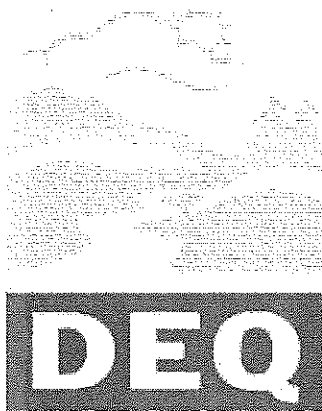


8/16/1978

OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS



State of Oregon  
Department of  
Environmental  
Quality

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SPECIAL MEETING  
OF THE  
OREGON ENVIRONMENTAL QUALITY COMMISSION

August 16, 1978

On Wednesday, August 16, 1978 a special conference telephone call meeting of the Oregon Environmental Quality Commission was held. Connected by conference telephone call were Mr. Joe B. Richards, Chairman, in Junction City; Mr. Ronald Somers, in The Dalles; and Mr. Albert Densmore in Medford. Present in DEQ offices in Portland were Mrs. Jacklyn Hallock, DEQ Director William Young; Mr. Dave Nelson of the Oregon Seed Council, members of the Department staff and representatives of the news media. Present in DEQ offices in Eugene were Mr. Scott Freeburn of the Department's Air Quality Division, DEQ staff and representatives of the City of Eugene. Commission Vice-Chairman Grace Phinney was unavailable for the call.

FIELD BURNING

Mr. Freeburn said that when the Commission adopted field burning regulations in May 1978, they set the date of August 15, 1978 when a moisture content of straw rule was to go into effect, and a review to be made of the smoke intrusions to that date. He said that at this time the EQC was to make a determination whether the annual acreage allocation should be lowered from 180,000 acres to 150,000 acres.

Mr. Freeburn said that the Department had been studying the moisture content testing procedure for several weeks and had not been able to come up with an accurate test the farmer could use in the field. He recommended that the moisture content be determined by the normal smoke management practices presently in use, and the staff would continue taking moisture samples throughout the season and use the information to determine whether or not burning should be allowed on a given date. This way, he said, the moisture content rule would be enforceable. Mr. Freeburn pointed out that the moisture data collected to date had been through a relatively dry part of the summer. Chairman Richards asked if the seed growers and the City of Eugene had been advised of Mr. Freeburn's recommendations. Mr. Freeburn replied that they had.

Mr. Freeburn said that the smoke intrusion rule stated if smoke which was significantly attributable to field burning caused nephelometer readings in the Eugene/Springfield area to exceed 13 hours on the average, then the Commission would reduce the annual acreage allocation from 180,000 to 150,000 acres. To date the total average was 7 1/2 hours, Mr. Freeburn said, and it did not appear the Commission would be required to reduce the acreage.

Mr. Dave Nelson, Oregon Seed Council, commented that all parties involved did an exceptionally good job in the smoke management program. He said they were concerned about the implementation of the moisture content rule with the established level of 12%. Chairman Richards said that if Mr. Nelson was suggesting a substantial modification to the rule then it would have to be addressed at the regular meeting of the Commission. He asked what harm would be done if the Commission adopted Mr. Freeburn's recommendation and deferred any other action until the next regular meeting which would be held August 25. Mr. Nelson replied that in his estimation the greatest impact would

be in the harvest of bentgrass where the 50% preclusion of burning would be exceeded, which the Commission was trying to avoid.

Mr. Tim Sercomb, City of Eugene, said they concurred with the staff recommendation that an individual field test for moisture content was impractical at this time. However, he said, they encouraged the Commission to direct the staff to continue to experiment to see if an individual field test could be arrived at, so that the moisture content rule could be enforced in future burning seasons.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried unanimously that the staff recommendation to continue to use the 12% moisture content rule on a regional rather than an individual grower basis and to continue to experiment to determine if a method could be identified for individual growers to use in future years, be approved.

Mr. Young said the Department would determine what notice needed to be given to further discuss the field burning matter at the Commission's August 25, 1978 meeting.

Mr. Freeburn said the Department had received an application from Manning Farms for a hardship burning permit. He said the applicant had applied last year and had relied heavily on the previous application for supporting documentation. Mr. Freeburn said he did not feel Manning Farms had demonstrated an unusual hardship over and above that which would not normally happen by not being able to burn the fields. In addition, he said, they had been able to burn all their fields through acreage transfers for the last two years which would put them in better shape than most growers. No one from Manning Farms was present to testify.

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that the hardship application of Manning Farms be denied.

DEQ v. SAM DAVIS et al

Mr. Young said that the Commission was informed at its last meeting that there had been an offer for settlement in this case and the Commission decided they did not want to pursue that offer. Mr. Young advised the Commission that an appeal had been filed to the Court of Appeals on this matter and the staff was in the process of gathering the necessary materials for a submittal to the Court of Appeals. He suggested that the Commission might want to hear any further information at their next meeting. Mr. Robert Haskins, Department of Justice, said that no action of the Commission was needed at this time.

Commissioner Somers asked that if any rule changes were proposed by the City of Eugene of the Seed Council immediate review be made so that proper notice could be given and that the Commission be informed as to whether or not that notice was given before their August 25 meeting. He also asked that Commission members be furnished with a copy of ORS 487.465, the Basic Speed Rule, in connection with a recent highway accident being attributed to poor visibility because of field burning smoke. Mr. Nelson commented that the seed growers

were also concerned about any future incidents and were instructing those growers with fields near roadways to double their precautionary efforts whenever they burn.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Spletstaszer  
Recording Secretary