996 and newer vehicles where OBD testing is required as a part of the centralized testing operations.

DEQ will initiate on-site vehicle testing of manufacture franchised dealership vehicles beginning January 2, 2002. In this program, dealerships' approximately 25,000 vehicles per year will be tested at the dealer's locations. DEQ will perform the testing operations. The program will be operated using test methods and

standards that will provide essentially no emissions reduction loss from the process where vehicles are tested in DEQ's centralized test lanes.

State of Oregon
Department of
Environmental
Quality

PROCEDURE: 226.00

ON-SITE VEHICLE TESTING PROGRAM FOR AUTO DEALERS

SUBJECT: On-Site Vehicle Testing Procedures	
POLICY/PROCEDURE NUMBER: 226.00	**EFFECTIVE DATE: 10/1/01**
SUPERSEDES: NONE	**DATE SIGNED:**
APPROVED BY: TED KOTSAKIS	
ORIGINATING SECTION: ENGINEERING	

PURPOSE: TO ESTABLISH THE ON-SITE VEHICLE TESTING PROCEDURES

REFERENCE:

Under this testing program DEQ will test dealership vehicles at the dealership's location using a traveling van equipped with remote-testing equipment and OBD-testing equipment. The remote-testing equipment will be used as a pass screen, and the OBD test will be used as the final test for 1996 and newer model year vehicles that fail the remote-sensing screen test. For 1995 and older model-year vehicles that fail the remote-sensing test, the vehicle owner must have the vehicle tested at the DEQ Clean Air Stations.

DEQ will typically schedule testing visits for any particular dealership at no more than every other week. Exceptions to this limit will be allowed for dealerships with very large test volumes. Dealerships must contact DEQ to set-up a routine schedule or call for appointments as needed.

Remote-Sensing Clean-Screen Testing.

Typically, all vehicles that the dealership requests to have tested during DEQ's visit will first be clean-screened using the remote-sensing test procedure. DEQ may opt to perform only the OBD test if the number of vehicles present does not justify using the remote testing clean screen procedure.

- The DEQ inspectors will set-up the clean-screen operation using manufacturer's procedures, either on the dealership's lot or on a nearby low-traffic street. The setup will include the license-plate-photo-capability, speed and acceleration measurement capability, and emissions measurement of CO, HC and NOx.
- Dealership drivers will drive the vehicles through the remote sensing beam at speeds of between 15 and 25 MPH gradually accelerating through the beam.
- A picture will be automatically taken of the Oregon-plated vehicles to identify the vehicle. For non-plated (or other state plate) vehicles, the rear plate area will be affixed with a DEQ supplied temporary plate. The dealership will submit a paper record of the corresponding vehicle VIN, make, model and year associated with each of the temporary plates when the DEQ inspectors arrive at the dealership's location.
- The plates of the vehicles with known Oregon plates will be submitted by the dealership to DEQ for review before DEQ's visits to the dealership's site. The DEQ vehicle ID database will be searched by the inspector at the DEQ Tech Center computer to get full vehicle description information. The inspector will confirm this information at the dealership's site by directly observing the vehicle.
- All Canadian import vehicles of 1996 and newer model-years will receive both a clean-screen remote-sensing test and an OBD test to insure that the vehicle computer is flashed to meet EPA's OBD requirements.
- After remote-sensing test, each vehicle's remote-sensing test record will be identified by a photo of either the temporary ID number plate or an Oregon plate. During the testing process an inspector must insure that all plates and temporary ID number photos are readable. If they are not, the vehicle must be run through the test a second time to get a good plate picture.
- The pass/fail criteria for clean-screening is as follows:
  - CO 0.25 %
  - HC 75 ppm
  - Nox 1000 ppm
- Vehicles that fail the clean-screen test will receive a backup OBD test for 1996 and newer model years.
- Vehicles that pass the clean-screen test receive a certificate of compliance and will be registered on site if the dealer wishes.
- The dealership must pay for all the testing and DMV registration costs before DEQ leaves the site. Check or cash is acceptable. The vehicle test cost is collected only when the vehicle passes the test.

- If a vehicle fails a DEQ on-site test, that vehicle will not be re-tested on the current DEQ visit. (This process will avoid the possibility of DEQ inspector's waiting for vehicle repairs.) The failed vehicle may, however, be re-tested on the next DEQ visit.

OBD Testing

The OBD test will be given to those vehicles (MY 1996 +) that failed the clean screen test. DEQ may also give the OBD test as a first test if there is a small number of vehicles, and the remote-sensing clean-screen test is impractical.

The OBD-test procedure will be identical to the test procedure used in the centralized test lanes described in VIP Policies and Procedures # 225 except as follows:

- No backup basic or enhanced test will be given for vehicles that can not be OBD tested, including EPA exempted vehicles (Subaru 1996 and Mitsubishi 1996-98), and vehicles for which we are unable to locate the DLC. These vehicles will must be tested in the centralized test station
- In most cases DEQ will already have identified the vehicle in the previous remote-sensing test. The vehicle ID will be pulled from that previous data entry.
- If a vehicle passes the OBD test, the dealer will receive a certificate of compliance for that vehicle. The owner may pay for and receive a DMV registration at the same time.
- If a vehicle fails the OBD test, the vehicle must be repaired before being re-tested. DEQ will not re-tested it on the current visit.

AGENDA ITEM NO. 7

LRAPA Board of Directors Meeting

August 14, 2001

TO: Board of Directors

FROM: Robert Koster, Operations Manager

SUBJ: Public Hearing and Proposed Adoption of Amendments to LRAPA Title 36, "Excess Emissions" (Oregon SIP Rule)

NEED FOR AMENDMENTS

In 1992, when LRAPA adopted provisions for regulating excess emissions (Title 36), only 28 days of the required 30-day public availability was provided before the LRAPA Board of Directors adopted the rules. In about 1998, when the rule was reviewed by EPA for incorporation into the SIP, the deficiency in length of public notice was discovered. The rules need to be re-noticed and re-adopted in order to be approved by EPA for inclusion in Oregon's SIP.

On September 20, 1999, EPA issued its policy for excess emissions for State Implementation Plans (SIPs). The policy requires some changes to LRAPA Title 36 as adopted in 1992. The proposed amendments made to Title 36 in this rulemaking will conform to the 1999 federal policy and has been made available to the public for the required 30-day period following notice of this hearing.

PUBLIC COMMENT PROCESS

Notice of this rulemaking proposal was originally sent to LRAPA's mailing list of interested persons in February of this year with a request for comments. Among others, the list of interested persons includes all holders of Air Contaminant Discharge Permits, Synthetic Minor Permits, and Title V Permits. Copies of the actual draft amendments were given to everyone who requested them. The proposal was presented to the LRAPA Advisory Committee and discussed at both the January and February meetings. The committee recommended no changes in the original proposal. Copies of the rulemaking notice and the draft amendments were submitted to DEQ's Air Quality Division in Portland and EPA Region 10 in Seattle for their review and comment. Comments received from US EPA, Region 10, resulted in revisions to the original proposal. The specific revisions are described in the Comments and Responses section of this document. These were the only comments received.

At its June meeting, the board authorized today's public hearing regarding the proposed amendments. Notice of the hearing was subsequently published in the July 1, 2001 edition of the Secretary of State's Oregon Bulletin, and in the July 12 Oakridge Dead Mountain Echo, as well as the July 11 editions of the Eugene Register Guard, the Cottage Grove Sentinel, and the Springfield News. No further comments have been received.

We have received DEQ's authorization for LRAPA to serve as hearings officer for the Oregon Environmental Quality Commission (EQC), making this a joint EQC/LRAPA hearing.

Following the public hearing, the LRAPA Board will be asked to adopt the rules, either as proposed or with any changes deemed necessary in response to information received at the hearing. Following adoption, the amendments will be sent to DEQ for approval by the EQC. Following EQC adoption, DEQ will forward the amendments to EPA for approval as a revision to Oregon's State Implementation Plan.

SUMMARY OF PROPOSED CHANGES

The changes proposed to Title 36 as adopted in 1992 more clearly define what types of process upsets qualify for relief from enforcement action. The amended regulation includes criteria for the agency to use when determining whether to take enforcement action. There are a number of changes in the proposed Title 36 intended to streamline the rule and remove unnecessary verbiage.

DETAILS OF PROPOSED CHANGES

The proposed changes are as follows:

Section 36-001. Under subsection 2, a new part D is added to include in the purpose of the rule providing sources an affirmative defense from enforcement actions in emergency situations.

Section 36-005. Administrative formatting changes, only.

Section 36-010.

A. Parts A, B, and C are added to subsection 1 to provide further clarification regarding application of the rule.

B. The existing subsection 2 is deleted. A new subsection 2 is added to establish requirements for Authority approval for first-time startup or shutdown events to which procedures apply. In addition, some administrative formatting changes are made.

C. Subsection 3 is expanded to state that approval of startup/shutdown procedures do not absolve the permittee from formal enforcement under certain conditions.

D. A new subsection 4 is added to indicate under what conditions a permittee with approved startup-shutdown procedures is required to notify the Authority of a planned startup or shutdown event.

E. A new subsection 5 is added, detailing the manner and timing of notification made under subsection 4.

F. A new subsection 6 is added to describe the action to be taken by the permittee if the proper notification under subsection 4 was not made.

G. A new subsection 7 is added, stating that the Authority may revoke or require modifications to approved procedures by written notice to the owner or operator.

H. Existing subsection 4 is renumbered to subsection 8, and the language is modified to add Yellow and Stage II Red home wood heating advisory days to the times when planned startups or shutdowns resulting in excess emissions may not occur.

Section 36-015.

A. Language in subsection 1 is amended for clarity, and administrative formatting changes are made to parts A through D.

B. Existing subsection 2 is deleted. Provisions are expanded and included in a new subsection 3.

C. A new subsection 3 is added to provide conditions under which the Authority must be notified of scheduled maintenance on equipment for which the Authority has approved a maintenance schedule.

D. A new subsection 4 is added to specify the manner and timing of notifications made under subsection 3.

E. A new subsection 5 is added to indicate that the Authority may revoke or require modification of previously approved procedures by written notification of the owner or operator.

F. Existing subsection 4 is renumbered to subsection 6, adding language tying the requirements of this subsection to procedures approved under subsection 2 of this rule. In addition, the language is changed to include Yellow and Stage II home wood heating advisory days to the times when planned startups or shutdowns resulting in excess emissions may not occur.

G. Existing subsection 5 is deleted. Provisions are included in new subsection 7.

H. A new subsection 7 is added to change the wording of existing subsection 5 to specify that the subsection applies to approval requirements of subsection 2 and notification requirements of subsection 3.

Section 36-020.

A. Existing subsection 1 is reworded and expanded to include new parts A and B under subsection 1 and new subsection 2 with parts A through D. The expanded language includes conditions under which an owner or operator may be entitled to an affirmative defense from

enforcement actions for upsets or breakdowns caused by an emergency, as well as notification requirements for all other types of upsets and breakdowns.

B. Existing subsection 2 is renumbered to subsection 3, subsection 3 to subsection 4, and subsection 4 to subsection 5. In addition, administrative formatting changes are made, and rules citations are amended to reflect the proposed amendments in the remainder of the rule.

Section 36-025.

A. In subsection 1, a new part B is added, existing parts B and C are renamed C and D, and a new part E is added. The proposed amendments clarify notification and reporting requirements for excess emissions events. In addition, several administrative formatting changes are made.

B. In subsection 2, language is revised for clarity.

C. In subsection 3, the rule citation is changed to reflect the proposed amendments to the remainder of the rule. A requirement that permittees must keep the upset logs for five years is added.

D. In subsection 4, the word "annual" is added, and the provisions of this subsection apply to annual reporting specified by permit. In addition, a new part B is added to require the submission, with the annual report, of documentation of current procedures to minimize emissions during startup, shutdown, and maintenance periods.

Section 36-030.

A. Existing subsection 1 is changed to subsection 6, and the language is revised for clarity.

B. A new subsection 1 is added requiring a description of any emergency which may have caused excess emissions, specifying the information to be submitted.

C. Existing subsections 2 through 6 are deleted, and the provisions are incorporated into new subsections 2 through 6.

(1) Existing subsection 2 is changed to subsection 5.

(2) Existing subsection 3, whether the excess emissions were due to startup, shutdown, maintenance, or upset or breakdown, is not specifically included in the proposed amendments.

(3) Existing subsection 4 is changed to subsection 3, with the individual reporting requirements listed as separate parts A through D.

(4) Existing subsection 5 is changed to subsection 4 and the wording is revised slightly.

(5) Existing subsection 6 is changed to subsection 2 and the rule citations are changed to reflect the proposed amendments to the remainder of the rule.

Addition of New Section 36-040 Emergency Provision. This is a new section added to Title 36. It is the same as the corresponding DEQ rule.

COMMENTS AND RESPONSES

The only comments received were from US EPA Region 10 in Seattle. The comments and LRAPA's responses follow:

1. EPA Comment: Are the terms "minimal and insignificant permit holders" used in Section 36-020 defined in LRAPA's rules? If not, they should be. If so, is it clear that Title V sources do not qualify for consideration as minimal or insignificant permit holders?

   LRAPA Response: Minimal and Letter permits are defined in LRAPA Title 34. Reference to "insignificant" has been changed to "Letter (Insignificant)" in the revised draft Title 36 amendments. Policy statements and guidance on permit-type criteria do not allow Title V sources to qualify for Minimal or Letter permits.

2. EPA Comment: In the case of Sections 36-010 and 36-015, is it clear that, although prior notice is required only in some circumstances, the permittee must notify the permitting authority of excess emissions within a certain period of time after the event? Title V requires that permits contain provisions for the reporting of permit deviations, and all excess emission events are permit deviations.

   LRAPA Response: Draft Title 36 Sections 010 and 015 have been modified to clarify that prior notice may be waived in some circumstances, but that Title V sources could not avoid required reporting following an excess emission event.

3. EPA Comment: LRAPA should ensure the recordkeeping and reporting requirements of Section 36-025 are consistent with the requirements in its Title V program for the reporting of permit deviations, and all excess emission events are permit deviations.

   LRAPA Response: LRAPA has confirmed the consistency of Section 025 with our Title V program.

4. EPA Comment: The introduction to Section 36-030 states that the criteria are to be used in determining whether the period of excess emissions was "avoidable." Not all of the criteria relate to whether the period of excess emissions was "avoidable." For example, ensuring that the emissions were minimized does not relate to whether the period of excess emissions could have been avoided.

LRAPA Response: The introduction to Section 36-030 has been modified as suggested by this comment, removing the determination of "avoidable" excess emission event language.

5. EPA Comment: LRAPA should add to the list of criteria in Section 36-030 whether the source followed the approved procedures in the case of startup, shutdown, or scheduled maintenance.

LRAPA Response: LRAPA added the suggested language.

6. EPA Comment: Note that EPA did not approve the ODEQ provisions comparable to Section 36-040 as part of the Oregon SIP. This provision and 36-020(1) are based on 40 CFR 70.6(g) which is in the Title V regulations. We are consulting with EPA Headquarters regarding the extent to which that provision can be extended to non-Title V sources.

LRAPA Response: The EPA headquarters determination in regard to the availability of excess emissions defenses to non-major sources is of interest to LRAPA.

7. EPA Comment: Language in the general introduction to Title 36, as well as in Sections 36-010-3 and 36-015-2, states that a permittee will not be "absolved" from enforcement action in certain cases, which suggests that the permittee will be "absolved" from enforcement action if those circumstances do not exist. If LRAPA intends to provide an affirmative defense, the regulations do not meet the criteria set forth in EPA's policy regarding excess emission events in SIPs.

LRAPA Response: LRAPA agrees, and the language is amended in the revised draft Title 36.

RULEMAKING JUSTIFICATION QUESTIONS

1. Are there state requirements that are applicable to this situation? If so, exactly what are they?

RESPONSE: *Yes. OAR 340-214-0300 through OAR 340-214-0360.*

2. Are the applicable state requirements performance based, technology based, or both with the most stringent controlling?

RESPONSE: *Not applicable. These are procedural requirements.*

3. Do the applicable state requirements specifically address the issues that are of concern in Lane County? Was data or information that would reasonably reflect Lane County's concern and situation considered in the state process that established the state requirements?

RESPONSE: *Both DEQ and LRAPA need to have an excess emissions regulation consistent with EPA policy and guidance.*

4. Will the proposed requirement improve existing requirements or prevent the need for costly retrofit to meet more stringent future requirements?

   RESPONSE: *The changes more clearly identify the requirements that facilities with unusual problems leading to emissions in excess of permit limits or applicable standards must follow.*

5. Is there a timing issue which might justify changing the time frame for implementation of state requirements?

   RESPONSE: *No.*

6. Will the proposed requirement assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth?

   RESPONSE: *Not applicable.*

7. Does the proposed requirement establish or maintain reasonable equity in the requirements for various sources (level the playing field)?

   RESPONSE: *It maintains equity. All sources are subject to the same requirements.*

8. Would others face increased costs if a more stringent rule is not enacted?

   RESPONSE: *Not applicable.*

9. Does the proposed requirement include procedural requirements, reporting or monitoring requirements that are different from applicable state requirements? If so, why? What is the "compelling reason" for different procedural, reporting or monitoring requirements?

   RESPONSE: *No. Both DEQ and LRAPA intend that this set of requirements be consistent with EPA policy and guidance.*

10. Is demonstrated technology available to comply with the proposed requirement?

    RESPONSE: *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?

    RESPONSE: *The requirements more clearly define when enforcement action should be taken for excess emissions. Enforcement actions are taken with the intent of preventing recurrence (i.e., preventing pollution). Increased permittee awareness also helps to prevent pollution.*

LEGAL AUTHORITY

ORS 183, ORS 468.020, ORS 468A.135; OAR 340-214-0300 to 340-214-0360; LRAPA Titles 13, 14, 36

PRINCIPAL DOCUMENTS RELIED UPON

1. Attorney General's Uniform and Model Rules of Procedure
2. OAR 340-214
3. LRAPA Title 36

FISCAL AND ECONOMIC IMPACT OF PROPOSED AMENDMENTS

Industry: None expected.

Public: None expected.

LRAPA: None expected.

Other Government Agencies: None.

LAND USE CONSISTENCY STATEMENT

The proposed rule amendments are consistent with land use as described in applicable land use plans in Lane County.

OPTIONS FOR BOARD ACTION

1. Adopt the amendments as proposed. This action would bring LRAPA's rules up-to-date with federal and state rules. In addition, correction of the public notice deficiency from earlier adoption would make the amendments approvable by EPA as a SIP amendment.

2. Require staff to bring back a different proposal. Both state and federal oversight agencies have reviewed this proposal. The revised proposal incorporates all changes recommended by EPA. Further changes are not necessary to update these rules for approval as a SIP amendment.

3. Do not adopt the amendments. The current LRAPA Title 36 would remain in force and would continue to be inconsistent with state and federal regulations. Title 36 would not be approved as a SIP amendment.

STAFF RECOMMENDATION

Staff recommends that the board adopt the proposed amendments to Title 36 as proposed.

RK\MJD

MINUTES

LANE REGIONAL AIR POLLUTION AUTHORITY
BOARD OF DIRECTORS MEETING
TUESDAY–AUGUST 14, 2001
LRAPA Meeting Room
1010 Main Street
Springfield, Oregon

ATTENDANCE

Board: Betty Taylor, Chair–Eugene; Don Hampton–Oakridge/Cottage Grove; Dave Ralston–Springfield; Pete Sorenson–Lane County; Carol Tannenbaum–At-Large
(ABSENT: Al Johnson–Eugene; Shannon McCarthy–Eugene)

Staff: Brian Jennison--Director; Sharon Banks; Merrie Dinteman; Drew Johnson; Kim Metzler

1. OPENING: Taylor called the meeting to order at 12:17 p.m.

2. CONSENT CALENDAR (July 10, 2001 minutes and expense reports through June 30, 2001):

   ACTION: MSP(Sorenson/Hampton)(Unanimous) approval of consent calendar.

3. PUBLIC PARTICIPATION: None.

4. DIRECTOR'S REPORT: Ralston said he noticed several cases in the enforcement report which had the same violations but were fined different amounts, and he wanted to know how the penalties are calculated. Jennison explained that LRAPA uses the same civil penalty matrices used by DEQ. The penalty assessed depends on the significance of the violation, together with aggravating and mitigating factors such as whether there were previous violations and whether the alleged violator is cooperative. With open burning violations, the penalty amount is much higher if the violation is for burning plastics or tires than it is for burning woody debris without a burning permit. The size of the fire is also a determining factor. Jennison gave as an example someone bulldozing a barn and then burning it, as opposed to someone burning a small pile of woody debris in their yard. Jennison added that the respondent has the opportunity to admit the violation and agree not to do it again, in which case the agency's policy is to reduce the penalty to settle the case.

   Hampton noted that one of the cases involved a company which was on this list when he was on the board two years ago and seems to be consistently having compliance problems. Jennison said LRAPA has tried to help this company achieve compliance, but that the company has taken advantage of LRAPA. As a result, LRAPA is now resolved to cite the company and put them on the proper permit.

5. OLD BUSINESS:

   Monaco Coach Odor Complaint Situation. Jennison reported that, as of August 13, LRAPA had received 915 complaints regarding the odor from Monaco Coburg in approximately two years. Since the July board meeting, 54 complaints had been received. Jennison said that he and Robert Koster toured the Monaco facility following the July board meeting to observe the stack extensions, the new [illegible] facility has installed to try to reduce fugitive emissions.

He said LRAPA has received no report from Monaco this month on any further plans to reduce the odors, and he said he believes that is in abeyance while they wait to see whether or not the lawsuit can be resolved. Jennison said he had no further information regarding the lawsuit.

Sorenson asked what the trend is regarding the odor complaints during this time while LRAPA has been monitoring this situation, and Jennison said it has remained about the same. The number of complaints has not gone down.

Ralston commented that there has been a reduction in the number of complaints, with 54 since the last board meeting, compared to 75 between the June and July board meetings. Jennison replied that 54 is still a very high number of complaints. Taylor said that a drop in the numbers does not necessarily mean that things are better. It could just be that people are getting tired of complaining all the time. Ralston responded that the opposite could also be true, that just because the number of complaints increases does not necessarily mean that there is actually something to complain about. He suggested that, due to the lawsuit, this could be a self-fulfilling thing to make complaints even though there really is no detectable odor. He added that he does not think anything can be judged by the number of complaints.

Jennison said staff responds to each call to confirm whether or not the odor is present. He said he did not have the number of confirmed complaints at hand, but the number is significant. Staff tries to anticipate when the painting will occur so that a LRAPA investigator can be there when it happens. Samples of the air are taken and fed into the gas chromatograph, and the equipment shows whether or not any of the chemical constituents in Monaco's paint is present in the sample. These objective data show that there still is some level of odor in the community. LRAPA is keeping a list of the sample results, and this information has been supplied to the attorneys on both sides of the lawsuit, as part of their discovery. Jennison added that the information regarding complaints is given to the source so that they can track back to determine what they were doing at the time the complaints came in to see if there is something they can correct to reduce the odors.

Ralston asked if the chemicals are harmful, and Jennison responded that the concentrations which have been detected are in the parts per billion range which characterize a nuisance, rather than the parts per million range which would indicate a potential toxic hazard or possible cancer concern.

Sorenson asked whether Monaco is complying with its permit. Jennison said the materials that Monaco is using are allowed by their permit, and the level of emissions from the facility are within the permitted limits. Monaco is complying with its permit. Jennison added that the facility was permitted under state and federal laws which limited what LRAPA could do to apply Best Available Control Technology (BACT). It was shown that putting on abatement equipment was "too expensive," under the state's policy for BACT; therefore, the source was not required to put on a thermal oxidizer. Jennison said that, in his opinion, the current nuisance odor complaint situation is the direct result of their not having to install the abatement equipment. Although the facility is in compliance with the permit, something needs to be done about the odors; and it may be that Monaco will have to enter into an agreement with LRAPA to further abate the odors.

Hampton asked about the seasonal differences in the odor problem. Jennison explained that summer is the worst time of year because people have their windows open and also spend a lot of time outdoors. In the winter, houses are closed up and people are inside most of the time. It also tends to rain more

in the wintertime, washing the pollutants out of the air. In addition, Jennison said wind patterns also change from season to season. In the summertime, the wind often comes out of the north which blows any odors from the plant directly toward the neighborhood from which the complaints have come.

Sorenson then asked if Monaco is in violation of the agency nuisance requirements, and Jennison replied that LRAPA has not yet determined that because the agency has been working with Monaco to try to find an engineering solution to reduce the number of odors. Jennison added that, at some point in the not-too-distant future, the LRAPA board may decide that Monaco is, in fact, violating nuisance rules, in which case LRAPA would declare them in violation and proceed to try to get them to abate the odors. Taylor asked at what point the board could do that, and Jennison said it could be done at any point. He added that staff would like to bring that to the board as a recommendation at the point when staff believes that all other avenues have been exhausted. Taylor asked if the board could count on that in September, and Jennison said it could not. He said the alternative would be the board directing staff to make a finding of nuisance violation; but he does not see anything being resolved sufficiently in the next month to allow LRAPA to make that distinction. Jennison referred to a later agenda item requesting authorization of public hearing on nuisance rules and said he would like to get the rules adopted before taking any action regarding Monaco so that LRAPA will be consistent with DEQ in how nuisance situations are handled. Jennison added that he believes operating under the proposed rules would make LRAPA's case stronger. He also would like to see if anything comes of the negotiations in the lawsuit.

6. ADVISORY COMMITTEE: Metzler had nothing new to report because the committee has been on a break for the summer.

7. PUBLIC HEARING ON PROPOSED AMENDMENTS TO LRAPA TITLE 36 (EXCESS EMISSIONS RULES):

Ralph Johnston explained that the proposed adoption of amendments to LRAPA Title 36 would correct a deficiency in the public notice requirement when the rule was originally adopted in 1992. It would also bring the rules up-to-date with excess emissions policies adopted by EPA in 1999. Johnston explained that Title 36 provides a process for LRAPA to deal with "excess emissions," or emissions that are in violation of emission standards and permit conditions. These excess emissions often occur when a facility starts a piece of equipment or shuts one down, or when maintenance needs to be done on equipment. The emissions could also happen if there is a power outage or a piece of equipment breaks down. Johnston cited as an example a boiler which is allowed by its permit a certain number of minutes per hour to clean grates or some other type of activity which can cause smoke to occur. If the boiler emits smoke for longer than the permitted time limit, the time over the limit represents excess emissions. Jennison added that Title 36 allows the agency to take into consideration any mitigating circumstances and, perhaps, not issue a notice of violation in that instance, as long as the source can demonstrate what caused the excess emissions and what they did to control the situation. Johnston said that both EPA and DEQ have reviewed the proposed rules and have declared that the rules meet both federal and state requirements.

Public Hearing. Taylor opened the public hearing at 12:40 p.m. Jennison entered into the record affidavits of hearing notice publication in four local newspapers and in the Oregon Bulletin published by the Secretary of State's office. Taylor then asked if anyone present wished to speak either in favor of or in opposition to the proposed amendments to Title 36.

Richard Brown, 91228 North Miller Street in Coburg, Oregon asked for clarification regarding the draft rule. He said it appeared to him that a large section regarding enforcement was to be deleted. Johnston explained to him that the words with horizontal lines through them were to be deleted, and the words which were highlighted are to be added. The section regarding enforcement was a highlighted section to be added to the rule.

Hearing no further comments, Taylor closed the public hearing at 12:42 p.m.

ACTION: MSP (Sorenson/Ralston)(Unanimous) adoption of amendments to Title 36, as proposed.

Hampton commented that it would be helpful for future rulemaking if the staff report started with a simple explanation of the purpose of the rule and how it would change if a proposed change were adopted. Jennison said staff can make that change for future presentations.

8. REQUEST FOR AUTHORIZATION OF PUBLIC HEARING ON PROPOSED ADOPTION OF NEW TITLE 49 (NUISANCE CONTROL REQUIREMENTS) AND ASSOCIATED AMENDMENTS TO TITLES 12, 32, 48, AND 50:

Jennison explained that the Authority receives numerous nuisance complaints each year which are concerned primarily with odors or fugitive dust emissions that are not related to industrial source permit violations or open burning activities. Under the current regulations, these cases can require significant resources to attempt to resolve. The DEQ recently adopted new nuisance regulations designed to deal with nuisance situations more effectively by making determination of nuisance conditions more objective and consistent. The proposed new Title 49 would adopt the newly adopted DEQ rules, essentially verbatim. As part of this rulemaking, references to nuisance in Titles 12, 32, 48 and 50 would also be amended to refer to Title 49. Jennison said that once the rules are amended as proposed, the Authority should be on firmer ground in dealing with nuisance situations.

Johnston said that staff had planned, initially, to adopt new Title 49 as a local regulation. The draft Title 49 was sent to all permitted sources and other interested parties earlier in the year, and most of the comments received from industry indicated a desire to have all references to nuisance addressed as part of the same rulemaking process. LRAPA agreed, but because several of the other titles which refer to nuisance are included in Oregon's State Implementation Plan (SIP), the more formal SIP rulemaking process must be followed. Johnston pointed out that the proposed Title 49 includes best work practices requirements, as well as using Highest and Best Practicable Treatment, both of which should put the agency in a stronger position for enforcement in a nuisance situation than the current rules do.

Sorenson asked if DEQ has had any experience with its new rules to determine how well they work; and Johnston responded that, from his discussions with DEQ staff, he believes that they have not used the rules enough to know how well they will work and do not yet have a formal policy for how they will work with the rules.

Sorenson asked staff to explain why a permitted source should be exposed to a more subjective rule such as a nuisance rule when they already have emissions limits and process requirements in their permit. Jennison explained that the permit is a consideration; however, a permit issued by this agency

State of Oregon
Department of Environmental Quality — Memorandum

Date: August 31, 2001

To: Environmental Quality Commission

From: Stephanie Hallock, Director S. Hallock

Subject: Agenda Item J, Rule Adoption: On-Site Vehicle Testing for Auto Dealers
September 21, 2001 EQC Meeting

Department Recommendation

The Department recommends the Commission adopt proposed rule revisions as presented in Attachment A to establish an On-Site Vehicle Testing for auto dealers in Portland and Medford areas.

Need for Rulemaking

This program was developed at the request of the Oregon Auto Dealers Association to provide their members some relief from the cost of having to ferry large numbers of vehicles to centralized testing stations. Dealer participation will be voluntary. Dealers may continue to take vehicles to the DEQ test centers as an alternative to the program.

If adopted by the EQC, this proposal will establish an on-site testing operation for used vehicles sold by manufacturer franchised auto dealers in the Portland and Medford areas. Vehicle testing will be done by DEQ inspectors with equipment housed in a portable van. Testing will include an initial clean screen using road-side remote sensing test equipment. A follow-up on-board-diagnostic (OBD) test will be provided for 1996 and newer model year vehicles that fail the screen test. Vehicles older than 1996 that fail the clean screen test cannot be OBD tested, and will require a follow-up test at a DEQ centralized Clean Air Station.

The EQC has authority to take this action under ORS468A.380(1)(c), allowing the Commission to "establish criteria and examinations for the testing of motor vehicles" by rule.

Stakeholder Involvement

Beginning in February 2001, DEQ worked with the Regulatory Affairs Director of the Oregon Automobile Dealers Association on a continual basis in developing the proposed testing procedure. DEQ also talked individually with many Association members to develop details about capacity and procedures. In April 2001, DEQ met with Association members in Medford to discuss their concerns.

Public Comment A public comment period extended from July 13, 2001 to August 17, 2001 and included public hearings in Portland and Medford. Results of public input are provided in Attachment C.

Key Issues Key issues were:

- DEQ is proposing a $26 per test certificate fee for this new service in both the Medford and Portland areas. In Medford, the current centralized fee is $10 per test certificate for only a basic test. In Portland, the centralized test certificate fee is $21 for a mixture of enhanced and other tests. DEQ and the Oregon Auto Dealers Association agreed that Portland and Medford dealers should pay the same fee ($26) for this new service, which will be the same in each area.

- DEQ proposes to limit the on-site testing to franchised auto dealers at this time because in order to introduce this service gradually. DEQ may consider opening the on-site vehicle testing program to non-franchised dealers at a later date if testing franchised dealer vehicles is successful. Franchised dealers are expected to test about 25,000 vehicles per year. The participation from non-franchised dealers is expected to be as much as a factor of 5 times larger. Also, non-franchised dealers typically use off-site repair facilities, and do not deal directly with the DEQ test. Finally, non-franchised dealers typically work with older vehicles that cannot be tested with the OBD equipment (the OBD test can only be used on 1996 and newer vehicles).

- The procedure used for on-site testing will be a pass screen operation using remote sensing, followed by an OBD test for vechicles that fail the remote sensing test. The OBD test is proposed as the backup test because of its portability and because of the large amount of emissions reduction benefit it offers (its stringency is equivalent to DEQ's enhance BAR31 test). The OBD test, however, is only available for 1996 and newer vehicles. Older vehicles will need to have a backup test done at the centralized test station.

Next Steps If approved, DEQ will purchase and equip two vans with remote sensing and OBD testing equipment. Equipment assembly, final testing procedures and selection of inspectors will be completed by December 1, 2001. Inspectors will be trained and testing schedules will be established by January 2, 2002. Actual on-site testing is scheduled to begin on January 2, 2002.

Attachments

A. Proposed Rule Revisions
   1. Proposed Rule Revisions
   2. Proposed SIP Revisions
   3. Proposed On-Site Test Policies and Procedures
B. 1. Public Input and Department's Response
   2. Written Public Comment
C. Presiding Officer's Report on Public Hearings
D. Relationship to Federal Requirements
E. Fiscal and Economic Impact Statement
F. Land Use Evaluation Statement

Available Upon Request

1. Legal Notice of Hearing
2. Cover Memorandum from Public Notice
3. Written Comment Received
4. Rule Implementation Plan

Approved:

Section: [signature]

Division: [signature]
for Andy Ginsburg

Report Prepared By: Jerry Coffer

Phone: 503-731-3050 E229

State of Oregon
Department of Environmental Quality Memorandum

Date: August 3, 2000

To: Environmental Quality Commission

From: Russ Schell (Portland) and Ted Wackier (Medford)
Vehicle Inspection Program/Air Quality Division

Subject: Presiding Officers' Report for On-Site Vehicle Testing Program for Auto Dealers Rulemaking Hearings of August 16, 2001 in Portland and Medford.

Portland, Oregon Hearing August 16, 2001

The rulemaking hearing in Portland for the above proposal was convened at 8:15 AM and ended at 8:20 AM. 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.

The only person from the public attending the hearing was Debra Elkins, Executive Director of the Northwest Automotive Trades Association. Ms. Elkins submitted written testimony, but did not wish to testify orally.

Medford, Oregon Hearing August 16, 2001

The OBD rulemaking hearing in Medford was held beginning at 3:00 PM. However no one from the public attended. DEQ employees waited until 3:30 PM and closed the meeting without participation from the public.

Memo To: Environmental Quality Commission
August 3, 2000
Presiding Officer's Report on
July 25 and July 28, 2000 Rulemaking Hearings
Page 2

Written Testimony Not Offered at Public Hearings Received before the 5:00 PM August 2, 2000 Deadline

The Alliance of Automobile Manufacturers and the Association of International Automobile Manufactures sent a letter supporting the adoption of OBD for clean air and consumer convenience during emission testing. The letter made the following suggested changes to the proposed DEQ test procedure:

1) Light duty diesel vehicles OBD tested starting with model year 1997 rather than 1996
2) California vehicles OBD tested to 14,000 lbs GVWR rather than limited to 8,500 lbs and under.
3) Failing for two or more "not-ready" status for 2001+ model year vehicles rather than Oregon's proposal of failing for three or more "not-ready".
4) For vehicles where the manufacturer resets readiness status whenever the engine is turned off, AAM recommends dropping the readiness requirement and proceeding with the OBD test. Oregon is currently proposing that these vehicles receive an enhanced test.
5) When a vehicle returns to the DEQ test station for a retest after repairs, AAM suggests that the vehicle not be failed for "not ready" if a receipt for repairs is submitted by the customer.

Memo To: Environmental Quality Commission
August 3, 2000
Presiding Officer's Report on
July 25 and July 28, 2000 Rulemaking Hearings
Page 2

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4) For vehicles where the manufacturer resets readiness status whenever the engine is turned off, AAM recommends dropping the readiness requirement and proceeding with the OBD test. Oregon is currently proposing that these vehicles receive an enhanced test.
5) When a vehicle returns to the DEQ test station for a retest after repairs, AAM suggests that the vehicle not be failed for "not ready" if a receipt for repairs is submitted by the customer.

Approved____
Approved with Corrections__

Minutes are not final until approved by the Commission.

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

December 6-7, 2001
Regular Meeting[1]

The following Environmental Quality Commission members were present for the regular meeting, held at the Department of Environmental Quality (DEQ), 811 S.W. Sixth Avenue, Portland, Oregon.

Melinda Eden, Chair
Tony Van Vliet, Vice Chair
Harvey Bennett, Member
Deirdre Malarkey, Member
Mark Reeve, Member

Also present were Larry Knudsen, Oregon Department of Justice (DOJ), Stephanie Hallock, Department of Environmental Quality (DEQ) Director, and DEQ staff.

Thursday, December 6, 2001

Chair Eden called the meeting to order at approximately 1:00 p.m. Agenda items were taken in the following order.

A. Contested Case: Case No. WMC/HW-WR-99-086 regarding Dar Tammadon

Larry Knudsen, Assistant Attorney General, introduced the case and explained that Mr. Dar Tammadon had appealed a proposed order, dated January 10, 2001, that assessed Mr. Tammadon a $7,200 civil penalty for illegally disposing of hazardous waste. Mr. Knudsen summarized the findings of fact made by the Hearing Officer and asked Commissioners to declare any ex parte contacts or conflicts of interest regarding this case. All Commissioners declared they had no ex parte contacts or conflicts of interest. Mr. A. B. Cummins summarized arguments on behalf of Mr. Tammadon. Anne Price, DEQ Administrator of the Office of Compliance and Enforcement, Jeff Bachman, Environmental Law Specialist, and Larry Edelman, Department of Justice, summarized arguments on behalf of the Department. The Commission discussed legal issues with representatives of both parties and considered alternatives for deciding the case.

During its deliberation, the Commission determined that it wanted the Hearing Officer to consider and address three legal and factual issues: (1) When a respondent's violation is based on imputed or vicarious liability, is the "R factor" under OAR 340-012-0045 (1)(c)(D) to be based upon the negligent, reckless or flagrant conduct of the respondent, the conduct of the respondent's agents, or the conduct of either?; (2) Based on the existing record, is the hearing officer able to make findings regarding whether Mr. Tamaddon is directly liable for the cited violation?; and (3) Based on the existing record, is the hearing officer able to make findings with respect to whether the conduct of Mr. Tamaddon's employees was negligent, intentional, or flagrant? Commissioner Reeve moved the Commission remand the case to the Hearing Officer for further consideration and preparation of an amended proposed order. Commissioner Van Vliet seconded the motion and it passed with five "yes" votes. The Commission asked Mr. Knudsen to prepare the order for the Director's signature on the Commission's behalf.

[1] Staff reports and written material submitted at the meeting are made part of the record and available from DEQ, Office of the Director, 811 SW Sixth Avenue, Portland, Oregon 97204.

B. Contested Case: Case No. WQ/I-NWR-00-125 regarding Reggie Huff

Mr. Knudsen summarized events leading up to this hearing on this case. On September 20, 2001, the Commission considered the Reggie Huff's appeal of a proposed order dated April 21, 2001, that found Mr. Huff liable for a $1,200 civil penalty for placing waste where it was likely to escape or be carried into waters of the state. At the September hearing, the Commission determined that it wished to hear oral argument on the issue of how the phrase "likely to escape or be carried into waters of the state" in ORS 468B.025(1) should be interpreted and applied to the case. Accordingly, the Commission set the matter over to the December 6, 2001 meeting.

At this meeting, the Commission heard arguments from Mr. Huff and Susan Greco, Environmental Law Specialist representing the Department. Mr. Knudsen asked Commissioners to declare any ex parte contacts or conflicts of interest regarding this case, and Commissioners declared none. After considering the arguments presented by Mr. Huff and the Department, the Commission determined that the term "likely" as used in ORS 468B.025 should be given its ordinary and common meaning and applied on a case-by-case basis. The Commission concluded the Hearing Officer was correct in finding that waste was placed in a storm drain, which was designed to convey storm water into the surrounding ground and groundwater, and under these circumstances, the waste was in a location where it was likely to reach waters of the state. Commissioner Malarkey moved the Commission uphold the Hearing Officer's proposed order. Commissioner Reeve seconded the motion and it passed with five "yes" votes. The Commission asked Mr. Knudsen to prepare the order for the Director's signature on the Commission's behalf.

C. Information and Action Item: Report on Rulemaking for Methane Regulation

Director Hallock introduced this item to the Commission. In August 2001, a citizen association called CLEAN petitioned the Commission for temporary and permanent rulemaking to add methane, under certain conditions, to the list of hazardous substances subject to the state's environmental cleanup rules. At its September 21, 2001 meeting, the Commission denied the petition for temporary rulemaking and directed the Department to work with stakeholders on permanent rules to address methane issues associated with unpermitted landfills. In November 2001, CLEAN filed a second petition with the Commission again seeking the adoption of temporary rules relating to the regulation of methane.

At this meeting, Dave Rozell, Acting DEQ Administrator of the Land Quality Division, and Al Kiphut, Land Quality Manager, summarized the Department's work on this issue and discussed the next steps with the Commission. The Commission also heard arguments from representatives of CLEAN in support of their petition. After considering alternatives, the Commission concluded that adoption of a temporary rule is not appropriate at this time, but that the present inability of the Department to regulate methane gas at unpermitted landfills was a significant concern. In preparation for the January 24-25, 2002 Commission meeting, the Commission asked the Department to evaluate whether a temporary rule that effectively addressed methane issues would serve the public interest. Commissioner Malarkey moved the Commission deny the petition for temporary rulemaking and direct the Department to bring this matter back to the Commission for further consideration of a temporary rule at its January 2002 meeting. Commissioner Reeve seconded the motion and it passed with five "yes" votes. The Commission asked Mr. Knudsen to prepare an order denying the petition for the Director to sign on the behalf of the Commission.

E. Informational Item: City of Portland Combined Sewer Overflow Control Program Status Report

Richard Santner, DEQ Water Quality Manager in Northwest Region, introduced representatives of the City of Portland to give a status report on the Combined Sewer Overflow (CSO) Control Program. In 1991, the Commission and City entered a legal agreement that established the framework for a twenty-year CSO control program to reduce the frequency and volume of sewer overflow to the Willamette River. Now at the halfway point, the City has made significant progress in controlling CSOs. Dean Marriott, City of Portland Bureau of Environmental Services Director, Virgil Adderley, CSO Program Manager, and Paul Gribbon, CSO Design Manager, presented the status and accomplishments of the CSO program to the Commission. Commissioners discussed the progress of the project to date and commended the City on their work. The Commission accepted the City's program report and thanked Mr. Marriott, Mr. Adderley and Mr. Gribbon for their presentation.

Chair Eden adjourned the meeting for the day at approximately 6:45 p.m.

Friday, December 7, 2001

The Commission held an executive session at 8:00 a.m. on Friday, December 7, to consult with counsel concerning legal rights and duties with regard to current and potential litigation involving the Department. Executive session was held pursuant to ORS 192.660(1)(h).

At approximately 8:45 a.m., Chair Eden called the regular meeting to order and agenda items were taken in the following order.

F. Approval of Minutes

September 20-21, 2001 Minutes: Commissioner Reeve amended the draft minutes on page 2, by changing "Item C. Consideration of Tax Credit Requests" to "Item G. Consideration of Tax Credit Requests." Chair Eden amended the minutes on page 2, Item E, by changing "member" to "members" in the second sentence, and on page 3, Item H, by changing "4" to "four" and "made a motion" to "moved" in the second paragraph. Commissioner Van Vliet moved the Commission approve the minutes as amended. Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

G. Consideration of Tax Credit Requests

Director Hallock introduced pollution control facility tax credit requests to the Commission, and asked Helen Lottridge, DEQ Management Services Division Administrator, Jim Roys, Management Services Division Manager, and Maggie Vandehey, Tax Credit Coordinator, to present tax credit requests. Commissioners discussed the applications with Mr. Roys and Ms. Vandehey.

The Commission considered and acted on the group of applications that the Department recommended for approval, as summarized below.

- Pollution Control Facilities Tax Credits: Air Pollution Control Facilities
  Commissioner Van Vliet moved to approve these applications as recommended by the Department, but remove Application #5230 for Fujitsu Microelectronic, Inc., pending information on the closure of the plant. Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

- Pollution Control Facilities Tax Credits: Alternatives to Open Field Burning Facilities
  Commissioner Van Vliet moved to approve these applications as recommended by the Department. Commissioner Reeve seconded the motion and it passed with five "yes" votes.

- Pollution Control Facilities Tax Credits: Material Recovery: SW Pollution Control Facilities
  Commissioner Van Vliet moved to approve these applications as recommended by the Department, but postpone action on Application #5621 for Container Recovery, Inc., pending advice from counsel on whether the filing date met the application deadline. Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

- Pollution Control Facilities Tax Credits: Water Pollution Control Facilities
  Commissioner Van Vliet moved to approve these applications as recommended by the Department, but postpone action on Application #5231 for Fujitsu Microelectronic, Inc., pending information on the closure of the plant. Commissioner Reeve seconded the motion and it passed with five "yes" votes.

- Pollution Control Facilities Tax Credits: Nonpoint Source Pollution Control Facilities, Wood Chippers
  Commissioner Reeve moved to approve these applications as recommended by the Department. Commissioner Bennett seconded the motion and it passed with four "yes" votes. Commissioner Van Vliet abstained from this vote after stating a conflict of interest with these applications

- Reclaimed Plastics Tax Credits
  Commissioner Bennett moved to approve these applications as recommended by the Department. Commissioner Van Vliet seconded the motion and it passed with five "yes" votes.

The Commission discussed Application #5490 and #5494, which the Department recommended for denial. Commissioner Van Vliet moved to deny these applications, Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

The Commission discussed Certificate #4530, which the Department recommended for transfer. Commissioner Bennett moved to transfer this certificate as recommended by the Department. Commissioner Van Vliet seconded the motion and it passed with five "yes" votes.

The Commission's actions on all tax credit requests are summarized in the attachment to these minutes.

I. Discussion and Public Comment on an Approval Process for Umatilla Chemical Agent Disposal Facility Operation

Wayne Thomas, DEQ Administrator of the Chemical Demilitarization Program, introduced a proposed modification to the Umatilla Chemical Agent Disposal Facility permit to require Department approval for the start of surrogate testing operations and Commission approval for the start of chemical agent operations. Mr. Thomas discussed the purpose of the modification and the process for public involvement with the Commission.

Chair Eden invited public testimony on the proposed modification and the following people provided comment to the Commission:

- Umatilla Chemical Agent Disposal Facility (UMCDF) Permittees: Colonel Fred Pellissier, Commander of the Umatilla Chemical Depot; Don Barclay, UMCDF Project Manager; Dave Nylander, Washington Demilitarization Company
- Dan Brosnan, Morrow County Commissioner and Tamra Mabbott, County Planning Director
- Armand Minthorn, member of the Confederated Tribes of the Umatilla Board of Trustees and Governing Body and Rod Skeen, Tribe staff
- Dr. Robert Palzer, Ashland resident
- Karyn Jones, Hermiston resident, representing GASP and the Oregon Wildlife Federation

Chair Eden thanked these people for their comments. Mr. Thomas asked presenters to provide any written comments to the Department by December 12, 2001. Commissioners, Mr. Thomas and Director Hallock discussed the testimony provided in the context of the Commission's upcoming action on the proposed permit modification. Chair Eden thanked Mr. Thomas for his coordination of this public process.

Public Forum

At approximately 11:30 a.m., Chair Eden asked whether anyone wished to provide public comment. No public comment was provided.

H. Director's Report

Director Hallock gave the Director's report to the Commission and discussed with Commissioners current issues and recent events involving the Department. The Director asked Mary Abrams, DEQ Laboratory Administrator, to explain the role of the lab in responding to emergency events and discuss the Department's efforts to find a new lab facility. Director Hallock introduced Chuck Donaldson, DEQ Spill Response Manager, who coordinated overall emergency response preparation at the agency. Director Hallock asked Helen Lottridge, DEQ Management Services Division Administrator, to discuss the Department's response to the Governor's request for agency budget reductions.

D. Discussion Item: Strategic Planning and Performance Measures

As part of the Director's Report, Director Hallock presented the final draft of the agency's strategic plan for 2001 through 2005, called "Strategic Directions." The Commission discussed DEQ's development of strategic priorities and executive performance measures, and the Department's process for getting input from key stakeholders. Director Hallock asked the Commission to provide any comments to the Department for incorporation into the final document, which was scheduled to be printed in late January 2002.

At this point in the meeting, Director Hallock left the meeting and asked Helen Lottridge, DEQ Management Services Division Administrator, to continue on her behalf.

J. Rule Adoption: On-Site Fee Reduction

Mike Llewelyn, DEQ Water Quality Administrator, and Ed Woods, Water Quality Manager, presented proposed rules to permanently reduce on-site sewage disposal fees. The Commission adopted a temporary rule to reduce these fees on June 22, 2001. The Commission discussed the fee reduction with Mr. Llewelyn and Mr. Woods. Commissioner Reeve moved the Commission adopt proposed permanent rules. Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

M. Rule Adoption: Incorporation of National Emission Standards for Hazardous Air Pollutants

Andy Ginsburg, DEQ Air Quality Administrator, and Jerry Ebersole, Air Quality staff, presented proposed rules to incorporate new National Emission Standards for Hazardous Air Pollutants (NESHAPs) to assure continued delegation of authority from EPA for the Department to implement NESHAPs in the state. Commissioners discussed the proposed rules with Mr. Ginsburg and Mr. Ebersole. Commissioner Van Vliet moved the Commission adopt the proposed rule as presented in the staff report. Commissioner Reeve seconded the motion and it passed with five "yes" votes.

N. Rule Adoption: SIP Amendments: LRAPA Title 36 Excess Emissions Rules and VIP On-Site Testing Program

Andy Ginsburg, DEQ Air Quality Administrator, and Loretta Pickerell, Air Quality Rules Coordinator, presented proposed rules to (1) approve Lane County Regional Air Pollution Authority's (LRAPA) Title 36 Excess Emission Rules, and (2) adopt both LRAPA's Title 36 rules and DEQ's Vehicle Inspection Program On-site Testing rules and related procedures as amendments to Oregon's State Implementation Plan (SIP). Ms. Pickerell explained that these actions were primarily procedural to satisfy requirements for Commission oversight of LRAPA's air quality standards and for Commission adoption of SIP amendments. Commissioners discussed the rules with Mr. Ginsburg and Ms. Pickerell. Commissioner Van Vliet moved the Commission approve LRAPA's Title 36 Excess Emission Rules and adopt these rules as amendments to the SIP. Commissioner Reeve seconded the motion and it passed with five "yes" votes. Commissioner Van Vliet moved the Commission adopt DEQ's Vehicle Inspection Program On-site Testing rules and procedures as amendments to the SIP. Commissioner Bennett seconded the motion and it passed with five "yes" votes.

K. Discussion Item: Development of Performance Appraisal Process for Director

Commissioner Bennett and Commissioner Van Vliet presented a proposed process and evaluation criteria for assessing the Director's performance. The Commission discussed the proposed process, frequency of evaluation, and methods for soliciting external input on the Director's performance. Commissioners asked Mikell O'Mealy, Assistant to the Commission, to compile Commissioner comments and prepare a final proposal for Commission consideration at the January 24-25, 2002 meeting.

Helen Lottridge, DEQ Management Services Division Administrator, presented a summary of the Director's financial transactions for the Commission to review, consistent with a Department of Administrative Services (DAS) requirement that took effect on July 16, 2001. Ms. Lottridge explained that the Commission was required to take action on this report by July 16, 2002. Commissioners discussed the summary and review requirement. Commissioner Van Vliet moved the Commission approve the financial transaction of the Director as set forth in DAS policy for the period of July 1, 2001 through November 30, 2001. Commissioner Malarkey seconded the motion and it passed with five "yes" votes.

O. Commissioners' Reports

Commissioners gave no reports.

~~L. Rule Adoption: Amendment and Clarification of Asbestos Rules~~

This item was removed from the Commission agenda.

Chair Eden adjourned the meeting at approximately 2:30 p.m. on December 7, 2001.

Tax Credit Applications

App #	Applicant	Type	EQC Action		
			Cost	Percent Allocable	Action
5140	Wacker Siltronic Corp.	Water	**$ 15,359,622**	100%	Approved
5141	Wacker Siltronic Corp.	Air	**$ 456,384**	100%	Approved
5206	NPI Inc.	Reclaimed Plastics	**$ 3,604**	100%	Approved
5208	NPI Inc.	Reclaimed Plastics	**$ 2,495**	100%	Approved
5230	Fujitsu Microelectronics Inc.	Air	**$ 2,896,905**	100%	**Postponed**
5231	Fujitsu Microelectronics Inc.	Water	**$ 3,801,560**	100%	**Postponed**
5373	Sanders Forest Products, Inc.	Water	**$ 814,084**	100%	Approved
5448	H.J. Heinz Company	Air	**$ 619,917**	100%	Approved
5502	Willamette Industries, Inc.	Water	**$ 165,643**	100%	Approved
5538	McCall Oil and Chemical Corp.	Water	$ 133,300	100%	Approved
5567	Halsey ClO2 Limited Partnership	Water	**$ 33,790,250**	100%	Approved
5593	John Pohlschneider	Air:Field Burning	$ 53,000	100%	Approved
5603	William C. Smith Farms, Inc.	Air:Field Burning	**$ 8,423**	100%	Approved
5604	Mark McKay Farms, Inc.	Air:Field Burning	**$ 44,953**	**96%**	Approved
5606	Gary Troost	Water	$ 83,896	100%	Approved
5608	Cascade Steel Rolling Mills, Inc.	Water:Oil/Water	$ 26,048	100%	Approved
5610	Bowco Industries, Inc.	Reclaimed Plastics	**$ 15,600**	100%	Approved
5611	Cascade Steel Rolling Mills, Inc.	Air	$ 134,910	100%	Approved
5612	Bowco Industries, Inc.	Reclaimed Plastics	$ 33,000	100%	Approved
5613	Bowco Industries, Inc.	Reclaimed Plastics	$ 12,435	100%	Approved
5614	J-CAD Equipment, LLC	Material Recovery:SW	**$ 392,040**	100%	Approved
5616	LGOC, Inc.	Air:CFC	$ 2,024	100%	Approved
5617	LGOC, Inc.	Air:CFC	$ 2,024	100%	Approved
5618	LGOC, Inc.	Air:CFC	$ 2,024	100%	Approved
5619	Nixon Farms, Inc.	Air:Field Burning	$ 98,640	100%	Approved
5620	Container Recovery, Inc.	Material Recovery:SW	$ 19,572	100%	Approved
5621	Container Recovery, Inc.	Material Recovery:SW	$ 49,560	100%	**Postponed**
5622	Container Recovery, Inc.	Material Recovery:SW	$ 49,350	100%	Approved
5623	Container Recovery, Inc.	Material Recovery:SW	$ 19,992	100%	Approved
5624	Portland Disposal & Recycling	Water:Oil/Water	$ 7,800	100%	Approved
5625	Stephan T. May	Air:NPS	$ 1,895	100%	Approved
5627	Pendleton Sanitary Service, Inc.	Material Recovery:SW	**$ 48,825**	100%	Approved
5628	Pendleton Sanitary Service, Inc.	Material Recovery:SW	$ 12,845	100%	Approved
5629	Pendleton Sanitary Service, Inc.	Material Recovery:SW	$ 10,912	100%	Approved
5630	Bowco Industries, Inc.	Reclaimed Plastics	$ 36,147	100%	Approved

bold denotes a change from claimed cost or percentage

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Tax Credit Applications

App #	Applicant	Type	EQC Action Cost	Percent Allocable	Action
5631	Newberg Garbage Service, Inc.	Material Recovery:SW	$ 3,772	100%	Approved
5632	Newberg Garbage Service, Inc.	Material Recovery:SW	$ 3,300	100%	Approved
5633	Insurance Auto Auctions, Inc.	Water:Oil/Water	$ 10,737	100%	Approved
5634	Ace H. Todd	Air:NPS	$ 1,250	100%	Approved
5635	Mark Hallert	Air:NPS	$ 596	100%	Approved
5636	Ronald L. Prchal	Air:NPS	$ 1,200	100%	Approved
5637	Donald L. Brown	Air:NPS	$ 596	100%	Approved
5638	Geraldine Griffin	Air:NPS	$ 599	100%	Approved
5639	John E. Owen	Air:NPS	**$ 1,150**	100%	Approved
5640	Rawland Kelley	Air:NPS	$ 2,500	100%	Approved
5641	Ronald D. Louie	Air:NPS	$ 2,108	100%	Approved
5642	Western Bank	Material Recovery:SW	$ 156,829	100%	Approved
5643	Western Bank	Material Recovery:SW	$ 397,685	100%	Approved
5644	Western Bank	Material Recovery:SW	$ 161,433	100%	Approved
5646	J.R. and Virginia Downing	Air:NPS	$ 980	100%	Approved
5647	Clarence Clever	Air:NPS	$ 4,690	100%	Approved
5648	Arden, Inc.	Material Recovery:SW	**$ 465,476**	100%	Approved
5649	Harmon & Son Dairy, LLC	Water	$ 25,260	100%	Approved
5650	Mr. & Mrs. James J. Lawton	Air:NPS	$ 405	100%	Approved
5651	Robert L. Broussard	Air:NPS	$ 1,163	100%	Approved
5652	Ronald K. Gimba	Air:NPS	$ 1,736	100%	Approved
5653	Walter D. Neaderhiser	Air:NPS	$ 1,499	100%	Approved
5654	Robert E. Woodson	Air:NPS	$ 596	100%	Approved
5655	Herald G. & Grace R. Callison	Air:NPS	$ 1,345	100%	Approved
5656	Melvin D. Evers	Air:NPS	**$ 1,739**	100%	Approved
5657	Traughber Oil Co.	UST/AST	**$ 112,069**	100%	Approved
5658	Sabroso Company	Water	$ 1,012,395	100%	Approved
5659	Bruce D. Barney	Air:NPS	$ 2,395	100%	Approved
5661	Portland General Electric Co.	Water:Secondary Cont.	$ 67,773	100%	Approved
5662	Portland General Electric Co.	Water:Secondary Cont.	**$ 59,862**	100%	Approved
5663	Portland General Electric Co.	Water:Secondary Cont.	$ 84,078	100%	Approved
5664	Portland General Electric Co.	Water:Secondary Cont.	**$ 40,650**	100%	Approved
5665	Leigh Blew	Air:NPS	$ 800	100%	Approved
5666	Ann Cammarano Daubenspeck	Air:NPS	$ 700	100%	Approved
5667	Kenneth Aaron Brown	Air:NPS	$ 630	100%	Approved

bold denotes a change from claimed cost or percentage

Tax Credit Applications

App #	Applicant	Type	EQC Action Cost	EQC Action Percent Allocable	EQC Action Action
5669	Pacific Sanitation Inc.	Material Recovery:SW	$ 29,130	100%	Approved
5671	Alan D. Christie	Air:NPS	$ 900	100%	Approved
5672	Bunker LLC	Air:NPS	$ 14,992	100%	Approved
5674	Donald P. Haber	Air:NPS	$ 700	100%	Approved
5675	Oscar Gutbrod	Air:NPS	$ 2,399	100%	Approved
5676	Denton Plastics, Inc.	Reclaimed Plastics	$ 7,363	100%	Approved
5677	NPI Inc.	Reclaimed Plastics	$ 12,500	100%	Approved
5678	NPI Inc.	Reclaimed Plastics	$ 2,085	100%	Approved
5679	NPI Inc.	Reclaimed Plastics	$ 5,858	100%	Approved
5680	NPI Inc.	Reclaimed Plastics	$ 16,429	100%	Approved
5681	NPI Inc.	Reclaimed Plastics	$ 16,428	100%	Approved
5682	Corvallis Recycling and Disposal	Material Recovery:SW	**$ 112,493**	100%	Approved
5683	Western Bank	Material Recovery:SW	$ 305,820	100%	Approved
5684	Western Bank	Material Recovery:SW	$ 349,417	100%	Approved
5685	Western Bank	Material Recovery:SW	$ 158,460	100%	Approved
5686	Myron B. Cooley	Air:NPS	$ 2,180	100%	Approved
5687	Armando J. Alvarez	Air:NPS	$ 2,007	100%	Approved
5688	Douglas A. Romer	Air:NPS	$ 999	100%	Approved
5689	Celeste R. Baumann	Air:NPS	$ 620	100%	Approved
5690	David D. Rankin	Air:NPS	$ 5,505	100%	Approved
5691	Arolf Salo	Air:NPS	$ 800	100%	Approved
5692	Fujimi America Inc.	Water	$ 124,952	100%	Approved
5693	Dancing Oaks Nursery, Inc.	Air:NPS	$ 2,295	100%	Approved
5694	Douglas A. Sanford	Air:NPS	$ 599	100%	Approved
5695	Gary B. Weis	Air:NPS	$ 2,450	100%	Approved
5696	James B Goes	Air:NPS	$ 596	100%	Approved
5697	Nancy C Doornink	Air:NPS	$ 799	100%	Approved
5698	Tigard Rental Properties	Air:NPS	$ 1,550	100%	Approved
5699	William K. Lofton	Air:NPS	$ 596	100%	Approved
5700	Deines Service Co. Inc.	Material Recovery:SW	$ 48,710	100%	Approved
5701	Pacific Pure-Aid Company	Water	**$ 4,354**	100%	Approved
5703	Douglas R.Griesel	Air:NPS	$ 1,499	100%	Approved
5704	Jon K. Jensen	Air:NPS	$ 598	100%	Approved
5705	Robert G. Cate Farms, LLC	Air:Field Burning	**$ 32,370**	100%	Approved
5706	Allen E. Feringa	Air:NPS	$ 800	100%	Approved

bold denotes a change from claimed cost or percentage

Tax Credit Applications

App #	Applicant	Type	EQC Action Cost	EQC Action Percent Allocable	EQC Action Action
5707	Reginald Tonry	Air:NPS	$ 500	100%	Approved
5708	Anna Jenny Ensinger	Air:NPS	$ 795	100%	Approved
5709	Wichita Sanitary Service	Material Recovery:SW	$ 15,881	100%	Approved
5710	Gordon Elwood	Air:NPS	$ 498	100%	Approved
5711	Wichita Sanitary Service	Material Recovery:SW	$ 11,426	100%	Approved
5712	Bonnie Denise Ullmann	Air:NPS	$ 400	100%	Approved
5713	Danny R Thompson	Air:NPS	$ 1,499	100%	Approved
5714	Erik W Johnson	Air:NPS	$ 1,600	100%	Approved
5715	Mark Slick	Air:NPS	$ 1,000	100%	Approved
5716	Morgan Reiter	Air:NPS	$ 1,251	100%	Approved
5717	Stanley O. McClanahan	Air:NPS	$ 630	100%	Approved
5718	William A. Schoonhoven	Air:NPS	$ 1,499	100%	Approved
5721	John P. Lehl Company	Material Recovery:SW	$ 177,785	100%	Approved
5722	John P. Lehl Company	Material Recovery:SW	$ 20,443	100%	Approved
5723	John P. Lehl Company	Material Recovery:SW	$ 40,886	100%	Approved
5724	John P. Lehl Company	Material Recovery:SW	$ 45,039	100%	Approved
5725	Wichita Sanitary Services	Material Recovery:SW	$ 10,360	100%	Approved
5728	Wichita Sanitary Service	Material Recovery:SW	$ 40,886	100%	Approved
5729	Bender's Noble Tree Farm	Air:NPS	$ 10,000	100%	Approved
5730	Cain Petroleum Inc.	UST/AST	**$ 71,804**	**78%**	Approved
5731	Western Bank	Material Recovery:SW	$ 480,340	100%	Approved
5732	Western Bank	Material Recovery:SW	$ 981,256	100%	Approved
5733	DeVern Pinnock	Air:NPS	$ 900	100%	Approved
5735	Tricia Nickelson	Air:NPS	$ 1,550	100%	Approved
5739	Mel Deines Sanitary Service, Inc	Material Recovery:SW	$ 37,635	100%	Approved
5740	Charles M. Cornett	Air:NPS	$ 630	100%	Approved
5741	Albert Vaughn	Air:NPS	$ 629	100%	Approved
5742	Aubrey G. Spears	Air:NPS	$ 630	100%	Approved
5743	Frank A Lane	Air:NPS	$ 580	100%	Approved
5744	Dale K. Johnson	Air:NPS	$ 800	100%	Approved
5745	Gary L. Billick	Air:NPS	$ 2,450	100%	Approved
5746	Gerald W. Zimmer	Air:NPS	$ 700	100%	Approved
5747	S & C Properties	Material Recovery:SW	$ 345,322	100%	Approved
5748	Tracy Phelan	Air:NPS	$ 498	100%	Approved
5749	Webb E. Norton	Air:NPS	$ 596	100%	Approved

bold denotes a change from claimed cost or percentage

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Tax Credit Applications

App #	Applicant	Type	EQC Action Cost	Percent Allocable	Action
5750	John P. Lehl Company, Inc.	Material Recovery:SW	**$ 19,415**	100%	Approved
5751	R.A. Brownrigg Inv. Inc.	Material Recovery:SW	$ 6,275	100%	Approved
5752	R.A. Brownrigg Inv. Inc	Material Recovery:SW	$ 163,755	100%	Approved
5753	Curtis R. Pellham	Air:NPS	$ 1,450	100%	Approved
5754	Robert R. McCone	Air:NPS	$ 5,115	100%	Approved
5756	Ronald S. Bergeson	Air:NPS	$ 2,279	100%	Approved
5757	Carolyn Tweedy	Air:NPS	$ 464	100%	Approved
5758	Grechen L. Schott	Air:NPS	$ 3,150	100%	Approved
5759	Kristen T. O'Sullivan	Air:NPS	$ 850	100%	Approved
5760	Norm D. Cholewwski	Air:NPS	$ 1,739	100%	Approved
5761	Robert L. Olson	Air:NPS	$ 800	100%	Approved
5763	Denton Plastics, Inc.	Reclaimed Plastics	$ 10,479	100%	Approved
5764	Denton Plastics, Inc.	Reclaimed Plastics	$ 12,375	100%	Approved
5765	American West Leasing, Inc.	Material Recovery:SW	$ 39,465	100%	Approved
5766	Jay M. Goodman	Air:NPS	$ 1,712	100%	Approved
5768	John F. Phillips	Air:NPS	$ 1,499	100%	Approved
5769	Mark E. Ritchie	Air:NPS	$ 899	100%	Approved
5770	Juszcazk W. Karol	Air:NPS	$ 1,445	100%	Approved
5771	Francis P. Massey	Air:NPS	$ 2,639	100%	Approved
5772	Irma E. Mack	Air:NPS	$ 2,099	100%	Approved
5773	Maria A. Balint	Air:NPS	$ 2,450	100%	Approved
5774	Jensen Brother Investments, LLC	UST/AST	**$ 161,094**	**92%**	Approved
5775	Hugh B. Johnston	Air:NPS	$ 1,034	100%	Approved
5776	J. Robert Swanson	Air:NPS	$ 600	100%	Approved
5777	Selwyn O. Graves	Air:NPS	$ 596	100%	Approved
5778	Sheldon Hatheway	Air:NPS	$ 900	100%	Approved
5784	John W. M'Gonigle	Air:NPS	$ 590	100%	Approved
5785	Eric J. Resener	Air:NPS	$ 596	100%	Approved
5786	Daniel L. Willcox	Air:NPS	$ 1,599	100%	Approved
5787	Paul J. LaFreniere	Air:NPS	$ 1,499	100%	Approved
5788	Charles Belusko	Air:NPS	$ 899	100%	Approved
5789	Dean H. Miller	Air:NPS	$ 390	100%	Approved
5790	Sam W. Demanett	Air:NPS	$ 2,150	100%	Approved
5791	Laurence Senn	Air:NPS	$ 1,395	100%	Approved
5792	Marcia A. Wood	Air:NPS	$ 1,000	100%	Approved

bold denotes a change from claimed cost or percentage

Tax Credit Applications

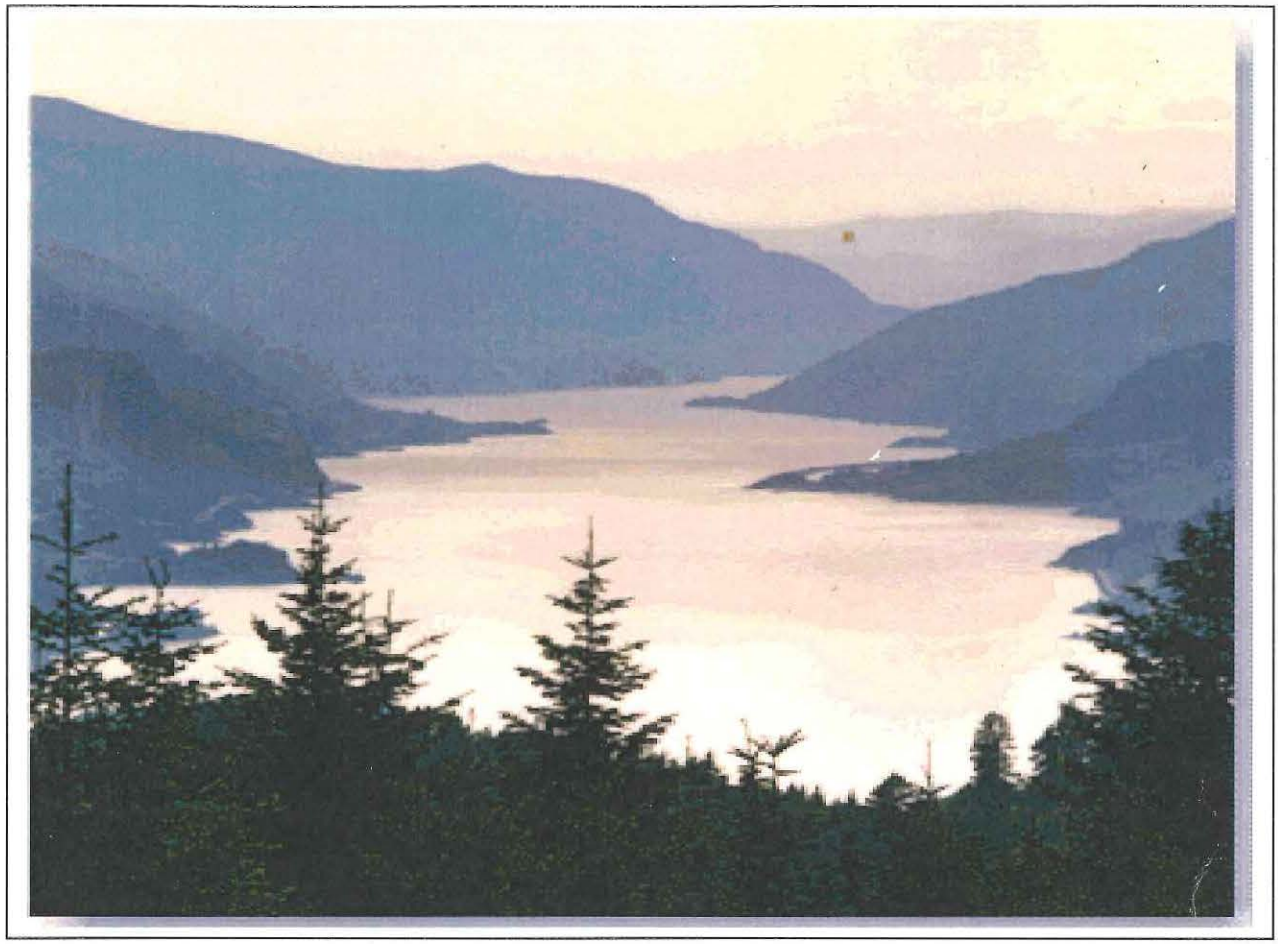
App #	Applicant	Type	EQC Action Cost	Percent Allocable	Action
5793	Alan J. Ralston	Air:NPS	$ 2,136	100%	Approved
5794	Earl S. Petty	Air:NPS	$ 5,600	100%	Approved
5795	Thom Trusewicz	Air:NPS	$ 899	100%	Approved
5799	George S. Bailey	Air:NPS	$ 7,645	100%	Approved
5803	Willamette Farms of Oregon	Air:NPS	$ 4,435	100%	Approved
5805	Randell Stenquist	Air:NPS	$ 477	100%	Approved
5806	Sheri M. Girdner	Air:NPS	$ 800	100%	Approved
5808	Limbwalker Tree Care Company	Air:NPS	$ 19,600	100%	Approved
5813	Clyde Hartly	Air:NPS	$ 1,500	100%	Approved
5814	Janice Haskett	Air:NPS	$ 596	100%	Approved
5815	John Wilda	Air:NPS	$ 1,449	100%	Approved
5825	Gary Thomas	Air:NPS	$ 596	100%	Approved
5826	Geoffrey C. Nankervis	Air:NPS	$ 2,193	100%	Approved
5827	Mark Rohrbacher	Air:NPS	$ 5,250	100%	Approved
5828	Ronald E. Alexander	Air:NPS	$ 580	100%	Approved
5829	Peter R. Torres	Air:NPS	**$ 18,506**	100%	Approved
5832	Christian V. Horlyk	Air:NPS	$ 2,450	100%	Approved
5833	D & D Tree Farms	Air:NPS	$ 5,450	100%	Approved
5834	Linda Lee Race	Air:NPS	$ 650	100%	Approved
5836	John C. Slagle	Air:NPS	$ 1,576	100%	Approved
5837	Marvin Astleford	Air:NPS	$ 1,125	100%	Approved
5839	Donald Tillman	Air:NPS	$ 2,000	100%	Approved
5840	Mark Curtis	Air:NPS	$ 600	100%	Approved
5841	Leeroy J. Stevenson	Air:NPS	$ 750	100%	Approved
5844	Jerry Woods	Air:NPS	$ 1,071	100%	Approved
5846	Daniel C. Fischer	Air:NPS	$ 1,099	100%	Approved
5847	James Rindahl	Air:NPS	$ 1,599	100%	Approved
5848	Jeffery Bert	Air:NPS	$ 2,244	100%	Approved
5849	Leo Delarm	Air:NPS	$ 2,167	100%	Approved
5852	Karl Konecny	Air:NPS	$ 2,795	100%	Approved
5857	Daryl C. Knowles	Air:NPS	$ 790	100%	Approved
5858	John F. Wengert	Air:NPS	$ 2,900	100%	Approved
5859	John Trum	Air:NPS	$ 5,891	100%	Approved
5860	Joseph Berto	Air:NPS	$ 4,250	100%	Approved
5861	Joy Lenora Costello	Air:NPS	$ 2,450	100%	Approved

bold denotes a change from claimed cost or percentage

Tax Credit Applications

App #	Applicant	Type	EQC Action Cost	Percent Allocable	Action
5862	Larry DeYoung	Air:NPS	$ 378	100%	Approved
5863	Max M Hoffman	Air:NPS	$ 6,533	100%	Approved
5864	Ronald S. Sinclair	Air:NPS	$ 419	100%	Approved
5865	Thomas M. Meyers	Air:NPS	$ 22,465	100%	Approved
5866	Carolyn Bella	Air:NPS	$ 1,295	100%	Approved
5867	Stanford Dew	Air:NPS	$ 1,599	100%	Approved
5868	William R. Slavin	Air:NPS	$ 882	100%	Approved
5870	Roger W. Beed	Air:NPS	$ 899	100%	Approved
		218 Total Approvals	**$ 66,020,911**		
5490	McLagan Farms, Inc.	Air:Field Burning			Denied
5494	Joel N. Rohde	Air:Field Burning			Denied
	Certificate Number 4530				Transferred

bold denotes a change from claimed cost or percentage



Columbia River Gorge Air Quality Project

Work Plan

Draft

June 14, 2001

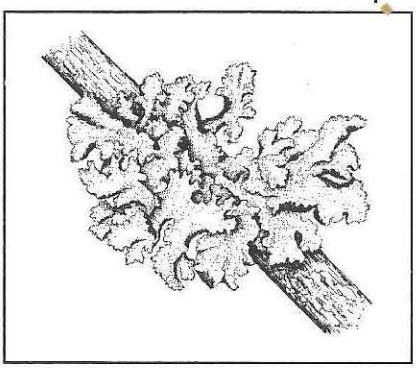
Regional Air Quality Strategy for the Columbia River Gorge National Scenic Area

Principal Writers

David Collier-Oregon Department of Environmental Quality
Phil Allen-Oregon Department of Environmental Quality
Frank Van Haren-Washington Department of Environmental Quality
Annette Liebe-Oregon Department of Environmental Quality
Myron Saikewicz-Washington Department of Ecology
Dara Fredericksen- Washington Office of Trade & Economic Development
Patrick Allen-Oregon Economic & Community Development Department
Dan Burghart-Oregon Economic & Community Development Department
Scott Bailey-Washington Employment Security Department
Nancy Abens-Washington Employment Security Department
Ralph Morris, ENVIRON, Representing Klickitat County
Kent Norvill, Air Science, Representing Klickitat County
Bob Bachman, U.S. Forest service

Special Thanks To

- *Alexander Mikulin* for his drawings of Pacific Northwest Lichen species. Lichen are an important indicator species. They are susceptible to impacts from air pollution, and their study can provide a valuable early warning of unwanted ecosystem impacts and a decline in other natural resources. Alexander's drawings are used several times in this document.



- *The Dalles Mural Society:* The mural "Where Wheat is King" by Robert Thomas is used on page 10 of this document.

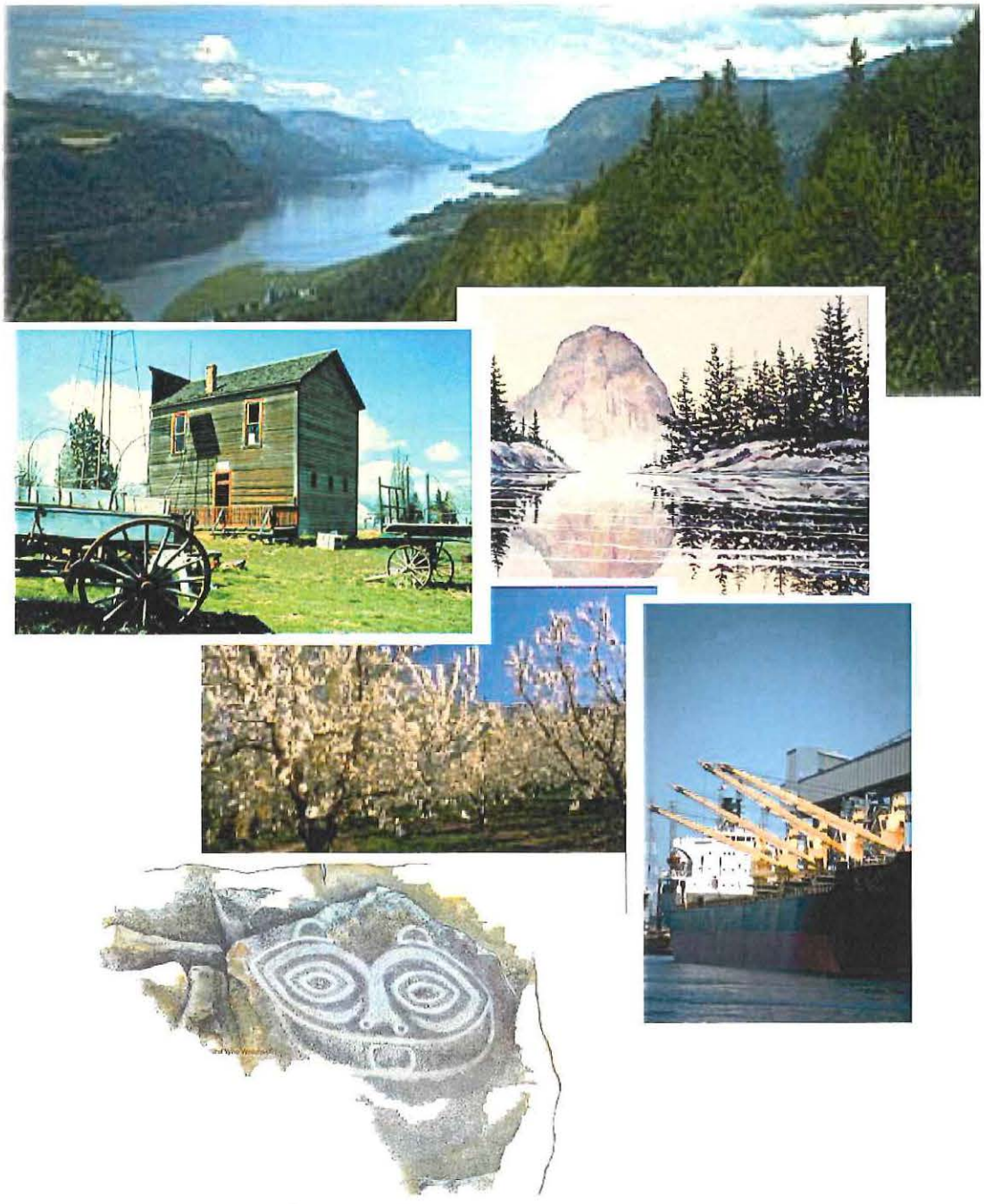
- *Vicky Vance*: Local artist in the Columbia River Gorge Area. Vicky's paintings are used several times in this document.

- Colorado State University: For excerpts from their publication, "Introduction To Visibility", William C. Malm, May 1999.

Columbia Gorge
Air Quality
Project

www.gorgeair.org

Columbia River Gorge National Scenic Area



Columbia River Gorge Air Quality Project

Work Plan

Regional Air Quality Strategy for the Columbia River Gorge National Scenic Area

Volume 1

June 2001

PROJECT MANAGEMENT TEAM MEMBERS

Project Coordination Team

Annette Liebe *Oregon Department of Environmental Quality*	Myron Saikewicz *Washington Department of Ecology*
Dana Peck *Klickitat County*	Heather O'Donnell *Skamania County*
Craig Pridemore, Commissioner *Clark County*	Chuck Thomsen, Commissioner *Hood River County*
Dan Ericksen, Commissioner *Wasco County*	Susan Muir *Multnomah County*
Bob Elliott, Executive Director *Southwest Clean Air Agency*	Bob Bachman *U.S.D.A Forest Service*
Virginia Kelly *U.S.D.A Forest Service*	Dara Fredericksen *Washington Office of Trade and Economic Development*
Patrick Allen *Oregon Economic and Community Development Department*	The Yakama, Umatilla, Warm Springs, and Nez Perce Indian Nations have also been invited to participate on the Coordination Team.

Principal Contributors to the Project Coordination Team

David Collier *Oregon Dept. of Environmental Quality*	Sue Billings *Washington Department of Ecology*
Pamela Brody-Heine *Port of Portland*	Brian Litt *Columbia Gorge Commission Staff*
Kevin Goreman Michael Lang *Friends of the Columbia Gorge*	Anita Gahimer *Port of Skamania County*

Special Thanks to:

Judy Maule, Columbia River Gorge Commission Staff (past)
Andy Ginsburg, Air Quality Division Administrator, Oregon DEQ
Mary Burg, Air Quality Program Manager, Washington DOE
Claire Puchy, Past Director, Columbia River Gorge Commission
Debrah Marriott and staff at the Lower Columbia River Estuary Program
Nancy Jerrick, Counterpoint Consulting, Portland Oregon

For their contributions to this work

Project Technical Team

Phil Allen *Oregon Department of Environmental Quality*	Frank Van Haren, Team Chair *Washington Department of Ecology*
Natalia Kreitzer *Southwest Clean Air Agency (SWCAA)*	Clint Bowman *Washington Department of Ecology*
Sally Otterson *Washington Department of Ecology*	Svetlana Lazarev *Oregon Department of Environmental Quality*
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Mark Schaaf, and Kent Norville Air Science, Representing Klickitat County	Marc Pitchford, *National Oceanic and Atmospheric Administration*
John Vimont, *National Park Service*	Mahbubul Islam *U.S Environmental Protection Agency*

Advisors to the Technical Team Include:

- Mark Green, *Desert Research Institute*

The Technical Team wishes to express its gratitude to those local and national experts in air science who contributed to the technical study plan.

Project Staff

David Collier Oregon Department of Environmental Quality	Sandy Newton Washington Department of Ecology
Larry Altose Washington Department of Ecology	

Table of Contents

Preface

The Columbia River Gorge is an area of astounding beauty and diversity. It is also an area that over 70,000 residents of Oregon and Washington call home. The National Scenic Area Act of 1986 lays out a unique challenge. Namely, to protect and enhance the scenic, natural, cultural, and recreational resources of this National Scenic Area while at the same time supporting the local economies so vital to the area's future prosperity. Meeting these two goals is not always an easy task.

Achieving the goals of the Scenic Area Act will require us to look both locally and regionally at sources influencing air quality in the Gorge, and to develop an air quality strategy that closely involves stakeholders and the public. It is vital to our work that those who care deeply about this area have a voice in making these choices.

We are at the very beginning of this work. There is much we have yet to discover about air quality in the Gorge. We must evaluate its current condition; and identify sources of pollution (both inside and outside the Gorge) that affect air quality. We are still taking our first steps in answering these questions. We must also understand the economic conditions that support so many Gorge communities. Both environmental and economic information will be vital to making informed and equitable decisions about Gorge air quality.

Our first step is to develop this work plan. It is essentially a "road map" that lays out how we will answer important questions about air quality in the Gorge and establishes an open and fair process for decision-making. The work plan does not recommend strategies now. The work plan does lay out a multi-step process for increasing our scientific understanding of air quality in the Gorge and for engaging the public in the development of a regional air quality strategy. This work plan lays out the "Big Picture" view of how we will do this work. Ultimately, the Columbia Gorge Commission will be asked to decide if the strategy options developed through this collaborative process meet the objectives of the Gorge Management Plan and the National Scenic Area Act.

With your help today and in the future, decision-makers will develop an air quality strategy based on sound science that reflects a truly collaborative approach to making decisions about the future of air quality in the Gorge.

Thank You.

Andy Ginsburg
Air Quality Division Administrator
Oregon Department of
Environmental Quality

Mary Burg
Air Program Manager
Washington Department
of Ecology

History of the National Scenic Area Act

The 292,500 acre Columbia River Gorge National Scenic Area (NSA) was created by act of Congress in 1986 (PL92-663, 1986). The purposes of the Act are –

(1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
(2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

The special beauty and value of the Columbia River Gorge has been recognized for centuries. Efforts to provide some special protection for this area began as early as 1937 and continued throughout the following decades. In 1986, President Ronald Reagan signed the Columbia River Gorge National Scenic Area Act, establishing this nation's only National Scenic Area.

Other national legislation such as the Clean Air Act complement the Columbia River Gorge National Scenic Area Act in that emission reduction strategies adopted to protect public health can have the secondary benefit of improving other valued resources. However, the Columbia River Gorge National Scenic Area Act calls for an independent effort to protect and enhance key resources in the Gorge NSA while supporting local economies.

To achieve its purposes, the National Scenic Area Act called for a new partnership between the USDA Forest Service, a bi-state regional planning agency (the Columbia River Gorge Commission), the states of Oregon and Washington, the Southwest Clean Air Agency (SWCAA), and the six counties with land in the Scenic Area. The Act also calls for interagency and tribal cooperation and coordination. The regional air quality strategy process described in this work plan is designed to meet the purposes of the Columbia River Gorge National Scenic Area Act.

Columbia River Gorge Commission

The Columbia River Gorge Commission was authorized by the 1986 Columbia River Gorge National Scenic Area Act (Act) and created through a bi-state compact between Oregon and Washington in 1987. The Commission was established to develop and enforce policies and programs that carry out the purposes of the Act.

The Commission works in partnership with a number of entities to develop and implement a regional Management Plan. Partners include the states of Oregon and Washington, the Southwest Clean Air Agency, the USDA Forest Service, four treaty Indian Tribes -- the Nez Perce, Umatilla, Warm Springs, and Yakama Indian Nations,

Clark, Klickitat, and Skamania counties in Washington, and Hood River, Multnomah, and Wasco counties in Oregon.

Regional Air Quality Strategy

In May 2000, the Gorge Commission approved an air quality amendment to the National Scenic Area Management Plan. The amendment language states that:

"Air quality shall be protected and enhanced, consistent with the purposes of the Scenic Area Act. The States of Oregon and Washington shall: (1) continue to monitor air pollution and visibility levels in the Gorge; (2) conduct an analysis of monitoring and emissions data to identify all sources, both inside and outside the Scenic Area that significantly contribute to air pollution. Based on this analysis, the States shall develop and implement a regional air quality strategy to carry out the purposes of the Scenic Area Act, with the U.S. Forest Service, the Southwest Air Pollution Control Authority [now the Southwest Clean Air Agency] and in consultation with affected stakeholders.

The States and the Forest Service together shall provide annual reports to the Commission on progress made regarding implementation of this policy. The first report shall include a work plan and timeline for gathering/analyzing data and developing and implementing the strategy. The work plan and strategy shall be submitted to the Commission for approval. [1]

Work Plan Development Process

This work plan has been developed over many months through the collaborative efforts of the states of Oregon and Washington; the Southwest Clean Air Agency; Klickitat, Wasco, Skamania, Hood River, Multnomah, and Clark Counties; the U.S Forest Service; local and national experts in the fields of air science; interested stakeholder groups and the public. The inter-agency project coordination team has relied heavily on stakeholder and public input in developing the work plan. The work plan reflects, to the greatest extent possible, the values, priorities, and preferences of these groups for a fair and equitable process leading to a regional air quality strategy that satisfies the dual purposes of the Scenic Area Act. The work plan will be submitted to the Columbia Gorge Commission for their approval in August 2001.

Funding Strategy

Funding to develop this work plan has been provided by the states of Oregon and Washington. The U.S. Environmental Protection Agency has also generously provided initial grant funding to begin the scientific study of Gorge air quality. The U.S. Forest Service will continue to provide $150,000 to $200,000 per year to support on-going air monitoring.

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[1] Management plan amendment language adopted by the Columbia River Gorge Commission on May 9, 2000. SMA Natural Resources Policy 12[pages I-123]

Significant additional funding will be required for the various elements described in this work plan. In the short-term, funding will be necessary to continue the initial study of Gorge air quality and characterization of emission sources. The Technical Foundation Study described in this work plan is the first in a series of studies to characterize the physical and chemical processes influencing air quality in the Gorge. The Foundation Study will lay important groundwork for future phases of the technical study program, and will require approximately one million dollars in funding over the next two years. The states, in cooperation with the Southwest Clean Air Agency, the U.S Forest Service, and other partners such as the U.S Environmental Protection Agency will work to secure funding for the Foundation Study as soon as possible.

Later technical phases will also require significant funding. These phases will provide a more refined and detailed study of chemistry and physical processes in the NSA, including refinement of source apportionment. Later phases will also lead to the development of predictive modeling tools to be used in strategy development. Over the next one-two years, the results of the Technical Foundation Study will be evaluated and a second-phase technical study designed. At that time, we will have a clearer picture of the funding level needed to support the full technical study program.

Additional funding will also be needed to perform econometric analysis as part of the cost-benefit evaluation of strategy options, and to support the overall stakeholder advisory committee and public and stakeholder outreach process. The funding levels described in this work plan reflect an estimated range of costs for economic analysis and for supporting the decision-making process. Costs for economic analysis will vary depending on the number of air quality strategy options evaluated. An initial estimate for economic analysis ranges from $60,000 to $150,000. Securing funding for this work is a vital part of the projects overall fund raising effort.

Funding for this project will likely come from a variety of sources. Once the work plan has been approved by the Columbia Gorge Commission, the air quality agencies will work in consultation with their legislatures, Governors' offices, and Congressional delegations to pursue additional resources.

Profile of the Columbia Gorge National Scenic Area

The Columbia River Gorge National Scenic Area (CRGNSA) is a unique area in which resource-dependant communities exist within an area of great natural beauty. The Columbia River Gorge is a spectacular river canyon, 80 miles long and up to 4,000 feet deep. The Scenic Area is one of the most unique natural systems in the world and includes parts of Clark, Skamania, and Klickitat Counties on the Washington side, and Multmonah, Hood River, and Wasco Counties on the Oregon side (a map of the Scenic Area can be found on page 6). Carved over 40 million years, the Columbia River Gorge cuts the only sea level route through the Cascade Mountain Range. It is more than a natural wonder; the Gorge is a critical transportation corridor and is home to diverse communities, businesses, and farms.

Approximately 75,000[2] people live in communities within in the National Scenic Area. These communities, in the aggregate, have less diversified and more vulnerable economies than many other communities of Washington and Oregon. The metropolitan areas of Portland, Oregon and Vancouver Washington (combined 1999 population of approximately 1.8 million) lie just outside the western entrance to the Scenic Area.

The south rim of the Gorge rises to over 3,000 feet above the Columbia River and boasts several majestic waterfalls. The area affords spectacular views for miles, and harbors the second highest year-round waterfall in the United States.

Climate, geology, soils and other environmental factors combine to create a unique diversity of plant and animal life. A rich and diverse array of cultural resources, some up to 10,000 years old, exist in the National Scenic Area.

Extraordinary recreational opportunities abound in the Scenic Area, including fishing, boating, and hiking. The Columbia River Gorge is also considered the windsurfing capital of the world.

[2] Projection for year 2000. Columbia Gorge Economic Development Association

Located in the Columbia River Gorge National Scenic Area 40 miles east of Portland, Oregon, Bonneville Lock and Dam spans the Columbia and links the two states. Since 1938, hydropower from Bonneville Dam has supplied the northwest region and beyond.

Three deep-water ports lie within the Scenic Area supporting regional industries and international trade. The Gorge area holds over thirty major employers (100+ employees) with combined annual sales of about 0.5 billion dollars.

The diverse character of the Columbia Gorge makes the Columbia River Gorge National Scenic Area one of the most unique areas of the country. This blend of natural beauty and fragile community economies requires a comprehensive and collaborative approach to protecting and enhancing both the scenic resources and economic well being of the area.

Cities Within the Columbia River Gorge National Scenic Area
Population in 1999/2000

OREGON		WASHINGTON	
Cascade Locks	1,085	North Bonneville	513
Hood River	5,135	Stevenson	1,165
Mosier	360	Carson	2,116*
The Dalles	11,880	Home Valley	No Data
		White Salmon	1,913
		Bingen	659
		Lyle	530*
		Dallesport	1,185*
		Wishram/Wishram Heights	324*

Note: just outside the western boundary of the Columbia River Gorge National Scenic Area lay the Oregon cities of Portland, Gresham, Fairview, Wood Village and Troutdale; and the Washington cities of Vancouver, Camas, and Washougal.

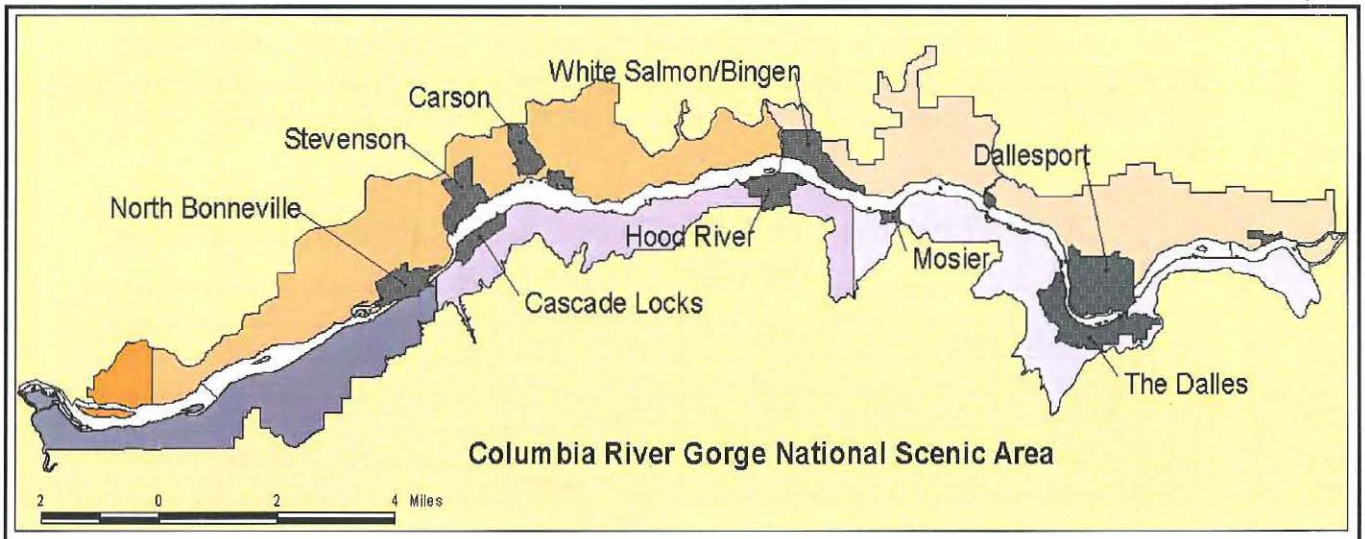
* Estimated from 2000 census.

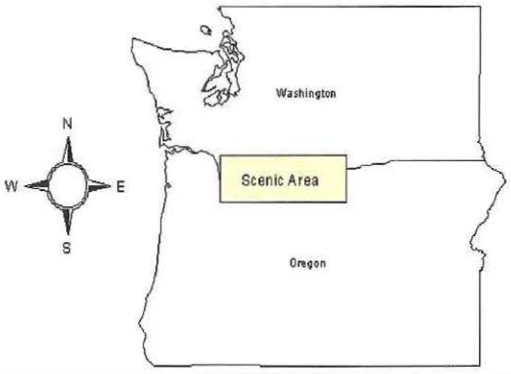
Counties Within the Columbia River Gorge National Scenic Area
Population in 1999/2000

OREGON		WASHINGTON	
Hood River	20,411	Skamania	9,831
Wasco	23,791	Klickitat	19,530
Multnomah*	660,486	Clark*	336,268

* Multnomah and Clark Counties have a portion of their populations within the Columbia River Gorge National Scenic Area, however the majority of Multnomah and Clark County residents live in urban areas outside the NSA. Approximately 1,700 Multnomah County residents and about 260 Clark County residents live within the National Scenic Area boundaries.

Map of Columbia River National Scenic Area

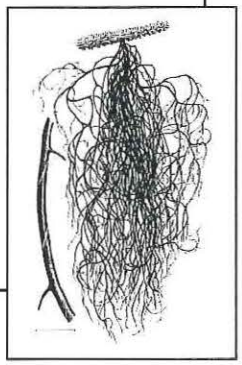




The Columbia River Gorge National Scenic Area cannot assure the reliability or suitability of this information for a particular purpose. Original data was compile from various sources. Spatial information may not meet National Map Accuracy Standards.

Original Data can be downloaded from www.fs.fed.us/r6/columbia/

R.Robles/April 25, 2001/ Columbia Gorge Commission



Northwest Lichen Species

Resources to be Protected Under the Scenic Area Act

Scenic

Protecting the future of scenic vistas within the Gorge is at the heart of the regional air quality strategy. The majestic views encountered throughout the National Scenic Area provide residents and visitors alike a special opportunity to appreciate nature's grandeur and to be inspired by scenes of great beauty. The scenic resources of the Gorge are highly valued in many ways. Enhancing air quality by reducing visibility impairing air pollutants such as ammonium sulfate, ammonium nitrate, as well as organic and elemental carbon, would help protect these scenic resources.

Natural

Because of the wide range of elevation and precipitation in the Gorge, a diverse collection of wildflowers and native plants thrive from the temperate rain forest at Oneonta Gorge to the grasslands at Celilo. The Gorge area boasts fourteen unique species of wildflowers, hundreds of native plant species, and forests. Enhancing air quality by reducing air pollutants such as ozone and acidic aerosols that damage plants and forests would help protect the natural resources and ecosystem diversity that are so important to the Scenic Area.

Cultural

For thousands of years, the Columbia River Gorge has supported flourishing civilizations. Evidence of the Folsom and Marmes people, who crossed the Great Continental Divide from Asia, have been found in local archaeological digs. Excavations at Five Mile Rapids, a few miles east of The Dalles, show that humans have occupied this ideal salmon fishing site for more than 10,000 years. Ancestors of today's Yakama, Warm Springs, Umatilla, and Nez Perce Indian nations as well as many other Native American peoples lived and fished along the river's banks. Evidence of their life and creativity along the river exists today in the ancient petroglyphs and rock art found within the Scenic Area. These important cultural resources can be protected by reducing air acidic aerosols that erode rock surfaces.

Ancient Native American Rock Art in the Gorge, Tsgagalal- "She Who Watches"

Recreational

The Columbia River Gorge is a world class location for hiking, windsurfing, bicycling, sightseeing, climbing, horseback riding, boating, fishing, and more. By protecting scenic, natural, and cultural resources in the NSA the regional air quality strategy will also preserve the recreational appeal and value of the National Scenic Area.

Economic Resources

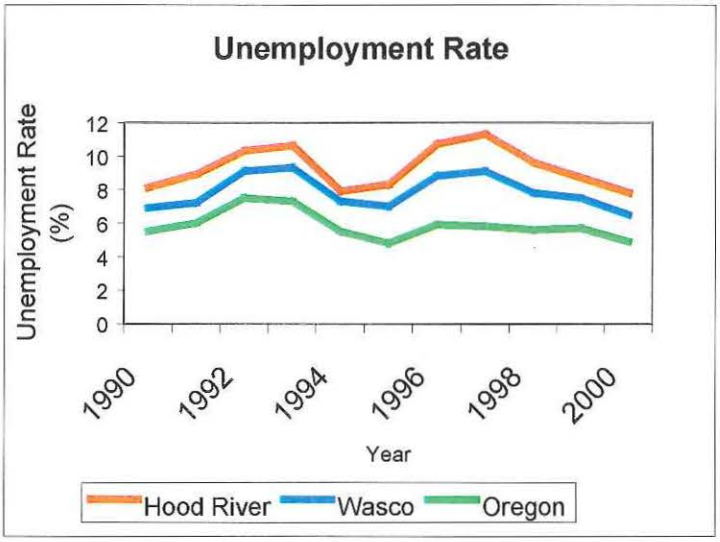
The Columbia River passing through the National Scenic Area is a major transportation route through the Cascade Mountain Range. Improved infrastructure has led to development of largely resource-based industries throughout this corridor. Lumber, aluminum, wool, and flourmills, as well as fish and fruit canneries contribute to local, regional, and international trade. The river continues to carry grain, livestock, lumber, fruit and vegetables grown and processed in the Columbia Basin.

Columbia Gorge Economies-Oregon

The 2000 Census shows total population in Hood River County to be 20,411 persons and 23,791 for Wasco County. This was a strong 20.8% increase in population for Hood River since the 1990 Census, and a slower 9.7% growth rate for Wasco.

	1990 Census	2000 Census	% Change
Oregon	2,842,321	3,421,399	20.4%
Hood River	16,903	20,411	20.8%
Wasco	21,683	23,791	9.7%

Over the 1990 to 1999 period **Hood River** and **Wasco** county total employment grew 22.0% and 24.8% respectively, both, both below the statewide rate of 27.6%. Similarly, wage and income levels in the region lag statewide averages. The 1999 average annual covered wage for Hood River and Wasco counties are $20,643 and $23,382 respectively, compared to a state average wage of $30,867. Hood River County's average wage is the second lowest in Oregon, and Wasco County's is 12th lowest. Agricultural crop production is a large part of the regional economies and, in 1999, was the largest employing sector in both Hood River and Wasco counties. Employment growth in agricultural crops over the 90-99 period was 60.7% and 52.9% for Hood River and Wasco counties, respectively. The unemployment rate in both counties has fallen in recent years, but still remains above the state average. While the general, long-term economic outlook for the region should be positive due to its proximity to Portland, its attractiveness as a tourist destination, and its access to both



Interstate 84 and the Columbia River, several troubling trends are evident. The recent, power supply-induce shutdown of Northwest Aluminum plants in The Dalles, Oregon and in Goldendale, Washington appears to be intermediate-to long-term, and impacts some of the highest-wage jobs in the region. Similarly, global competition in the tree fruit industry is putting extreme price pressure on growers in the region, a trend which appears likely to persist. However, some risks to the economies do exist including the potential impact from lost tourist dollars related to drought, and price pressures on agricultural products grown in the region.

Tourism sectors employed 3,570 people in the Gorge area in 1999, or one employee for every 16 area residents. This ratio is very high compared to other tourism areas in the state. Total tourism industry payroll was $50.3 million and local and state tax receipts were $5.6 million and $2.7 million, respectively.

The Oregon tourism Commission defines the Mt. Hood/Gorge Tourism Region as the **Eastern parts of Clackamas and Multnomah** Counties, Hood River County and North Wasco County. Leaving out East Clackamas County figures, the Oregon side of the Columbia Gorge Scenic Area generated $208.8 million in destination travel spending in 1998. This total includes spending on such activities as accommodations, eating & drinking, food purchases, and ground transport, recreation and retail sales. **Multnomah and Clark Counties** comprise only small portion of the National Scenic Area. The full economic profile of these two counties is not discussed in detail here so as not to unfairly influence the economic picture of the NSA.

About 1,700 of **Multnomah County's** 660,486-person population (about 0.25%) live in the National Scenic Area (2000 Census). In 1990, median household income in this area was 43% higher than the rest of Multnomah County and 41% higher than the State of Oregon. According to the1990 census, over 60% of the workers in this part of the county commute over 20 minutes to work, presumably to the Portland/Vancouver Metro area. Most of the county's land base in the National Scenic Area is National Forest. Private land in the National Scenic Area is a mix of farms, forest, rural residences, and the community of Corbett.

Columbia Gorge Economies-Washington

Skamania County's economy is heavily influenced by land ownership. About 90% of the county is owned by the public—roughly 80% falls within the Gifford Pinchot National Forest, and another 10% is state timberland. Most of the privately-owned acreage is in the southerly strip of land bordering the Columbia River, and so falls under the development rules of the National Scenic Area Act.

With most of the county being timberland, it is no surprise that timber has dominated Skamania County's employment. For years, the majority of jobs in the county were in logging, lumber and wood products, and through the Forest Service. Timber harvests, which topped 350 million board feet through most of the 1980s, began declining in 1989 and bottomed out at 29 million in 1996. Timber-related employment began to deteriorate

in the late 1980's, culminating in the closure of the county's largest private-sector employer, Stevenson Co-Ply, in early 1992, and the subsequent closure of the Forest Service tree nursery later in the decade. A year after Co-Ply closed, the Skamania Lodge opened with about the same number of jobs at considerably lower wages

In 2000, the county had a population of 9,900, a labor force of 4,030, including 2,070 nonfarm jobs, and an unemployment rate of 9.2 percent. As of March 2001, the Skamania County labor force is 3,870, with 460 unemployed—a rate of 11.9 percent compared to the statewide average unemployment rate of 6.1 percent. This means 30 out of 39 Washington counties have lower unemployment rates than Skamania County. About half of the county's labor force migrates out of Skamania County to work in neighboring counties. Half of Skamania County's earned income comes from employment outside of the county. Of the almost $50 million in payroll generated by employers in the county in 1999, almost half came from the public sector. Another 19% came from manufacturing (11% from logging and lumber) and about 15% from other services. The average wage of $24,839 was far below the state average, and per capita income was 79% of the U.S. average and 74% of the state average.

Klickitat County's economy is somewhat more diverse than Skamania's, due in part to more diverse land ownership as well as geography. Klickitat's plateaus have proven suitable for wheat farming and ranching, and its valleys are devoted to fruit orchards. The county also has timberland, with harvests averaging around 100 million board feet per year. The John Day Dam on the Columbia explains in part the presence of the Goldendale Aluminum Smelter, while the dry climate accounts for the landfill in Roosevelt, the second largest municipal solid waste landfill in the nation.

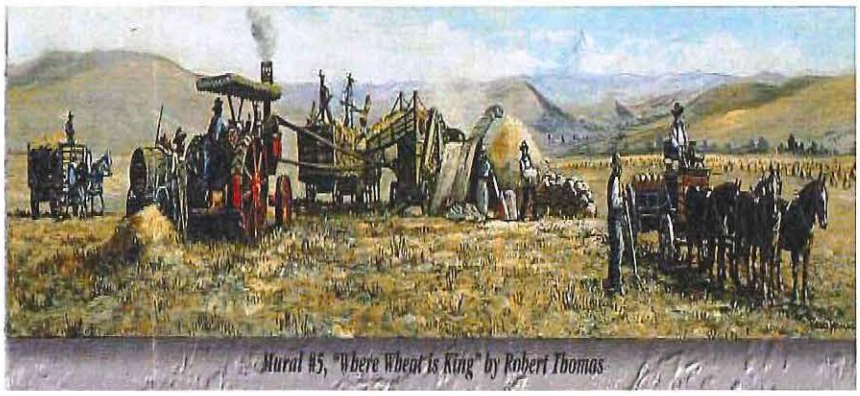
In 2000, Klickitat County had 19,200 residents and a labor force of 8,710. The unemployment rate in Klickitat County for 2000 was 10.4%. Of 1,370 manufacturing jobs, 520 were in logging and lumber and wood products (down from 700 in 1990 and more than double that in 1980), and most of the rest were at the smelter. Total payrolls approached $150 million in 1999. Of that amount, 29% came from the public sector, 10% from timber, and 25% from other manufacturing. The overall average annual wage was $25,586. The unemployment rate for Klickitat County as of March 2001 is 19.4 percent. As with Skamania County, per capita income is far below the state average. Farm income provided 2.5% of total personal income vs. 0.9% for the state as a whole.

At the beginning of 2001, the Goldendale smelter was partially curtailed due to high energy prices from the Bonneville Power Administration (BPA). Currently the company is selling power back to BPA and paying its workers to do facility maintenance so that a labor force is available to re-start production. When production will resume remains unclear.

About 260 of **Clark County's** 336,268-person population live in the National Scenic Area (2000 Census). Most of the county's land base in the National Scenic Area is private farmland and rural residences. The U.S. Fish and Wildlife Service owns one large wildlife refuge, and the Forest Service holds a number of conservation easements.

Connections between Resource Protection and Economic Strength.

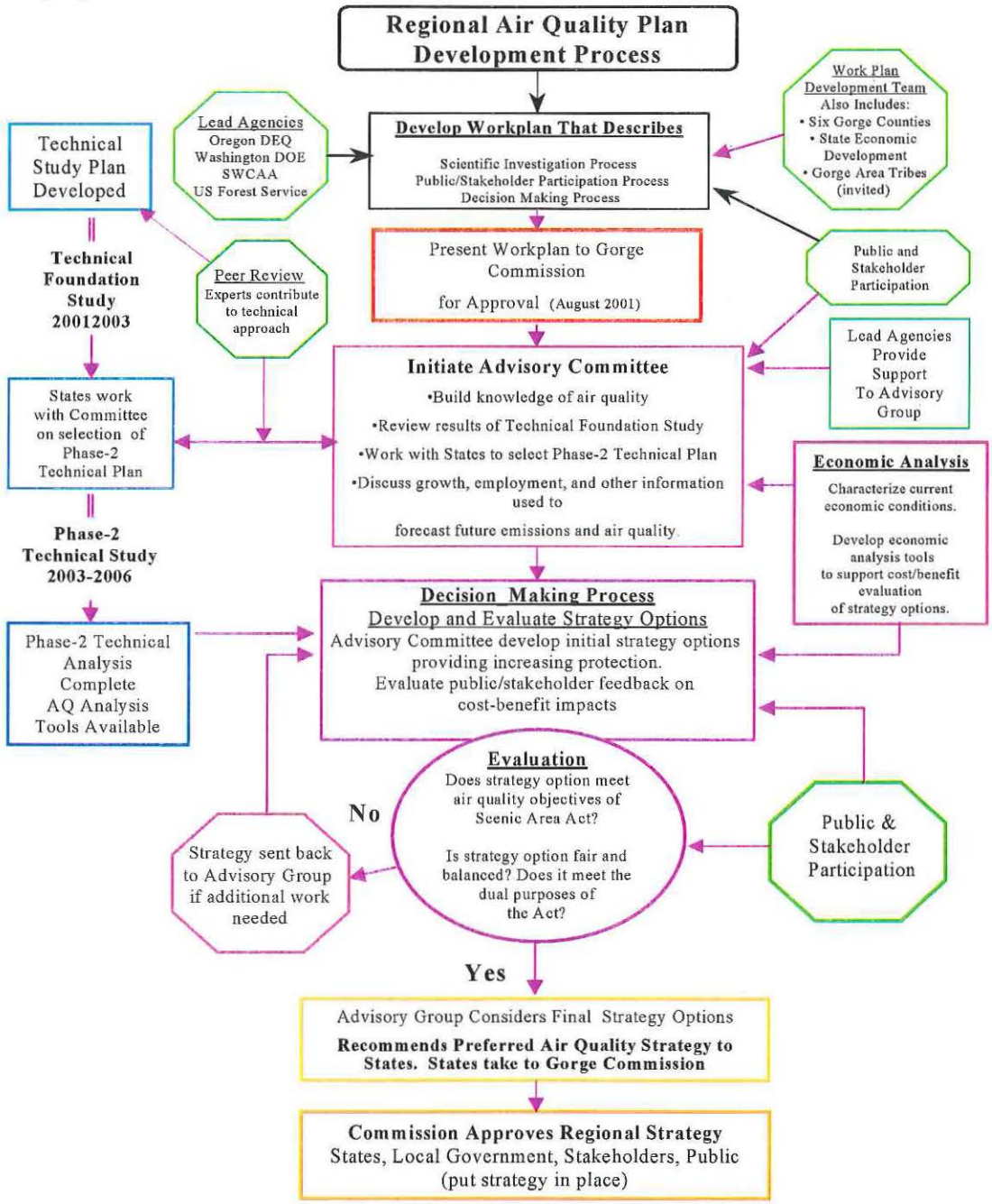
The goals to protect important resources in the Gorge while also supporting local economies are connected in many complex ways. Businesses such as Skamania Lodge and many others rely on the National Scenic Area as a tourist destination. One benefit of enhancing scenic resources would be to protect the tourist appeal of the Gorge. But increased human activity, such as high motor vehicle travel during peak tourist seasons can also degrade air quality. Reducing air pollution to protect natural resources such as native plants and forests will also benefit local farmers and orchardists whose crops can be harmed by air pollution. Many of these complex relationships will be examined by decision-makers as they develop an air quality strategy for the Scenic Area.



Mural #5, "Where Wheat is King" by Robert Thomas

Process for Developing a Regional Air Quality Strategy

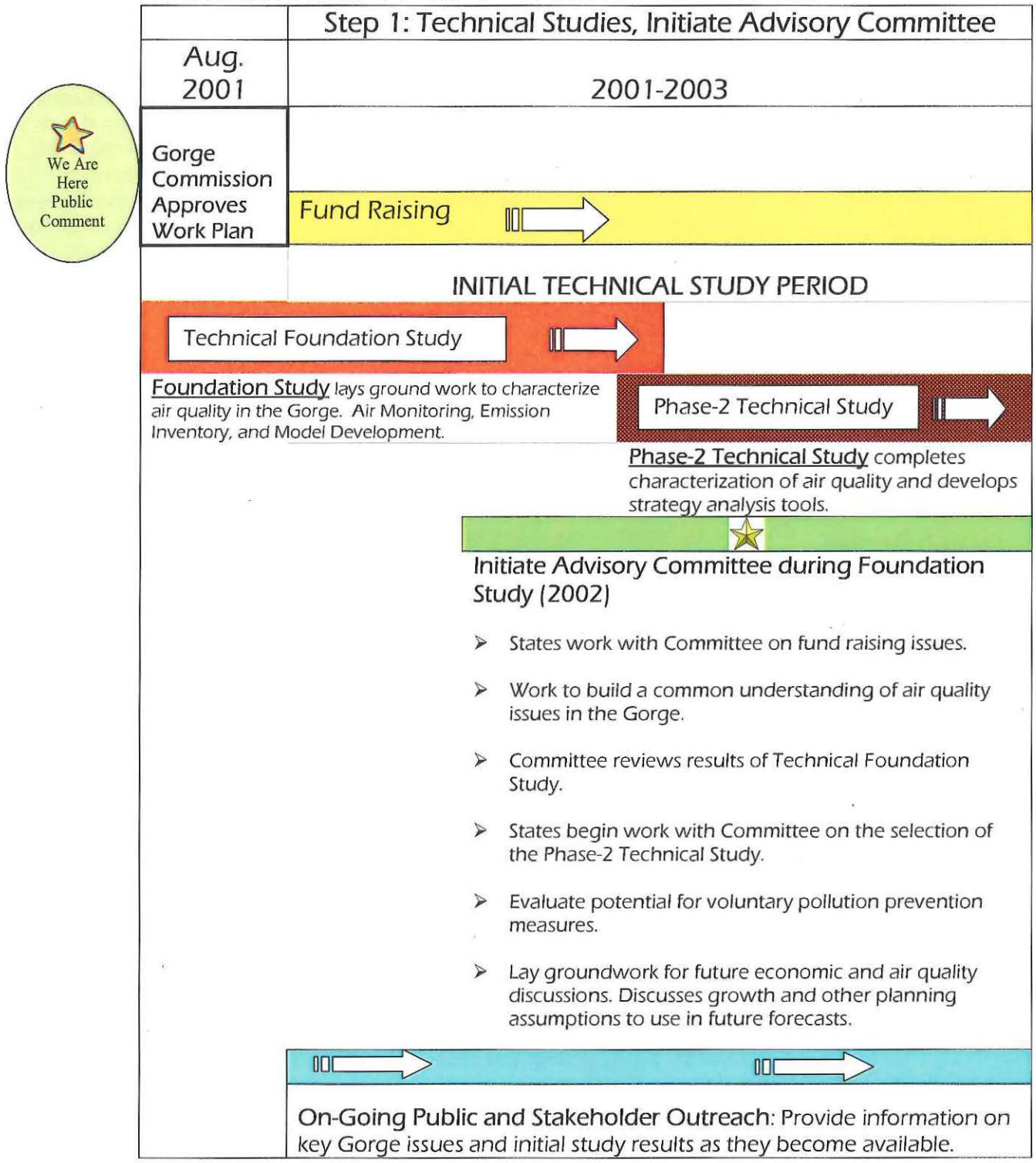
Throughout its many stages the Columbia River Gorge Air Quality Project will require the participation and dedication of many state and federal agencies, local governments, tribes, business, environmental and civic organizations, as well as the general public. The main effort to study and characterize air quality in the Gorge will take place over the next several years. Completing this technical assessment will give decision-makers and the public the information and tools necessary to make good choices about the future of air quality in the Gorge. The following chart shows the process to be used in developing an air quality strategy. This work plan provides a "road map" for all subsequent steps in the project.



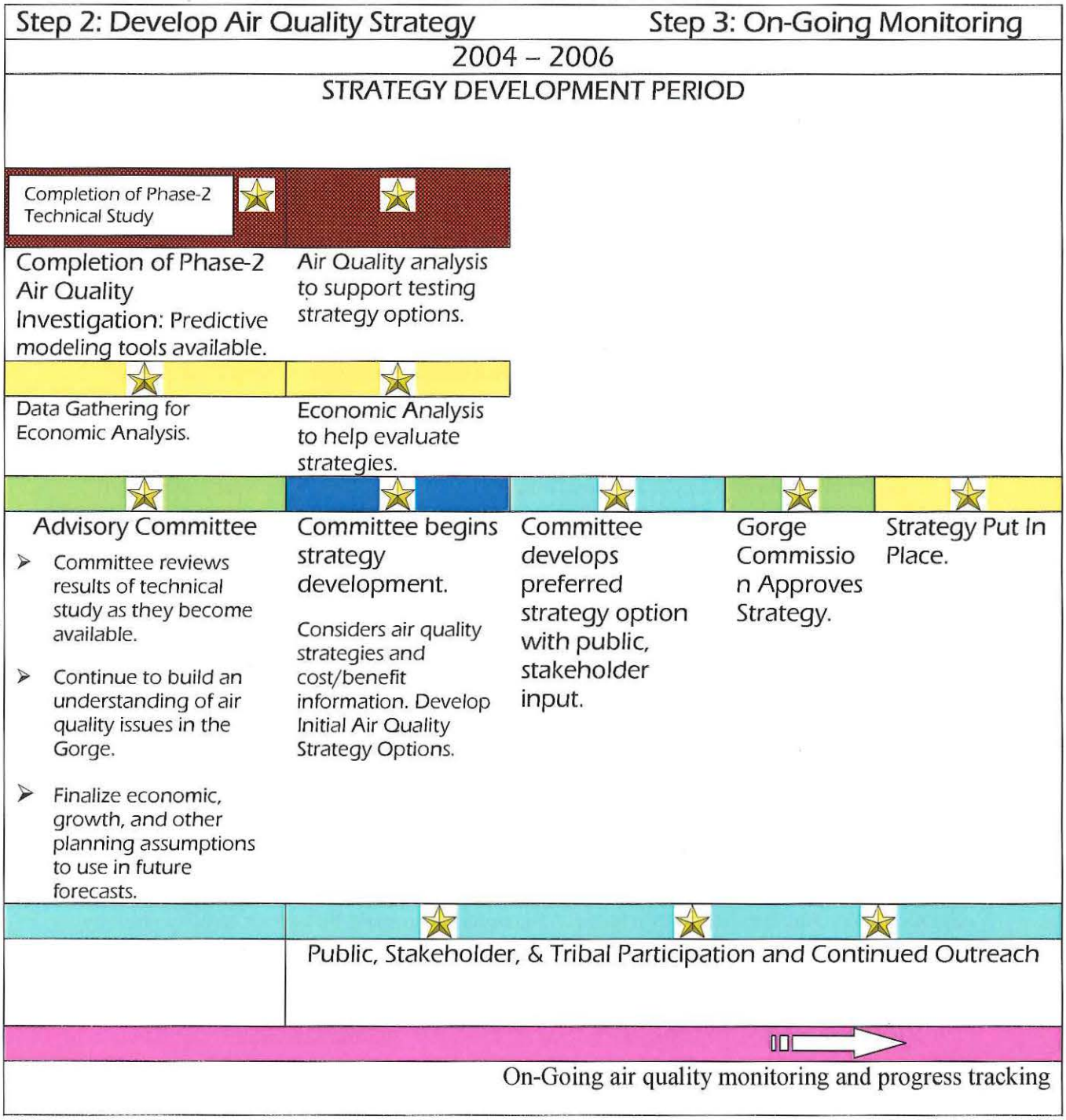
THREE-STEP APPROACH TO AIR QUALITY PROJECT

PHASE	PURPOSE/CONTEXT	TIMELINE
Step-1: Technical Studies Multi-Phased Technical Study Program to Characterize Air Quality and current (baseline) conditions of local Gorge economies	1. Phased, multi-year technical study program to evaluate air quality processes in the Gorge and gather information necessary to characterize air quality and areas of influence. Identify emission sources both inside and outside the Gorge that contribute to air quality in the National Scenic Area. 2. Characterize baseline economic conditions of local Gorge economies. 3. Initiate Stakeholder Advisory Committee: Build understanding of air quality issues, review results of the Foundation Study, work with states and SWCAA to develop second phase of technical study, discuss economic, growth, and other important planning assumptions, discuss potential for voluntary pollution prevention. **Final Products Expected From This Work** 1) Modeling and other tools to support the development of a regional air quality strategy. 2) Thorough understanding of baseline economic conditions.	Some air quality assessment work has already been completed. Further investigation is planned from now, through about 2005-2006.
Step-2: Develop a Comprehensive Air Quality Strategy.	Continue Committee work and stakeholder and tribal involvement process. Citizens/Stakeholder Advisory Group will: 1. **Evaluate results of air quality analysis** and characterization of contributing emission sources. 2. **Develop several strategy options** that protect and enhance air quality, consistent with the purposes of the National Scenic Area Act. Several options may be developed that provide increasing levels of air quality protection. (This process will develop the air quality benefit information needed for a cost/benefit evaluation). 3. **Perform economic analysis** to evaluate the potential impact of strategy options on local economies. (This process will develop the cost information needed for a cost/benefit evaluation). 4. With input from the public, stakeholders, and tribes, **weigh air quality benefits and costs of strategy options and develop a preferred approach** to meeting Management Plan and Scenic Act objectives. Recommend preferred strategy to states. States take recommendation to Gorge Commission. **5. Columbia Gorge Commission approves air quality strategy.** **Final Product Expected From This Work** A regional air quality strategy that meets the dual purposes of the National Scenic Area Act.	The strategy development phase begins when the air quality study is complete (approximately 2005-2006). It is anticipated that strategy development would take approximately 1 year.
Step-3: Implement the Strategy.	State air quality agencies and local governments as necessary put strategy in place. **Final Products Expected From This Work** 1. State and/or federal rules as needed. Local ordinances or other agreements as necessary.	When the strategy development is complete.

CHRONOLOGY OF PROJECT ACTIVITIES



ESTIMATED CHRONOLOGY OF PROJECT ACTIVITIES



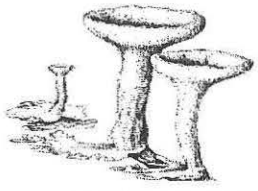
Public Outreach and Involvement

Multiple Audiences and Diverse Cultures

People of diverse backgrounds and cultures live, work, and play in the National Scenic Area. Each have their own values, priorities, and needs. To ensure success in developing a balanced strategy it is vital that all groups feel well represented and have frequent and regular opportunities to participate in decision-making. Bringing all these interests together requires a thoughtful approach to public outreach and participation. It also requires a willingness on the part of the public and stakeholder groups to participate constructively in the process.

People are busy, with many competing personal and professional commitments. It is a challenge to devise public outreach approaches that accommodate these conflicts and encourage participation. A variety of approaches, tools, and techniques will be used to inform and engage the public and stakeholders about air quality and other resource issues in the Gorge. Public understanding and participation will be key to weighing questions of environmental choices and cost-benefit tradeoffs as different options are considered for the regional air quality strategy. Our primary tools and techniques for communicating with the public and stakeholder groups include: *working with local and regional media, special publications, public workshops, town meetings, constituent and public focus groups, surveys, individual meetings with stakeholder groups, discussions with civic organizations, and the project Internet site.* The public and stakeholder outreach work will focus on providing the basic information needed to make informed decisions about the Gorge.

"Hot Button" Issues: There are issues of special importance to Gorge area residents regarding the development of a regional air quality strategy. One such issue can be described as "geographic fairness". Our outreach work will help clarify that the regional strategy will evaluate emission sources from both inside and outside the Gorge, and will not disproportionately or unfairly burden local Gorge communities while allowing significant air quality impacts to continue from sources located outside the National Scenic Area. Another hot button issue is the potential impact that an air quality strategy might have on local economies. Our outreach efforts will describe how economic analysis will be used as part of the strategy development process to evaluate questions of cost-benefit tradeoffs. The public outreach efforts will be strongly oriented towards building trust and strengthening long-term relationships among stakeholders and the public.



Northwest Lichen Species

Target Audiences: An important part of the collaborative approach is to identify the various target audiences, along with their interests, concerns, and information needs. These audiences have various points of view and frames of reference related to managing natural resources in the Gorge. Their voices and perspectives are very important in creating a regional air quality strategy that respects and reflects the diversity of the area.

The target audience for public outreach and involvement include:

- General public of all ages
- Elected Officials
- Local, state, and federal officials
- Technical/scientific community
- Educators
- Native American tribes
- Environmental groups
- Community groups
- Civic organizations
- Industries
- Ports
- Agricultural interests
- Labor
- Recreational users
- Media

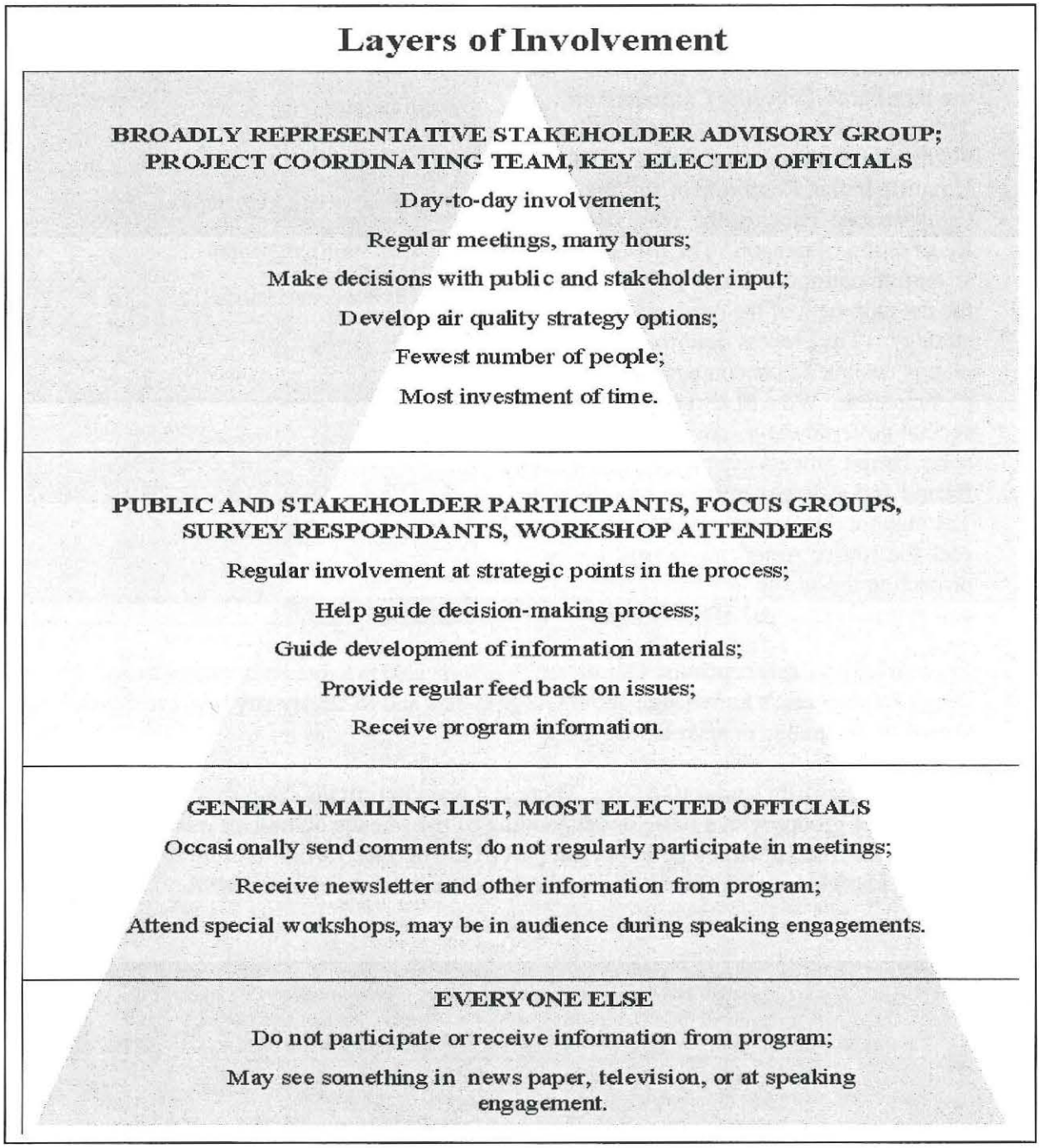
Native American Tribes: Four federated tribes have treaty rights and cultural ties to the Columbia Gorge National Scenic Area: the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon. The tribes are sovereign nations and have a special place in the development of the regional air quality strategy. The process described in this work plan is designed to encourage tribal participation. We will also continue the special government-to-government consultation process established between the federal and state governments and the tribes. Throughout this process we will continue to seek the Native American perspective on protecting the scenic, natural, recreational, and cultural resources of the Gorge.

Perceptions/Misperceptions: Our outreach efforts also provide an opportunity to increase the public's knowledge about Gorge issues and to clarify any misperceptions shared by the public or stakeholder groups.

Baseline Scientific Understanding: There is a need to provide the public and stakeholder groups with a basic understanding of the science behind air quality impacts in the Scenic Area. It will be an important part of the outreach work to build this common level of knowledge about air quality and other resources issues in the NSA.

Layers of Involvement

It must be recognized that in any process such as this, different segments of a community participate in different ways and at different levels. To meet differing needs the public outreach and participation effort will include a variety of tools and methods to provide opportunities for all citizens to have a voice in the process. The multiple layers of involvement are summarized here.

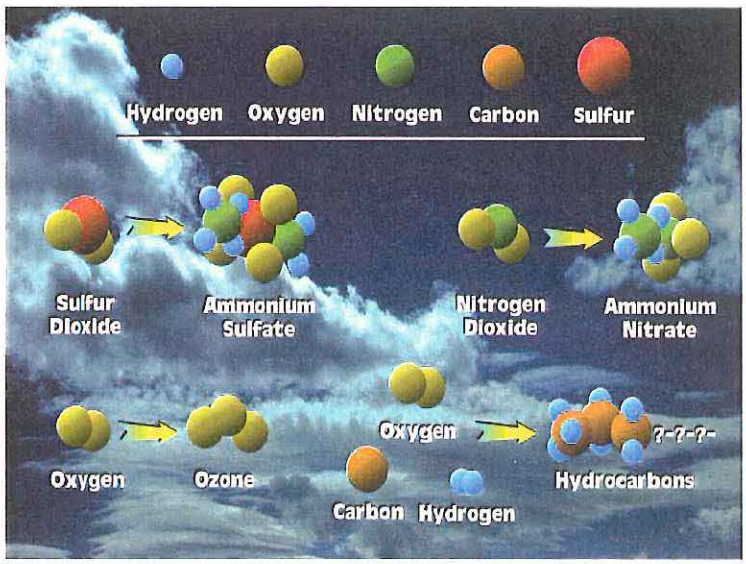


SCIENCE AND AIR QUALITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

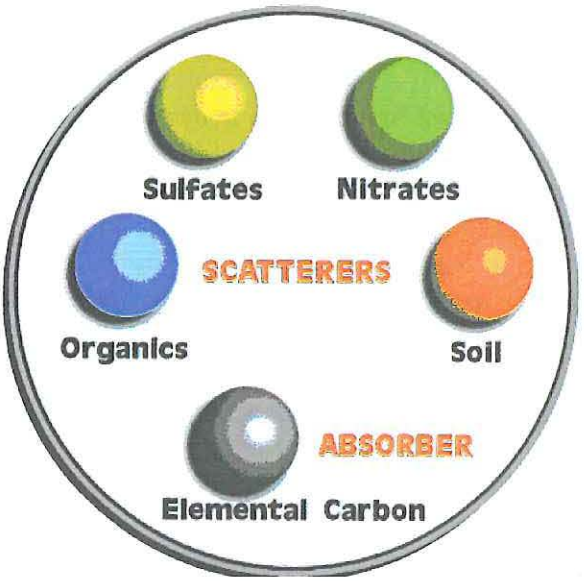
To protect and enhance the scenic, natural, recreational, and cultural resources of the NSA we must first come to understand the air pollution characteristics and impacts that may threaten those resources. Scenic resources relate to "visibility", or our ability to view scenic vistas within the Gorge. These vistas are naturally limited during certain times of the year by normal weather conditions (clouds, fog, rain, etc.), and also by other natural processes such as pollen, smoke from wildfires, and by the normal scattering of light by molecules in our atmosphere. However, during many parts of the year, scenic resources are degraded by human-caused air pollution, reducing the scenic and natural beauty of the Gorge, and degrading the recreational appeal of the Scenic Area on which much of the local tourism economy depends.

Air pollution that impairs visibility may also have unwanted affects on natural resources such as local forests, and on cultural resources such as ancient Native American rock art. Air pollution that impairs visibility may also have adverse impacts on local agricultural commodities, which in turn affects the local economy. The foundation of the Columbia River Gorge Air Quality Project is the study and characterization of air quality in the Gorge, and the identification of air pollution sources, both inside and outside the Gorge, that significantly impact the National Scenic Area. Protecting "air quality" goes beyond just visibility impairing pollutants to include other air pollutants such as ground-level ozone that can also damage ecosystems and natural resources.

Air pollution aerosols, whether they are man-made or natural, are said to be either *primary* or *secondary* in nature. Primary refers to gases or particles emitted from a source directly, while secondary aerosols refer to gases or particles that are formed in the atmosphere through a series of complex reactions. Primary particles include smoke from fires, soot from diesels, fly ash from the burning of coal, and wind blown dust. Primary gaseous emissions of concern include sulfur dioxides and nitrogen oxides that result from any type of combustion. Secondary aerosols include Sulfates and Nitrates, such as ammonium sulfate and ammonium nitrate formed in the atmosphere when sulfur dioxide and nitrogen dioxide gases combine with ammonia.



There are five atoms that play significant roles in the air quality chemistry that affects visibility: hydrogen (H), oxygen (O), nitrogen (N), Carbon (C), and Sulfur (S). Through complex sets of chemical reactions, gases are formed that react to form particles that reduce visibility, impact human health, affect ecosystems, or cause deterioration of materials such as metals or rock art. Sulfur dioxide reacts to form ammonium sulfate; nitrogen oxide forms ammonium nitrate; oxygen is converted to ozone; and carbon, hydrogen, and oxygen form a variety of hydrocarbon particles.



Your ability to see a scenic vista depends on the amount of light reaching your eye. Sunlight carries the image of a scenic view through the atmosphere to the person observing. Pollutants reduce the ability to see detail in a scenic vista by ***scattering*** and ***absorbing*** light. Nitrates and Sulfates are very efficient light scatterers. Organic compounds and fine soil also scatter light, and elemental carbon is a light absorber. The greater the concentration of these particles in the atmosphere the more light is scattered and absorbed, and the more the ability to see a scenic vista is impaired. There are many natural processes that also scatter light. Air molecules in pure air scatter light. Light reflected from the ground or from clouds can also impair an observer's view. Man-made pollutants add to this effect by further degrading visibility.

The study of air quality in the Gorge will focus on the role of these five main visibility-impairing aerosols. We will study daily, monthly, and seasonal changes of these particles, the meteorology that affects aerosol formation, and identify the geographic regions and emission source types that contribute these pollutants to the NSA.

The study will also evaluate ozone impacts within the Gorge. Ground-level ozone forms though a complex set of chemical reactions when volatile organic compounds and oxides of nitrogen react in the presence of strong sunlight. Ozone impacts can damage forests and other ecosystem resources as well as agricultural crops.

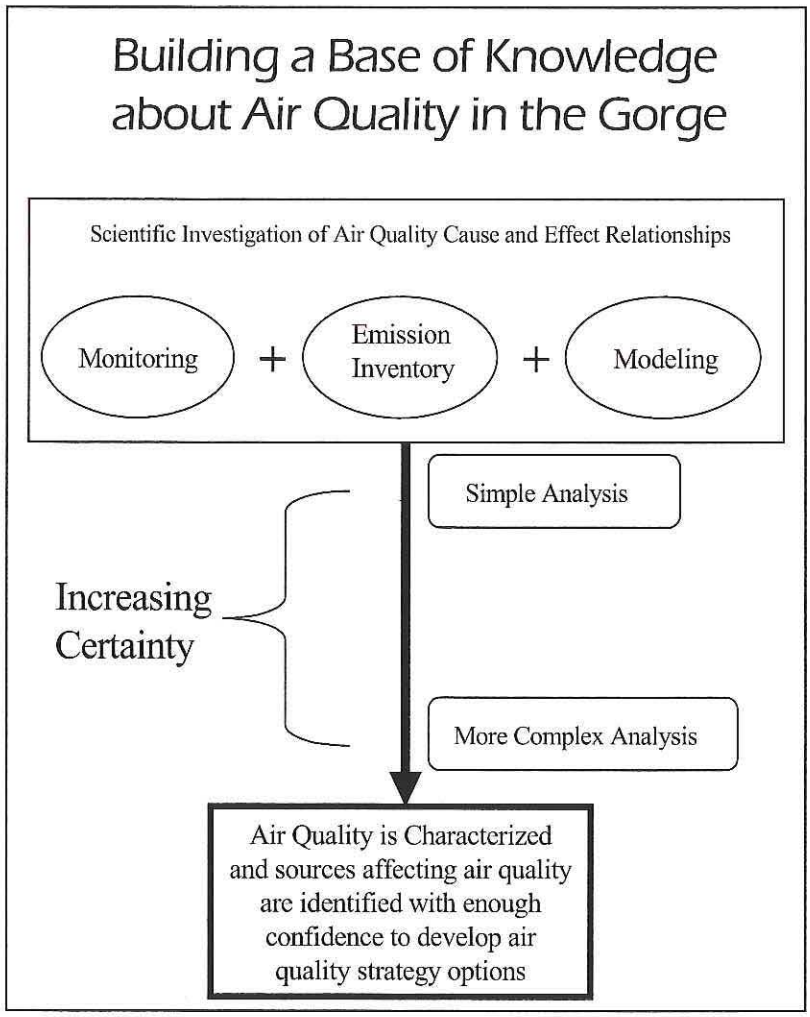
Building a Base of Knowledge about Air Quality

There are three related areas of scientific investigation that work in concert to provide answers about air quality: **Monitoring, Emission Inventory, and Modeling.**

- **Monitoring** – measures what's actually in the air, and provides information about which pollutants are impacting a specific location during a specific period. Monitoring provides information on the physical and chemical processes influencing air quality and also provides important information about meteorology.

- **Emission Inventory** – gives us information about the sources of air pollution, the type of pollutants they emit, where sources are located geographically, when pollution is being emitted and how much pollution is being emitted.

- **Modeling** – allows us to combine the emission information with meteorology and other factors to simulate actual measured air quality in the Gorge, and to test hypothetical emission reduction strategies for the future. Modeling and emission inventory techniques will be key analysis tools used to support the development of air quality strategy options.



To build certainty in our knowledge about sources affecting air quality, several forms of analysis will be employed – from simple to complex. The more complex the analysis, the more detail and refinement is required in the areas of monitoring, emission inventory, and modeling.

At each step in the analysis we will learn more about the emission sources, both inside and outside the Scenic Area. If each type of analysis produces the same or similar results, then our confidence in the results increases. Although each step in the analysis may give us information about cause and effect relationships, very often, especially in the early stages, an analysis may elicit additional questions.

Eventually we will reach a point in the analysis where reasonable conclusions can be made about contributing emission sources.

Summary of Existing Air Quality Knowledge: What we know

Monitoring of visibility, air quality, and ecosystem conditions has been ongoing in the Scenic Area since 1993. Visibility has been monitored at two sites, one near the west end (Mt. Zion, since 1996) and another near the east end (Wishram, since 1993). Monitoring of ozone and acid deposition (through lichen sampling) has also occurred since 1993. We have much more to learn about air quality and it's cause and effect relationships: such as understanding the complex meteorology, the physical and chemical processes, and the major source types and source regions that affect the Scenic Area. The following are some highlights of what we know so far.

Visibility in the west end of the Scenic Area: very small particles of sulfate in the air are the most significant contributors to visibility impairment, followed by organic carbon and nitrate. On average, visibility is worse in the summer and early fall and better in the winter, excluding natural causes such as rain, clouds and fog. Poor summer visibility can be mostly attributed to significantly high sulfate levels. Visibility on average is worse in the west end than the east end. Much of this difference is due to the fact that the types of pollutants present in the west end, such as sulfate particles, are more efficient at impairing visibility under the higher relative humidity found there. Geographic source regions of pollutant-laden air reaching the west end in summer are generally the industrialized and populated areas west of the Cascades from Vancouver B.C. southward to Eugene, internal sources, and in rare instances, pollutant impacts from as far away as Asia have been identified.

Visibility in the east end of the Scenic Area: very small particles of sulfate are a significant source of visibility impairment, but are not as large a contributor to impairment as in the west end. Organic carbon and nitrate are also significant contributors to impairment. On average, visibility is worse in the late fall and winter and better in the summer, excluding natural causes such as rain, clouds and fog. This is the opposite of observed conditions at the west end of the NSA. Poor winter visibility levels can mostly be attributed to a relative increase in nitrate. Visibility on average is better in the eastern Gorge than the west end largely because of lower relative humidity.

Although we have not identified specific sources that contribute to visibility impairment in the Scenic Area, we do know the types of sources on a regional basis that emit pollutants that have the *potential* to impair visibility. These are:

- sulfate – from combustion of fuels containing sulfur, such as coal-fired power plants, and any form of diesel fuel and oil fired combustion.
- nitrate – from any high temperature fuel combustion, mostly motor vehicles, also industrial boilers.
- organic carbon – from wood burning, motor vehicles, industrial processes, restaurants, and natural sources.
- elemental carbon – soot from wood burning and diesel engines.
- soil – windblown dust, road dust, agricultural and construction activities.

Emission inventories of these pollutants are being completed and refined in each state. These inventories will support the initial air quality study, and later the development of air quality strategy options.

From the monitoring and analysis of lichen species in the Scenic Area, we know that air pollution is likely causing some level of ecosystem disturbance. Lichen species that are sensitive to sulfur pollution are largely absent in the Scenic Area and those that thrive in high nitrogen polluted conditions are abundant. This is an indicator of unnatural environmental conditions for the NSA ecosystem.

Ozone (smog) in the eastern portion of the Scenic Area has been measured at levels that are known to harm vegetation.

Meteorology and climate

The meteorology and climatic conditions in the Scenic Area and surrounding source regions are in general terms well known. However, the specific structure of the horizontal and vertical winds, associated turbulent air motions, moisture, and temperatures, as well as the structure in side canyons and entry points, has not been well studied or documented. This detailed understanding is crucial to the success of computer modeling simulations that would be used to identify sources and their relative contribution to air quality in the Scenic Area.

Of particular note are the predominantly west, and often strong, winds through the Gorge in the summer and the transition seasons. In a few months during the winter the pattern reverses with moist easterly, and often strong winds bringing Columbia Basin air through the Gorge toward the west. In very general terms these wind and weather regimes are controlled by high pressure over the Pacific in the summer with relatively lower pressure in the Columbia Basin. This pattern reverses in winter with relatively lower pressure to the west and high pressure over the Columbia Basin. Winds tend to blow away from areas of higher pressure – this combined with the channeling effects of the Gorge is a significant contributor to the unique climate in the Gorge.

The meteorological parameters of most interest in the proposed technical studies are the 3-dimemsional wind components, including the turbulent intensities, and the 3 dimensional moisture fields (relative humidity). The wind fields determine the transport and dispersion of air pollutants, while the moisture fields affect gas-to-particle conversion, particle growth, and deposition. Available meteorological information in or near the Scenic Area currently consists mainly of a few surface monitoring sites.

What We Don't Know: Physical and chemical processes in the Gorge

There is much that we do not know about the physical and chemical process of air pollution within the NSA. The topography, meteorological conditions, emission sources, and chemical transformations in and around the Scenic Area are very complex. A better understanding of these processes is necessary in order to evaluate cause-and-effect relationships between emissions and air pollution in the Gorge. Some of the key questions that need further study include better defining the contribution of emission sources from areas west and east of the NSA as well as the contribution from sources within the Gorge.

Other sources of air quality information

More detailed discussion of existing air quality knowledge and assessment needs is in Appendix A: "Columbia River Gorge Visibility and Air Quality Study, Working Draft: Existing Knowledge and Additional Recommended Scientific Assessment to Consider, June 2001."

Meteorology and other factors influencing chemical transformation within the Gorge must be better understood. It is important to better understand seasonal changes in air pollution, and to better identify the key geographic areas in the region that significantly contribute to air pollution in the Gorge. It is also necessary to better define and understand the characteristics of sulfates, nitrates, ammonia, organic and elemental carbon in the formation of visibility impairing pollutants, and the impacts from ground-level ozone within the NSA.

Improving our Understanding of Gorge Air Quality-Building Tools Needed For Strategy Development

Earlier this year the project technical team consulted several national experts in air science to help develop an initial approach for studying air quality in the Scenic Area. These independent experts helped the technical team evaluate existing knowledge of air quality in the NSA, and assisted the team in identifying areas where additional study is needed.

In March 2001, this initial technical assessment was presented to a work group of over 50 local, national, and international air science experts to get their ideas. This peer review workshop provided a forum for attendees to share their experience and expertise with our technical team. Attendees offered useful insight into our draft study plan, each drawing from their field of expertise in air monitoring, modeling, and chemistry. The technical team has drawn from all the suggestions offered at the workshop to develop a **phased approach** for improving our understanding of Gorge Air Quality and for building the analytical tools needed for strategy development. Monitoring, modeling and emission inventory work necessary to meet the study objectives and goals are proposed to occur in each of three distinct phases of study.

The first phase of technical work, called the **Foundation Study**, will begin to better characterize the physical and chemical processes influencing air quality in the Gorge. The Foundation Study will lay the ground work for identifying emission sources, both

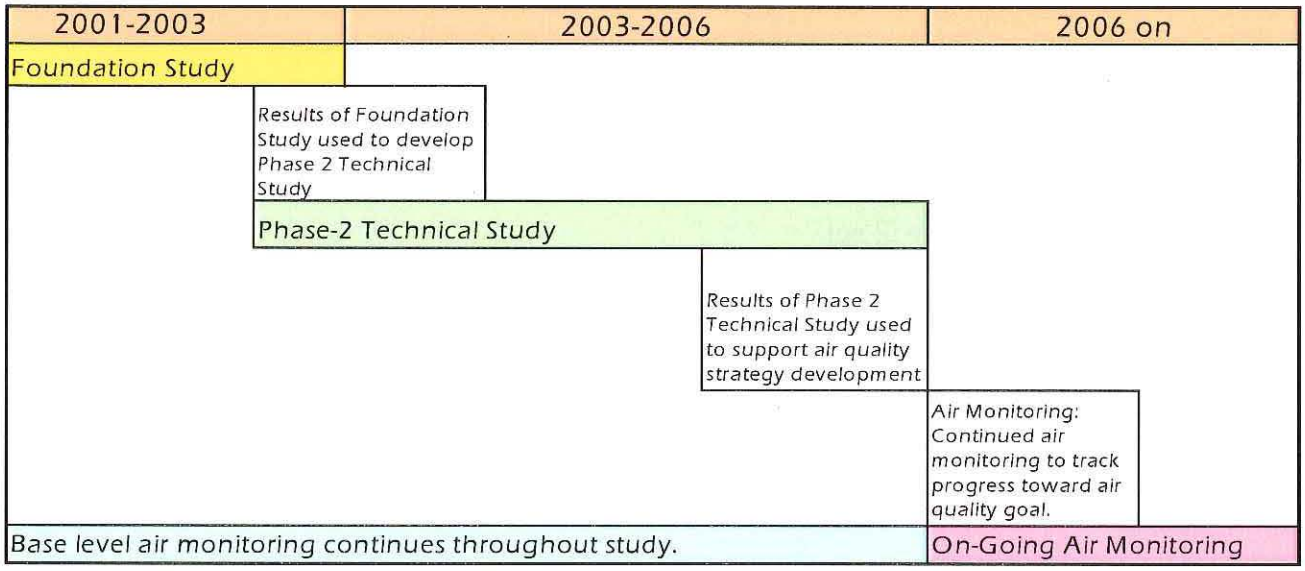
inside and outside the Scenic Area, that significantly contribute to air pollution in the Gorge. The Foundation Study is not sufficient by itself to support the development of air quality strategies, but will allow decision-makers to make more informed choices about the next phase of scientific study.

Results of the Foundation Study will be used to develop the **second phase technical study**. The second phase study will be designed to refine and verify our understanding of the physical and chemical processes influencing air quality in the Gorge. The Phase-2 technical program will provide for the identification of contributing emission sources and source areas, and for the final development, testing, validation, and selection of air quality predictive models to be used by decision-makers in strategy development.

Once an air quality strategy has been developed, on-going air quality monitoring will be needed to track and evaluate progress in meeting air quality goals. This on-going monitoring is phase-3 of the technical study plan. Basic air monitoring at the west and east entrances of the NSA has existed for several years and will continue throughout the upcoming study phases. Depending on the final air quality strategy, it may be necessary to expand the monitoring network to better evaluate air quality trends in the NSA.

The technical study program for the Columbia River Gorge Air Quality Project will not evaluate all air pollutant concerns, but will focus primarily on visibility and ozone. Separate state and federal programs exist that address air toxics and public health-based air quality standards.

General Chronology of Phased Technical Study Approach.



Funding Strategy: Funding for technical study and on-going monitoring. Chronology assumes availability of funding.

Summary of Scientific Investigation

Phase 1-Foundation Study: The focus of the Foundation Study is to characterize the physical, meteorological and chemical processes governing air quality and visibility within the Scenic Area. The results of the study will guide the final development and recommendation of the Phase-2 study plan. Development of the Phase-2 technical study plan will begin as the Foundation Study nears completion.

The Foundation Study will:

- evaluate air quality information from both inside and outside the NSA.
- make gaseous, particulate, and visibility measurements to help define the role of various pollutants in air quality and visibility impairment and to resolve potential discrepancies between measured and reconstructed haze levels.
- expand monitoring to areas outside the NSA.
- make meteorological measurements within the Scenic Area to define meteorological features currently not well understood (e.g., wind flow over the rim, through the Gorge and side canyons).
- develop an initial conceptual framework of the physical and chemical processes governing air quality in the Scenic Area.
- refine emission inventories in areas and times that are important to the physical and chemical processes and important for supporting modeling work.
- conduct survey level source attribution modeling to give us an initial idea of *potential* source regions and *potential* source types (inside and outside the NSA) responsible for air pollution in the Scenic Area.
- evaluate the strengths and weaknesses of predictive model candidates.
- identify the key chemical and physical processes that must be emphasized to obtain adequate predictive modeling capabilities.
- identify modeling and measurement approaches for use in Phase-2.

The Foundation Study will not:

- result in the final selection of a model capable of predicting air quality under various emission management scenarios.
- identify specific sources that contribute to air pollution in the Scenic Area.
- provide sufficient information from which to develop air quality strategies.

Completion of the Foundation Study is anticipated to occur 18 to 24 months from date of funding.

Estimated Cost of the Foundation Study

Ambient monitoring -	$ 845,000
Meteorological monitoring -	$ 200,000
Emission inventory refinement -	$ 50,000
Model evaluation and survey modeling -	$ 210,000
Data - QA, analysis & management -	$ 125,000
Project management -	$ 75,000
Total:	$1,505,000
Already funded:	$ 450,000
Estimated additional funding needed:	**$1,055,000**

Phase 2- Next Steps After Foundation Study

The Foundation Study will take approximately 18 to 24 months to complete. Results will guide development of the second phase technical study program. The Phase-2 Technical Study will provide the information and analysis tools needed for decision-makers to develop an air quality strategy for the Scenic Area.

The states will work with the Stakeholder Advisory Committee (established in subsequent sections of this work plan) to evaluate and select the Phase-2 study plan. The states will also seek comment on the Phase-2 study plan from independent technical experts, stakeholder groups, tribes, and the public. A recommended Phase-2 study program will be submitted to the Columbia Gorge Commission for approval as an amendment to this work plan. Given the time needed for fundraising and to initiate and complete the Foundation Study, it is anticipated that the Phase-2 study program would be developed in the 2002-2003 time frame.

A range of technical study issues for Phase-2 has been investigated and is discussed in detail in Appendix A: "Columbia River Gorge Visibility and Air Quality Study – Working Draft: Existing Knowledge and Additional Recommended Scientific Assessment to Consider", June 2001, Green et al. The final recommended Phase-2 study plan will depend on the results of the Foundation Study and the sophistication needed to develop strategy alternatives. Completion of the Phase-2 technical work is anticipated to occur 24 to 36 months after completion of the Foundation Study.

Summary of Key Program Elements: Monitoring, Emissions Inventory and Modeling

Each phase of technical study will improve our knowledge in all three key areas needed for air quality analysis: Monitoring, Emissions Inventory, and Modeling. A general overview of these three programs is provided below, followed by a summary of the Technical Foundation Study. A detailed description of the Technical Foundation Study, together with a detailed discussion of overall technical issues is included in Appendix A.

Monitoring Program

A monitoring program is proposed that will lead to understanding the physical and chemical processes occurring in the Scenic Area (i.e., a conceptual framework). This will help us identify emission sources that are contributing to impacts on visibility, cultural resources, agricultural health, ecosystem disturbance, and ozone effects on vegetation and humans. The monitoring will also help evaluate: 1) the chemical and physical processes that quantitative air quality predictive models must simulate, 2) provide information for input to these models, and 3) help evaluate the accuracy of the models. The monitoring will also help with the evaluation and development of the emission estimates for sources.

Many of the measurements in the monitoring program will be conducted within the Scenic Area and regions nearby. Because the Scenic Area is the receptor of pollutants emanating from many regions, it is important to measure air quality impacts and meteorological conditions inside the Scenic Area to better understand what, when, and where the pollutants come from.

The initial monitoring work and analysis of monitoring results is anticipated to be completed 18 months from date of commencement. The Phase-2 technical study will expand air monitoring to include greater refinement of air chemistry, and may involve one to two month summer and winter intensive studies. After the initial study is complete, a continuous long-term trends monitoring program will be needed to track the progress of any implemented strategy. All proposed monitoring is in addition to the routine long-term monitoring currently being conducted in the Scenic Area at the Mt. Zion (west end) and Wishram (east end) sites. Monitoring at these sites is cooperatively funded and operated by the USFS, WDOE, and ODEQ. It is anticipated that these sites will continue to operate for the long-term.

Emission Inventory Program

A good emissions inventory is a necessary component to understand air quality, identify contributing sources, and evaluate alternative emissions scenarios. An emissions inventory including SO2, NO_X, NH3, speciated VOC, and speciated primary PM is needed. This includes emissions from all potential source types affecting the Scenic Area – industry, mobile sources (e.g. vehicles, ships, trains, aircraft), area sources (e.g. woodstoves, outdoor burning, solvent use, agriculture), and biogenics (e.g. natural emissions from vegetation). Efforts are underway, as described below, to produce a more refined inventory for the Pacific Northwest; however, verification with measurements will be necessary to evaluate the accuracy of the inventory.

Oregon and Washington have been involved in emissions inventory preparation for many years. Inventories have been prepared in response to federal and state requirements for point source reporting, State Implementation Plans (SIPs) for visibility and individual criteria air pollutants, and various special studies. With the increased emphasis on

regional issues such as ozone and haze, Idaho, Oregon, Washington and other agencies and institutions initiated the formation of the Northwest Regional Technical Center (NWRTC), and an initial demonstration project to test an applicable air quality model is in progress. An important part of this project will be the preparation and testing of an accurate emissions inventory.

The states have identified emission categories needing additional data or refinement. Some areas in need of additional work include residential woodstoves, residential outdoor burning, commercial marine vessels, railroads, and biogenics. The states have requested and received special funding to complete these inventories. In addition to the regional inventory projects that were funded, Oregon received special funding to obtain stack parameters for point sources, inventory emissions from aircraft, evaluate ammonia emission factors, and other work as resources allowed. Results from the funded work are expected during the summer of 2001.

The emission inventory will be modified and enhanced as needed to support further air quality assessment and strategy development for the NSA.

Air Quality Modeling Program

Air quality "models" use mathematical equations to estimate the contributions made to air quality from a variety of emission sources throughout a geographic area. Air quality models use current emissions and other factors such as meteorology, chemical transformation, and emissions transport characteristics to estimate ambient air quality impacts. Air quality models can also be used with a forecast of future emissions to estimate air quality conditions in the future.

Air quality models will provide the tools, together with the monitoring program, for 1) source apportionment (determining the source of emissions that impact the Scenic Area), and 2) prediction of future impacts needed to evaluate control strategy alternatives.

Source apportionment of current emissions.

Models can be used to help verify and describe the cause-and-effect relationships suggested by monitored data. When there is reasonable agreement between monitored values and modeled estimates, then there is good confidence that the physical and chemical processes influencing air quality are reasonably understood. A source attribution model is a mathematical model that tells us how much of an impact we can attribute to a source or type of sources. There are several types of attribution models. Some work in a forward manner from emission sources to receptors (locations in the Scenic Area). These models work by taking a known mix of emissions, transporting them by and through meteorological conditions, chemically transforming the pollutants, and finally depositing the resulting chemical species in the air or on the ground in locations of interest (receptors).

Other models work in the reverse. In this process, monitored data is analyzed for its chemical constituents, and an attempt is made to match that composition with what we know about the chemical profiles from a variety of emission sources. Essentially, each source category has a unique "finger print" that can suggest whether or not the source was responsible for all or part of the impact. Used alone, however, reverse attribution models in general can only identify types of sources (e.g. pulp mills versus diesel vehicles versus coal fired boilers) rather than specific individual sources.

Prediction of impacts from future emissions.

A major goal of the study is the development and application of a model or models that can be used to assess changes in air quality within the Scenic Area due to changes in emissions in source areas. (That is, the development of air quality models that can predict future impacts from changes in emission rates.) These types of models are known generally as air quality predictive models, and they are necessary for the development of control strategies. These models will generally be the same as the source attribution models, but instead of identifying current sources impacting the Scenic Area (and trying to reproduce the monitored impacts), they will be used to predict future air quality impacts from a variety of emission scenarios.

Types and refinement of models

Several different types of modeling are proposed to coincide with each phase of study. Modeling costs vary in part based on the number of air quality cases or episodes evaluated, and how finely resolved the inputs are (such as terrain and wind fields). Currently, it is reasonable to run models with a relatively coarse resolution, with inputs such as meteorology, terrain, land-use, and emissions allocated to 12 kilometer grids. A model using inputs at this resolution can adequately evaluate the transport of pollutants from regions outside of the Scenic Area to the entrances of the Scenic Area.

Because the terrain within the Scenic Area is complex, narrow and deep, models with inputs gridded at a much finer resolution are need to accurately see what happens to pollutants once they enter the Scenic Area. Higher resolution modeling sufficient to accurately capture the terrain, and other characteristics of the Scenic Area is being developed. The costs to run fine resolution models are high because of the added cost to refine the inputs to the model (including the emissions inventory), and the increase in computing needs and time. Both coarse and fine resolution modeling will be needed to accurately characterize chemical and physical processes in the Scenic Area.

Regional Haze modeling.

In response to the Federal Regional Haze Rule, predictive air quality models are being developed through the Western Regional Air Partnership (WRAP). The Regional Haze modeling is designed for large regional-scale transport at a coarse resolution (36 km). As part of the this effort, Idaho, Oregon and Washington have initiated the formation of the Northwest Regional Technical Center (NWRTC). This proposal is tasked with the

analysis of the transport, dispersion, and chemical transformation of airborne emissions throughout the Pacific Northwest with a focus on the development of Regional Haze Plans. Although, the products resulting from NWRTC efforts will be useful to the analysis of impact in the Scenic Area, such regional models will not provide the finer resolution (1 – 12 km) necessary to understand transport near and within the Scenic Area. Developing finer resolution capabilities for regional haze will be the responsibility of individual states. With respect to the Scenic Area, additional fine resolution modeling work as proposed in this study plan will complement the efforts of the NWRTC.

Proposed modeling.

As discussed above, there are two main objectives to the modeling component of the study:
1) to help understand current sources contributing to air pollution within the gorge.
2) to provide a modeling methodology for future use in quantitatively estimating air quality changes resulting from different emissions scenarios.

For objective 1, monitoring data, emissions inventories, chemical and dispersion modeling, back-trajectories and other methods, in combinations with meteorological and chemical transport modeling will be used. The results of these studies will form a conceptual framework of the physical and chemical processes affecting air quality in the Scenic Area, and draw conclusions regarding current sources of air quality degradation.. Chemical modeling will include chemical (fingerprint) models such as Chemical Mass Balance (CMB), and the ISOPART chemical transformation model. Thus, a variety of techniques will be used to gather information, rather than relying exclusively on results from a particular analysis or modeling exercise. Conclusions will be drawn based upon a preponderance of evidence.

For objective 2, it is proposed to use a three-dimensional chemical transport photochemical model. The proposed model is the EPA Community Multiscale Air Quality (CMAQ) Dispersion Modeling System, together with its associated process modules. The WRAP regional haze modeling, as described above, will use the same model, and synergies should develop between the two efforts. As described in objective 1, CMAQ will be used in conjunction with the conceptual framework to better understand how processes work in the Scenic Area. CMAQ will be the primary model used for source attribution, and also the predictive model for evaluation of emission scenarios needed for control strategy development (not done as part of this study).

Other modeling tools may also be tested for use in informing some components of the study, most likely in the formation of the conceptual framework. If simpler modeling tools can be demonstrated to give equivalent results to more sophisticated methods, they may be applied to consider additional cases that cannot be addressed with the complex modeling system (CMAQ) due to resource constraints. Examples of simpler less costly models include CMB, ISOPART, and CALPUFF run in both the forward and reverse mode.

A complete discussion of monitoring, modeling, and emission inventory programs can be found in Appendix A.

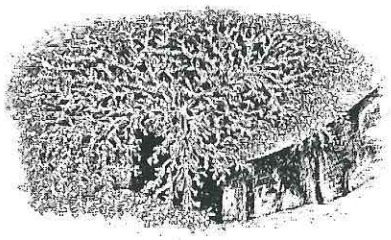
Long-Term Monitoring

Phase 3-On-going Monitoring: The final phase is continuous long-term trends monitoring to track the progress of any implemented strategy. Progress towards the air quality goal will be checked at periodic intervals. If the agreed upon rate of progress is not achieved, then the air quality strategy will be revisited and modified if necessary. To ascertain why the strategy is not achieving reasonable progress and to develop new or modified strategies, additional modeling and monitoring may be necessary. Phase 3 is ongoing. The number and general location of long term monitoring sites cannot be determined until completion of the Foundation Study.

Economic Analysis-Econometric Modeling

Economic analysis is also needed for strategy development so that decision-makers and the public can evaluate cost-benefit issues associated with each air quality strategy option. Econometric modeling will be used to inform the strategy development process.

Econometrics uses statistical theory in application to real world economic problems. It allows us to estimate the strength of economic relationships as well as forecast economic variables based on historical data, which allows businesses, consumers, and decision-makers to better understand the economic environment in which they participate. Common econometric tools include shift-share analysis and input-output modeling. These tools can be applied to various air-quality improvement scenarios to forecast their respective economic impacts. These analysis tools will be used by decision-makers to evaluate the cost information needed to weigh cost-benefit questions associated with each strategy option.



REGIONAL STRATEGY DEVELOPMENT

PUBLIC/STAKEHOLDER/TRIBAL INVOLVEMENT PROCESS

MAKING DECISIONS ABOUT AIR QUALITY- Roles and Responsibilities

The Columbia River Gorge Air Quality project will rely on a collaborative decision-making process. This means involving the public, stakeholder groups, tribes, local government, local business, and others in making decisions about resource protection in the NSA. Each state and federal agency, local government, stakeholder group, and Indian nation has a role in developing the regional air quality strategy. Project oversight and management is the main responsibility of the state environmental agencies and the Southwest Clean Air Agency, with guidance from several partners such as Gorge area counties, state community & economic development agencies, and local tribes. Local elected officials, stakeholder groups, tribes, and the public will be involved at multiple levels in the decision-making process and will help guide the development of the air quality strategy. These groups will have the added responsibility to become better informed about Gorge air quality, and to participate in the collaborative process.

Role of State Agencies, Southwest Clean Air Agency, and the U.S. Forest Service

Under the Scenic Area Management Plan, the states of Oregon and Washington have the responsibility to develop an air quality strategy that meets the purposes of the Scenic Area Act. For the purposes of this work plan, "the states" includes the Oregon DEQ, Washington DOE, and the Southwest Clean Air Agency (SWCAA). The Southwest Clean Air Agency serves in the role of a state environmental agency and is responsible for enforcing federal, state and local outdoor air quality standards and regulations in Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties of southwest Washington state. In doing this work, these agencies must rely heavily on other partnerships as well. The NSA Management Plan calls for a partnership with the U.S Forest Service, which will offer its expertise and perspective throughout the strategy development process. The Oregon Department of Community and Economic Development and the Washington Office of Trade and Economic Development are two important partners as well. Their expertise is needed to help evaluate economic factors when options for air quality strategies are evaluated.

The states' goal is to develop an air quality strategy that meets the dual purposes of the Scenic Area Act, and that reflects to the greatest extent possible the broad range of interests and values held by people, tribes, businesses, local governments, and others within the Scenic Area. To accomplish this, the states will establish an advisory committee representing a cross section of the many different interests that have a stake in the future of the National Scenic Area. The make-up of this committee and the process it will use to develop a strategy recommendation is discussed in detail below.

The committee will use a consensus process to develop its recommendations. This means working hard to find common ground on a strategy that is both equitable and successful. The Committee will make its recommendation to the Oregon DEQ and Washington DOE, which will in turn recommend a strategy to the Columbia River Gorge Commission. Building consensus among varied interests means that the strategy recommendation is one that the community, businesses, and other interests can support. The states will place great weight on a strategy recommendation developed through this collaborative process. However, the states do have the obligation to evaluate whether the recommendation reasonably meets the purposes of the National Scenic Area Act. Barring any clear conflict with the intent of the Act, it is the intention of the states to pass on the Committee recommended strategy to the Gorge Commission unchanged.

It is then the responsibility of the Columbia River Gorge Commission to decide if the recommended strategy meets the purposes of the National Scenic Area Act.

Role of Elected Officials, the Public, Tribes, and others

There are many opportunities for elected officials, tribes, stakeholders, and the public to participate in developing the air quality strategy. These are described in more detail throughout this work plan. In brief, key elected officials, tribes, as well as stakeholder and community interest groups will serve directly on the advisory committee. Other elected officials, stakeholder groups, and the general public will participate through meetings, public forums, workshops, and other venues. However, the main avenue for input will be through the stakeholder advisory committee process.

Stakeholder Advisory Committee

Responsibilities and Membership

The Advisory Committee will have the responsibility to review the results of our scientific investigation, evaluate options for improving air quality, evaluate the results of economic analysis, and weigh cost-benefit questions as they consider different strategy options. The Committee will make a recommendation to the states for a preferred air quality strategy that meets that stated goals. The states will convey this recommendation to the Gorge Commission for consideration and approval.

The Advisory Committee will be initiated during the Foundation Study. The Committee, either in full or through a subgroup, will work with the states to select the Phase-2 Technical Study Plan. The organizational structure of the Advisory Committee, including the establishment and make-up of any subcommittees will be addressed during the Technical Foundation Study period as the Committee works with the states to develop the second phase technical study program. Every effort will be made to ensure that the selected organization promotes close communication among all the participants and ensures a defensible scientific foundation for the project. While the technical study is being conducted, the Committee will work to build a common understanding of air quality issues among Committee members and identify important issues needing their

involvement (such as funding, and establishing agreed upon growth and economic assumptions) before they begin creation and evaluation of strategy options. The Committee will review results of the technical study as it becomes available. The Committee may also discuss the potential for voluntary pollution prevention activities.

The Advisory Committee will have broad representation reflecting the many diverse interests in the National Scenic Area, and those who may be impacted by decisions made in developing the regional strategy. The following interests are proposed as Advisory Committee members, and would be invited to serve by the states. The Inter-Agency Project Coordination Team will evaluate public and stakeholder comment on the draft work plan before making a final recommendation on Advisory Committee membership. The Team may refine the initial membership proposal and will seek an equitable balance of interests within the Committee. Proposed interests represented on the Committee could include but are not limited to:

- One representative from Wasco County.
- One representative from Klickitat County.
- One representative from Hood River County.
- One representative from Skamania County.
- One representative from Multnomah County.
- One representative from Clark County.
- One representative each (Oregon and Washington) from major industry within the National Scenic Area (NSA).
- One representative each (Oregon and Washington) of major industry outside the NSA (but which may impact the NSA).
- One representative from an environmental organization located within the NSA.
- One representative from an environmental organization located outside the NSA.
- One "citizen at large" from Oregon.
- One "citizen at large" from Washington.
- One representative for Ports within the NSA.
- One representative for the Port of Portland.
- One representative each (Oregon and Washington) from agricultural interests within the NSA.
- One representative from METRO Regional Government (representing the greater Portland/Tri-County area).
- One representative from the Columbia Gorge Economic Development Association.
- One representative from the Regional Transportation Council (Clark County Transportation planning group).
- One representative from the Columbia River Gorge Visitors Association.
- One representative from the Warm Springs Indian Nation$^{\Psi}$
- One representative from the Umatilla Indian Nation$^{\Psi}$
- One representative from the Yakama Indian Nation$^{\Psi}$
- One representative from the Nez Perce Indian Nation$^{\Psi}$
- One representative from the U.S. Forest Service
- One representative from the U.S. Environmental Protection Agency

$^{\Psi}$ *Note: As sovereign nations, the Warm Springs, Umatilla, Yakama, and Nez Perce tribes will also participate at the state and federal level through the routine government-to-government consultation process.*

Each sector (or interest group) invited for Committee membership will be asked to select one representative and one alternate to serve on the Committee. To fill the Committee seats the states will solicit nominations from each sector. If more than one group desires to represent their sector, the states will select the group they believe will best represent the majority of interests from that sector.

Role of States and the Forest Service in Committee Process.

The Oregon Department of Environmental Quality, the Washington Department of Ecology, and the Southwest Clean Air Agency will not serve on the Advisory Committee but will provide staffing support, providing information and analysis as needed. The Oregon Department of Economic and Community Development and the Washington Department of Trade and Economic Development will also help staff the Committee and will be a resource on economic issues. The U.S. Forest Service will serve on the Advisory Committee and will also provide staffing support.

Advisory Committee- Decision Making Process

Using a Consensus Process

It is important to the long-term success of this work that we use an open and collaborative approach to making decisions about air quality in the Gorge. A process where stakeholders can, to the greatest extent possible, find common ground and achieve a balance of community interests that still meets the desired goals. To achieve this, the Advisory Committee will use a **consensus approach** for decision making.

A collaborative decision-making process requires that all participants commit to work in good faith toward consensus recommendations. Consensus is a process of *"give & take"*, of finding common ground and creative solutions to meet the purposes of the Scenic Area Act in a way that all interests can support. Consensus is reached if all interests at the table support an idea, or can at least say; *"I can live with that"*. In a consensus process, the first goal is for the Committee to understand the perspectives of each stakeholder interest. From that understanding, the group works to develop solutions that address each other's needs.

The committee will need to evaluate many complex issues. The committee will have the option to form subgroups as needed to focus on specific issues and ideas, and bring back recommendations to the full committee membership. A subgroup allows stakeholders with expertise in certain fields to focus intensely on a complex question or issue. The full committee provides the integrating structure where issues and ideas can be understood together and in context.

The states and Advisory Committee will go to great lengths to reach decisions through consensus. However, if the Advisory Committee can not reach consensus on an issue (reaches an impasse), the Committee will document the issue and differences of opinion involved, and submit the issue to the Oregon DEQ, Washington DOE, and Southwest Clean Air Agency (SWCAA) for resolution.

Other Important Principals in Designing a Collaborative Decision-Making Process

Trust and Ownership: An important part of the advisory process will be to provide a *learning environment* for all participants to develop basic knowledge about Gorge issues. The process could provide for ongoing help and "tutoring" for sectors that have less technical and/or policy resources. The process will place some of the "doing" with the participants, through work groups, team assignments, and other methods, so that they build ownership of the information and the outcomes. It is recognized that there may be some tension between various sectors participating in the stakeholder group. The states and SWCAA will evaluate the need to work with these interests prior to beginning the decision-making process to build trust and assure them a fair process.

Defining a leadership structure for the Advisory Group

When the Committee is formed, members will need to discuss several issues regarding group structure and process, including group leadership. The use of a Committee Chair is a common leadership approach for an advisory committee, and the selection of the Committee Chair is a vital first step. The role of Committee Chair is a difficult one and the success or failure of a committee greatly depends upon the ability of the chair to facilitate a fair and equitable process for discussion and decision-making. There are several key concepts common to the function of any Committee Chair:

- The chair must be perceived as neutral and fair, and should not have a vested interest in most issues being considered by the Committee. This does not mean that the chair will have no interest, but the role of chair is to ensure an open and fair process for decision-making, not lobby for a particular outcome. If a conflict of interest exists on a particular topic the chair should acknowledge it and have someone else facilitate that discussion.

- The chair needs to keep the Committee on task and keep each meeting agenda moving. The chair needs to be clear on what action, if any, the committee is being asked to take on each agenda item. The chair also ensures an opportunity during each meeting for members of the public or other visiting stakeholders to voice their opinion.

- The chair should work with all committee members to ensure that each viewpoint is being expressed. In general, the chair should elicit opinions from committee members before voicing his or her own. The chair must be accessible to Committee staff to discuss issues as they rise and anticipate problem areas.

Appointing a Chair: Typically, committee chairs are appointment by the lead agencies (in this case Oregon DEQ and Washington DOE) based on nominations from the advisory group. Other options could be explored as well.

Ground Rules

Ground rules are established to help support a collaborative and constructive process. Ground rules should be developed by the advisory group itself, with guidance from a professional facilitator, the committee chair, and/or the project coordination team. Examples of some key ground rules that could be agreed to include:

- *Strive for broad consensus on issues.*
- *Commit to participate constructively.*
- *Evaluate and define common goals.*
- *Identify areas with greatest potential for conflict and discuss ways to address these issues.*
- *Agree to set aside the time required for meetings and between-meeting review of information, to participate actively and constructively at meetings, to strive to reach agreement within the group on recommendations and to respect the ground rules.*
- *Achieve closure on issues as they are processed.*
- *Understand and document continuing concerns and inability to support elements of the results.*
- *Close the loop on comments and questions. Ensure that participants can see how their interests and inputs were involved in shaping the results (even if they do not like the outcome).*
- *Consult regularly with broad constituencies and attempt to provide inputs and reactions to ideas that represent those interests.*
- *Achieve political consistency and support for outcomes, without allowing "end runs" around the advisory process to achieve individual sector changes.*

Support for outcomes is particularly important to the success of any collaborative decision making process. Decision-makers must uphold their commitment to work through the consensus process, and not attempt to effect a different outcome once a consensus recommendation has been reached. The commitment to this collaborative process can be defined specifically in a Committee Charter.

Develop a Group Charter

A Committee Charter is a useful tool that can help support a collaborative decision-making process. A Charter would describe and document overarching issues such as a goal statement, commitment to collaborative decision making process, ground rules, etc.

A charter could help instill a sense of ownership and common ground. Outside a Charter, the group will agree on meeting structure, and approximate meeting schedules.

Evaluate the Role of Facilitation and Mediation

The Committee may also want to use a professional facilitator or mediator to assist and/or lead the group. The use of a facilitator or mediator however will not be required. "Facilitation" and "Mediation" play two different roles in the deliberative process. A *Facilitator* guides the process to ensure all stakeholder interests are heard, but is not a problem solver. A *Mediator* will also help ensure all voices are heard, but will (if requested by the committee) act in a negotiator role to help resolve conflicts within the group. At the appropriate time, the Committee can evaluate the merits and possible role of facilitation and/or mediation.

Evaluation of Strategy Options-Selection of Strategy Recommendations

The Committee will have several tools at their disposal to develop options for an air quality strategy:

- The results of the scientific investigation will have characterized air quality in the Gorge and identified those emission sources (both inside and outside the Gorge) that significantly contribute to air quality impacts in the National Scenic Area.

- Predictive modeling tools will be available to estimate future air quality trends in the Gorge and test the effectiveness of various emission reduction strategies. The modeling tools will evaluate the amount of air quality improvement that can be expected from any collection of strategies.

- Economic models will be used to evaluate the potential costs and economic consequences of various strategy options. This analysis will provide the cost information needed to weigh questions of cost-benefit.

Developing Air Quality Strategy Options

Based on results of the air quality study, and using the predictive modeling tools, the Committee will develop several air quality strategy options that protect and enhance the scenic, natural, recreational, and cultural resources of the Gorge. The Committee will begin by reviewing the air quality improvement that can be expected from existing state and federal programs, then consider whether any additional emission reductions are needed.

As an initial starting point for the evaluation the Committee will be encouraged to develop a series of strategy options, each providing an increasingly greater level of air quality protection. Once the air quality benefit of each option is understood, economic

modeling and analysis will be performed to assess the economic impacts of the various strategies. From these analyses will come important cost-benefit information needed to weigh air quality and economic questions. It is important to note that economic impacts need not be negative. Reducing air pollutants can produce economic benefits. For example, reducing air pollution in the Scenic Area would likely benefit both the tourism and agricultural industries.

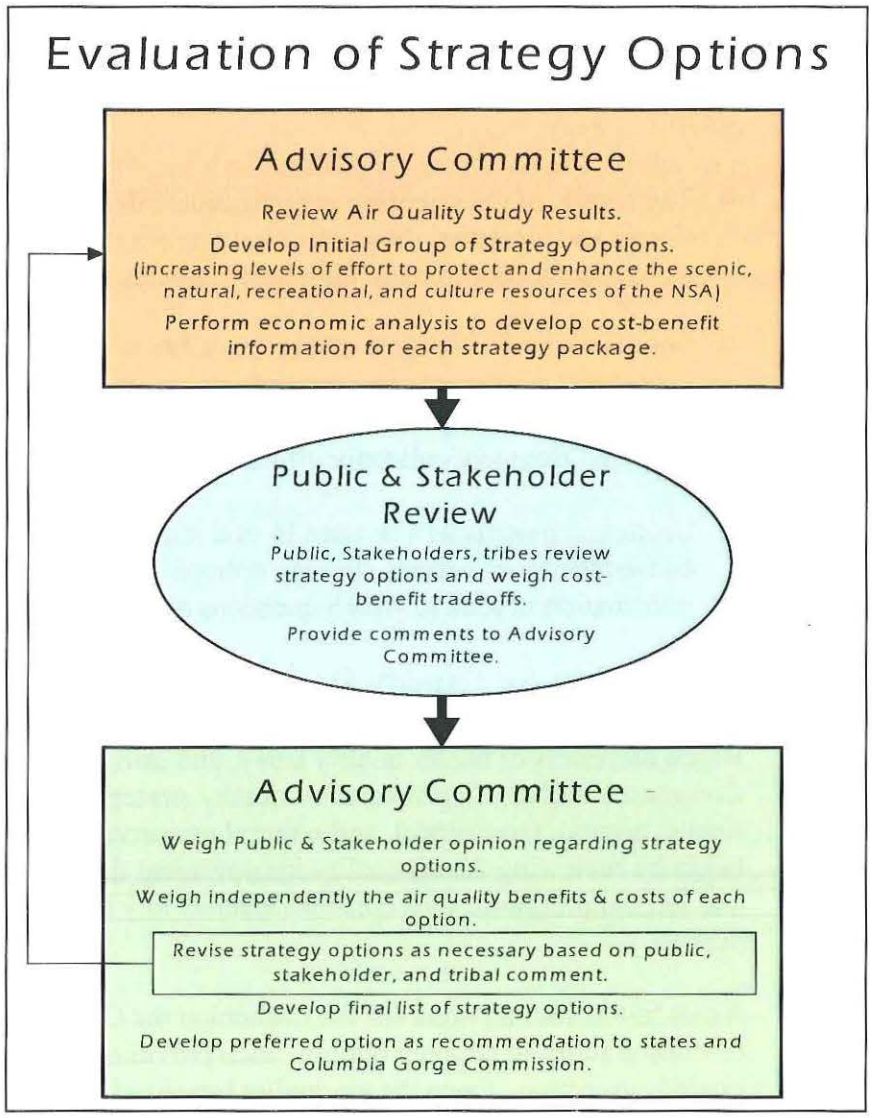
Predicting the Future

One of the most important pieces of information the Committee will use in developing air quality strategy options are the assumptions and forecasts of future growth and change within and outside of the NSA. Forecasts for population, housing, and anticipated changes in economics and employment will all affect estimates of future emissions and air quality. In developing strategy options, the Committee will evaluate the various assumptions for anticipated growth and change that will influence future emissions. Air quality forecasts will be based on growth and other planning assumptions agreed upon by local governments, the states, and the Committee.

Evaluation of Strategy Options-Public, Stakeholder, and Tribal Involvement

Public and stakeholder involvement is a vital part of the strategy development process. Initial strategy options developed through the committee process, including the associated cost-benefit analysis, will be taken before the public and stakeholders for review and comment. Feedback from the public will help inform the Advisory Committee as they develop their recommended strategy.

Public outreach efforts will include techniques such as public workshops, town meetings, focus groups, and surveys, and other methods. Each venue will provide an



opportunity for stakeholders, tribes, and the public to consider options for air quality improvement, evaluate associated costs and economic impacts, and weigh questions of cost-benefit. The public and stakeholders will evaluate how well strategy options address protection of scenic, natural, cultural, and recreational resources as well as support Gorge economies in a way consistent with resource protection.

Final Selection of a Preferred Regional Air Quality Strategy

Once public, stakeholder, and tribal input are gathered, the Committee will refine and finalize the strategy options. Strategy options may be presented for public comment several times as they are refined. In brief, the Advisory Committee will:

- *Evaluate public and stakeholder input regarding the initial strategy options.*
- *Evaluate independently the air quality benefits and costs of each strategy option, and*
- *Develop and recommend a preferred regional air quality strategy that meets the objectives of the Gorge Area Management Plan and meets the dual purposes of the National Scenic Area Act.*

Next Steps

The Committee will make their recommendation to the Oregon Department of Environmental Quality and Washington Department of Ecology. The state will evaluate whether the recommendation meets the purposes of the National Scenic Area Act. Barring any clear conflict with the intent of the Act, the states will carry the Committee's recommendation forward to the Gorge Commission.

The Columbia River Gorge Commission will decide if the recommended strategy meets the dual purposes of the National Scenic Area Act. If so, the states and other agencies as necessary will carry out implementation of the strategy. If the Commission believes that the recommended strategy does not meet the intent of the Act, states will request that the strategy recommendation be returned to the states and advisory committee for further evaluation, with specific guidance from the Commission on outstanding issues to be resolved.

Regional Strategy Implementation

Once the Columbia Gorge Commission approves an air quality strategy, the states, as well as other agencies as needed, will move forward to implement the approved measures. At this time we can not presume to know what the final strategy recommendations will be. A comprehensive strategy may involve both regional and local emissions sources affecting Gorge air quality. Such a strategy could combine measures that rely on both state rules and local ordinances, in addition to existing federal programs. The final strategy may also include a combination of mandatory and voluntary measures.

Continued Study of Gorge Air Quality

Monitoring and study of air quality in the Gorge will continue during and after implementation of the regional strategy. Air quality trends in the NSA will be tracked to ensure that improvement is made as expected.

Estimated Funding Level Needed

Initial budget estimates are as follows. Funding will be needed for key milestones throughout the 2001 to 2006 timeframe. Funding levels are general estimates only and may be refined as additional information becomes available.

Project Task	Estimates Range of Costs	Time frame for Funding
Technical Foundation Study	Approximately 1,000,000	2001-2002
Phase-2 Technical Study	To be determined	To be determined
Econometric Modeling and Analysis Evaluating three-five strategy options	60,000 to 150,000	2003-2006
Public/Stakeholder Advisory Process Three air quality agencies support and staffing for Advisory Committee and decision-making process. Public, Stakeholder and tribal outreach and involvement.	$350,000	2003-2006
Total Estimated Cost Range	Approximately $1.44 million plus cost of Phase-2 technical work.	

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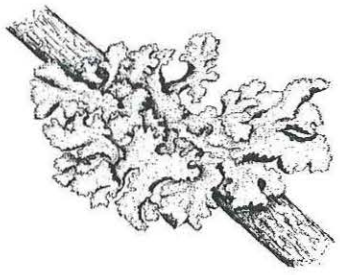

GLOSSARY

Key words described here are those commonly used in discussions of air quality and visibility. Not all appear in the work plan document, but are included for general interest and information.

Air pollutant: An unwanted chemical or other material found in the air.

Air pollution: Degradation of air quality resulting from unwanted chemicals or other materials occurring in the air.

Air Quality Values (AQRVs): including visibility, flora, fauna, cultural and historical resources, related values odor, soil, water, and virtually all resources that are dependent upon and affected by air quality. "These values include visibility and those scenic, cultural, biological, and recreation resources of an area that are affected by air quality"

Apportionment: to distribute or divide and assign proportionately

Dry deposition: Also known as dryfall, includes gases and particles deposited from the atmosphere to water and land surfaces. This dryfall can include acidifying compounds such as nitric acid vapor, nitrate and sulfate particles, and acidic gases.

Emissions: Release of pollutants into the air from a source.

Extinction: the attenuation of light due to scattering and absorption as it passes through a medium.

Extinction budget: Apportioning the extinction coefficient to atmospheric constituents to analysis estimate the change in visibility caused by a change in constituent concentrations.

Fine particles: Particulate matter with an aerodynamic diameter of 2.5 microns or less (PM2.5). Fine particles are responsible for most atmospheric particle-induced extinction. Ambient fine particulate matter consists basically of five species: sulfates, ammonium nitrate, organics, elemental carbon, and soil dust.

Haze: an atmospheric aerosol of sufficient concentration to be visible. The particles are so small that they cannot be seen individually, but are still effective in scene distortion.

Humidity: Water in air, as a gas. Often measured as a percentage, compared to the maximum amount of water vapor the air can contain at that temperature.

Hydrocarbons: compounds containing only hydrogen and carbon. Examples: methane, benzene, decane, etc.

Impairment: The degree to which a scenic view or distance of clear visibility is degraded by man-made pollutants.

IMPROVE: Interagency Monitoring of PROtected Visual Environments.

Integrating nephelometer: an instrument that measures the amount of light scattered (scattering coefficient).

Light-absorbing carbon: carbon particles in the atmosphere that absorb light. Black carbon.

Light extinction budget: the percent of total atmospheric extinction attributed to each aerosol and gaseous component of the atmosphere.

Monitoring: Measurement of air pollution and related atmospheric parameters

National Ambient Air Quality Standards: Permissible levels of criteria air pollutants established to protect public health and welfare. Established and maintained by EPA under authority of the Clean Air Act.

Nephelometer: an instrument used to measure the light scattering component of light extinction.

Particulate matter: Dust, soot, other tiny bits of solid materials that are released into and move around in the air.

Perceptible: Capable of being seen.

Photochemical: Any chemical reaction which is initiated by light. Such processes are process important in the production of ozone and sulfates in smog.

Rayleigh scattering: the scattering of light by particles much smaller than the wavelength of the light. In the ideal case, the process is one of a pure dipole interaction with the electric field of the light wave.

Reconstructed light extinction: The relationship between atmospheric aerosols and the light extinction coefficient. Can usually be approximated as the sum of the products of the concentrations of individual species and their respective light extinction efficiencies.

Regional haze: A cloud of aerosols extending up to hundreds of miles across a region and

promoting noticeably hazy conditions. Condition of the atmosphere in which uniformly distributed aerosol obscures the entire vista irrespective of direction or point of observation. Is not easily traced visually to a single source.

Scattering (light): an interaction of a light wave with an object that causes the light to be redirected in its path. In elastic scattering, no energy is lost to the object.

Scattering efficiency: The relative ability of aerosols and gases to scatter light. A higher scattering efficiency means more light scattering per unit mass or number of particles, this in turn means poorer visibility. In general, fine particles (diameter less than 2.5 microns) are efficient scatterers of visible light.

Secondary aerosols: aerosol formed by the interaction of two or more gas molecules and/or primary aerosols.

Secondary particles: form in the atmosphere by a gas-to-particle conversion process.

Smog: A mixture of air pollutants, principally ground-level ozone, produced by chemical reactions involving smog-forming chemicals. See also haze.
SO2:

Soot: Black particles with high concentrations of carbon in graphitic and amorphous elemental forms. It is a product of incomplete combustion of organic compounds.

Stable air mass: an air mass which has little vertical mixing. See temperature inversion.

Stagnation periods: lengths of time during which little atmospheric mixing occurs over a geographical area, making the presence of layered hazes more likely. See temperature inversion.

Standard visual range: reciprocal of the extinction coefficient. The distance under daylight and uniform lighting conditions at which the apparent contrast between a specified target and its background becomes just equal to the threshold contrast of an observer, assumed to be 0.02.

Sulfates: those aerosols which have origins in the gas-to-aerosol conversion of sulfur dioxide; of primary interest are sulfuric acid and ammonium sulfates.

Sulfur dioxide: a gas (SO2) consisting of one sulfur and two oxygen atoms. Of interest because sulfur dioxide converts to an aerosol that is a very efficient light scatterer. Also, it can convert into acid droplets consisting primarily of sulfuric acid.

Temperature inversion: in meteorology, a departure from the normal decrease of temperature with increasing altitude such that the temperature is higher at a given height in the inversion layer than would be expected from the temperature below the layer. This warmer layer leads to increased stability and limited vertical mixing of air.

Total light extinction: The sum of scattering (including Rayleigh scattering) and absorption
coefficients.

Unstable air mass: an air mass that is vertically well mixed. See also stable air mass, temperature inversion.

Visibility: refers to the visual quality of the view, or scene, in daylight with respect to color rendition and contrast definition. The ability to perceive form, color, and texture.

Visual range: the distance at which a large black object just disappears from view.

Wet deposition: The deposit of atmospheric gases and particles (incorporated into rain, snow,
fog, or mist) to water or land surfaces.

APPENDIX A

Columbia River Gorge Visibility and Air Quality Study, Working Draft: Existing Knowledge and Additional Recommended Scientific Assessment to Consider, June 2001. Provides a more detailed discussion of existing air quality knowledge and technical assessment needs for the Columbia River Gorge NSA.