# Invitation to Comment

 **Incorporate Lane Regional Air Protection Agency rules for open burning into State Implementation Plan**



**Submit written comments**

**Online**

[Comment form](http://www.oregon.gov/deq/RulesandRegulations/Pages/COMMENTS/LRAPAOB.aspx)

By mail

Oregon DEQ

Attn: Andrea Gartenbaum 811 SW 6th Ave.

Portland, OR 97204

By fax 503-229-5675

Attn: Andrea Gartenbaum

At hearing

See Attend a hearing

Comment deadline

01/27/2014 by 5 p.m.

DEQ invites input on a proposed permanent rule amendment to chapter 340 of the Oregon Administrative Rules.

DEQ proposal

DEQ proposes the following changes to OAR 340, division number 200:

* Incorporate Lane Regional Air Protection Agency rules for open burning into Oregon’s State Implementation Plan in OAR 340-200-0040.

Rulemaking goal

LRAPA adopted revisions to its open burning rules in an effort to meet National Ambient Air Quality Standards for fine particulate matter. LRAPA’s open burning rules provide a consistent basis for complaint response and help prevent public nuisances and violations of the federal standards. Indicators of the success of this program will be attainment and maintenance of PM10 and PM2.5 air quality health standards, reduced impacts of residential open burning on neighbors, and fewer public complaints.

In order for LRAPA and the state to maintain compliance with the Clean Air Act, the Environmental Quality Commission reviews LRAPA’s rules and, if the EQC concludes that the rules comply with state law and the Clean Air Act, approve the rules and submit them to the EPA for approval and incorporation, as appropriate, into the federally-approved State Implementation Plan.

DEQ requests public comment on whether to consider other options for achieving these rule's substantive goals while reducing negative economic impact of the rule on business.

Who does this affect?

This proposal primarily affects residential open burning in Lane County.

Sign up for notices

Sign up to receive rulemaking notices by email: <http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/RulemakingActivities.aspx>.

Attend a hearing

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Location: Springfield, Oregon

Lane County Regional Air Protection Agency

1010 Main Street

Time: 5:30 p.m.

Date: Wednesday, January 22, 2014

Presiding Officer: Merlyn Hough

Comment deadline

To consider comments on the proposed rules, DEQ must receive the comment by

5 p.m. Monday, January 27, 2014

**More information**

The Rule Proposal and Notice for this rulemaking are on DEQ’s website: <http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/LRAPAOB.aspx>

**What has happened so far?**

Before LRAPA’s Board adopted the rules, DEQ reviewed appropriate rules and found the regulations to be as stringent as comparable DEQ rules. DEQ also evaluated the rules in light of events that have occurred since the rules were adopted by the LRAPA Board in 2008. Typically, DEQ submits LRAPA rules to the EQC for incorporation into the State Implementation Plan immediately upon adoption by the LRAPA Board. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. Performing rulemaking is resource intensive and DEQ was unable to perform the additional public notice requirements until now.

Documents used to develop proposal

DEQ relied on the following documents to consider the need for the proposed rule and to prepare the rulemaking documents.

* LRAPA Title 47 Open burning rules adopted by the LRAPA Board of Directors on March 14, 2008
* Letter from DEQ to LRAPA, July 20, 2007, Stringency review of Title 47 amendments
* Letter from DEQ to LRAPA, November 22, 2013, Stringency review of LRAPA’s rules
* [Oregon Administrative Rules for Open Burning - Chapter 340 Division 264](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_264.html)

.**What will happen next?**

DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal based on the comments.

Comments or summary of comments and responses will become part of the DEQ staff report that will go to the Oregon [Environmental Quality Commission](http://www.oregon.gov/DEQ/EQC/index.shtml) for a final decision.

Present proposal to the EQC

The Environmental Quality Commission is the board that reviews all proposed changes to division 340 of the Oregon Administrative Rules. The commission adopts, rejects, or adopts with changes, any proposed rule.

DEQ plans to take the final proposal including any modifications made in response to public comments to the commission for decision at its March 2014 meeting. The amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan required by the Clean Air Act.

Accessibility information

You may review copies of all websites and documents referenced in this announcement at:

1. Lane County Regional Air Protection Agency

1010 Main Street

Springfield, OR 97477

1. Oregon DEQ Floor 10

811 SW 6th Avenue

Portland, OR 97204

To schedule a review, call Andrea Gartenbaum at 503-229-5946.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to

deqinfo@deq.state.or.us. Hearing impaired persons may call 711