

United States  
Environmental Protection  
Agency

Region 10  
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Office of the Regional Administrator

# **EPA Environmental Programs in Oregon**

An EPA Report  
1983

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Like other states, Oregon is being urged by EPA to assume more of the statutory authorities that Congress makes available to state governments for implementing the body of environmental laws enacted in the last 12 years. With varying degrees of emphasis in each of those laws, it was Congress' clear intent for EPA to work with the states in partnership. EPA supports state pollution control efforts with Federal grants and technical assistance, and carries out those programs that the state does not take. In Fiscal Year 1982, EPA provided Oregon with more than \$25 million in Federal funds (see Attachment A) to support state environmental efforts. In Fiscal Year 1983, EPA has \$30.7 million available.

A key role for EPA is therefore to help the state take responsibility for the development, management and enforcement of environmental programs so that they can be tailored to fit the state's needs. Since only four of the nine major programs that EPA can legally delegate have been fully assumed by Oregon, EPA will be actively encouraging Oregon to take on more of the state-related activities for which EPA is now responsible. EPA's purpose will be to fulfill our mutual Congressional mandate, with the result that Oregon itself will administer environmental programs that will satisfy Federal statutory requirements and be more responsive to local situations in Oregon.

The following pages describe major issues facing the state and EPA, and provide a listing of the major grant programs by which EPA supports Oregon's environmental activities. Shown below is a roster of the top management officials in EPA's Region 10 office who can provide more information about any of the issues discussed in this document.

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Deputy Regional Administrator	L. Edwin Coate	(206) 442-1220
Regional Counsel	James Moore	(206) 442-1152
Water Division Director	Robert Burd	(206) 442-1014
Air and Waste Management Director	Alexandra Smith	(206) 442-1352
Environmental Services Director	Gary O'Neal	(206) 442-1295
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### Delegation of Environmental Programs to Oregon

The State of Oregon has assumed responsibility for implementing several major Federal environmental programs. These include issuance of all air and water pollutant discharge permits; the initial phase of hazardous waste management; and pesticides enforcement and training. State agencies are working toward assumption of the remaining delegable programs consistent with the best interest of the State. With the exception of the safe drinking water responsibilities, we expect these remaining delegations to be completed by September 1983. Programs yet to be delegated include:

#### A. Safe Drinking Water

Oregon is one of the few states in the country which has declined to accept responsibility for Federal Safe Drinking Water Act requirements; instead, the Oregon Health Division operates a substantially equivalent program in-house. Consequently, EPA is mandated by the Act to assure that Oregon's public water supplies comply with Federal water quality, testing, and reporting requirements.

In FY 83, Federal grant funds in the amount of \$405,000 are available to support a delegated program in Oregon, but are now programmed to support EPA efforts and to assist other delegated states. The present State program satisfies nearly all of the requirements for delegation; EPA is committed to work with Oregon to further strengthen their in-house program toward a future delegation.

#### B. Construction Grants Management

Oregon is the only state in Region 10 that has not assumed responsibility for administering the Construction Grants program under Section 205(g) of the Clean Water Act. Federal funds are available to fund state agency program expenses for managing the sewage treatment construction program, but are only available once a delegation agreement is signed. DEQ has indicated their interest in assuming this responsibility, and a budget package has been submitted to the 1983 Legislature for approval. With legislative approval, EPA would begin an initial delegation of the program to Oregon late this fiscal year.

#### C. Hazardous Waste Management

Oregon was one of the first states in the country to recognize the need for controlling hazardous wastes by passing legislation back in 1971. In 1981, DEQ requested and was granted interim authorization to manage a state hazardous waste program covering generation, transport, storage, treatment and disposal activities in lieu of a Federal program. Until the second phase of that authorization is completed, DEQ and EPA operate under a Cooperative Arrangement for issuance of joint permits to storage, treatment, and disposal facilities. During 1983 EPA expects to delegate the second phase of the program to Oregon.

The State has also made progress toward full delegation of the program. However, since full authorization must be achieved by January 1985 or EPA must operate the program, it is imperative that several minor statutory amendments necessary for qualification be passed during the 1983 Oregon Legislative Session. This will allow a smooth transition from Federal to state control.

#### D. Underground Injection Control

DEQ has been designated by the Governor as the lead State agency and is coordinating other state agencies' roles in the program. The State Department of Geology and Mineral Industries has the major role in oil and gas related injections. DEQ is in the process of preparing documents necessary to assume responsibility for implementing the national regulations. Approval of the state program is expected in September 1983. Close coordination between EPA and DEQ will be necessary to assure that approval occurs on this schedule.

#### E. Dredge and Fill Program

Under Section 404 of the Clean Water Act, EPA Region 10 reviews, comments on, and has veto authority over Corps of Engineers permits to dredge or place fills in navigable waters and wetlands in Oregon. The Division of State Lands (DSL) has a similar program under its own fill and removal law, and issues state permits. EPA Region 10 recognizes DSL as having excellent qualifications to assume the program, eliminating existing duplication of the State and Federal efforts and giving Oregon more control over development activities covered by this program. DSL's proposed changes to its fill and removal law and administrative rules and procedures will need to be reviewed in light of EPA's delegation, policies and regulations. Upon completion of an EPA-funded delegation study in September 1983, DSL should be prepared to accept final delegation of the dredge and fill program.

### Priority Issues

Much of the environmental effort in the state is directed to operation of the ongoing programs (e.g. regulation development, permits issuance, monitoring, etc.). These programs are not discussed specifically in this document. The priority issues which follow are of special importance during the coming year and for that reason are highlighted below.

#### Superfund Sites

The Comprehensive Environmental Response, Compensation, and Liability Act -- commonly called the Superfund law -- authorizes the Federal Government to respond directly to hazardous wastes or contaminants that may endanger public health or welfare. To assist in management of Superfund resources, the law requires EPA to promulgate a National Priorities List of at least 400 of the highest priority sites in the country. Both states and EPA propose sites to be evaluated against criteria established in the Hazard

Ranking System. Based upon the rating obtained, sites with the highest scores are included on the list. Nominated sites were proposed on December 20, 1982, with a final listing expected in mid-1983.

Included on the proposed list were two sites in Oregon: Gould, Inc. in Portland and Teledyne Wah Chang in Albany. A discussion of each site follows.

#### Gould, Inc.

This site is located in the industrial area of Northwest Portland near the Willamette River and adjacent to Doane Lake. The site was occupied for many years by a battery recycler and disposal facility and was acquired in 1979 by Gould. The battery facility is no longer active; however, a large pile or more than 10,000 tons of battery casings remains on the site. The battery facility also handled large quantities of lead wastes, disposing of them in ways that have not yet been determined.

Hazardous substances of concern at the site include lead oxide dust in the air and lead contamination of surface and ground water.

The physical plant has been demolished and some temporary remedial measures have been undertaken by the Company.

Gould has been cited by the Oregon State Department of Environmental Quality (DEQ) for water quality violations. The Company has discussed with the DEQ and EPA ways to resolve problems at the site. Negotiations between the owners and DEQ are in progress to develop an on-site cleanup program.

#### Teledyne Wah Chang Albany

The site includes two industrial sludge ponds which contain wastes having low level radioactivity and heavy metals. A thorough field investigation of the entire plant site is needed to identify waste disposal practices and assess their potential impacts on groundwater, surface water and air quality. EPA plans to conduct a comprehensive site evaluation beginning in mid-1983. The company will be provided the opportunity to participate in these investigations and follow-up feasibility studies. Remedial action, as appropriate, would be determined on the basis of the site evaluation.

Any expenditure of Superfund money for remedial actions would require a State cost-share of 10 percent.

#### State Implementation Plan (SIP) Sanctions

The Clean Air Act (CAA) requires all areas of the country to attain the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable but no later than December 31, 1982 (with the exception of certain carbon monoxide and ozone nonattainment areas which must attain no later than December 31, 1987). There are two areas in Oregon which are

currently designated as nonattainment (Medford for total suspended particulates and ozone; Salem for carbon monoxide and ozone) which must attain the NAAQS by December 31, 1982. The Clean Air Act provides for certain sanctions on Federal funding and major source construction for areas which fail to attain by the statutory date. It is expected that Salem will meet the 1982 attainment deadline for carbon monoxide and ozone and that Medford will meet the 1982 attainment deadline for ozone. However, on February 3, 1983 EPA proposed to continue the moratorium on major source construction in Medford for failure to submit a strategy to attain the total suspended particulate standard by the 1982 deadline. EPA is currently developing policies for determining the areas to be affected and methods for implementing the funding sanctions.

### Inspection and Maintenance (I/M) Programs

The Clean Air Act requires that all cities attain the health-related carbon monoxide (CO) standards as expeditiously as practicable but not later than December 31, 1987. Medford, Boise, Anchorage and Fairbanks have severe CO problems which local and state officials have determined will require a vehicle inspection and maintenance program for reducing tailpipe emissions in order to attain the standards. The vehicle I/M program is a key element of these SIPs submitted by the various state agencies for EPA approval.

If the vehicle I/M programs, are not legally adopted or implemented, the proposed SIP revisions cannot be approved by EPA; and the area in question becomes subject to CAA sanctions for CO violations. These could include both a moratorium on construction of any new CO sources and possible financial sanctions involving certain air program, highway, and sewerage works grants.

Medford: Statutory authority to implement the proposed Medford I/M program is necessary for SIP approval and will be considered by the 1983 Oregon Legislature. Without legislative authority for the Medford vehicle I/M program, the proposed SIP cannot be approved by EPA and the Medford area becomes subject to CAA sanctions for CO violations.

### Wood Burning Stoves

Rapid increases in residential wood heating is jeopardizing the attainment and maintenance of total suspended particulate (TSP) air quality standards in several areas. One potentially effective method of ultimately minimizing those emissions is through promotion of clean burning appliances.

DEQ is proposing that the 1983 State Legislature require statewide certification of new stoves. This law would require that new stoves meet emission standards that reflect the low levels currently achieved by some models.

### Safe Drinking Water

Many of Oregon's 2,500 public water systems are physically deficient and not capable of providing consistently safe water. For example, one-fourth of the surface water systems have no treatment of any kind including disinfection. Only about 30 percent have full treatment capability. As a result, the number of confirmed waterborne disease outbreaks in Oregon is at least three times greater than the national average. In FY 82, the rate of microbiological violations for community water systems was up 42 percent from the FY 81 rate. Nearly 56,000 people were served water that was contaminated with bacteria during FY 82. The rate of turbidity violations in Oregon remains 3-4 times the national average.

EPA believes that a strong, well-funded state and local program, focusing on preventing and correcting local problems, is the most effective and efficient way to solve Oregon's serious drinking water problem. However, the State has determined not to pursue delegation under the Federal Safe Drinking Water Act at this time. Until the State is prepared to assume full responsibility for safe water, EPA will make every effort to address the existing situation. The major elements of EPA's drinking water program in Oregon are:

- \* Vigorous enforcement of reporting and water quality requirements with Federal prosecution of persistent violators;
- \* Increased efforts to identify waterborne disease outbreaks and to ensure prompt response in disease events;
- \* Emphasis on raising public understanding and awareness of the serious drinking water problem in specific communities and in Oregon at large; and
- \* Continued work to encourage the state to assume responsibility for safe drinking water in Oregon.

## OREGON

## EPA Grants to State Agencies

Federal statutes make available annual grants to help support state efforts in environmental programs. Generally, plans and budgets are prepared for mutually agreed upon priority work. Sometimes, special one-time projects may also be funded. Outlined below are the basic grant programs for which EPA is assisting the State of Oregon:

AIR PROGRAMS GRANTS

\$1,386,015

Under Section 105 of the Clean Air Act, EPA makes a grant to the DEQ to assist in funding the Department's air program and the air program operated locally by Lane (County) Regional Air Pollution Authority. In addition, EPA Region 10 has been able to make some special purpose grants available for high priority air pollution control needs. Additional funding up to \$225,000 is available for the initiation of a mandatory inspection and maintenance (automobile emissions testing) program in the Medford area.

WATER PROGRAMS GRANT (Section 106)

\$ 884,000

EPA annually awards this grant under Section 106 of the Clean Water Act to assist DEQ in managing their statewide water pollution control program, including groundwater. State activities partially supported by these funds include construction grants, planning, permitting, enforcement, and water quality monitoring. Water quality problems currently being addressed by the State under this program range from the protection of shellfish beds along the coast to the control of municipal and industrial discharges into State waters.

HAZARDOUS WASTE GRANT

\$ 582,968

The Oregon DEQ receives an annual EPA grant under the Resource Conservation and Recovery Act for implementation of a hazardous waste regulatory program. The program consists of a tracking and compliance assurance system for the generation, transportation and disposal of hazardous waste as well as a permit system for regulating treatment, storage and disposal facilities. Since 1981, DEQ has been authorized to implement portions of the State program in lieu of the Federal program. During 1983 EPA hopes to negotiate further delegation of the program.

UNDERGROUND INJECTION CONTROL PROGRAM

\$ 84,200

The purpose of the Underground Injection Control program is to protect underground sources of drinking water from contamination by the injection of fluids. EPA has developed construction and operating requirements to assure that wells which inject fluids underground do not contaminate groundwater. The states are to assure that injection wells comply with these basic standards and any other more stringent requirements which the states choose to implement.



DREDGE AND FILL PROGRAM DELEGATION STUDY

\$ 60,000

A \$60,000 grant to the Division of State Lands (DSL) was made by EPA's Office of Federal Activities (EPA Headquarters) in September 1982. The purpose of the grant is to develop within DSL an automated permit tracking system with word processing capability, to assist them in assuming EPA's dredge and fill program for certain waters of the State. The grant includes tasks for developing program capability within DSL, training workshops, and program administration during a pilot assumption effort. Upon completion in September 1983, DSL should be prepared to accept final program delegation.

PESTICIDE APPLICATOR CERTIFICATION GRANT

\$ 25,000

The applicator certification grant is awarded to the Oregon Department of Agriculture. The funding will assist the State in maintaining its testing and licensing program for pesticide applicators. This program is to insure that persons using restricted use pesticide products are competent in handling and using highly hazardous pesticides.

PESTICIDE COOPERATIVE ENFORCEMENT AGREEMENT

\$ 184,500

The Oregon Department of Agriculture has assumed the primary enforcement responsibility for pesticide use within the State. Under this grant, the State will enforce Federal and State laws regarding pesticide use and product manufacturing and sales.

CONSTRUCTION GRANTS

\$49.5 million

- a) Construction grants provide 75% of the eligible funding to build municipal sewerage works, which include treatment plants, interceptor sewers, and final effluent discharge lines. DEQ, EPA and the Corps of Engineers share administration of the program. The \$49.5 million currently available for Oregon is made up of a \$27.6 million FY 83 allocation plus unexpended FY 82 funds. Projects are scheduled for funding under a priority list established annually by DEQ. Projects scheduled to receive funding in FY 83 include the Eugene-Springfield regional system (\$6.5 million), Bend (\$1.4 million), and the Tri-Cities regional system (\$30 million).

The Oregon allocation currently contains \$4.4 million which is reserved for constructing facilities utilizing innovative and/or alternative technology. If not used, a portion of those funds will be lost to the State on October 1, 1983 and the balance on October 1, 1984. Current prospects for using the funds are not good. Special efforts will be required by both EPA and the State to identify opportunities for use of these funds.

- b) Water Planning Grant (Section 205(j))      minimum      \$ 200,000  
       (an element of the construction grant)      maximum      \$ 583,000

A minimum of \$100,000 to a maximum of one percent of Oregon's annual funding to build sewage treatment plants can be directed toward water planning activities under Section 205(j). This is a new provision of the Clean Water Act. The amounts noted above include both FY 82 and FY 83 funds. These are the only Clean Water Act planning funds now potentially available to local water quality agencies but also are to support statewide projects. The minimum funding will be lost to the State if not used for water planning activities.

- c) State Management Assistance Grant (Section 205(g))      \$1,105,000

A maximum of four percent of Oregon's annual funding to build sewage treatment plants (\$27.6 million for FY 83) can be used to pay DEQ's expenses in managing the EPA and State sewage treatment plant construction programs. This funding will be available for DEQ program administration only if Oregon assumes responsibility for managing this program through a signed delegation agreement. Some funds could be used late this year for start-up expenses with the remainder carried over into next year.

Attachment A  
EPA Program Grants to State Agencies  
State of Oregon

	<u>1982 funds awarded</u>	<u>1983 funds available</u>
<u>Department of Environmental Quality</u>		
Consolidated Programs		
Air (105)	2,052,647	1,386,015*
Water (106)	840,000	884,000
Hazardous Waste	550,023	582,968
Subtotal	<u>3,442,670</u>	<u>2,852,983</u>
Underground injection control	72,354	84,200
Total	<u>3,515,024</u>	<u>2,937,183</u>
<u>Department of Agriculture</u>		
Pesticides		
Certification	26,000	25,000
Enforcement	154,097	184,500
Total	<u>179,097</u>	<u>209,500</u>
<u>Division of State Lands</u>		
Dredge and Fill	60,000	-0-

\*Some special project money is also available but exact amount not yet determined.

Construction Grants (as of 1-31-83)

<u>FY 83 Funds</u>	<u>Appropriation</u>	<u>Obligated</u>	<u>Unobligated Balance</u>
General Fund	\$21,455,080	-0-	\$21,455,080
Increase Reserve	2,763,600	-0-	2,763,600
State Mgt. Asst.	1,105,440	-0-	1,105,440
Innovation Tech.	138,180	-0-	138,180
Alternative Tech.	967,260	-0-	967,260
Small Communities	1,105,440	-0-	1,105,440
Advance Reserve	1,000	-0-	1,000
Water Quality Mgt.	100,000	-0-	100,000
TOTALS	<u>\$27,636,000</u>	<u>\$ -0-</u>	<u>\$27,636,000</u>

(FY 83 funds expire 9-30-84)

<u>FY 82 Funds</u>	<u>Appropriation</u>	<u>Obligated</u>	<u>Unobligated Balance</u>
General Fund	\$16,589,041	-0-	\$16,589,041
Increase Reserve	2,324,978	146,148	2,178,830
State Mgt. Asst.	1,228,224	-0-	1,228,224
Innovative Tech.	153,214	19,043	134,171
Alternative Tech.	1,029,970	3,140	1,026,830
Advance Reserve	1,000	-0-	1,000
Water Quality Mgt.	100,000	-0-	100,000
TOTALS	<u>\$21,426,427</u>	<u>\$168,331</u>	<u>\$21,258,096</u>

(FY 82 funds expire 9-30-83)