

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

(Lane Regional Air Protection Agency)

Department of Environmental Quality

Agency and Division

In the Matter of

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OAR 340

Administrative Rules Chapter Number

Statutory Authority,

Statutes Implemented,

Statement of Need,

Principal Documents Relied Upon,

Statement of Fiscal Impact

Statutory Authority: ORS 183; ORS 468A.135

Other Authority: LRAPA Titles 13 and 14

Statutes Implemented: ORS 468.020, ORS 468A.135

Need for the Rule(s): Given the new federal particulate standards for PM2.5, and the probability that areas of Lane County could exceed those standards, LRAPA is pro-actively addressing a source of PM2.5—open burning. The winter months of November through February are when the highest levels of PM2.5 are recorded in Lane County. The proposed rules would prohibit all open burning within the maintenance area during this period.

The current rules do not adequately address small recreational fires, such as patio fireplaces. The proposed rules would clarify when and where these fires could occur and identify what fuels would be acceptable.

A request has been received from the Hazeldell and Siuslaw RFPDs to be included in the special open burning control area. The proposed rules would accommodate that request.

Other minor changes in the proposed rules include clarification of several definitions, allowing the daily end time on burn days to be set earlier than sunset, restricting the open burning season in the outlying areas of Lane County, and correcting for the recent LRAPA name change.

Principal Documents Relied Upon: Attorney General's Uniform and Model Rules of Procedure; LRAPA Title 47.

Fiscal and Economic Impact: No significant fiscal or economic impacts are expected to the public, industry, LRAPA, or other government agencies.

Land Use Consistency Statement: The proposed rule amendments are consistent with land use as described in applicable land use plans in Lane County.

Administrative Rule Advisory Committee consulted?: LRAPA's Citizens Advisory Committee was consulted, and minor revisions were made to the draft rule amendments in response to the committee's comments.

Authorized Signer and Date