

8/30/1977

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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MINUTES OF THE SPECIAL MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION
August 30th, 1977

At 2:00 p.m., Tuesday, August 30, 1977, a special conference call meeting of the Oregon Environmental Quality Commission was convened.

Connected by conference telephone call were Commission members: Mr. Joe Richards, Chairman; Dr. Grace Phinney, Vice-Chairman; and Mr. Ronald Somers. Commissioners Al Densmore and Jacklyn Hallock were not available for the conference call. Representing Department staff were its Director, Mr. William Young, and Mr. Scott Freeburn in Eugene.

Hardship Field Burning Applications

Mr. Scott Freeburn said that in accordance with ORS 468.475(6), the Department was presenting to the Commission applications for hardship open field burning. Mr. Freeburn said that the Department had received eight applications for consideration of the Commission at this time. He further stated that the staff had taken the position that phase-out of open burning would cause some hardship in itself, and that growers must prove that their particular hardship was extreme compared to what might normally be expected from not being able to open field burn. Mr. Freeburn said that the staff did not feel that any of the eight applications submitted had shown this extreme hardship.

Mr. Freeburn reviewed for the Commission the background on the application of Mr. Larry Warfel, indicating that after the staff had recommended denial of the application, Mr. Warfel requested an informal hearing on the matter. As a result of this request, Mr. Warfel met with Mr. Freeburn and Director Young. Mr. Freeburn said that at that meeting they were furnished with some additional information by Mr. Warfel which had not been distributed to the Commission. Mr. Freeburn said that this additional information from Mr. Warfel's banker indicated what financial losses would be as a result of not being able to open burn, however an overall analysis of Mr. Warfel's financial position was not presented. In response to Commissioner Phinney, Mr. Freeburn said that the information recently received was in support of the \$51/acre loss that was indicated in the information previously sent to the Commission. Mr. Freeburn also said that he had ascertained that chemical control would not be available for the control of weeds, wild oats and rat tail fescue problems on Mr. Warfel's acreage.

Director Young said that as a result of his meeting with Mr. Warfel and Mr. Freeburn, he had concluded that an extraordinary hardship did not exist.

Commissioner Phinney said she understood that growers would only be eligible for approximately 68% of their allocation, but that some applications reflected closer to 75%. She asked if that was the case throughout the state. Mr. Freeburn said that an additional 10% above allocation was allowed to growers who were unable to burn last year.

Chairman Richards agreed that there would be some hardship caused by being unable to open field burn, but that from the information he had, he could not establish that Mr. Warfel's situation was any more extreme than that experienced by neighboring farmers. Chairman Richards said he would have to have supporting financial information such as a profit and loss statement and/or balance sheet in which a bank or CPA substantiated what the overall profit or loss would have been with and without being able to burn. Chairman Richards then said that this sort of financial information should demonstrate that a particular farmer would have extreme financial hardship over and above that of other farmers.

Mr. Warfel asked what the Commission was going to consider as an extreme loss. He asked if it would be based on a per acre dollar figure loss. Chairman Richards said that he did not feel he could answer a specific dollar amount, that the regulations were designed so that an applicant would submit specific financial information and a determination would be made on that basis.

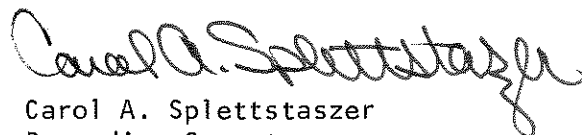
Director Young read a letter from banker Darrell Shepard supplying additional information on Mr. Warfel's financial situation. It was MOVED by Commissioner Somers, seconded by Commissioner Phinney and carried unanimously that Mr. Warfel's application for hardship burning be denied.

There being no testimony on the remaining seven applications, the Commission agreed that with the information they had before them they could not grant the hardship applications. It was MOVED by Commissioner Somers, seconded by Commissioner Phinney and carried unanimously that the hardship applications for G. W. Manning and Son, Mark Kropf, Sam Kropf, Wilbert Kropf, Cochran and Cochran, Crossan Farms, Inc., and Lyle Neuschwander, be denied.

Chairman Richards explained that his vote was based on the lack of sufficient information to demonstrate a result that was not anticipated with the phase-out of open field burning. Chairman Richards said he would be interested in reviewing applications that demonstrated disease-type conditions in a field that would make burning imperative. Commissioner Somers agreed with Chairman Richards that additional detailed financial information would have to be supplied to consider approving applications.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Spletstaszer
Recording Secretary