

1/17/1979

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

January 17, 1979

On January 17, 1979, a special meeting of the Oregon Environmental Quality Commission was convened by conference telephone call.

Present were Chairman Joe B. Richards, Vice-Chairman Grace S. Phinney, Members Jacklyn Hallock and Albert Densmore. Member Ronald Somers was unavailable for the conference call. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

VARIANCE REQUEST FROM OAR 340-23-045 REGARDING THE OPEN BURNING OF WOOD, NEEDLE, OR LEAF MATERIALS IN MULTNOMAH, CLACKAMAS, WASHINGTON AND COLUMBIA COUNTIES

Mr. Tom Bispham of the Department's Northwest Region, said this special meeting had been called to request a variance of backyard burning regulations until February 28, 1979 in order to clean up debris caused by an ice storm in January. He said a meeting was held on January 16 with representatives of Multnomah, Clackamas and Washington counties, the cities of Lake Oswego, Milwaukie and Portland to discuss the problem of disposing of this debris. Also, Mr. Bispham continued, the Department had received numerous calls from the public requesting they be allowed to burn.

Mr. Bispham then presented the following Summation and Director's Recommendation from the staff report.

Summation

1. Large areas of Multnomah, Clackamas and Washington counties incurred severe storm damage during January 1979 which left large quantities of vegetative matter to be disposed of.
2. According to local governments, the quantity of debris far exceeds their capabilities, both physically and economically to dispose of entirely by chipping and landfilling.
3. Local governments propose to request special letter permits to conduct controlled burning of debris on their properties. Due to the large volume of materials remaining for public disposal, it was recommended that the current ban be lifted for a short period.
4. Granting a variance by the EQC is allowable in accordance with Oregon Revised Statutes (ORS) 468.345.

Director's Recommendation

Based upon the finding in the summation, it is recommended that the EQC:

1. Enter a finding that special circumstances render strict compliance unreasonable, burdensome, and impractical due to special physical conditions or cause.

2. Grant a variance from Oregon Administrative Rules 340-23-045(6)(e) for the purpose of open burning of wood, needle and leaf debris by the public, under the following conditions:
 - a. The variance period shall terminate at sundown on February 28, 1979.
 - b. Open burning is permitted only on those days specifically designated by the Department.
 - c. Burning shall be limited to that wood, needle and leaf debris caused by the January 1979 ice storm.
 - d. This variance is revocable at any time at which the Department determines that subject burning is causing endangerment of public health and welfare.

Mr. Bispham said the Department was prepared to have the daily burning decree issued from Portland rather from Eugene as had been done in the past.

Commissioner Phinney said that when the Commission normally considered variances such as this, they had some idea of the effect it would have on air quality. She wanted to know if the Department had any idea of how much would be burned and what percentage could be removed by other methods such as chipping. Mr. Bispham replied that that would be almost impossible to estimate. He said it had reached the point that the cities had exhausted their budgets for cleaning up this debris and some landfill areas had been filled.

Chairman Richards asked how bad the months of the regular burning periods were as far as adding to the suspended particulate load. Mr. Bispham replied that based on historical data it looked like half of the days in February would be classified as burn days. Mr. Bispham said they would not propose to burn on days with high TSP levels. Chairman Richards asked if late January and February were worse months to burn than April or May. Mr. Bispham said that one of the reasons the current burning season was in April and May was because that was when the debris was generated and there was better ventilation.

Mr. Bispham said the Department had received hundreds of calls from persons who did not have the finances or equipment available to haul the debris to a dump site, or the space to hold it until the next burning season.

Mr. Robert Buschoe, Portland Fire Department, requested that open burning be allowed to take care of the debris caused by the January ice storm. He said this material was not a fire hazard at this time, but if it was allowed to accumulate and dry out it could be a severe problem and public nuisance next summer. Mr. Buschoe continued that it was good public relations to allow people to clean up their yards now, weather permitting. It would release the City from a tremendous financial impact later, he said, if the City did not have to haul an additional mass of material left on streets and curbs.

Mr. Buschoe said they considered open burning to be the only viable solution to a difficult problem facing many homeowners. He said he was confident it could be done quickly and safely.

Mr. Bill Maslin, City of Portland Maintenance Bureau, testified that since the storm his Department had been trying to clear the streets of a tremendous amount of debris. He said that in the past five days they had hauled 150+ loads to their disposal site. He said they had been running five chippers and would continue to run them. Mr. Maslin said six dump sites had been set up throughout the City and they were hauling to a central location from these sites. He continued that this debris was the property owner's responsibility but they were working to help them take care of it.

Mr. Maslin said they felt backyard burning would reduce the impact of the material that was placed in the street for City crews to pick up.

Mayor Harold Cambell, City of Lake Oswego, said his area was one of the hardest hit by the storm in the Tri-County area. He said the City did not have the finances, manpower, or equipment to completely take care of the downed material in the public rights-of-way. With the help of the National Guard, he said, it was estimated it would take at least six weeks to pick up the material currently on public rights-of-way.

Mr. Cambell requested that the Commission help property owners to help themselves by allowing them to burn the debris on their property on those days which were declared safe for burning from an air quality standpoint.

Mr. John Platt, Oregon Environmental Council, said they did not see how this problem was really an emergency. Due to the fact the Commission was holding its regular meeting next week, he said, they did not see the need for acting on this matter by a special conference call. Therefore, Mr. Platt urged the Commission to hold off its decision until its next regular meeting.

Mr. Platt said that burning of debris from the storm would have a significant impact on the airshed. He said the wood was green and wet and therefore would have a greater impact than dry, seasoned wood. Mr. Platt said that January and February were traditionally high pollution months in the area, and the winter months were typically poorly ventilated.

Mr. Platt said it was his understanding that the law of the State of Oregon and the Regulations of the Department were aimed at preventing adverse health effects. He said that this open burning could be very damaging to persons with respiratory problems.

Mr. Platt said the Commission should look at tradeoffs with other sources of air emissions and decide whether this emergency warranted the curtailing of emissions from other sources.

Mr. Steven Lockwood, Portland AQMA Committee, said he was not speaking for the Committee at this meeting. He said the Committee did not take action on this question at their last meeting.

Mr. Lockwood said he understood that the municipalities and counties had a difficult problem in disposing of debris on the rights-of-way and he understood they were doing all they could to use chippers and other means of disposal other than burning. He said it was appropriate that municipalities and counties be granted permits to burn in centralized locations. Mr. Lockwood said he would like to see individual property owners bring their debris to centralized locations if it was necessary to burn it, rather than allow open backyard burning for individual property owners.

Mr. Lockwood said that now was the worst time to try to burn this material because it was green and it would be more desirable to wait until other means of disposal had been exhausted before open burning was allowed.

If the Commission were to allow this burning, Mr. Lockwood said, every effort should be made to inform the public that other means of disposal, including chipping and composting, were available and preferable.

Mr. Lockwood said he did not believe there was currently a safety or health problem and urged the Commission to pursue other means of disposal.

Ms. Jean Roy, Member of the Portland AQMA Committee, said she represented the League of Women Voters on this Committee. She said she was also testifying as a private citizen who was affected by this storm.

Ms. Roy said she did not feel that backyard burning was justified. She said that individuals needed to take the responsibility of disposing of the debris on their own property. She continued that people needed to be made aware of the hazards to their neighbors of open burning.

Mr. Jan Sokol, OSPIRG and Member of Portland AQMA Committee, said he was representing OSPIRG and not the Committee. He understood that in order for the Commission to grant this variance they had to make specific findings. Mr. Sokol said that as he read the staff report there appeared to be no demonstration that the public needed to burn. However, he said, there appeared to be a demonstration that local governments might have to burn, and a variance would not have to be granted for local governments to burn.

Mr. Sokol said that the statutes also required the Commission to consider the advantages and disadvantages to residents. He said that the disadvantages far outweighed the advantages. If it could be demonstrated that there was a present health or fire hazard, he said, then he would not oppose the granting of a variance. However, this demonstration had not been made, he said.

Mr. Sokol also said that alternate methods should be thoroughly investigated before a variance was considered.

There being no further witnesses, Chairman Richards concluded the public hearing on this matter.

Director William Young advised the Commission that in a briefing with the Governor's Office, they had been apprised of the decision the Commission had before it and the Governor was sympathetic to the type of decision the Commission had to make. Mr. Young said the Governor expressed support for trying to address the problem.

Chairman Richards asked the Director for his assessment of the argument against adoption of the Director's Recommendation on this matter. Commissioner Phinney also asked the Director to comment on public bodies being allowed to burn but not private property owners. Director Young said that his first thought on the matter was to deal with it at the Commission's regular meeting. However, he continued, concern by the local jurisdictions and calls by the public indicated it was critical that some early information be given to the public on how they should be expected to handle this problem. Therefore, he said, it was concluded that the Commission should address the problem quickly. Director Young said he agreed with witnesses that information on alternatives to burning should be advertised so the public would know what options were available.

In response to Commissioner Phinney's questions, Director Young said the Department had the capability to issue special letter permits to local governments for burning in circumstances of emergency. He continued that the more of the material that could be burned by local governments in a central location, the better control the Department would have.

Commissioner Hallock said she would like to defer action until the Commission's regular meeting in a week, and during that time encourage the use of alternate methods to burning. Also, she said, that would give the Commission more time to consider the problem.

Chairman Richards asked if there would be a problem with public agencies being allowed to burn and the general public prohibited. Director Young replied that that could cause problems and possible complaints. Chairman Richards asked what urgency local governments had to burn between now and the Commission's next meeting in a week. Mayor Cambell replied that if a quick determination were not made to allow people to burn on their own properties, then the problem on the City rights-of-way would be compounded by individuals placing their debris in the street. He said that people were already dumping material in the streets faster than City crews could pick it up.

Commissioner Phinney MOVED that the Commission decide at this meeting to permit local jurisdictions to burn and that they consider burning by the

general public at their regular meeting next week. The motion was seconded by Commissioner Hallock and failed with Commissioner Densmore and Chairman Richards desenting.

In response to Commissioner Densmore, Mr. Bispham said that in initial talks with local jurisdictions the Department told them they did not want them to burn but would like to see them pursue alternate means. Mr. Bispham said the local jurisdictions had set up transfer stations, allowed the public to go into city parks to cut firewood from the downed material, and several similar alternatives. He said that these methods had been going on for two weeks and during that time the Department had received over 200 calls requesting burning. Also, he said, during conversations with representatives of local governments, it became evident that these alternatives were not solving the problem. In response to Commissioner Densmore, Mr. Bispham said it was his opinion that local jurisdictions were taxed to the limit at this time.

Mr. Bispham commented that it was his understanding that the AQMA had taken action at their meeting and there was a vote on a motion to recommend to the Department that burning not be allowed. He said that motion failed by a vote of 10-6.

Chairman Richards said he felt uncomfortable with allowing local governments to burn and not members of the general public. In effect, he said, the Department would be inviting violations. He said he felt that the suggested alternatives had been fairly thoroughly considered during the past two weeks. Chairman Richards said he would prefer adopting the Director's Recommendation and strengthen the criteria as to what were allowable burn days.

Commissioner Phinney was concerned that alternatives to burning were not being widely publicized and people might burn as the "easy way out". Chairman Richards replied that that would have to be looked at, and if there was a danger of everyone burning on the same day then perhaps some type of regional plan could be implemented. He also said people would have to know that they might be sitting with this material in their yards until April or May because of the tight restrictions the Department would be placing on burn days.

Commissioner Densmore asked if there had been increased incidence of illegal burning. Mr. Bispham replied that the field personnel had reported a handful of fires but it did not appear from telephone calls the Department had received that illegal fires were increasing. He said that several callers had threatened to burn if they did not have an answer soon.

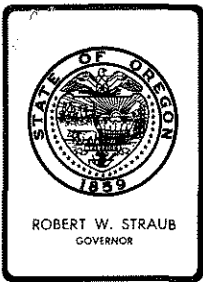
It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the Director's Recommendation be approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carol A. Spletstaszer
Recording Secretary

CAS:kmm



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Environmental Quality Commission Conference Call, January 17, 1979

Variance Request from OAR 340-23-045 Regarding the Open Burning of Wood, Needle, or Leaf Materials in Multnomah, Clackamas, Washington and Columbia Counties

Background and Evaluation

On January 16, 1979, the Department met with representatives of Multnomah, Clackamas and Washington counties, the cities of Lake Oswego, Milwaukie and Portland, to discuss the problem of disposing of vegetative debris caused by the January ice storm.

From this discussion and the numerous calls from the public, it is evident that the Portland Metropolitan area is faced with a major disposal problem. From a physical or economic standpoint, conventional means of disposal such as landfilling and chipping are not considered suitable for solving the entire problem.

It was concluded from the meeting that the local governments represented believed they could dispose of debris from their own properties and would request special letter permits from the Department to conduct any necessary burning. In some instances, it is anticipated that the public would be allowed to dispose of their debris at permitted burning sites.

In response to the suggestion that the public also be allowed to burn, the Department agreed to consider a variance of the present open burning regulation which prohibits burning at this time of the year.

Summation

1. Large areas of Multnomah, Clackamas and Washington counties incurred severe storm damage during January 1979 which left large quantities of vegetative matter to be disposed of.
2. According to local governments, the quantity of debris far exceeds their capabilities, both physically and economically to dispose of entirely by chipping and landfilling.



Contains
Recycled
Materials

3. Local governments propose to request special letter permits to conduct controlled burning of debris on their properties. Due to the large volume of materials remaining for public disposal, it was recommended that the current ban be lifted for a short period.
4. Granting a variance by the EQC is allowable in accordance with Oregon Revised Statutes (ORS) 468.345.

Director's Recommendation

Based upon the finding in the summation, it is recommended that the EQC:

1. Enter a finding that special circumstances render strict compliance unreasonable, burdensome, and impractical due to special physical conditions or cause.
2. Grant a variance from Oregon Administrative Rules 340-23-045(6)(e) for the purpose of open burning of wood, needle and leaf debris by the public, under the following conditions:
 - a. The variance period shall terminate at sundown on February 28, 1979.
 - b. Open burning is permitted only on those days specifically designated by the Department.
 - c. Burning shall be limited to that wood, needle and leaf debris caused by the January 1979 ice storm.
 - d. This variance is revocable at any time at which the Department determines that subject burning is causing endangerment of public health.

Michael Young
for
WILLIAM H. YOUNG

R. M. Johnson:h
January 17, 1979



STATE OF OREGON

INTEROFFICE MEMO

~~ENVIRONMENTAL QUALITY~~ ~~229-6411~~
DEPT. TELEPHONE

TO: HMP, EJW

DATE: January 19, 1979

FROM: R. M. Johnson *RMJ*

SUBJECT: EQC Action on Open Burning Variance

For your information, the EQC has adopted the Director's Recommendation from the attached staff report concerning the special backyard burning period. The Commission requested the following additions:

1. The advisory be issued from the Portland office to insure closer control for changing meteorological conditions.
2. The Department and Fire Agencies continue to emphasize alternate methods of disposal such as chipping.
3. The staff report on progress starting at the next EQC meeting and continuing at two week intervals during the burn period.
4. The burn period may be terminated early if all material is burned, or if problems occur.

Accordingly, the burn period starts today (1/19/79) and will run to February 28th. The advisory will be issued by Doug Brannock and coordination of open burning calls and inquiries will be handled by Bob Harris and the Portland Northwest Regional Office. A split advisory will be issued if atmospheric conditions result in different advisories for the valley and the metropolitan area.

Any other questions, please see Bob or me.

Attachment

cc: JEC & JFK
FAS
JMK
Bob Harris
Tom Bispham