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Department of Environmental Quality
Administrative Overview
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Introduction

The Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC), DEQ's policy and rule-making board, are responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, for managing the proper disposal of hazardous and solid wastes, and for enforcing Oregon's environmental laws.

The Environmental Quality Commission, a five member citizen commission whose members are appointed to four year terms by the Governor and subject to State Senate confirmation, adopts administrative rules, issues orders and judges appeals of fines or other department actions, and hires the DEQ director. DEQ also relies on advisory committees of citizens and government officials for assistance on environmental questions, and to help guide its decision-making. DEQ has the authority to issue fines for violation of pollution laws and standards. DEQ staff use a combination of technical assistance, inspections and permitting to help public and private facilities and citizens understand and comply with state and federal environmental regulations.

DEQ's programs are dictated by state and federal law, and in most instances, they are the result of specific federal and state legislation. In addition to local programs, the Environmental Protection Agency (EPA) delegates authority to DEQ to operate federal environmental programs within the state under the federal Clean Air Act (CAA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA). The other federal agencies DEQ frequently collaborates with include, but are not limited to, the U.S. Forest Service, Department of the Interior, and Federal Energy Regulatory Commission. The state agencies DEQ frequently collaborates with include, but are not limited to, the Department of Agriculture, Department of Forestry, Department of Fish and Wildlife, and Water Resources Department.

History

The first Oregon pollution laws were passed in 1889. They included promoting drainage for agriculture and sanitary purposes (General Laws of Oregon 1889, p. 25) and prohibiting dead animal carcasses and other decayed substances from being dumped in springs, brooks and creeks

(General Laws of Oregon 1889, p. 29). As a result, drainage districts were formed and registered with the county's commissioner's court. By 1911, legislation began to be passed that prevented pollution of certain rivers and their tributaries by industry. Laws also established penalties for violators (General Laws of Oregon 1911, p. 27). Additional legislation, passed in the late teens and 1920s, failed to protect rivers from contamination created by discharging raw sewage into the state's rivers and streams. The Willamette River had become so polluted that during low stream flows, it resembled an open sewer.

Between 1929 and 1937, numerous attempts were made to promote Legislative adoption of more comprehensive and effective water pollution control laws. In 1938 Oregonians, concerned over the dumping of raw sewage into the Willamette River, passed the "Water Purification and Prevention of Pollution Bill," one of the first state comprehensive water pollution control laws in the nation (O.L. 1939, Ch. 3).

That initiative created the State Sanitary Authority in 1939, under the administration of the State Board of Health. The Authority's responsibility was to restore and maintain the quality of the State's public waters and to enforce the statutes pertaining to water pollution control. It was composed of the State Health Officer, State Engineer, Chairman of the State Fish and Game Commission and three additional members appointed by the Governor. The State Engineer, who was employed by the Board of Health, was designated by statute as secretary and chief engineer of the Authority. One of the first policies adopted was that cities should take the leadership role in establishing pollution abatement facilities.

In 1951, the Oregon Legislative Assembly adopted a comprehensive air pollution control law with statewide enforcement powers, the first law of its kind in the country. Initially, the law was administered by a separate Air Pollution Authority, which had been established as a division of the State Board of Health (O.L. 1951, Ch. 425). In 1959, the Legislative Assembly abolished that Authority and passed the responsibility for the air quality control program to the State Sanitary Authority (O.L. 1959, Ch. 357). That same year, the membership of the Sanitary Authority was increased through the addition of a member from the State Game Commission (O.L. 1959, Ch. 14).

A lawsuit filed by the Sanitary Authority against the City of Portland to force the city to complete its sewage projects, brought attention to the deficiencies in water quality standards statutes. The 1961 Legislative Assembly amended the existing air and water quality control laws to establish standards and clarify the state's policy regarding air and water quality control (O.L. 1961, Ch. 322). The City of Portland and certain industrial interests attempted, unsuccessfully, to mount opposition to the amendments. Two years later, the Legislative Assembly passed another bill that expedited law enforcement actions taken by the Sanitary Authority (O.L. 1963, Ch. 171).

In 1965, the Legislative Assembly passed the "Houseboat Bill," prohibiting the discharge of untreated garbage or sewage in any waters of the State of Oregon (O.L. 1965, Ch. 362). It was necessary for pollution abatement caused by the large number of houseboats on certain waters throughout the state.

During the 1965 session, the Legislative Assembly also created an Interim Committee on Public Health to study public health and environmental problems. The Committee performed a thorough study of the state's pollution control problems and needs. Their findings and

recommendations resulted in the rewriting and strengthening of pollution and water control laws in 1967. The Committee: reduced the Sanitary Authority membership from seven to five members appointed by the Governor and subject to Senate confirmation (O.L. 1967, Ch. 424); changed the title of the State Sanitary Engineer employed by the State Board of Health to the Director of Air and Water Quality Control (O.L. 1967, Ch. 424); clarified the definitions of "pollution" of water and for the liability for injury to fish and wildlife and their habitat as a result of pollution (O.L. 1967, Ch. 426); required a waste discharge permit for any sewage or waste discharge from any sewage system, industrial or commercial (O.L. 1967, Ch. 426); created a program for State grants to assist with financing sewage treatment works (O.L. 1967, Ch. 423); created a program of tax credits to encourage industry to install and operate air and water pollution control facilities (O.L. 1967, Ch. 425); and established regional air quality control authorities (O.L. 1967, Ch. 425). Also, for the first time, the State Board of Health was given statutory responsibility for statewide supervision of solid waste disposal (O.L. 1967, Ch. 428). The state's environmental policy priorities began to shift from pollution abatement toward pollution prevention.

During 1969, the Legislative Assembly continued to make numerous changes in the organization, powers, and duties of the state's pollution control agency. The most significant was the replacement of the State Sanitary Authority by the newly created Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC). Both DEQ and EQC were established independent of the State Board of Health. In addition, the position of DEQ Director was changed from an engineer employed by the Board of Health to one appointed by the EQC (O.L. 1969, Ch. 593).

Significant legislative changes made in 1969 included: authorization of a pollution control bond fund for grants and loans for construction of eligible sewage projects (O.L. 1969, Ch. 503); authorization to regulate open field burning operations (O.L. 1969, Ch. 613); creation of a program for measuring and testing air contamination (O.L. 1969, Ch. 331). Also, DEQ and the State Board of Health were granted joint authority for statewide supervision of solid waste disposal (O.L. 1969, Ch. 90).

Additional duties and responsibilities were given to the DEQ and EQC by the Legislative Assembly in 1971 (partially in response to the federal Clean Air Act of 1970 (42 USC 7401-7661), including full responsibility for administration of the state's solid waste management and disposal program (O.L. 1971, Ch. 648, 459); administration of a new program for hazardous waste management and disposal (O.L. 1971, Ch. 699); administration of a new program for control of noise pollution (O.L. 1971, Ch. 452); increased regulation, control, and prohibition of field burning in the Willamette Valley (O.L. 1971, Ch. 563); creation of a program for controlling pollution caused by motor vehicle emissions (O.L. 1971, Ch. 454); authorization to assess civil penalties for violation of air, water, or solid waste laws (O.L. 1971, Ch. 420); establishment of an air contaminant discharge permit program (O.L. 1971, Ch. 406); increase of the pollution control bond fund and expansion of the grant and loan program to support construction of both solid waste disposal projects and sewage treatment works (O.L. 1971, Ch. 50, 662); and prohibition of water pollution caused by oil discharges (O.L. 1971, Ch. 524). In addition, the qualifications for the position of DEQ Director were amended so that a person other than a registered professional sanitary engineer could be appointed (O.L. 1971, Ch. 253).

The EQC and DEQ began to focus solid waste management efforts on resource recovery and recycling (in response to the federal Resource Conservation and Recovery Act of 1970), which

resulted in the nation's first "Bottle Bill," passed by the Legislative Assembly in 1971 (ORS 459.810-459.890), requiring a container deposit for beverages and prohibiting flip-top cans (enforced by the Oregon Liquor Control Commission).

The Federal Clean Air Act of 1970 required states to submit a State Implementation Plan, which detailed how the state proposed to meet national air quality standards. The Environmental Protection Agency (EPA) gave Oregon a deadline of July 1975 to meet the standards. In 1972, Oregon adopted a Clean Air Implementation Plan, which brought the state into compliance with the National Ambient Air Quality Standards.

The Legislative Counsel and Law Review Committee completed an exhaustive study of all the state's environmental laws, resulting in the approval of SB 77 by the Legislative Assembly in 1973 (O.L. 1973, Ch. 835). Its main purpose was to consolidate, clarify, and improve the statutory requirements for air, water, land, and noise pollution control. In addition to numerous revisions and changes, it included the administration of a new program of subsurface (on-site) sewage disposal including the issuance or denial of permits for construction, repair, or extension of all subsurface systems in Oregon; administration of a motor vehicles emission inspection program in the Portland metro area; and revisions so that DEQ could carry out provisions of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500). In the same year, DEQ entered into an agreement with the EPA to issue waste discharge permits under the National Pollutant Discharge Elimination System (NPDES) in order to avoid duplicate federal and state permits. Air quality legislation included an Aerosol Spray Control law that prohibited the sale of chlorofluorocarbons (O.L. 1975, Ch. 366) and a law prohibiting smoking during public meetings (O.L. 1979, Ch. 262).

The 1980s and 1990s saw continued activity on the state's legislative front including the establishment of: a Backyard Burning Program (O.L. 1981, Ch. 765), Indoor Clean Air Act (O.L. 1981, Ch. 384); a Woodstove Emission Certification program (O.L. 1983, Ch. 333); Opportunity to Recycle law (O.L. 1983, Ch. 729); an Environmental Notice law (O.L. 1985, Ch. 683); PCB/Hazardous Waste Treatment or Disposal Facility Siting provisions (SB 138); Waste Tire program (O.L. 1987, Ch. 706); Environmental Cleanup Program/State Superfund (O.L. 1987, Ch. 735); Underground Storage Tank program (O.L. 1987, Ch. 539); Toxic Use and Hazardous Waste Reduction Act (O.L. 1989, Ch. 833); Groundwater Protection Act (O.L. 1989, Ch. 129); comprehensive air emission amendments (O.L. 1991, Ch. 752); Forest Practices Act (O.L. 1991, Ch. 919); chemical process mining (O.L. 1991, Ch. 735); environmental crimes (O.L. 1993, Ch. 422); used oil recycling and recovery goals (O.L. 1993, Ch. 527); and an Adopt-a-River program (O.L. 1993, Ch. 54).

In 1997, the Legislative Assembly directed the Environmental Quality Commission to establish by rule, criteria for 'Green Permits' and readdressed the requirement for DEQ to continue implementing Title V of the Clean Air Act consistent with minimum federal regulations (O.L. 1997, Ch. 420, 553). The Legislative Assembly provided financial assistance toward redevelopment of brownfields, properties that are hindered by actual or perceived environmental contamination (O.L. 1997, Ch. 738). The Oregon Plan was initiated to restore salmon and watersheds.

In 1999, the Oregon Plan was enhanced with the creation of the Oregon Watershed Enhancement Board to coordinate the Plan and to oversee grants to local projects (O.L. 1999, Ch. 1026). The Oil Heat Commission was eliminated (O.L. 1999, Ch. 880). DEQ took over the

decommissioning of oil tanks and cleanup of any resulting soil contamination from leaking tanks (O.L. 1999, Ch. 979).

In 2001, a number of DEQ fees, permits, and requirements were created to mitigate and clean up oil spills from vessels, facilities, and underground storage tanks (O.L. 2001, Ch. 688, 754).

In 2003, the Legislative Assembly established the Hazardous Waste Technical Assistance Fund (O.L. 2003, Ch. 654), and established the Willamette River Cleanup Authority (O.L. 2003, Ch. 696).

In 2007, the Legislative Assembly established Oregon E-Cycles (formerly known as Oregon's Electronics Recycling Program, or "E-Waste"), promoting responsible recycling of computers, monitors and televisions, to be financed by the products' manufacturers (O.L. 2007, Ch. 302).

Current Organization

Environmental Quality Commission (EQC)

The Environmental Quality Commission (EQC), DEQ's policy and rule-making board, is responsible for protecting and enhancing Oregon's water and air quality, and for managing the proper disposal and cleanup of solid and hazardous wastes.

Office of the Director

The Office of the Director provides leadership to the agency in: policy formation and guidance, fiscal management, intra-agency and inter-agency coordination, enforcement, and accountability for the agency's efforts. The Director's Office manages the Office of Compliance and Enforcement, which enforces Oregon's environmental laws.

Management Services Division

The Management Services Division provides central management services including budget and accounting, information and business systems, communications and outreach, intergovernmental coordination, human resource services, and health and safety services.

Air Quality Division

The Air Quality Division monitors the air quality across Oregon to ensure that Oregonians are breathing air that meets or beats national air quality standards. The division measures the amount of toxic compounds in the air to understand their health impacts, then develops and implements strategies to reduce and prevent pollution from industrial, commercial, motor vehicle, and household sources. The major types of air pollution are Point Sources (emissions of large volumes of pollutants from a single source), and Area Sources (small individual sources of pollution, spread over a geographic area, that collectively contribute significant emission levels). The vehicle inspection program in the Portland area and in the Rogue Valley reduces pollution from motor vehicles, one of the primary sources of air pollution in Oregon.

More recently, attention has been shifting to "people-caused" pollution. DEQ also undertakes outreach efforts to minimize pollution, in addition to operating the mandatory motor vehicle emissions testing program, backyard burning restriction program, and woodstove burning curtailment program.

The Air Quality Division is organized into the following sections: Administration, Planning, Program Operations, Technical Services, and the Vehicle Inspection Program.

Laboratory and Environmental Assessment Division

The Laboratory and Environmental Assessment Division provides scientifically sound, timely, safe and efficient analytical capabilities for assessing the quality of Oregon's environment and protecting Oregonians. The Laboratory also has an important role in homeland security, responsible for analyzing unknown chemicals associated with credible terrorist threats. DEQ works closely with the Oregon Public Health Laboratory in conducting analyses and interpreting results.

Currently, the Laboratory and Environmental Assessment Division is divided into the following sections: Administration, Air Quality Monitoring, Analytical, Quality Assurance Technical Services, Water Quality Monitoring, and Watershed Assessment.

Land Quality Division

Land Quality consists of program areas that are focused primarily on DEQ's strategic direction of protecting human health and the environment from toxics. Land Quality achieves these goals through activities that: minimize the release of toxics to the air, water and land; help Oregonians reduce the use of toxic chemicals and the generation of hazardous waste; reduce the risk from exposure to contaminants already in our environment and return these contaminated properties to productive use; and prepare for and minimize danger from the release of hazardous substances, and in particular the catastrophic release of dangerous chemicals.

The aim of many program activities is to protect Oregon's valuable water resources by ensuring that harmful substances are removed from the environment, or are safely managed. For example, ensuring compliance with landfill management requirements and with petroleum tank operation standards prevent hazardous substances from polluting Oregon's groundwater. Similarly, requiring cleanup of historical toxic pollution reduces runoff of harmful chemicals to our rivers and streams.

The Land Quality Division is divided into the following four sections: Administration, Cleanup/Emergency Response, Hazardous Waste/Tanks, and Solid Waste.

Water Quality Division

The Water Quality Division sets and enforces water quality standards and monitors river basins for water quality, measures groundwater quality, and implements strategies to protect this valuable resource. It develops strategies to reduce pollution carried by stormwater runoff from urban areas, agriculture, forest practices and construction.

Currently, the Water Quality Division is divided into the following sections: Administration, Community and Program Assistance, Operations and Information Services, Standards and Assessments, Surface Water, and Watershed Management.

Regional Offices

The Regional Offices constitute DEQ's implementation and enforcement arm, performing air, water and land quality functions related to the specific environmental needs of their region. Headquartered in Portland, DEQ operates regional administrative offices all over the state. Regional staff regularly inspects industrial and other sources of pollution for compliance with

permit conditions. When complaints or issues occur, staff members write compliance request letters, issue notices of violation, and recommend civil penalties. The offices also administer the backyard burning program, and manage enforcement of the field burning program in the Willamette Valley. These functions are carried out not only for Air Quality programs, but also for the Water Quality and Land Quality programs.

Cross Program

Cross Program recognizes the continuing need to address environmental issues that cross environmental media – such as air, land, and water quality. Cross Program is responsible for specific activities that address a broader spectrum of environmental problems, such as pollution prevention and tax credits. In addition to Air, Water and Land Quality, DEQ includes Cross Program as a budgeting structure to manage funding received for activities that are not solely contained within one environmental media. Cross Program does not exist as an organizational unit; its activities are managed from within an existing program or administrative organizational structure.

Advisory Committees

DEQ relies on a number of advisory committees for assistance on environmental questions. For example, the Greenhouse Gas Reporting Advisory Committee helps DEQ develop the Greenhouse gas reporting rules adopted by the Environmental Quality Commission.

Primary Agency Statutes and Administrative Rule Chapters

Oregon Revised Statutes:

Chapter 448 - Operator Certification for Sewage Treatment Works

Chapter 453 - Hazardous Substances

Chapter 454 - Sewage Treatment and Disposal Systems

Chapter 459 - Solid Waste Control

Chapter 459A - Reuse and Recycling

Chapter 465 - Hazardous Waste and Hazardous Materials I

Chapter 466 - Hazardous Waste and Hazardous Materials II

Chapter 467 - Noise Control

Chapter 468 - Environmental Quality Generally

Chapter 468A - Air Quality

Chapter 468B - Water Quality

Chapter 475 – Controlled Substances; Cleanup

OAR 340

Chronology

1970 Federal:

Clean Air Act set national air quality standards, requiring states to develop State Implementation Plans (SIP) demonstrating how National Ambient Air Quality Standards (NAAQS) would be attained; air pollution prevention and control mechanisms; emission standards for moving sources

Local air agencies (except Lane Regional Air Pollution Authority (LRAPA)) merged with DEQ

Resource Conservation and Recovery Act passes

- 1971 Oregon:
Minimum Deposit Act ("Bottle Bill") (ORS 459.810)
- 1972 Federal:
Noise Control Act
Water Pollution Control Act (research, grants for construction of treatment works, standards and enforcements, permits and licenses)
- 1973 Oregon:
Comprehensive pollution control amendments (O.L. 1973, Ch. 835)
- 1974 Federal:
Safe Drinking Water Act
- 1975 Oregon:
Aerosol Spray Control Act prohibiting sale of chlorofluorocarbons (O.L. 1975, Ch. 366)
- 1977 Federal:
Clean Air Act Amendments establish permit requirements for new sources
- 1979 Oregon:
Area-specific air quality plans adopted
Smoking prohibited during Public Meetings (O.L. 1979, Ch. 262)
- 1980 Federal:
Superfund Program (Comprehensive Environmental Response, Compensation, and Liability Act) established (42 U.S.C. 9601–9675)
- 1981 Oregon:
Backyard Burning Program prohibiting burning when air quality is poor (O.L. 1981, Ch. 765)
Indoor Clean Air Act requiring non-smoking areas in most indoor spaces (O.L. 1981, Ch. 384)
- 1983 Oregon:
Woodstove Emission/Certification program enacted (O.L. 1983, Ch. 333)
Opportunity to Recycle Law enacted, requiring communities above a certain population to provide curbside collection of recyclables (O.L. 1983, Ch. 729)
- 1985 Federal:
Underground Storage Tanks Act
Water Quality Construction Grants Program funded
Superfund Amendments and Reauthorization (SARA)
Safe Drinking Water Act amendments (groundwater protection)
Oregon:
Landfill Siting Authority enacted
PCB/Hazardous Waste Treatment or Disposal Facility Siting provisions added (SB 138)
Oil and Hazardous Material Response and Remedial Action (HB 2146)
Environmental Notice law enacted (O.L. 1985, Ch. 683)
Prohibition of Underground Storage Spills/Leaks (O.L. 1985, Ch. 737)
- 1987 Federal:
Clean Water Act Reauthorization and Amendments (33 USC)
State Revolving Fund initiated to phase out the Construction Grants Program
Oregon:
Waste Tire Program enacted, regulating storage, transportation, and disposal of waste tires (O.L. 1987, Ch. 706)
Environmental Cleanup Program/State Superfund enacted for investigation and clean up of hazardous substance contaminated sites (O.L. 1987, Ch. 735)
Underground Storage Tank Program enacted (O.L. 1987, Ch. 539)

- Sewage Works Operator Certification Law enacted (HB 3386)
- Illegal Drug Lab Cleanup Program established (SB 1002)
- Regional Solid Waste Sites (SB 2619)
- 1989 Federal:
 - Safe Drinking Water Act Amendments (increased groundwater monitoring of public wells, and addressed potential for contamination problems in public water system wells)
 - Oregon:
 - Toxic Use and Hazardous Waste Reduction Act (O.L. 1989, Ch. 833)
 - "Orphan" Site Cleanup Program enacted (HB 3515)
 - Underground Storage Tank Financial Assistance (HB 3080)
 - Groundwater Protection Act (O.L. 1989, Ch. 129))
 - Oil Spill planning (O.L. 1989, Ch. 859))
 - Oil Heat Commission (HB 3456)
 - Extension of Pollution Control Tax Credit Program (HB 2178)
 - Confined Animal Feeding operations (O.L. 1989, Ch. 847)
- 1991 Federal:
 - Clean Air Act Reauthorization and Amendments
 - Oregon:
 - Enhance underground storage tank financial assistance (SB 1215)
 - Comprehensive air emissions (O.L. 1991, Ch. 752)
 - Comprehensive solid waste planning and recycling (O.L. 1991, Ch. 385)
 - Oil spill planning (O.L. 1991, Ch. 651)
 - Forest Practices Act (O.L. 1991, Ch. 919)
 - State Water Management Group Grants program
 - Chemical Process Mining (O.L. 1991, Ch. 735)
 - Noise pollution removed from DEQ's purview, to be performed by city, county and municipal governments
- 1993 Oregon:
 - Air quality amendments (related to the federal Clean Air Act reauthorization of 1991) (O.L. 1993, Ch. 790)
 - Environmental Crimes (O.L. 1993, Ch. 422)
 - Groundwater/wellhead protection (O.L. 1993, Ch. 774)
 - Used oil recycling and recovery goals (O.L. 1993, Ch. 527)
 - Adopt-a-River Program enacted (O.L. 1993, Ch. 54) (volunteer litter cleanup)
- 1995 Oregon:
 - Dry cleaner cleanup program and fund established (O.L. 1995, Ch. 427)
 - Statewide management of groundwater transferred to DEQ (O.L. 1995, Ch. 690)
- 1997 Oregon:
 - "Green Permits" established (O.L. 1997, Ch. 553)
 - Brownfields redevelopment (O.L. 1997, Ch. 738)
 - Hazardous waste management (O.L. 1997, Ch. 443, 576)
 - Landfills and solid waste management (O.L. 1997, Ch. 552)
 - Financial assistance for rural gas stations upgrading their USTs (HB 3385)
 - Oregon Plan for salmon and watershed restoration
- 1999 Oregon:
 - Heating oil tank decommissioning and cleanup program (HB 3107)
- 2001 Oregon:
 - Brownfields redevelopment (O.L. 2001, Ch. 96)
 - State solid waste recovery goals (O.L. 2001, Ch. 513)

- Oil spill prevention and cleanup (O.L. 2001, Ch. 688)
Water quality management plans for agricultural and rural land (O.L. 2001, Ch. 442, 594)
- 2004 Oregon:
U.S. Army begins incinerating chemical weapons at the Umatilla Chemical Agent Disposal Facility, with DEQ overseeing the process
- 2007 Oregon:
Oregon Global Warming Commission established
Oregon E-Cycles, promoting collection, transportation and recycling of electronic devices (O.L. 2007, Ch. 302)

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