



## **WORK SESSION**

### **AGENDA**

#### **City Commission of the City of Warrenton**

**Tuesday, August 27, 2019 – 5:30 P.M.**

**Warrenton City Commission Chambers  
225 South Main Avenue  
Warrenton, OR 97146**

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- 1. Call to Order**
- 2. Roll Call**
- 3. Discussion on Burn Regulations**
- 4. Adjourn**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.



# Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax503/861-2351

## MEMORANDUM

**To:** The Honorable Mayor and Members of the Warrenton City Commission  
**Copy:** Linda Engbretson, City Manager  
**Date:** August 20, 2019  
**From:** Tim Demers, Fire Chief  
**Re:** Outdoor burning work session

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Attached you will find:

1. Warrenton Fire Department Memo from March 25<sup>th</sup> 2019
2. Department of Environmental Quality Chapter 340, Division 264 – Rules For Open Burning
3. City of Warrenton municipal code Chapter 8.08 Open Burning
4. City of Warrenton City Commission meeting minutes excerpt
5. City of Warrenton burn permit, current

I would first recommend that we not permit any open burning that is in conflict with the current DEQ Oregon Administrative Rules (OAR) or guidelines.

- This would prohibit:
1. The burning of any logging slash inside or within 3 miles of the 3 cities (Warrenton, Astoria & Seaside) without an ODF permit. This would only be available to land owners replanting their property in a recognized forest use. It would also require the ODF permit holder to comply with any additional City regulations.
  2. The burning of trees and debris for development of a site inside or within 3 miles of the 3 cities (Warrenton, Astoria & Seaside).
  3. The burning of any whole trees, slash or stumps from additional clearing around an existing home. This item may be waived in the recovery from a catastrophic event.
  4. Debris would not be allowed to be hauled onto a different lot, unless it is designated as a certified solid waste reception site. This would also prohibit the burning of the debris on that lot.
  5. The open burning of any debris from a commercial business or jobsite would not be allowed.

Our current ordinance would have to be changed. Specifically Chapter 8.08 we would be required to omit 8.08.060F.

With regard to permits it would seem that we will have two.

The first would be a Burn Barrel and Recreational Fire permit with a fee attached. The permit would be valid October to October.

The second would be an open debris pile permit which would only be good for a week. It should also have a fee attached. This permit would not be available during fire season and restriction.

Our current ordinance would have to be changed. Specifically Chapter 8.08 we would be required to omit 8.08.040A and explain the two permit lengths in 8.08.040C.

Approved  
Linda Eghelston

**Chapter 8.08 OPEN BURNING**

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**8.08.010 Conformance to regulations required.**

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All outdoor fires are to be regulated and conform to DEQ and EPA regulations. (Ord. 956-A § 1, 1996)

**8.08.020 Permit—Required.**

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It is unlawful for any person, firm or corporation within the limits of this jurisdiction of the City of Warrenton to burn refuse, leaves, trash, dirt, boxes, wood, or paper without a valid permit. (Ord. 956-A § 2, 1996)

**8.08.030 Permit—Application.**

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Any person wanting to burn within the City of Warrenton shall apply for a permit during regular business hours at the Warrenton City Hall. The issuance of a permit does not exonerate the applicant from any damage or injury which may result from their burning of a fire. (Ord. 956-A § 3, 1996)

**8.08.040 Permit—Issuance.**

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- A. The Fire Chief or designee shall issue such permits without charge.
- B. The Fire Chief may impose such regulations and restrictions in connection with the issuance of such permits and with such burning as in the Chief's judgment are required in the public interest on a case-by-case basis.
- C. A permit is in effect for a maximum of 30 days from date of issuance. (Ord. 956-A §§ 4, 6, 12, 1996)

**8.08.050 Permit—Revocation.**

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Any officer of the City of Warrenton or Police Departments may, without notice, revoke any burn permit for failure to comply with this code. (Ord. 956-A § 13, 1996)

**8.08.060 Regulations.**

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- A. All fires will be no larger than 400 cubic feet (10 x 10 x 4) or contained within a burn barrel not larger than a 55-gallon capacity.
- B. All burn barrels will be covered with a fine mesh (not larger than one-half inch by one-half inch) screen during any burning.
- C. A minimum of 50 feet will be maintained between any open fire and any structure. A minimum of 20 feet will be maintained between any building and a burn barrel.
- D. At all times a garden hose or other fire extinguishing equipment must be on hand.
- E. Any permit holder must call the Warrenton Fire Department prior to ignition to check weather conditions for safe burning times or other environmental conditions which may affect air quality.
- F. Fire during land clearing operations may exceed the size limit only when a piece of equipment (backhoe, bulldozer, etc.) and an operator is on site during any burning operation.

G. It is prohibited to burn any painted wood, plywood, food rubbish, tires, composition siding or roofing, styrofoam, rubber, plastics, polyethylene products, paints, or any hydrocarbon based product.

H. The burning of any product which emits an obnoxious or objectionable odor is prohibited. (Ord. 956-A §§ 7—11, 14—16, 1996)

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**8.08.070 Complaints—Extinguishment.**

If the Fire Chief or representative receives a complaint of a smoke problem, the Fire Chief or representative may order the extinguishment of the fire. (Ord. 956-A § 5, 1996)

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**8.08.080 Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not more than \$500.00 exclusive of any penalties assessed by the State of Oregon. (Ord. 956-A § 17, 1996)

**Commissioner Ackley made the motion that log deliveries, chip and hog fuel truck hauling, vendor deliveries and pickups, tire sales, bark sales, chip barges and tug boats using the Tansy Point property in direct connection with Nygaard Logging/Warrenton Fiber general operations are hereby approved activities and are not required to have additional prior written approval from the city, unless a sublease or assignment is considered. Motion was seconded and passed unanimously.**

**Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye**

**Commissioner Dyer made the motion to approve the third party use of the dock by J.E. McAmis for delivery of jetty rock, upon final approval of a License Agreement by legal counsel, between Warrenton Fiber and J.E. McAmis. Motion was seconded and passed unanimously.**

**Baldwin – aye; Newton – aye; Ackley – aye; Dyer – aye; Balensifer – aye**

#### DISCUSSION ITEMS

Fire Chief Tim Demers discussed the burn policy. He noted one question was about the piles the Kujalas had; he stated they were in violation of DEQ, City and State policy. He explained his conversation with DEQ; they allow burning of cleared yard debris (grass/berry vines/debris) as long as it meets the restrictions of 10x10x4 piles. He stated you cannot transfer debris from one yard to another. He stated per ODF – they can give you a permit to burn forested land, but then you have 2 years to declare what you want to do with the land. Discussion continued. Mayor Balensifer asked which one do you follow. Chief Demers stated he asked DEQ what should we do with piles of debris and trees; the initial answer was to chip it; but as long as there's not an issue, and if the city is comfortable with the 10x10x4 pile of "seasoned wood" then burning is acceptable. ODF's stance is that anywhere near the city, or in the city, they would issue a permit but would also follow the city's rules, in addition to ODF's. Discussion followed on the issues with this particular burn. Mayor Balensifer stated he is in favor of 10x10x4 open burns, noting it should be done only on weekdays, and with a permit. Different permit options were discussed - an annual burn permit for burn barrels, with a fee – with fire season observed; a specialty permit for open burns (10x10x4), with specific criteria/parameters. It was noted there is a need for a new policy, with guidelines. Commissioner Newton stated he is not in favor of big burns – they should figure in the cost of chipping it; brief discussion continued. Commissioner Ackley suggested different criteria for different property sizes. Commissioner Dyer agreed that 10x10x4 is good policy; have to haul stumps away. Commissioner Ackley noted she likes the different commercial/residential guidelines. Commissioner Baldwin agreed there should not be any commercial, slash burning in the city. Mayor Balensifer asked for clarification from the Commission if they feel there should be separate specialty permits for 10x10x4 burn, versus everything else. Consensus was to keep it separate. Ms. Engbretson stated staff can put some criteria together, with an annual permit fee for burn barrels. She noted with the separate track for large burns, it may reduce the amount of calls to the Fire Department. Commissioner Ackley clarified; there will be 3 permits, barrel, larger piles, and development. Mayor Balensifer clarified they are saying no to commercial development permits. He clarified there would be an annual permit, with a fee for burn barrels or fire pits; a separate permit track and fee for 10x10x4

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burns; and no land clearing or commercial burns. Chief Demers and staff will put something together and bring it back. It was noted the ordinance should be amended as well. Mayor Balensifer stated the temporary moratorium continues.

GOOD OF THE ORDER

Commissioner Baldwin stated what is happening at the state level in regards to new laws is ugly, and does not help rural Oregon. He also stated he would like to say that every month should be child abuse awareness month; if you see it report it, and stop it.

Commissioner Ackley agreed with Commissioner Baldwin on the child abuse awareness issue.

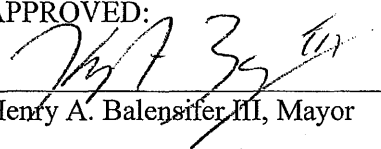
Commissioner Dyer also agreed on the child abuse matter, and stated he would like to see people trained to know what to look for; to identify signs of abuse. Brief discussion continued on child abuse and DHS. Commissioner Dyer also noted the girls' softball team is selling flower baskets again. He stated it is a pleasure to serve with this Commission; and the community support is pretty awesome.

Commissioner Newton briefly discussed the reading program at the Library; and noted he has been taking pictures during the program, and will be putting them up in the library. He also noted the United States is not alone on political issues – noting Brexit.

Mayor Balensifer noted the process for proclamations. He stated he submitted this proclamation regarding child abuse, as he, as well as other commissioners that have been personally affected by it, and it is important that they recognize it.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:41p.m., and announced they will now meet in executive session under ORS 192.660(2) (h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.* He stated the Commission is not expected to return to regular session to take action on any item considered in the executive session.

APPROVED:

  
Henry A. Balensifer III, Mayor

ATTEST:

  
Dawne Shaw, City Recorder

# CITY OF WARRENTON

*"Making a difference through excellence of service"*

12050 -C

## BURN PERMIT

### SUNRISE TO SUNSET ONLY

This permit is a contract between \_\_\_\_\_ (permit holder) and the City of Warrenton. This permit authorizes the controlled burning of vegetation, brush, leaves, cuttings from trees, lawns, and gardens, uncontaminated boxes, paper and wood, unpainted wood ends and/or wooden containers.

1. The burning of painted wood, plywood, rubbish, tires, composition siding or roofing, styrofoam, rubber, plastics, polyethylene products, paints or any other hydrocarbon products is strictly prohibited.
2. The burning of garbage or debris which emit an obnoxious or objectionable odor is strictly prohibited.
3. All fires will be tended by a responsible party. A minimum clearance of 50 feet will be maintained between the fire and any structure. A garden hose or other fire extinguishing equipment must be on hand.
4. Permit holder is to call the **Warrenton Fire Dept. at 861-2494** prior to burning, to check weather conditions for safe burning times or other restrictions. If nobody is available to take your call, follow the instructions on the recording.
5. Burn barrels or approved waste burner will be no larger than 55 gallons and will be covered with a fine mesh screen.
6. Open burn piles shall be no larger than 400 cubic feet (10 ft. x 10 ft. x 4 ft.) with no exceptions.
7. The burning of industrial, construction and demolition waste materials is strictly prohibited. Demolition waste includes any materials resulting from the clearing of any site for land improvement or cleanup. Examples of land clearing waste include trees, brush, logs, stumps and any man-made structures for the purpose of site clean up or site preparation.
8. Any officer of the City of Warrenton Fire or Police Departments may, without notice, revoke this permit for failure to abide by the above stipulations.
9. A fee of \$200 per hour per apparatus for fire extinguishment may be charged to the applicant if the above stipulations are violated.
10. This permit is in effect for a maximum of 30 days from date of issue.
11. I agree to hold the City of Warrenton and its representatives harmless for any damage or harm to any persons or property which may occur as a direct or indirect effect of this activity.
12. Burn permits will not be issued to anyone under 18 years of age.

I have read and understand the above guidelines. I agree to all the conditions stipulated and further consent to pay all costs incurred by me for this operation. I acknowledge and agree to abide by the requirements of this permit.

Date issued \_\_\_\_\_ Expiration date \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ Burn Location \_\_\_\_\_

Purpose of burn \_\_\_\_\_ Applicant Signature \_\_\_\_\_

Printed Name (if different from the permit holder) \_\_\_\_\_



# Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax503/861-2351

## MEMORANDUM

**To:** The Honorable Mayor and Members of the Warrenton City Commission  
**Copy:** Linda Engbretson, City Manager  
**Date:** March 25, 2019  
**From:** Tim Demers, Fire Chief  
**Re:** Outdoor burning

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Attached you will find the Department of Environmental Quality Chapter 340, Division 264 – Rules For Open Burning.

I called DEQ on Thursday the 21<sup>st</sup> of March, 2019. I talked with a lady named, Tina. I told her who I was and that I was the Fire Chief for the City of Warrenton. I initially asked her if I had cut down two trees in my backyard, could I limb them and burn them in my backyard. She said I could not burn them without a DEQ letter permit.

I explained that we had a burn permit system that allows 10x10x4 piles; she then referred me to Ingrid. Ingrid called me back a short time later. Ingrid referred me to the web site and the DEQ Outdoor Burn Regulations. I asked her the same question that I had asked Tina.

1. If I were burning for agricultural purposes it would generally be allowed around the state.
2. If I were burning slash for a logging operation it would be permitted by the Oregon Department of Forestry. Slash is a specific term for the debris burnt post a logging operation on forested land (land used for a forest purpose and would generally require replanting). Not clearing my backyard.
3. If I were clearing trees from my yard it would be considered Demolition Debris, not slash (because slash only applies to forest projects). We would fall into OAR Chapter 340, Division 264-0100(4) and Clatsop County (and the Cities of Astoria, Warrenton and Seaside). This section lists open burning of Construction and Demolition Debris as prohibited within 3 miles of the three Cities.
4. If I were burning Domestic Waste (paper, cardboard, clothing, yard debris or other material generated in or around a dwelling of four or fewer family living units) I could burn that waste based on the current burn regulations set forth by the local jurisdiction.

The problem with my question was it contained trees and trees are considered land clearing debris by 340-264-0030. She agreed that most accumulated yard debris like grass and berry vines would fall into Domestic Waste as long as they were burnt on the same lot as the four or fewer living units were on. The debris is also not allowed to be transported off the lot unless it is taken to a transfer station as it is now considered solid waste.

Ingrid also advised me that the DEQ was not in the practice of giving out letter permits for any kind of clearing projects.

## Department of Environmental Quality

### Chapter 340

Division 264

RULES FOR OPEN BURNING

#### 340-264-0010

##### How to Use These Open Burning Rules

(1) This division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR 340 division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this division prescribes requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-264-0040 are exempted from this division.

(2) Organization of rules:

- (a) OAR 340-264-0020 is the Policy statement of the EQC setting forth the goals of this division;
- (b) OAR 340-264-0030 contains definitions of terms that have specialized meanings within the context of this division;
- (c) OAR 340-264-0040 lists specific types of open burning and practices that are not governed by this division;
- (d) OAR 340-264-0050 lists general requirements that usually apply to any open burning governed by this division;
- (e) OAR 340-264-0060 lists general prohibitions that apply to most open burning;
- (f) OAR 340-264-0070 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468A.570;
- (g) OAR 340-264-0075 allows the delegation of some or all of the open burning authority to be administered by a local jurisdiction;
- (h) OAR 340-264-0078 contains the legal description of Open Burning Control Areas and maps that generally depict these areas;
- (i) OAR 340-264-0080 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county;
- (j) OAR 340-264-0100 through 340-264-0170 are rules that give specific restrictions to open burning for each class of open burning in the counties named in each rule;
- (k) OAR 340-264-0180 provides for a letter permit authorization for open burning under certain circumstances in which open burning otherwise would be prohibited.

(3) Use of this division will be made easier by the following procedure:

- (a) Read OAR 340-264-0050 and 340-264-0060 to understand general requirements and prohibitions that apply to all burning governed by this division;
- (b) In OAR 340-264-0030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read 340-264-0040 to determine if the type of burning is exempted from this division;
- (c) Locate the rule in OAR 340-264-0100 through 340-264-0170 that governs the county in which burning is to take place. OAR 340-264-0090 is an index to the county rules;
- (d) Read the sections of the county rules that apply to the type of burning to be accomplished;
- (e) If not prohibited by this division, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning;
- (f) If the type of burning proposed is prohibited by this division, refer to OAR 340-264-0180, Letter Permits, for a possible alternative.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595  
Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

- DEQ 7-2015, f. & cert. ef. 4-16-15
- DEQ 21-2000, f. & cert. ef. 12-15-00
- DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0022
- DEQ 4-1993, f. & cert. ef. 3-10-93
- DEQ 27-1981, f. & ef. 9-8-81

**340-264-0020**

**Policy**

In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the EQC:

- (1) To eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;
- (2) To encourage the development of alternative disposal methods;
- (3) To emphasize resource recovery;
- (4) To regulate specified types of open burning;
- (5) To encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and
- (6) To require specific programs and timetables for compliance with this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.025  
Statutes/Other Implemented: ORS 468A.025, 468A.035 & 468A.460 - 468A.515

History:

- DEQ 7-2015, f. & cert. ef. 4-16-15
- DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0025
- DEQ 4-1993, f. & cert. ef. 3-10-93
- DEQ 27-1981, f. & ef. 9-8-81
- DEQ 123, f. & ef. 10-20-76

**340-264-0030**

**Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

- (1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.
- (2) "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by raising and selling livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. Agricultural operation also means activities conducted by not-for-profit agricultural research organizations, which activities are necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.
- (3) "Agricultural open burning" means the open burning of any agricultural waste, except as provided in OAR 340-264-0040(5).
- (4) "Agricultural waste" means any waste material generated or used by an agricultural operation, excluding those materials described in OAR 340-264-0060(3).
- (5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.
- (6) "Auxiliary combustion equipment" includes, but is not limited to fans.

- (7) "Combustion promoting materials" include, but are not limited to, propane, diesel oil, or jellied diesel.
- (8) "Commercial open burning" means the open burning of any commercial waste.
- (9) "Commercial waste" means:
- (a) Any material except:
    - (A) Agricultural waste;
    - (B) Construction waste;
    - (C) Demolition waste;
    - (D) Domestic waste;
    - (E) Industrial waste; and
    - (F) Slash.
  - (b) Examples of commercial waste are waste material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units, such as apartments, condominiums, hotels, motels or dormitories.
- (10) "Construction open burning" means the open burning of any construction waste.
- (11) "Construction waste" means any waste material generally used for, resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.
- (12) "Daylight hours" means the time between 7:30 a.m. and two hours before sunset.
- (13) "Demolition open burning" means the open burning of demolition waste.
- (14) "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris (domestic waste) and agricultural waste.
- (15) "Domestic open burning" means the open burning of any domestic waste.
- (16) "Domestic waste" means household waste material, which includes paper, cardboard, clothing, yard debris, or other material generated in or around a dwelling of four-or-fewer-family-living units, or on the real property appurtenant to the dwelling. Such waste materials generated in or around a dwelling of more than four-family-living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.
- (17) "Fire hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.
- (18) "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.
- (19) "Industrial open burning" means the open burning of any industrial waste.
- (20) "Industrial waste" means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.
- (21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man-made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.
- (22) "Letter permit" means an authorization issued pursuant to OAR 340-264-0180 to burn select materials at a defined site and under certain conditions.
- (23) "Local jurisdiction" means:
- (a) The local fire permit issuing authority; or
  - (b) The local governmental entity having authority to regulate by law or ordinance.
- (24) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.
- (25) "Open burning" means:

(a) Burning in open, outdoor fires;

(b) Burning in burn barrels; and

(c) Any other outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(26) "Open burning control area" means an area established to control specific open burning practices or to maintain specific open burning standards that may be more stringent than those established for other areas of the state. Open burning control areas in the state are described in OAR 340-264-0078.

(27) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(28) "Slash" means forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber.

(29) "Special open burning control area" means an area in the Willamette Valley where DEQ restricts the practice of open burning. These areas are described in OAR 340-264-0078(6).

(30) "Ventilation index" means a number calculated by DEQ relating to the ability of the atmosphere to disperse regulated pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed in knots through the mixed layer.

(31) "Waste" includes any useless or discarded materials. Each waste is categorized in this division as one of the following types:

(a) Agricultural;

(b) Commercial;

(c) Construction;

(d) Demolition;

(e) Domestic;

(f) Industrial; or

(g) Slash.

(32) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Yard debris is included in the definition of domestic waste.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0030

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

**340-264-0040**

**Exemptions, Statewide**

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this division does not apply to:

(1) Recreational fires and ceremonial fires, for which a fire is appropriate.

(2) Barbecue equipment used in connection with any residence.

(3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or

for instruction of employees in the methods of firefighting, which in the opinion of the public agency is necessary. Every effort will be made by the public agency to conduct this burning during good smoke dispersal conditions and specifically avoiding periods during Air Pollution Advisories. The agency will adjust its schedule for setting such fires for better smoke dispersal if necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR 340 division 266, Rules for Field Burning.

(6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.

(7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of firefighting, or for civil defense instruction.

(8) Fires set for the purpose of disposal of dry tumbleweed plants, typically Russian Thistle and Tumbleweed Mustard plants, that have been broken off, and rolled about, by the wind.

(9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.

(10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

[DEQ 181-2018, minor correction filed 04/16/2018, effective 04/16/2018](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

DEQ 12-2008, f. & cert. ef. 9-17-08

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

#### [340-264-0050](#)

##### General Requirements Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are considered a responsible person for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(d) For purposes of this rule, a public agency in its official capacity that has issued the permit for burning is not considered a responsible person.

(2) A responsible person, or an expressly authorized agent, must constantly attend all open burning. This person must be capable of and have the necessary equipment for extinguishing the fire. This person also must completely extinguish the fire before leaving it.

(3) A responsible person must promptly extinguish any burning that is in violation of any rule of the Commission or of any permit issued by DEQ, unless DEQ has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production, and the responsible person

complies with the requirements in the written approval. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3).

(4) To promote efficient burning and prevent excessive emissions of smoke, a responsible person must:

(a) Assure that all combustible material is dried to the extent practicable. This includes covering the combustible material when practicable to protect the material from moisture in any form, including precipitation or dew. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3);

(b) Loosely stack or windrow the combustible material to eliminate dirt, rocks and other noncombustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment to accomplish this;

(c) Periodically re-stack or feed the burning pile, insure that combustion is essentially completed and smoldering fires are prevented, and provide the necessary tools and equipment to accomplish this.

(5) Notwithstanding OAR 340-264-0040(4), each person sanitizing perennial or annual grass seed crops by open burning in counties outside the Willamette Valley must pay DEQ \$4 for each acre burned:

(a) DEQ may contract with counties, rural fire protection districts, or other responsible individuals for the collection of the fees;

(b) All fees collected under this section must be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(6) Open burning in compliance with this division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

(7) If any commercial, construction, or demolition debris burning allowed in OAR 340-264-0100 through 340-264-0170 violates 340-264-0060(2), the open burning must be immediately extinguished. Any future burning of this material or similar material by the responsible person is prohibited unless DEQ issues a letter permit pursuant to 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0040

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 27-1981, f. & ef. 9-8-81

DEQ 23-1979, f. & ef. 7-5-79

DEQ 123, f. & ef. 10-20-76

**340-264-0060**

**General Prohibitions Statewide**

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, or order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are strictly liable for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(2) No person may cause or allow to be initiated or maintained any open burning that creates a nuisance or a hazard to public safety.

(3) No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(4) No person may cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-264-0070.

(5) No agency may issue any fire permit authorizing any open burning of any material at any location on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. If an agency issues a permit in violation of this rule, the permit does not excuse any person from complying with this section.

(6) No person may cause or allow to be initiated or maintained any open burning authorized by this division during hours other than specified by DEQ.

(7) No person may cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050.

(8) No person may cause or allow to be initiated or maintained any open burning of debris removed from the property of origin unless the person receives a letter permit pursuant to OAR 340-264-0180. A letter permit is not required to burn agricultural waste removed from the property of origin provided the waste remains under control of the same responsible person.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 459.205, 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0042

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

**340-264-0070**

**Open Burning Conditions**

Pursuant to ORS 468A.570, 476.380, 477.520 and 478.960, the following open burning conditions apply:

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions:

(a) DEQ will notify the State Fire Marshal that all open burning is prohibited in all or a specified part of the state when DEQ declares:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-206-0030(2);

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-206-0030(3); or

(C) An emergency for any air contaminant pursuant to OAR 340-206-0030(4).

(b) All open burning is prohibited until DEQ notifies the State Fire Marshal that the episode and prohibition are terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions:

(a) DEQ may notify the State Fire Marshal that all or specified types of open burning are prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An air stagnation event as determined by DEQ;

(B) The daily maximum ventilation index calculated by DEQ for Willamette Valley Open Burning Control Areas or Umpqua Basin Open Burning Control Area is less than 200;

(C) The daily maximum ventilation index calculated by DEQ for the Rogue Basin Open Burning Control Area is less than 400 for all regulated open burning;

(D) DEQ determines there is poor ventilation;

(E) For regulation of burning of yard debris in urban areas, the amount of precipitation expected during the day; or

(F) Any other relevant factor.

(b) Such prohibitions or limits remain in effect until DEQ notifies the State Fire Marshal that the prohibition or limitation has been terminated;

(c) In deciding whether to prohibit or limit open burning pursuant to this section, DEQ will consider:

(A) The policy of the state set forth in ORS 468A.010;

(B) The relevant criteria set forth in ORS 468A.025(2);

(C) The extent and types of materials available to be burned;

(D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and

(E) Any other relevant factor.

(d) In deciding whether to prohibit or limit any open burning pursuant to this section DEQ must give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless prohibited or limited pursuant to section (1) or (2), open burning will be allowed only during daylight hours, and must be conducted consistent with the other rules in this division and the requirements and prohibitions of local jurisdiction and the State Fire Marshal.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0043

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

**340-264-0075**

**Delegation of Authority**

Whenever DEQ finds that any city, county, fire protection district, forest protection district or state agency is capable of effectively administering the issuance and/or enforcement of permits under any or all of the open burning authority outlined within this division and is desirous of doing so, DEQ may delegate powers necessary for the issuance and/or enforcement of open burning permits to that entity. DEQ, upon finding that the entity is not effectively administering the program, may withdraw such delegation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020 & 468A.575

Statutes/Other Implemented: ORS 468A.575

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0078**

**Open Burning Control Areas**

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in Figures 2 through 5. The open burning control areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 Coos Bay Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the

Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 Rogue Basin Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 Umpqua Basin Open Burning Control Area. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence east to the NE corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 1 Willamette Valley Open Burning Control Area and Figure 2 Open Burning Control Areas. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.

(6) The Klamath Basin Open Burning Control Area is located in Klamath County with boundaries generally depicted in Figure 6 Klamath Basin Open Burning Control Area. The area is enclosed by a line beginning at the corner common to northwest corner of Section 31, Township 37 South, Range 9 East of the Willamette Meridian and southwest corner of Section 30 T37S, R9E W.M.; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E W.M.; thence east approximately one mile to the southwest corner of Section 15.; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E W.M.; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section 16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

- (a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;
- (b) Any area in or within six miles of the boundary of any city of 45,000 or more population;
- (c) Any area between areas established by this rule where the boundaries are separated by three miles or less;
- (d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(8) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A Metropolitan Area Backyard Burning Boundaries. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[NOTE: View a PDF of referenced Figures by clicking on "Tables" link below.]

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

DEQ 21-2000, f. & cert. ef. 12-15-00, Renumbered from 340-264-0200

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0115

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

### **340-264-0080**

#### **County Listing of Specific Open Burning Rules**

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-264-0050 and 340-264-0060, specific prohibitions of agricultural, commercial, construction, demolition, domestic, and industrial open burning are listed in separate rules for each county. The following list identifies the rule containing prohibitions of specific types of open burning applicable to a given county:

- (1) Baker County – OAR 340-264-0100.
- (2) Benton County – OAR 340-264-0110.
- (3) Clackamas County – OAR 340-264-0120.
- (4) Clatsop County – OAR 340-264-0100.
- (5) Columbia County – OAR 340-264-0150.
- (6) Coos County – OAR 340-264-0170.
- (7) Crook County – OAR 340-264-0100.
- (8) Curry County – OAR 340-264-0100.
- (9) Deschutes County – OAR 340-264-0100.
- (10) Douglas County – OAR 340-264-0170.
- (11) Gilliam County – OAR 340-264-0100.
- (12) Grant County – OAR 340-264-0100.
- (13) Harney County – OAR 340-264-0100.
- (14) Hood River County – OAR 340-264-0100.
- (15) Jackson County – OAR 340-264-0170.
- (16) Jefferson County – OAR 340-264-0100.
- (17) Josephine County – OAR 340-264-0170.
- (18) Klamath County – OAR 340-264-0175.
- (19) Lake County – OAR 340-264-0100.
- (20) Lane County – OAR 340-264-0160.
- (21) Lincoln County – OAR 340-264-0100.
- (22) Linn County – OAR 340-264-0110.
- (23) Malheur County – OAR 340-264-0100.
- (24) Marion County – OAR 340-264-0110.

- (25) Morrow County – OAR 340-264-0100.
- (26) Multnomah County – OAR 340-264-0130.
- (27) Polk County – OAR 340-264-0110.
- (28) Sherman County – OAR 340-264-0100.
- (29) Tillamook County – OAR 340-264-0100.
- (30) Umatilla County – OAR 340-264-0100.
- (31) Union County – OAR 340-264-0100.
- (32) Wallowa County – OAR 340-264-0100.
- (33) Wasco County – OAR 340-264-0100.
- (34) Washington County – OAR 340-264-0140.
- (35) Wheeler County – OAR 340-264-0100.
- (36) Yamhill County – OAR 340-264-0110.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15  
DEQ 10-2012, f. & cert. ef. 12-11-12  
DEQ 21-2000, f. & cert. ef. 12-15-00  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0045  
DEQ 4-1993, f. & cert. ef. 3-10-93  
DEQ 27-1981, f. & ef. 9-8-81  
DEQ 8-1981(Temp), f. & ef. 3-13-81  
DEQ 7-1981(Temp), f. & ef. 2-17-81  
DEQ 1-1981(Temp), f. & ef. 1-9-81  
DEQ 23-1979, f. & ef. 7-5-79  
DEQ 123, f. & ef. 10-20-76

**340-264-0100**

Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties

Open burning requirements for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning:
  - (a) Commercial open burning is prohibited within Lincoln County except as provided in OAR 340-264-0180.
  - (b) Commercial open burning is allowed outside of open burning control areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, commercial open burning is prohibited in any area meeting the test in OAR 340-264-0078(1):
    - (c) In Baker County, the City of Baker City;
    - (d) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
    - (e) In Crook County, the City of Prineville;
    - (f) In Curry County, the City of Brookings;
    - (g) In Deschutes County, the Cities of Bend and Redmond;

- (h) In Hood River County, the City of Hood River;
- (i) In Jefferson County, the City of Madras;
- (j) In Malheur County, the City of Ontario;
- (k) In Tillamook County, the City of Tillamook;
- (l) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;
- (m) In Union County, the City of La Grande;
- (n) In Wasco County, the City of The Dalles.

(4) Construction and demolition open burning outside of an open burning control area is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060, and 340-264-0070. Construction and demolition open burning, unless authorized pursuant to 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, construction and demolition burning is prohibited in any area meeting the standard in 340-264-0078(1):

- (a) In Baker County, the City of Baker City;
- (b) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
- (c) In Crook County, the City of Prineville;
- (d) In Curry County, the City of Brookings;
- (e) In Deschutes County, the Cities of Bend and Redmond;
- (f) In Hood River County, the City of Hood River;
- (g) In Jefferson County, the City of Madras;
- (h) In Lincoln County, the Cities of Lincoln City and Newport;
- (i) In Malheur County, the City of Ontario;
- (j) In Tillamook County, the City of Tillamook;
- (k) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;
- (l) In Union County, the City of La Grande;
- (m) In Wasco County, the City of The Dalles.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, and OAR 340-264-0050, 340-264-0060 and 340-264-0070.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Plan is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

- DEQ 7-2015, f. & cert. ef. 4-16-15
- DEQ 10-2012, f. & cert. ef. 12-11-12
- DEQ 21-2000, f. & cert. ef. 12-15-00
- DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0055
- DEQ 4-1993, f. & cert. ef. 3-10-93
- DEQ 6-1992, f. & cert. ef. 3-11-92
- DEQ 27-1981, f. & ef. 9-8-81

**340-264-0110**

**Benton, Linn, Marion, Polk, and Yamhill Counties**

Open burning requirements for Benton, Linn, Marion, Polk, and Yamhill Counties that form a part of the Willamette Valley Open Burning Control Area described in OAR 340-264-0078:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060 and 340-264-0070. Unless authorized pursuant to 340-264-0180, construction and demolition open burning is prohibited within special open burning control areas, including the following:

(a) Areas in or within six miles of the corporate city limit of:

(A) In Benton County, the City of Corvallis;

(B) In Marion County, the Cities of Salem and Keizer;

(C) In Polk County, the City of Salem.

(b) Areas in or within three miles of the corporate city limit of:

(A) In Benton County, the Cities of Albany, and Philomath;

(B) In Linn County, the Cities of Albany, Brownsville, Harrisburg, Lebanon, Lyons, Mill City, Tangent and Sweet Home;

(C) In Marion County the Cities of Aumsville, Gervais, Hubbard, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn;

(D) In Polk County, the Cities of Dallas, Falls City, Independence, Monmouth and Willamina;

(E) In Yamhill County, the Cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.

(c) Any areas that meet the test in OAR 340-264-0078(6).

(5) Domestic open burning:

(a) As generally depicted in Figure 1 Willamette Valley Open Burning Control Area of OAR 340-264-0078, domestic open burning is prohibited in the special open burning control areas named in section (4), except open burning of yard debris is allowed beginning March first and ending June 15th, inclusive, and beginning Oct. 1st and ending Dec. 15th, inclusive, subject to 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is allowed outside of special open burning control areas named in section (4), subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours, unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0060

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

[340-264-0120](#)

Clackamas County

Open burning requirements for Clackamas County:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.
- (4) Construction and demolition open burning is allowed outside of special open burning control areas, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Unless authorized pursuant to 340-264-0180, Construction and demolition open burning is prohibited within the following:
  - (a) Areas in or within six miles of the corporate city limits of Gladstone, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tualatin, West Linn and Wilsonville;
  - (b) Areas in or within three miles of the corporate city limits of Canby, Estacada, Molalla and Sandy.
  - (c) Any areas that meet the test in OAR 340-264-0078(7).
- (5) Domestic open burning:

(a) Those areas where domestic burning is always prohibited (unless authorized under OAR 340-264-0180): Beginning at the trisection of the Clackamas-Multnomah-Washington County Line; thence east and then northerly and then east following the Clackamas-Multnomah County Line to the intersection with the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe (Oregon National Guard); thence west approximately 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River and the Metro Boundary as defined in Portland Metro Ordinance 12-1313; thence following the Metro Boundary first southerly and then westerly to the intersection with the Willamette River, excepting that portion listed in subsection (b)(2); thence northeasterly along the Willamette River to the confluence with the Tualatin River; thence northwesterly along the Tualatin River to the intersection with U.S. Interstate Highway 205 (I-205); thence westerly along I-205 to the intersection with the Clackamas-Washington County Line; thence north along the Clackamas-Washington County Line to the trisection of the Clackamas-Multnomah-Washington County Line, the point of beginning.

(b) Those areas where domestic open burning is prohibited except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas that lie within both Clackamas County and the Metro Boundary and are not included in paragraph (a). Specifically, those areas are listed as follows:

(A) The area beginning at the point on the Clackamas-Washington County Line where it is intersected by I-205; thence easterly along I-205 to the intersection with the Tualatin River; thence southeasterly along the Tualatin River to the confluence with the Willamette River; thence southerly along the Willamette River to the intersection with the northern boundary of Section 15, T3S, R1E; thence west to the northwest corner of Section 15, T3S, R1E; thence north to the northwest corner of section 10, T3S, R1E; thence west to the northwest corner of Section 9, T3S, R1E; thence north to the northwest corner of Section 4, T3S, R1E; thence west to the intersection with the Clackamas-Washington County Line; thence north to the intersection with I-205, the point of beginning.

(B) The area bounded by Henrici Road on the south; Highway 213 on the west; Beaver Creek Road on the east; and the southern boundary of Clackamas Community College on the north.

(C) The area beginning at the point where the Clackamas-Multnomah County Line intersects the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe; thence west 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River; thence easterly along the Clackamas River to the intersection with the western boundary of Section 18, T2S, R3E; thence north to the northwest corner of Section 18, T2S, R3E; thence east to the northwest corner of Section 14, T2S, R3E; thence north to the northwest corner of Section 11, T2S, R3E; thence east to the intersection with Epperson Road; thence north-northwesterly along Epperson Road to the intersection with the Clackamas-Multnomah County Line at the northern boundary of Section 29, T1S, R2E; thence west along the county line to the northwest corner of Section 27, T1S, R2E, the point of beginning.

(c) Domestic open burning is allowed in all other areas of Clackamas County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

[DEQ 11-2017, minor correction filed 10/30/2017, effective 10/30/2017](#)

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0065

DEQ 14-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

**340-264-0130**

**Multnomah County**

Open burning requirements for Multnomah County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited west of the Sandy River but is allowed east of the Sandy River, subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) Those areas where open burning is always prohibited (unless authorized by 340-264-0180):

(A) The area encompassed by the line beginning at the point where the Multnomah, Clackamas, and Washington County lines meet at a trisection; thence east and then north and then east along the Multnomah-Clackamas County Line to the intersection with SE 162nd Avenue; thence north along SE 162nd Avenue to the intersection with SE Foster Road; thence southeasterly along SE Foster Road to the intersection with Jenne Road; thence northeasterly along Jenne Road to the intersection with SE 174th Avenue; thence north along SE 174th Avenue to the intersection with SE Marie Street; thence east along SE Marie Street to the intersection with SE 182nd Avenue; thence north along SE 182nd Avenue and continuing north as SE 182nd Avenue merges into SE 181st Avenue and then turns into NE 181st Avenue to the intersection with NE Sandy Boulevard; thence easterly along NE Sandy Boulevard to the intersection with NE 185th Drive; thence north along NE 185th Drive to the intersection with Marine Drive; thence continuing on a line due north to the Columbia River and the state line; thence following the Columbia River and the state line; thence following the Columbia River and the state line to the confluence of the Columbia and the Willamette Rivers; thence along the Willamette River to the Confluence with the Multnomah Channel and the Portland City Limits; thence following the Portland City Limits generally southerly to the intersection with Section 27, T1N, R1W and the Multnomah-Washington County Line; thence following the Multnomah-Washington County Line southwesterly and then south to the trisection of the Multnomah-Clackamas-Washington County Line, the point of beginning.

(B) All areas in northwest Multnomah County that are not contained within a Fire Protection District.

(C) The Burlington Water District.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15 and subject to OAR 340-264-0050 through 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal, are the areas within Multnomah County that lie west of the Sandy River and are not included in 340-264-0130(5)(a).

(c) Domestic open burning is allowed east of the Sandy River, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0070

DEQ 14-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

**340-264-0140**

**Washington County**

Open burning requirements for Washington County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) The area where open burning is always prohibited (unless authorized by OAR 340-264-0180): Beginning at the point where U.S. Interstate Highway 205 (I-205) intersects the Washington-Clackamas County Line; thence west along I-205 to the Tualatin City Limits; thence following along the Tualatin City Limits westerly, southerly, westerly and northerly to the intersection with U.S. Highway 99; thence northerly along U.S. Highway 99 to the intersection with the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary generally northerly and westerly to the intersection with the Tualatin Valley Highway; thence westerly along the Tualatin Valley Highway to the intersection with the western boundary of Section 11, T1S, R2W; thence north to the northwest corner of Section 2, T1S, R2W; thence east to the northwest corner of Section 2, T1S, R2W; thence north to the intersection with U.S. Highway 26; thence northwesterly along U.S. Highway 26 to the intersection with Cornelius Pass Road; thence northeasterly along Cornelius Pass Road to the intersection with the northern boundary of Section 23, T1N, R2W; thence east approximately 1/5 mile along the northern boundary of section 23, T1N, R2W to the southernmost point of the Orchard; thence north following the eastern boundary of the Orchard to the intersection with West Union Road; thence southeasterly and then easterly along West Union Road approximately 1.1 miles to a point approximately 1/4 mile west of the eastern boundary of Section 24, T1N, R2W; thence north on a line approximately 1000 feet; thence northeasterly on a line approximately 1/4 mile to the intersection of NW 185th Avenue and NW Springville Road; thence northeasterly along NW Springville Road approximately 1/4 mile to the one-quarter point of the northern boundary of Section 19, T1N, R1W; thence north approximately 400 feet; thence east to the intersection with NW 185th Avenue; thence north along 185th Avenue approximately 800 feet to the one-quarter point of the western boundary of Section 18, T1N, R1W; thence gradually northeasterly such that the Rock Creek Campus of Portland Community College is within the boundary approximately 1/2 mile to the midpoint of Section 18, T1N, R1W; thence south following the eastern boundary of the Rock Creek Campus of Portland Community College and continuing on a line due south to the intersection with NW Springville Road and the southern boundary of Section 18, T1N, R1W; thence northeasterly along NW Springville Road to the intersection with the Washington-Multnomah County Line; thence following the Washington County line southeasterly and then southerly to the point where the Washington-Clackamas County Line intersects I-205, the point of beginning.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15, subject to OAR 340-264-0050 through 340-262-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) All incorporated areas in Washington County not listed in OAR 340-264-0140(5)(a) or 340-264-0140(5)(c).

(B) All unincorporated areas within municipal or rural fire districts.

(c) Those areas where domestic burning is allowed, subject to OAR 340-264-0050, and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal:

(A) The area enclosed by a line beginning at the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W; thence north to the northwest corner of Section 13, T2N, R4W; thence east to the midpoint of the northern boundary of Section 16, T2N, R3W; thence on a line south to the middle of Section 21, T2N, R3W; thence east to the intersection with the midpoint of the western boundary of Section 22, T2N, R3W; thence south to the southwest corner of Section 22, T2N, R3W; thence continuing south to the northern boundary of Washington County Donation Land Claim (DLC) #44; thence southeast and east following the northern boundary of Washington County DLC #44 to the eastern boundary of Washington County DLC #44; thence southwesterly along the eastern boundary of DLC #44 to the intersection with DLC Plot #76; thence continuing southwesterly along the eastern boundary of DLC #76 to the intersection with the Burlington Northern Railroad Line; thence northwesterly along the Burlington Northern Railroad Line to the intersection with the southern boundary of Section 32, T2N, R4W; thence west to the southwest corner of Section 36, T2N, R4W; thence north to the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W, the point of beginning.

(B) All unincorporated areas of Washington County outside of municipal or rural fire districts.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0075

DEQ 14-1995, f. & cert. ef. 5-25-95

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

#### 340-264-0150

##### Columbia County

Open burning requirements for Columbia County:

(1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(4) Construction and demolition open burning:

(a) Unless authorized pursuant to OAR 340-264-0180, construction and demolition open burning is prohibited within three miles of the open burning control areas of Clatskanie, Rainier, St. Helens, Scappoose, and Vernonia and any other area that meets the standard in OAR 340-264-0078(1);

(b) Construction and demolition open burning is allowed in all other parts of Columbia County subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0080

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 27-1981, f. & ef. 9-8-81

### 340-264-0160

#### Lane County

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2 Open Burning Control Areas:

- (1) The rules and regulations of LRAPA apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this division. LRAPA may not regulate agricultural open burning.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (4) Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:
  - (a) Bailey-Spencer RFPD;
  - (b) Coburg RFPD;
  - (c) Cottage Grove/South Lane Fire District;
  - (d) Creswell RFPD;
  - (e) Dexter RFPD except that portion east of the Willamette Meridian;
  - (f) Eugene RFPD No. 1;
  - (g) Goshen RFPD;
  - (h) Junction City Fire District;
  - (i) Junction City RFPD;
  - (j) Lane County Fire District #1;
  - (k) Lane RFPD No. 1 outside the Eugene-Springfield Urban Growth Boundary;
  - (l) Lowell RFPD;
  - (m) Marcola RFPD;
  - (n) McKenzie RFPD outside the Eugene-Springfield Urban Growth Boundary;
  - (o) Monroe RFPD that portion within Lane County;
  - (p) Oakridge RFPD;
  - (q) Pleasant Hill RFPD;
  - (r) Santa Clara RFPD outside the Eugene-Springfield Urban Growth Boundary;
  - (s) Westfir RFPD;
  - (t) Willakenzie RFPD;
  - (u) Zumwalt RFPD.

## (6) Domestic open burning:

(a) Domestic open burning outside the fire districts listed in section (5) is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is prohibited within all fire districts listed in section (5) except that open burning of yard debris is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) Refer to LRAPA open burning rules for specific seasons and hours for domestic open burning.

(7) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.135, 468A.140, 468A.155, 468A.575 & 468A.595

Statutes/Other Implemented: ORS 468A.025, 468A.100 - 468A.180, 468A.555 - 468A.620, 477.515 & 477.520

## History:

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0085

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 6-1992, f. & cert. ef. 3-11-92

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

**340-264-0170****Coos, Douglas, Jackson and Josephine Counties**

Open burning requirements for Coos, Douglas, Jackson and Josephine Counties:

## (1) Open burning control areas:

(a) The Coos Bay open burning control area, as described in OAR 340-264-0078(2) and generally depicted in Figure 3 Coos Bay Open Burning Control Area of OAR 340-264-0078, is located in Coos County;

(b) The Umpqua Basin open burning control area, as described in OAR 340-264-0078(4), and generally depicted in Figure 5 Umpqua Basin Open Burning Control Area of OAR 340-264-0078, is located in Douglas County;

(c) The Rogue Basin open burning control area, as described in OAR 340-264-0078(3) and generally depicted in Figure 4 Rogue Basin Open Burning Control Area of OAR 340-264-0078, is located in Jackson and Josephine Counties.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Commercial open burning is allowed in all other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and demolition open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7), and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0090

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1991, f. & cert. ef. 11-13-91

DEQ 27-1981, f. & ef. 9-8-81

### **340-264-0175**

#### **Klamath County**

Open burning requirements for Klamath County:

(1) Open burning control areas: The Klamath Basin open burning control area as generally described in OAR 340-264-0078(6) and depicted in Figure 6 is located in Klamath County.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Commercial open burning is allowed in all other areas of this county subject to 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7) of this rule, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: The figures referenced in this rule are not printed in the OAR Compilation. Copies are available from the agency.]

[ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 10-2012, f. & cert. ef. 12-11-12

### **340-264-0180**

#### **Letter Permits**

(1) Open Burning of commercial, industrial, slash, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris that is otherwise prohibited, may be permitted by a letter permit issued by DEQ in accordance with this rule and subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-014-0025 and 340 OAR division 216 do not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning that has been approved by DEQ. Each application for a letter permit must contain the following items:

- (a) The quantity and type of material proposed to be burned;
- (b) A listing of all alternative disposal methods and potential costs that have been identified or investigated;
- (c) The expected amount of time that will be required to complete the burning (not required for yard debris);
- (d) The methods proposed to be used to insure complete and efficient combustion of the material;
- (e) The location of the proposed burning site;
- (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto;
- (g) The expected frequency of the need to dispose of similar materials by burning in the future;
- (h) If the application is for prescribed burning of standing vegetation for the purpose of creating or restoring wetlands or for promoting or enhancing habitat for indigenous species of plants or animals, the application must also include a citation to the federal or state law or program requiring or authorizing such conversion or enhancement. The application must also include a statement from the appropriate agency responsible for implementing the law or program that open burning is the most practicable alternative for the conversion or enhancement;
- (i) Any other information that the applicant considers relevant or DEQ may require;
- (j) For open burning of yard debris:
  - (A) A "Hardship Permit Application" completed on a form supplied by DEQ; and
  - (B) Either payment of the appropriate fee pursuant to section (10) or a "waiver request" completed on a form supplied by DEQ.

(3) Upon receipt of a written application, DEQ may approve the application if it is satisfied that:

- (a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and
- (b) The proposed burning will not cause or contribute to significant degradation of air quality.
- (c) For locations within Clackamas, Columbia, Multnomah and Washington counties, where open burning is otherwise prohibited, the following conditions must also be met. Letter permits may be issued only for disposing of:
  - (A) Material resulting from emergency occurrences, including but not limited to, floods, storms or oil spills;
  - (B) Material originating as yard debris that has been collected and stored by governmental jurisdictions, provided that no other reasonable means of disposal are available;
  - (C) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:
    - (i) An economic burden because the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant;
    - (ii) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or
    - (iii) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable.

(4) DEQ may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:

- (a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant;
- (b) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment or decree.

(5) In making its determination under section (3), DEQ may consider:

- (a) The conditions of the airshed of the proposed burning;
- (b) The other air pollution sources in the vicinity of the proposed burning;
- (c) The availability of other methods of disposal, and special circumstances or conditions that may impose a hardship on an applicant;

- (d) The frequency of the need to dispose of similar materials in the past and expected in the future;
  - (e) The applicant's prior violations, if any;
  - (f) The projected effect upon persons and property in the vicinity; and
  - (g) Any other relevant factor.
- (6) Each letter permit issued by DEQ pursuant to section (2) must contain at least the following elements:
- (a) The location where burning is permitted to take place;
  - (b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven. Burning pursuant to a permit for yard debris must be limited to three days per season unless satisfactory justification for more burning is provided by the applicant;
  - (c) The period during which the permit is valid, not to exceed a period of 30 consecutive days, except a permit for yard debris. The actual period in the permit must be specific to the needs of the applicant. DEQ may issue specific letter permits for shorter periods;
  - (d) A letter permit for yard debris is valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in section (10). The spring burning is from March 1 to June 15, inclusive, and the fall burning season is from Oct. 1 to Dec. 15, inclusive;
  - (e) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production;
  - (f) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris must be limited to the hours and times that limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur;
  - (g) Reporting requirements for both starting the fire each day and completion of the requested burning, (optional for permits for yard debris);
  - (h) A statement that OAR 340-264-0050 and 340-264-0060 are fully applicable to all burning under the permit;
  - (i) Such other conditions as DEQ considers to be desirable.
- (7) Regardless of the conditions contained in any letter permit, each letter permit, except permits for yard debris, will not be valid for more than 30 consecutive calendar days of which a maximum of seven can be used for burning. DEQ may issue specific letter permits for shorter periods.
- (8) Letter permits are not renewable. Any request to conduct additional burning requires a new application and a new permit.
- (9) No person may violate any condition, limitation, or term of a letter permit.
- (10) All applications for a letter permit for yard debris must be accompanied by a permit fee payable to DEQ, or approved delegated authority, and become non-refundable upon issuance of the permit. The fee to be submitted is:
- (a) For a single burning season, spring or fall — \$20;
  - (b) For a calendar year — \$30.
- (11) DEQ may waive the single season permit fee if the applicant shows that the cost of the yard debris permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**Statutory/Other Authority:** ORS 468.020, 468A.025, 468A.575 & 468A.595

**Statutes/Other Implemented:** ORS 468A.025, 468A.555 - 468A.620, 477.515 & 477.520

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15

DEQ 21-2000, f. & cert. ef. 12-15-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0100

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 10-1984, f. 5-29-84, ef. 6-16-84

DEQ 27-1981, f. & ef. 9-8-81

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