

FILE RECORD CONTENT SHEET

Ordinance No. PA 1238

| <u>No.</u> | <u>Item</u> | <u>Date</u> |
|------------|---|-------------|
| 296. | Exhibit 268 – resubmittals from Kate Perle and Kevin Jones Full Circle Community Farm (Ex. 33i, 33j, 40) | 01/06/07 |
| 297. | Exhibit 269 – letter from Joel C. Narva | 01/08/07 |
| 298. | Exhibit 270 – letter from DSA responding to A. Noxon testimony (noise) | 01/08/07 |
| 299. | Exhibit 271 – letter from Karen Reed | 01/08/07 |
| 300. | Exhibit 272 – letter from Mark Reed | 01/08/07 |
| 301. | Exhibit 273 – email from Betty Taylor to LRAPA staff and related documents | 01/10/07 |
| 302. | Exhibit 274 – submittal from Doug DuPriest w/attachments | 01/08/07 |
| 303. | Exhibit 275 – letter from Edith Nelson | 01/08/07 |
| 304. | Exhibit 276 – letter from Norman R. and Lillian E. Christensen | 01/08/07 |
| 305. | Exhibit 277 – memo from Beth Crawford | 01/08/07 |
| 306. | Exhibit 278 – summary conclusion from Noxon | 01/08/07 |
| 307. | Exhibit 279 – Notice to Interested Parties re: Taylor ex-parte contact | 01/10/07 |
| 308. | Exhibit 280 – Staff response to Councilor Bettman | 01/11/07 |
| 309. | Exhibit 281 – Letter from Doug DuPriest | 01/22/07 |
| 310. | Exhibit 282 – letter from Steve Cornacchia | 01/29/07 |



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FAZC 05-6151
ORD PA 1238
Date 1-22-07
January 22, 2007 Exhibit No. 281

VIA HAND DELIVERY

Lane County Board of Commissioners
and Eugene City Council
c/o Stephanie Schulz, Planner
Lane County Land Management Division
125 E. 8th Avenue
Eugene, OR 97401

Re: PA 05-6151/Delta Sand and Gravel Plan Amendment/Rezone
Our Clients: Joel & Therese Narva
Our File No. 6274/9064A

Dear Commissioners and Councilpersons:

We submit this letter on behalf of our clients Joel and Theresa Narva.

A. ADDITIONAL EVIDENCE OF DUST IMPACTS.

On December 12, 2006, City Councilmember Betty Taylor requested information from the Lane Regional Air Protection Agency (LRAPA) regarding the number of complaints and citations that Delta has received. The response from LRAPA provides valuable information regarding dust impacts from Delta on surrounding neighborhoods and the limited response that those complaints generally receive. Unfortunately, LRAPA's response also tends to understate the extent of the problem, both by limiting its review of prior complaints to January of 2000, and by failing to account for all complaints filed against Delta Sand and Gravel thereafter.

1. LRAPA Complaints Reflect That Dust Impacts from the Existing Pit Are Not Quantified And That Enforcement Is Unreliable.

Contrary to applicant's representations that Delta "Delta **has a proven track record of compliance** over the life of its LRAPA permits." Item No. 68; Cover letter from Steve Cornacchia, p. 4 (emphasis added), the thirteen complaints provided by LRAPA further demonstrate that Delta has a proven track record of having substantial dust impacts on surrounding neighborhoods even from its relatively isolated current location. In fact, just last March, Mary Pond, a neighbor of the pit was so concerned about the amount of dust she was seeing from the existing operations that she contacted LRAPA regarding possible health effects:

"My husband and I have been noticing a large increase in dust build-up in our home, to the point that I think it is unhealthy to live in. I wipe my counter tops every day and by the next day I can already see a good amount of dust build-up." Complaint No. 13748 (Emphasis added).

It must be emphasized that this complaint related only to visible amounts of dust. It is literally impossible to know what dose of invisible, and harmful inhalable particulate matter that the complainant and others around her were receiving from the activities in the pit.

Moreover, rather than conduct an investigation to determine whether the pit was actually producing amounts and types of dust which were actually harmful to surrounding property owners, LRAPA representatives attempted to minimize Mrs. Pond's concerns. LRAPA representative Tom Freeman first appears to question whether Mrs. Pond has any frame of reference to base her claim that there has been a "large dust build up" given that she had apparently only recently moved into the area. Mr. Freeman went on to indicate that, although "smaller [dust] particles might be more of a problem for some people," the visible dust that Mrs. Pond and her family was experiencing was "probably be classified as a "nuisance" dust, **as opposed to a health risk.**" Complaint No. 13748 (Emphasis added).

What is remarkable about this correspondence is the fact that Mr. Freeman appears to be willing to render an opinion on the health effects of the existing operation without actually verifying or performing any testing to determine if there is a health hazard. Both DEQ and LRAPA regulations place stringent restrictions on the amount of invisible dust - only microns in size - that may be produced by the operation. In fact, Mr. Freeman even acknowledges that these "smaller particles" pose a more significant health risk. Yet, it appears that he only "went by Delta" to see if everything looked all right. Complaint No. 13748. Driving by an operation to determine if the invisible particulate matter is within safe limits is not an adequate protection of the public health.

Unfortunately, this is not an isolated incident. Of the 13 complaints provided by LRAPA, **none** reflect that LRAPA undertook testing to verify that Delta was conforming to applicable DEQ and LRAPA standards for particulate dust. In fact, only two of the other complaints reflect that investigators for LRAPA actually went to location. See Complaint No. 8852 & 13041. **Five of the complaints reflect that LRAPA took no action whatsoever.** See Complaint No. 8225, 8371, 9023, 13132, & 13152. For instance, on September 7, 2001, a complainant stated that:

"there was so much dust blowing across the road and into residences early Thursday afternoon (noon to 2pm) that it appears that Delta "has backed off on their watering." He said that when he was on the highway yesterday there was so much dust blowing around it looked like a farmer was plowing the field next to the road." Complaint No. 8371 (Emphasis added)

That Complaint form reflects that **LRAPA took no action**. This apparent failure to respond to more than a third of the complaints presented, throws into question Mr. Ruth's prior testimony that "[o]ne of the highest priorities of LRAPA is responding to citizen complaints." Item No. 240; Ex. 217. In any case, regardless of LRAPA's priorities, it forcefully demonstrates that the mere existence of an enforcement body like LRAPA does not guarantee that businesses within LRAPA's jurisdiction conform to all applicable air quality standards.

In fact, LRAPA's most common action upon receive a complaint appears to be merely make telephone or e-mail contact. In about half of the cases presented by LRAPA, LRAPA did not contact Delta but only the complainant. These contacts appear to be merely a way to assuage their concerns without LRAPA taking any action. A common thread in these discussions appears to be that LRAPA is working with Delta to address the Complaints concerns. For instance, on October 10, 2001 LRAPA spoke with a representative of a concerned group from the Willamette Oaks Retirement Center about the "constant dusting" they were receiving from Delta's operation. Complaint No. 8490. At that time LRAPA assured the Willamette Oaks representative that they were "work[ing] w[ith] Delta to try and minimize their fugitives; watering yard - paving road." *Id.* However, **more than four years later**, Mr. Freeman told Mrs. Pond, in response to her concerns about her family's health, that **LRAPA was still "currently working with Delta"** to resolve particulate matter issues through watering and street cleaning. Complaint No. 13748.

There are also instances where LRAPA makes contact with Delta to address neighborhood complaints. See Complaint No. 8872, 9120 & 10091. However, the extent of these contacts are unclear. They appear to reflect a willingness to permit Delta to police its own operations. Complaint No. 9120 reflects that when LRAPA was contacted about trucks smoking so badly "you can't see the cab of the truck o[r] on-coming traffic" **LRAPA "[n]otified George Staples @ Delta of Complaint - No other action."** Likewise, when a complainant called regarding Delta's failure to conduct regular watering activities on a 20 acre field, the extent of LRAPA's involvement appears to have been limited to discussing the matter with Delta. Complaint No. 10091.

Moreover, LRAPA has even permitted Delta to explain-away infractions without any apparent investigation or further action. Complaint No. 8872 ("Large amounts of dust from crushing activities....Checked with Delta, They had mechanical problems...")

Applicant relies on the mere existence of LRAPA to claim that it will adhere to DEQ and LRAPA standards, and to make up for the fact that it has failed to provide the necessary evidence demonstrating that its existing operation conforms to these standards or that its proposed operation would do so. However, as demonstrated above and reflected in the catalogue of complaints provided by LRAPA, the City and County should not rely on LRAPA as their proxy.

LRAPA has failed to conduct testing or monitoring to ensure that neighbor's are not receiving substantial doses of harmful inhalable particulate matter from the Delta's existing operation despite complaints regarding health effects. Indeed, LRAPA appears to have taken no action on more than a third of the complaints from neighbors of the existing development. With regard to those handful of complaints that it does act on, LRAPA either attempts to explain-away the problem or relies on Delta to address its own problems. It does not address compliance with either its own standards or those of the DEQ, even when these issues are brought to its attention by complainants.

As a result, LRAPA "works with" Delta on largely the same issues time-and-again without reaching a resolution, and while failing to address potentially serious public health issues.

It is little wonder that Applicant wishes to continue relying on LRAPA's oversight now that it is proposing to relocate into the heart of a largely¹ residential area. Indeed, it takes no great imagination to anticipate the host of complaints that will receive no response, as the dust from Applicant's topsoil stripping blows into the residences only a few hundred feet away. *See* Complaint No. 8371. Indeed, one can almost anticipate LRAPA advising neighbors that there is no health risk, even as it fails to conduct testing to ensure that the PM 2.5 and PM 10 standards are not violated, and that it is still working with the Applicant to solve the same problems. *See* Complaint No. 13748. This is not mitigation, and it is nowhere near substantial evidence demonstrating the absence of a

¹ Two large parcels to the north are not predominantly residential. One is a large area of agricultural property that would stand to receive substantial dust from Applicant's relocated haul road alone. The other is owned by Eugene's 4J School District.

conflict. Accordingly, as there is insufficient evidence to support approval of this application its should be denied.

2. LRAPA Failed to Provide All Complaints to Councilmember Taylor.

In addition to the dust impacts apparent from the complaints that LRAPA submitted there a variety of dust impacts that are not apparent because LRAPA failed to forward the applicable complaints. In particular, LRAPA Director Merlyn Hough stated that:

"January 1, 2000 to present, LRAPA received 13 complaints regarding Delta Sand & Gravel."

There are two problems with this statement. First, it is untrue, and second it is not fully responsive to Councilmember Taylor's request.

There are at least three additional complaints that were filed against Delta Sand and Gravel for the time period between January 1, 2000 and the present. These include Complaint 10088 on September 29, 2003:

"construction going on at N. 30th near Good Will, and there is lots of dust, **making it difficult for me to breathe. They should be watering, but they are not.**"² (Emphasis added);

Complaint 10092 on September 30, 2003:

"construction going on at N. 30th near Good Will, and there is lots of dust, **making it difficult for me to breathe. They should be watering, but they are not.** Didn't call yesterday but knows his neighbors did." (Emphasis added);

And Complaint 9824 on July 19, 2003:

"Delta S & G is doing road construction project on Irvington Drive [n]ear the Northwest Expressway. The complainant says **the**

² Applicant may argue, as it has before, that this is an offsite violation that does not count. However, Applicant has yet to present a principled reason why the City and County should trust it to adhere to LRAPA and DEQ standards on site, when it violates these standards offsite. Moreover, given the location of the existing operation, the violations noted on offsite projects (by persons who are not used to significant levels of dust in the air) probably paint a good picture of what area residents are going to experience once the operation moves a half-mile closer to their homes.

owner of Delta S & G as well as the road construction engineer, assured the residents that they would be applying water to the site to keep the dust down. This has not been done, and the dust is very bad. The complainant and her husband both have COPD, and her husband has throat cancer. The only water being applied to the street in front of their home is what her husband is applying with a garden hose. Please do something about this."
(Emphasis added).

LRAPA took no action on these complaints apart from calling Delta. No testing was undertaken, no site visit made, and no notice of violation was issued or other enforcement action taken. There is an indication in Complaint 9824, that Delta would buy the complainants a sprinkler.

This track record of failure to water time-and-again and without consequence, should not be played out in the residential neighborhoods around the proposed expansion area, especially where, as here, persons – the elderly, the very young, and persons with respiratory distress - stand to be so severely impacted by Applicant's failure to conduct its only proposed mitigation – watering. Applicant can, and probably will, argue that this time it really means it, this time it will actually water. In all likelihood, however, it made similar assurances to the Trents (the couple with Chronic Obstructive Pulmonary Disease and throat cancer from Complaint 9824), and nearby residents of the proposed expansion should not be expected or required to have sprinklers on their property to make up for Applicant's failure to conduct its promised mitigation, again.

Another aspect of LRAPA's response to Councilmember Taylor that is curious is its failure to include any complaints prior to January 1, 2000. Councilmember Taylor does not appear to have limited her request to that timeframe, and this excludes at least nine other complaints, including a petition signed by over 20 residents who owned property ½ mile or more away from Delta Sand and Gravel but were still experiencing substantial dust impacts. These complaints include:

| <u>Complaint No.</u> | <u>Date</u> | <u>Complaint</u> |
|----------------------|-------------|---------------------------|
| 5117 | 6/3/96 | Dust/Failure to Water |
| 5186 | 7/22/96 | Silt on Division Avenue |
| 5238 | 9/4/96 | Dust Very Bad |
| 5500 | 6/10/97 | Trackout |
| 6008 | 8/20/98 | Home Covered with Dust |
| 6315 | 6/11/99 | Failure to Water Roadway |
| 6316 | 6/11/99 | Failure to Water Roadway |
| 26308 | 3/16/99 | Dust (Petition to City of |

6489

9/28/99

Eugene Public Works)
Trackout and Dust

These complaints serve to further illustrate that Applicant's proven track record is not one of adherence to DEQ and LRAPA standards, but rather a track record of adverse dust impacts. Expanding the existing operation into an area adjacent to residential uses on the south and west, would only serve to make a bad situation worse and place more neighbors at risk. Applicant does not even acknowledge these adverse impacts, much less demonstrate that they can be mitigated. Its application should be denied.

3. Delta's Experts Have Documented The Extent To Which Summer Winds Will Direct Dust From The Expanded Operation South into Residential Areas, Including Where The Narvas And Their Neighbors Live. The Actual Impact Boundary For Dust Is Much Greater Than 1,500 Feet.

Apparently because many residences are located west of the proposed expansion site, Delta's experts have insisted that dust will not be a problem for Delta's neighbors because, during the driest and dustiest part of the year, winds are predominately from the north. This is of little or no comfort to our clients, the Narvas, or their immediate neighbors, who live south of Delta's proposed expansion area.

Residences in the Beaver Lane area are south of the current pit. The proposed expansion area would move the pit west. It would create a "peninsula" of gravel mining, with many more residences being due south of Delta's mining activities than before. Homes north and south of Hunsaker Lane, on streets such as Echo Lane (where the Narvas live), Taz, Taito, Gerald, Ross, Helen and Autumn, would, according to Delta's experts, be subject to winds from the north, coming across the expansion area, from 60% to 80% of the time during the summer.

Delta also insists that its expanded pit operation would have no significant impacts more than 1,500 beyond their property's boundary. Please note that, given the location and shape of the expansion area, the proposed 1,500 feet impact boundary does not even extend south as far as Division Avenue.

Yet complaints made to LRAPA demonstrate that residents living 3,000 or more feet away have complained about dust from Delta's operations. These include persons residing south of Belt Line Road, near Owosso Drive (e.g., Copping, Skip and Carolyn) and at Willamette Oaks

(near Marist High School). Please see the enclosed map showing the location of those reporting dust problems caused by Delta's operation. Some complaints are recent. Other complaints indicate that the dust was worse when Delta was excavating the southwest corner of its current site.

Since Delta has only examined dust issues within 1,500 feet of the expansion area, its analysis fails to address demonstrated dust impacts to residences located much further away. Delta's application should be denied.

B. NOISE IS A SERIOUS ISSUE THAT DELTA'S ANALYSIS FAILS ADEQUATELY TO ADDRESS. DELTA'S NOISE ANALYSIS UNDERSTATES NOISE LEVELS IN A VARIETY OF WAYS.

The handwritten illustrations prepared by the opponent's acoustic engineer Art Noxon, and submitted earlier this month (January) illustrate a series of serious defects in Delta Sand and Gravel's (Delta's) noise analysis. These errors include:

1. Delta's truck hauling movement and loading L50 numbers are understated by 3 to 10 dB. Since Delta's calculations show it to be close to the allowed noise threshold, correcting this calculation results in a violation of DEQ rules.
2. Delta's analysis fails to account for reflected sound at all, which can understate results by 6 dB, which could cause a violation of DEQ rules.
3. The location of truck driveways and haul roads through the pit area is a significant factor in determining how much noise nearby residences will experience. Delta's noise model assumes that such roads will always have minimum impact, regardless of where the truck path is actually located. Haul roads directed toward and away from houses can add up to 15 dB. Delta's noise model seriously understates the noise nearby residences would receive. This, by itself, could result in Delta's exceeding the DEQ standard of ambience plus 10 dB.
4. **The effects of the haul truck movement and loading, reflections and truck driveway locations discussed above are cumulative.** Taking those noise impacts together could easily raise noise levels by 16 to 18 dBA. That amount of noise puts the proposed Delta expansion operation substantially out of compliance with DEQ noise regulations.
5. Delta's Table 9, of predicted mitigated community noise impacts, contains errors. Correcting for those errors raises community L10 and L50

Lane County Board of Commissioners
and Eugene City Council
c/o Stephanie Schulz, Planner
January 22, 2007
Page 9 of 9

above levels permitted by DEQ rules. See corrected Table 9 as revised by Noxon (the table is corrected only for this one error, not for others).

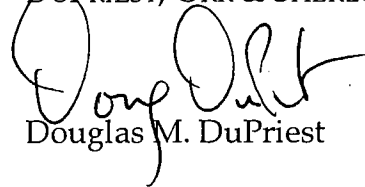
6. Delta's expert made various mistakes in conducting its noise testing and analysis. Delta mistakenly assumes it is entitled to produce up to twice the amount of noise allowed by DEQ. For this type of use, DEQ rules allow degradation of up to 10 dB above ambient. The manner in which Delta's expert measured ambient results in Delta's treating its "allowance" of "mitigated" noise as being as much as 18 dB above ambient, which is nearly double what it should be, which is an obvious violation of those rules.

Delta's noise expert was only able to find compliance with DEQ rules by making all of the assumptions previously noted. Adjusting for those mistakes results in noise levels that exceed DEQ's permitted levels.

C. CONCLUSION. For all of the reasons previously stated, Delta's application should be denied.

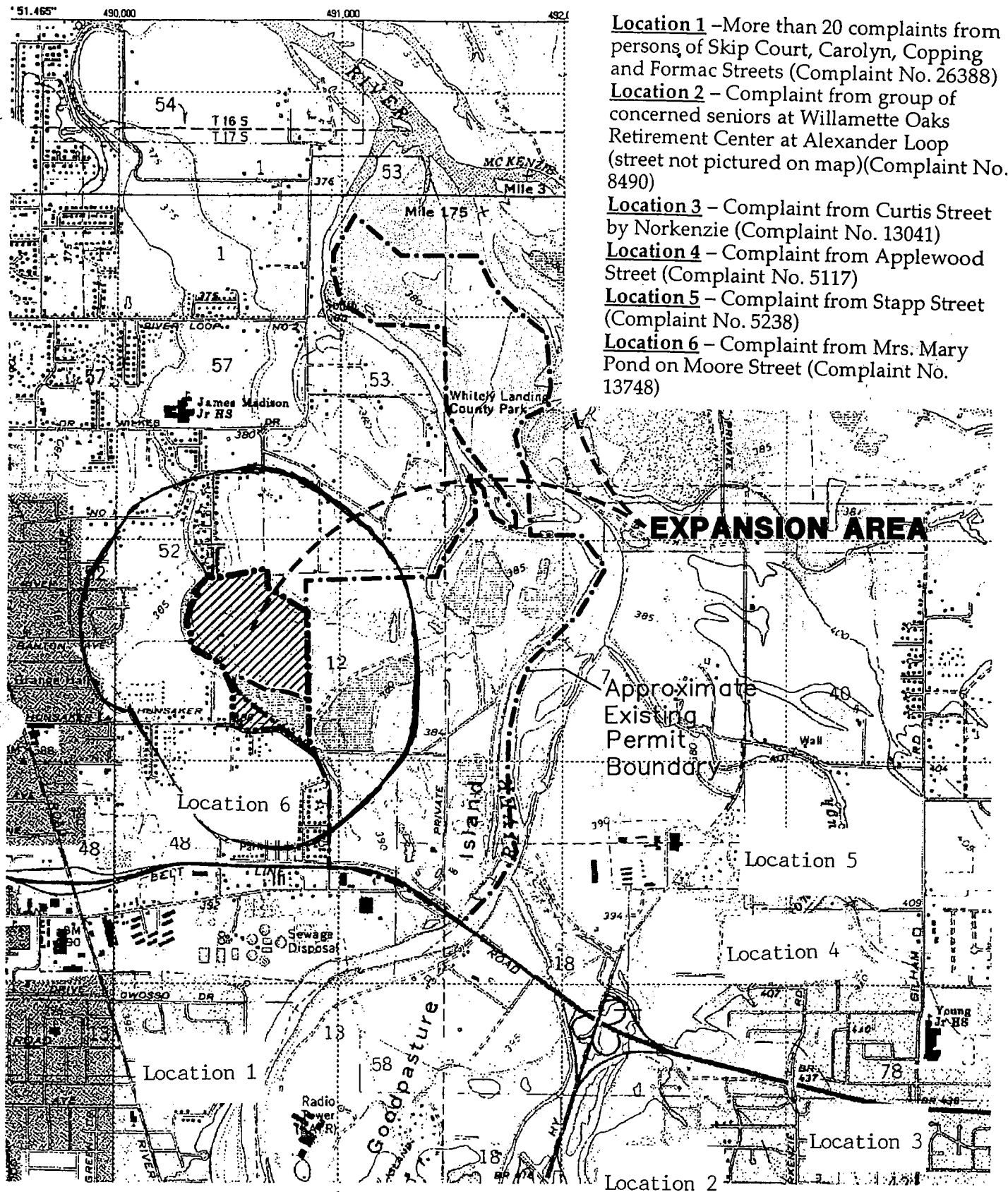
Very Truly Yours,

HUTCHINSON, COX, COONS,
DuPRIEST, ORR & SHERLOCK, P.C.



Douglas M. DuPriest

DMD/arc
Enclosures
cc: Clients



Adapted from the USGS 7.5' Topographic Quadrangle for Eugene East

FIGURE 1
VICINITY MAP
DELTA SAND AND GRAVEL
EUGENE, OREGON

Location of
1500 Impact Boundary (Approx.)

EGR & Associates, Inc.
Engineers and Geologists

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

LANE REGIONAL AIR POLLUTION AUTHORITY

C O M P L A I N T F O R M

Date Received 07/19/2003 Time Received 10:23:00 AM Complaint No: 9824

Complainant Name TRENT BARBARA Phone _____

Address 1302 IRVINGTON DR City EUGENE 97404

Location of Complaint Condition E-SC Santa Clara

Date & Time of Complaint 07/19/2003 10:23:00 AM

Frequency of Occurrence _____

Source: DELTA S & G (ROAD CONSTRUCTION) EI No. _____

Location IRVINGTON DRIVE City EUGENE 97404

Type of Complaint:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input checked="" type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|--|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Industry | <input type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input checked="" type="checkbox"/> Other <u>Road Construction Fallout</u> | | |

Complaint Received By: MJD Investigator: TF

Referred By: _____

Remarks: Delta S & G is doing a road construction project on Irvington Drive hear the Northwest Expressway. The complainant says the owner of Delta S & G, as well as the road construction engineer, assured the residents that they would be applying water to the site to keep the dust down. This has not been done, and the dust is very bad. The complainant and her husband both have COPD, and her husband has throat cancer. The only water being applied to the street in front of their home is what her husband is applying with a garden hose. Please do something about this.

Investigation Results: Done On: 7/21 By: TF

talked w/ Delta - they watered 3 times/day on Sat & Sunday - They will buy complainant a sprinkler to put in front of their residence - this is a Special Situation

ENTERED
3959

LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

Date Received 09/30/2003 Time Received 2:34:36 PM Complaint No: 10092

Complainant Name MONTGOMERYJOHN Phone 746-9434

Address 32ND ST. City SPRINGFIELD 97477

Location of Complaint Condition S-M Mid-Springfield

Date & Time of Complaint 09/30/2003 2:34:36 PM

Frequency of Occurrence _____

Source: FUGITIVE DUST EI No. _____

Location N. 30TH ST. City SPRINGFIELD 97477

Type of Complaint:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|-------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Industry | <input checked="" type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

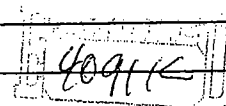
Complaint Received By: MRM Investigator: TF

Referred By: _____

Remarks: Complainant states "construction going on at N. 30th near Good Will, and there is lots of dust, making it difficult for me to breathe. They should be watering and should know better. Didn't call yesterday but knows his neighbors did."

Investigation Results: Done On: 9/30 By: TF

Discussed with Dallen Collier called complainant on 9/30



LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

Date Received 09/29/2003 Time Received 1:13:00 PM Complaint No: 10088

Complainant Name CULLEN/CHARLES Phone 747-3036

Address 511 N 32ND STREET City SPRINGFIELD 97477

Location of Complaint Condition _____

Date & Time of Complaint 09/29/2003 1:13:00 PM

Frequency of Occurrence _____

Source: DELTA S & G FUGITIVE DUST EI No. _____

Location CONSTRUCTION ON N 30TH AVEN City SPRINGFIELD 97477

Type of Complaint:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input checked="" type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|-------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Industry | <input checked="" type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: KIT Investigator: TF

Referred By: _____

Remarks: Complainant states "construction going on at N. 30th near Good Will, and there is lots of dust, making it difficult for me to breathe. They should be watering, but they are not. Please have someone check it out."

Investigation Results: Done On: 09/29/2003 By: Tf

Discusses with Delta. Called complainant.

LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

Date Received 09/28/1999 Time Received 1:33:34 PM Complaint No: 6489

Complainant Name CHRISTIANSEN\NORM Phone 688-8139

Address 365 SKIP COURT City EUGENE

Location of Complaint Condition E-RR River Road

Date & Time of Complaint 09/28/1999 1:33:34 PM

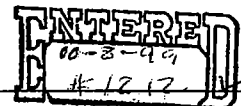
Frequency of Occurrence _____

Source: DELTA SAND & GRAVEL EI No. _____

Location _____ City EUGENE

Type of Complaint:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input checked="" type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |



Type of Source:

- | | | | |
|--|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Industry | <input type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: MJD Investigator: TF

Referred By: _____

Remarks: Complainant is extremely angry about the trackout from Delta Sand & Gravel. He says they water the yard but track mud out onto the road where it dries out and gets kicked up into the air by all the traffic. He said Lane County applied a chemical to some dirt roads last year which really helped to keep the dust down. Why can't sand & gravel operations be required to do that? He's really mad that nothing is done to protect people from all the dust from these operations, and says Eugene S & G is the worst. He has to keep his phone covered up so the dust doesn't get into the number grid and mess up the phone. □□□□ He also said Delta's dump trucks are leaking oil and leave big puddles of it at the signal lights while they wait for the lights to change. He's mad about that, too. □□□□ He wants Tom Freeman to call him and tell him what the sand & gravel operators have agreed to do to help keep the dust down. He says if we care about air, we should do something about this. He also says he has dealt with Tom before on a previous complaint, and Tom made an asshole out of him. He's not happy about that, either. His speech was liberally dosed with colorful language, and he seems to be really crabby in general. 6ac

Investigation Results: Done On: 09/01/99 By: Greenia Castro

Mr. Christensen believes the dust comes from the pits because of the wind direction. He said that water application is not the answer. He wants (over)

He asked why we were not requiring these people to pave the roads inside the quarry to minimize the dust, he also said he had research and found a city county ordinance that would require Delta & Eugene S & G. to put rip rap on ^{roads} ~~places~~ that are not paved. He also indicated there is a lot of oil from the trucks that is left on the roads in front of Fred Meyers. He said that all citizens deserve clean air. I told him that we are trying to find solutions to the problem and pointed out the difficulty of controlling fugitive dust,

finding solutions that work and making sure that we are within the regulations and jurisdiction. ^{Throughout the conversation} Mr Christiansen was very nice and thanked me for returning his call.

LANE REGIONAL AIR POLLUTION AUTHORITY
COMPLAINT FORM

COPY

Date Received: 3-16-99 Time Received: 1205 Complaint No: 26308

Complainant Name Norm Christensen Phone 688-8139

Address 365 Skips Court City Eugene

Location of Complaint Condition 8-RR

Date and Time of Complaint _____

Frequency of Occurrence Ongoing

Source: Delta Sand & Gravel E. I. No. _____

Location _____ City _____

Type of Complaint:

☒ Fallout ☐ Visibility (Aesthetic) ☐ General Air Quality
☐ Fume ☐ Visibility (Traffic Safety) ☐ General Practice (Field/Slash)
☐ Odor ☐ Smoke (Impact) ☐ Expense
☐ Health ☐ Smoke (Visible)
☐ Other _____

Type of Source:

☒ Industry ☐ Fugitive Dust ☐ General ☐ Open Burning
☐ Field Burn ☐ Slash Burn ☐ Backyard Burn ☐ Home Heating
☐ Unknown ☐ Other _____

Complaint Received By: mjd Investigator: TF

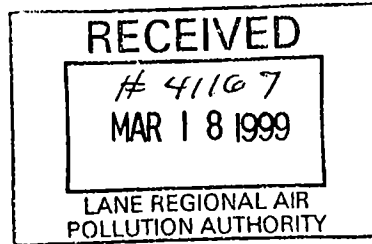
Referred By: Eugene Public Works

Remarks: Public Works personnel have spoken with complainant a number of times and are now referring complaint to LRAPA. Complainant has respiratory problems due to heavy dust from Delta. He has submitted a petition from residents of the area. Public works will send LRAPA copies of petition and complaint reports via mail. They will also call complainant and tell him to expect a call from LRAPA.

Investigation Results: _____



Public Works



City of Eugene
858 Pearl Street
Eugene, Oregon 97401
(541) 682-5262
(541) 682-6826 Fax

March 16, 1999

LRAPA
Attn: Merrie
1010 Main St.
Springfield, OR 97477

DATE TO: MD
copy: BP
IF

202119
FILE Delta STG

Dear Merrie,

Enclosed is the citizen letter and petition that I called about. I have contacted Mr. Christiansen and let him know that I was forwarding this to you. I noticed that his number was not included in his letter. He can be reached at 541-688-8139.

Thank you for your help.

COPY

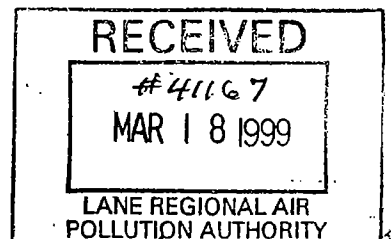
Sincerely,

Tracy Schermerhorn
Dept. Of Public Works
City of Eugene
(541) 682-5241

P. titon to eli moto dust
 from Delta Street & Gravel
 doing business at
 999 Harrison ave.
 north of the Beltline interchange
 with Harrison Ave &
 Riverdale roads

| DATE | NAME | ADDRESS |
|------|--------------------|-----------------------------|
| | Ruth H. Figg | 371 Ship U. Evansville 9746 |
| | Hester M. Richards | 387 Carolyn Dr., Eugene 974 |
| 8-31 | Muriel Bakken | 375 Carolyn Dr. |
| 8-31 | Paul W. Galt | 1789 Copping St. SE 974 |
| 8-31 | Rodney Kuiper | 1770 Copping St. SE 974 |
| 8-31 | David King | 1777 Copping |
| " | Eric M. King | 1777 Copping St. |
| | Lee Babbly | 1767 Copping St. |
| 8-31 | John W. Nelson | 1780 Copping |
| 8-31 | Edith U. Nelson | 1780 Copping |
| | Ma Anna Hastings | 355 Carolyn |

Property
 Acquisition



| | | |
|------|--------------------------------|-----------------------|
| 8-31 | Betty & Edwina | 336 Carolyn |
| 8-31 | Chae Veech | 300 Carolyn |
| 8/31 | Brendy Baker | 300 Carolyn |
| 8/31 | Dana Long Henderson | |
| 9/2 | Laurie Mather | 359 Skip Ct. Equi 974 |
| 9/2 | Jerry A Miller | 359 SKIP CT. |
| 9.2 | Georgia Gibson | 170 Formac |
| 9.2 | Marvin Kight | 170 FORMAC 974 |
| 9.2 | Richard C Hill | 173 FORMAC 974 |
| | Denise Kelp | 125 FORMAC Hwy 974 |

Gathered by Norman R Christian
365 Skip Ct Eugene Or.

We the people listed on
these pages are sick and
tired of the dust that
drifts south to the
houses of us that live
south of Delta Road
& gravel.

The roads are covered
with dust & gravel.

We ask for health
sake.

{ Code 10.205-05
Item 5.
Rock product Dist. }

9.6⁰⁰ all zoning districts
shall comply
I don't see any
compliance to any
req. in the codes.

I'm asking the County
Commissioners to shut
the project down & get
the Area Channel rep.

Several people myself
included have breathing
problems, caused by that
dust.

This has been ongoing
for several years.

The E.P.A. takes no
action.

Nobody takes responsibility
for the access roads.

Now at your turn
I expect to see some
action.

Wendy Robertson
365 Skip St.

P.S. I would like to
tour the area with some
one from the Comm. office
involved code information

LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

6316

Date Received 6/21/99 Time Received 11:00 A.M. Complaint No: 26424

Complainant Name Anonymous Phone _____

Address _____ City _____

Location of Complaint Condition NEED LINE BETWEEN GATEWAY & GAME FARM

Date & Time of Complaint present

Frequency of Occurrence _____

Source: DELTA SAND & GRAVEL EI No. _____

Location EUGENE City _____

Type of Complaint:

- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice (Field/Slash) |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|-------------------------------------|--|--|---------------------------------------|
| <input type="checkbox"/> Industry | <input type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: _____ Investigator: _____

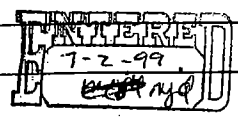
Referred By: _____

Remarks: NS & G construction project on Gateway - removed asphalt - resulting in gravel road - no water on roadway creating high dust situation

see 26423

JH

Investigation Results: _____



LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

6315

Date Received 6/11/99 Time Received 10:00 AM Complaint No: ~~26423~~

Complainant Name TOM LINOLY Phone 744 2206

Address 541 COLONIAL DR City SPRINGFIELD

Location of Complaint Condition BELT LANE between GATEWAY & GAMFR VAWN

Date & Time of Complaint present

Frequency of Occurrence _____

Source: DE-IDA SAND & GRAVEL EI No. _____

Location EUGENE City _____

Type of Complaint:

- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice (Field/Slash) |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|-------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Industry | <input checked="" type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

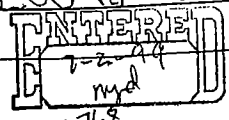
Complaint Received By: JM Investigator: JM

Referred By: _____

Remarks: DS&G construction project on Gateway - removed asphalt resulting in gravel road - no water on roadway - creating high dust situation

6/11/99 ~11:30 A.M. observed roadway and dust situation observed that roadway was not wetted
- spoke w/ 'George' at Delta who stated that road had been watered earlier - advised that if water was means by which to minimize emissions that roadway should

Investigation Results: remain wetted - George stated Delta would take care of situation - observed on two occasions in afternoon that roadway wetted - observed on 6/12/99 at 12:00 PM and 3:00 PM that roadway was wetted



LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

#6008

6008

Date Received 8-20-98 Time Received 11:00 Complaint No: 22108

Complainant Name Donny Parks Phone 344-0244

Address _____ City Eugene

Location of Complaint Condition _____

Date & Time of Complaint _____

Frequency of Occurrence _____

Source: ~~Delta~~ Sand & Gravel EI No. _____

Location Beltline City E-T

Type of Complaint:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fallout | <input checked="" type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice (Field/Slash) |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

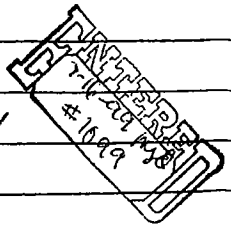
- | | | | |
|--|---|--|---------------------------------------|
| <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: JF Investigator: JF

Referred By: JF

Remarks: _____

This house is covered with dirt. This is the second time he has complained. He wishes something could be done about it. The first complaint was on 8/10 and it was referred to you as well. Could you please call him with the results. Thanks.



Investigation Results: Called Complainant - wasn't there - will call back in morning IF 8/25/98. Delta has a dedicated water truck that does nothing but water this yard & haul roads. I rarely if ever, see this yard dry. Crushing equip has water spray. Called & discussed with Complainant 8/17/98

LANE REGIONAL AIR POLLUTION AUTHORITY COMPLAINT FORM

Date Received: 6-10-97⁻⁰⁰¹ Time Received: 0920 Complaint No: 24807 5500

Complainant Name Bob Sprick Phone 682-8617 (work)

Address _____ City Eugene

Location of Complaint Condition _____ E-CY

Date and Time of Complaint _____

Frequency of Occurrence _____

Source: Delta S+G E. I. No. _____

Location Beltline + Division City _____

Type of Complaint:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice (Field/Slash) |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visible) | |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|--|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Industry | <input type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burn | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: myd Investigator: TF

Referred By: _____

Remarks: Mud trackout on ~~Delta~~ Division makes it very difficult for people driving in that area. Even though they water periodically, it's still a problem because there's just too much dirt on the road. When it's dry it blows all over, and when it's wet it's a big mud puddle. Can anything be done to decrease amount of trackout? Please call to discuss problem + possible solutions.

Investigation Results: Called Complainant 4:25 PM 6/11/97 left message on voicemail - will call again TF 6/11/97 - Talked to Alan Babb @ Delta - they have Mid State Industrial sweepers to sweep the above areas two (2) times/week. They will have their water truck wash road down at tank-out builds. Called Complainant

INTERFILE
 6-20-97
 myd
 #24807

LANE REGIONAL AIR POLLUTION AUTHORITY
COMPLAINT FORM

Date Received: 9-4-96⁰⁰¹ Time Received: 1118 Complaint No: 5238
Complainant Name Judy Abel Phone 465-9609
Address 3031 Stapp Dr. City Eugene 97408
Location of Complaint Condition _____
Date and Time of Complaint _____
Frequency of Occurrence _____
Source: Delta S+G / Eugene S+G? E. I. No. _____
Location _____ City _____

Type of Complaint:

☒ Fallout ☐ Visibility (Aesthetic) ☐ General Air Quality
☐ Fume ☐ Visibility (Traffic Safety) ☐ General Practice
(Field/Slash)
☐ Odor ☐ Smoke (Impact) ☐ Expense
☐ Health ☐ Smoke (Visible)
☐ Other _____

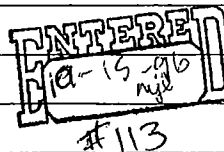
Type of Source:

☒ Industry ☒ Fugitive Dust ☐ General ☐ Open Burning
☐ Field Burn ☐ Slash Burn ☐ Backyard Burn ☐ Home Heating
☐ Unknown ☐ Other _____

Complaint Received By: mya Investigator: TF

Referred By: _____

Remarks: Dust from Delta S+G and the one across
the river (thinks it's Eugene S+G) very bad. What
can be done about this? Please call to discuss
problem.



Investigation Results: Called Complainant left message on answering
machine. 9/4/96 Discussed situation with Complainant
and gave her Kenia Attorneys and Alan Bobbs
names & numbers 14 9/5/96

LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

Date Received 7/22/96⁰⁰² Time Received 12:05pm Complaint No: 5186
 Complainant Name Norman R. Christensen Phone 688-8639
 Address Skip Lane City Eugene
 Location of Complaint Condition _____
 Date & Time of Complaint _____
 Frequency of Occurrence Annually - dry weather
 Source: Delta Sand & Gravel EI No. _____
 Location _____ City E-R

Type of Complaint:

- ☒ Fallout ☐ Visibility (Aesthetic) ☐ General Air Quality
☐ Fume ☐ Visibility (Traffic Safety) ☐ General Practice (Field/Slash)
☐ Odor ☐ Smoke (Impact)
☒ Health ☐ Smoke (Visibility) ☐ Expense
☐ Other _____

Type of Source:

- ☐ Industry ☒ Fugitive Dust ☐ General ☐ Open Burning
☐ Field Burn ☐ Slash Burning ☐ Backyard Burn ☐ Home Heating
☐ Unknown ☐ Other _____

Complaint Received By: CW Investigator: TF CC:DA

Referred By:

Remarks: The silt on Division Avenue is now so thick that even when they do water it (silt) is flowing into the river. They are carrying the dirt, dust + gravel onto the roads + freeway + is not being washed + that the dust is becoming unbearable. They need to clean it up from the street + freeway + gutters + then washed it real good - maybe that would help.

Investigation Results: Please call back w/ results - talked with Swettler and inspected Division Ave, Hunsacker, & River Ave. River Ave & and bottom of Division Ave. WETA 3:15 PM. Bike lanes clean on River Ave. Some siltage @ gates of Delta (not sure gate) E & G bet Sewer Div of Hunsacker 3200 ft. may be from that - Delta Waters St. about 1/4 mi. Called Complainant - Bellinger 1/1 TF 7/22/96



LANE REGIONAL AIR POLLUTION AUTHORITY

COMPLAINT FORM

Date Received 4/3/96 Time Received 3:45pm Complaint No: 5117
24438

Complainant Name Anonymous Phone _____

Address Applewood city Eugene

Location of Complaint Condition _____

Date & Time of Complaint Present

Frequency of Occurrence _____

Source: Sand + Gravel EI No. _____

Location Beitline + Delta city ~~Hwy~~ E-17

Type of Complaint:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fallout | <input type="checkbox"/> Visibility (Aesthetic) | <input type="checkbox"/> General Air Quality |
| <input type="checkbox"/> Fume | <input type="checkbox"/> Visibility (Traffic Safety) | <input type="checkbox"/> General Practice (Field/Slash) |
| <input type="checkbox"/> Odor | <input type="checkbox"/> Smoke (Impact) | |
| <input type="checkbox"/> Health | <input type="checkbox"/> Smoke (Visibility) | <input type="checkbox"/> Expense |
| <input type="checkbox"/> Other _____ | | |

Type of Source:

- | | | | |
|--|---|--|---------------------------------------|
| <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> Fugitive Dust | <input type="checkbox"/> General | <input type="checkbox"/> Open Burning |
| <input type="checkbox"/> Field Burn | <input type="checkbox"/> Slash Burning | <input type="checkbox"/> Backyard Burn | <input type="checkbox"/> Home Heating |
| <input type="checkbox"/> Unknown | <input type="checkbox"/> Other _____ | | |

Complaint Received By: CW Investigator: TF

Referred By: _____

Remarks: The Dust/Dirt Fallout is considerably bad today - Don't they have to water?

ENTERED
13096

Investigation Results: Talked with Alan Babb (Delta) and Kevin Altusker (ES&G) to remind them of the time of year etc. They both kinda got caught with the first "Hot" day and will be cleared up by 6/4/96

6/3/96