



State of Oregon Department of Environmental Quality and Lane Regional Air Protection Agency

Oregon Environmental Quality Commission Meeting

May 23, 2024

Item C: Lane Regional Air Protection Agency Rulemaking: Title 47 Outdoor Burning Rules (Action)

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DEQ Recommendation to the EQC

DEQ recommends the Environmental Quality Commission:

- Find that the proposed LRAPA rule amendments in Attachment A are not less strict than any EQC rule or standard;
- Approve the proposed LRAPA rule amendments in Attachment A under ORS 468A.135(2);
- Approve incorporating the LRAPA rule amendments in Attachment A into the Oregon Clean Air Act State Implementation Plan (SIP) under OAR 340-200-0040;
- Adopt the proposed SIP rule revision in Attachment D as part of Chapter 340 of the Oregon Administrative Rules; and
- Direct DEQ to submit this SIP revision to the U.S. Environmental Protection Agency for approval.

Language of Proposed EQC Motion:

“I move that the Oregon Environmental Quality Commission

- Find that the proposed LRAPA rule amendments in Attachment A are not less strict than any EQC rule or standard;
- Approve the proposed LRAPA rule amendments seen in Attachment A under ORS 468A.135(2);
- Approve incorporating the LRAPA rule amendments in Attachment A into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;
- Adopt the proposed State Implementation Plan rule revision in Attachment D as part of Chapter 340 of the Oregon Administrative Rules; and
- Direct DEQ to submit this State Implementation Plan revision to the U.S. Environmental Protection Agency for approval.

Introduction

Overview

The City of Lowell, through Ordinance 308, has redefined the conditions under which recreational and religious ceremonial fires are allowed, and has detailed the time frames and conditions under which residential outdoor burning can take place. These changes necessitate updates to LRAPA Title 47 rules to maintain compliance and consistency.

The proposed updates are intended to facilitate compliance, enhance enforceability, and improve air quality outcomes, while preserving the core purpose of the LRAPA rules.

Procedural Summary

In response to Ordinance 308 enacted by the City of Lowell, Oregon, the Lane Regional Air Protection Agency is preparing to update Title 47 – Outdoor Burning of its rules. These updates will ensure LRAPA's rules align with the latest regional regulations concerning outdoor burning practices, specifically those pertaining to recreational fires, religious ceremonial fires, and residential outdoor burning within the city limits of Lowell and its surrounding urban growth boundary.

The City of Lowell, through Ordinance 308, has redefined the conditions under which recreational and religious ceremonial fires are allowed, and has detailed the time frames and conditions under which residential outdoor burning can take place. These changes necessitate updates to LRAPA Title 47 to maintain compliance and consistency.

The proposed updates are intended to facilitate compliance, enhance enforceability, and improve air quality outcomes, while preserving the core purpose of the LRAPA rules.

The development of the State Implementation Plan for these updates involves consultation with the Environmental Protection Agency and the Oregon Department of Environmental Quality. Throughout this process, the team will ensure that these updates adequately represent the interests of the Lowell community, support regional air quality improvement efforts, and fulfill state and federal air quality mandates.

Background

Board Action History. The LRAPA outdoor burning rules have been revised and updated several times since 1968, most recently in October 1999, October 2001, February 2008, and October 2017. Potential rule revisions were discussed with the LRAPA Board and Citizens Advisory Committee over the past few years. The Board held a public hearing on Sept 14, 2017, and adopted most of the proposed revisions on October 12, 2017, but did not adopt changes to the Eugene Urban Growth Boundary requirements at that time. A public hearing was held on Feb. 8, 2018 which allowed further review by the LRAPA Citizens Advisory Committee at their Jan. 30, 2018 meeting. The Board adopted the agreed upon acreage changes after the second public hearing at their April 12, 2018 meeting with the changes effective Oct. 1, 2018.

Analysis. Prior to developing the proposed revisions, discussions were held with the City of Lowell regarding the changes to Ordinance 308. The red lined-strikeout version also includes a few minor housekeeping changes noted in the crosswalk review of the rule updating formatting along with language to align with DEQ's most current definitions.

Under ORS 468A.135(2), the EQC must review and approve all LRAPA rules, provided that they are no less strict than any commission rules or standards. In this case, the applicable rules are part of the SIP, so the commission must also incorporate these rule changes into the SIP by amending OAR 340-200-0040(2) and direct DEQ to submit these SIP amendments to the U.S. Environmental Protection Agency for its approval.

Statement of need

Flexibility of outdoor burning for the City of Lowell	
<p>The City of Lowell, through Ordinance 308, has redefined the conditions under which recreational and religious ceremonial fires are allowed, and has detailed the time frames and conditions under which residential outdoor burning can take place. These changes necessitate updates to LRAPA Title 47 to maintain compliance and consistency.</p>	
What need would the proposed rule changes address?	How would the proposed rule changes address the need?
<p>The proposed rule changes are necessary to align LRAPA's Title 47 with the City of Lowell's recently enacted Ordinance 308, which redefines the conditions for recreational and religious ceremonial fires and details the timeframes and conditions for residential outdoor burning. Maintaining consistency between local and regional regulations is essential for effective implementation, enforcement, and public understanding of outdoor burning rules.</p>	<p>The outdoor burning control program will continue to require LRAPA's diligent implementation to minimize air pollution impacts and nuisances. Indicators of the success of this program will be attainment and maintenance of the PM₁₀ and PM_{2.5} air quality health standards, reduced impacts of residential outdoor burning on neighbors and fewer public complaints.</p>

How will LRAPA know the rules have addressed the needs stated above?

The outdoor burning control program will continue to require LRAPA's diligent implementation to minimize air pollution impacts and nuisances. Indicators of the success of this program will be attainment and maintenance of the PM₁₀ and PM_{2.5} air quality health standards, reduced impacts of residential outdoor burning on neighbors and fewer public complaints.

Rules affected, authorities, supporting documents

Lead division

Air Quality Division

Program or activity

Outdoor Burning

Chapter 340 action

Amend OAR 340-200-0040(2)

Other authority

Amend LRAPA Title 47 Outdoor Burning

Statutory Authority - ORS				
468.020	468.065	468A.035	468A.135	

Documents relied on for rulemaking

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=80
Oregon Revised Statutes	https://www.oregon.gov/deq/Regulations/Pages/statutes.aspx
LRAPA Rules and Regulations	https://www.lrapa.org/air-quality-protection/about-lrapa/regulations-rules/
City of Lowell Ordinance 308	https://library.municode.com/or/lowell/ordinances/code_of_ordinances?nodeId=1219415

Fee Analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The proposed rule changes are expected to have minimal fiscal and economic impact due to the limited geographic scope of the affected area and the negligible cost difference between burning and alternative disposal methods during the short timeframe covered by these changes. The alignment with the City of Lowell's Ordinance 308 is not anticipated to create any significant financial burden for the agency, local government, or the public.

Statement of Cost of Compliance

State agencies

LRAPA does not expect that the proposed outdoor burning rule changes will impose any direct fiscal or economic impact on any state or federal agency.

Local governments

LRAPA does not expect that the proposed outdoor burning rule changes will impose any direct fiscal or economic impact on any local government including the City of Lowell.

Public

The proposed rule changes will likely add negligible cost to a member of the public within the Lowell City Limits during the brief time reflected in these changes and the negligible difference in cost of burning versus alternative disposal methods.

Large businesses – businesses with more than 50 employees

Small businesses – businesses with 50 or fewer employees

ORS 183.336 - Cost of Compliance for Small Businesses

1. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

The proposed rulemaking affects no known small businesses.

2. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposal only negligibly affects small businesses; therefore, no additional activities apply to small businesses.

3. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposal only negligibly affects small businesses; therefore, no additional activities apply to small businesses.

4. Describe how DEQ involved small businesses in developing this proposed rule.

LRAPA presented to their standing advisory committee (that includes small business representatives) the proposed rule changes.

Documents relied on for fiscal and economic impact

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	https://www.oregon.gov/deq/Regulations/Pages/statutes.aspx

Advisory committee fiscal review

LRAPA's standing Citizens Advisory Committee (CAC) was provided on-going updates of the rulemaking progress and provided guidance to staff during the entire process. The CAC did not formally conduct a fiscal review of the proposed rules.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

LRAPA determined the proposed rules would have no effect on the development costs because the affected area is minimal and the costs of burning verses alternative methods of disposal would be negligible.

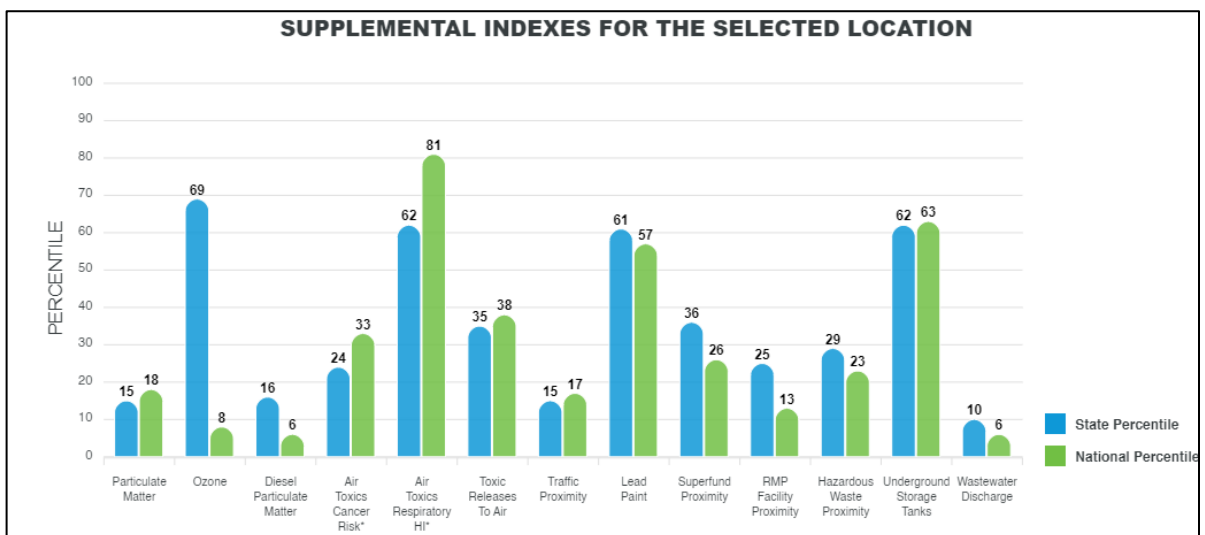
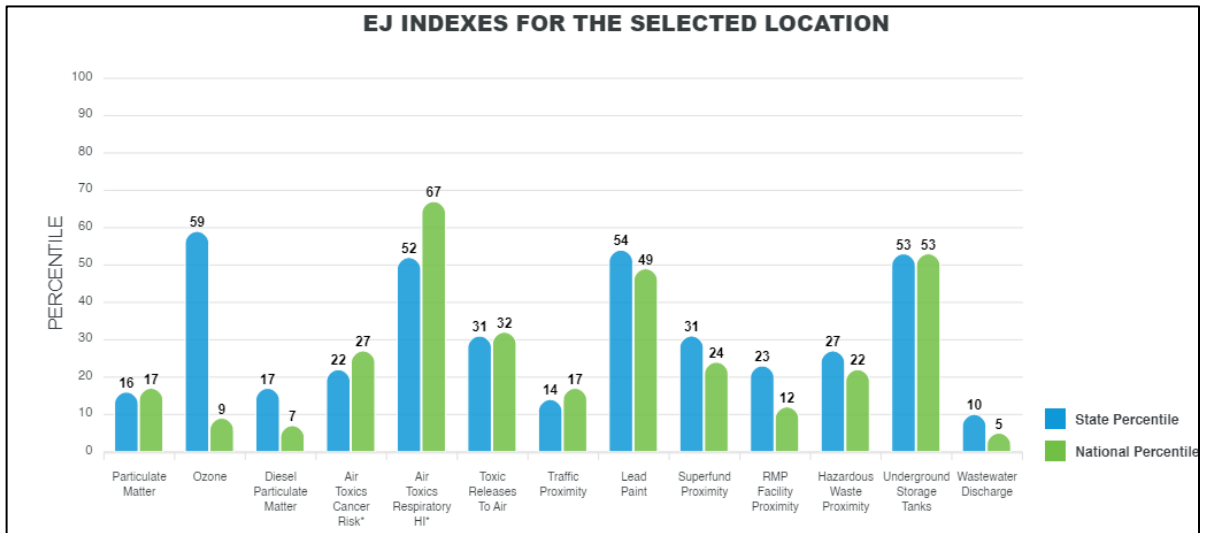
Racial Equity

HB 2993 does not apply to LRAPA since LRAPA is not a state agency. However, LRAPA expects the adoption of this rule will not affect racial equity in this area of the state.

Environmental Justice Considerations

Environmental Justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.



LRAPA evaluated the proposed changes to the outdoor burning rules through an environmental justice lens to ensure fairness and meaningful involvement for all people regardless of race, color, national origin, income, or ability.

The proposed changes to allow additional outdoor burning of woody yard trimmings in Lowell during winter months have the potential to increase particulate matter emissions that could disproportionately affect vulnerable populations. However, according to EPA's EJSCREEN tool,

Lowell ranks in the 16th percentile statewide and 17th percentile nationwide for particulate matter pollution. Supplemental EJScreen indexes also show Lowell ranking in the 15th percentile statewide and 18th percentile nationwide for particulate matter. These indicators support that rule change is unlikely to have disproportional impacts on the vulnerable populations in the region. Despite the relatively lower percentile rankings indicating lesser pollution levels, the importance of continuous monitoring and public education cannot be overstated to prevent potential environmental justice issues. LRAPA is prepared to individually engage residents conducting outdoor burning and provide education on proper outdoor burning practices to minimize smoke impacts in response to air quality complaints received by the Agency. LRAPA maintains materials on outdoor burning rules and proper outdoor burning practices in both English and Spanish, as census data shows Hispanic/Latino persons comprise over 15% of Lowell's population.

LRAPA will continue to monitor air quality in the regional airshed using existing regulatory monitors in Springfield as well as a low-cost sensor installed at the school to track any increases in PM_{2.5} levels during the allowed winter burning period. If concerning trends emerge, LRAPA will re-evaluate the expanded burning allowances to ensure protection of public health for all Lowell residents.

LRAPA aims to achieve meaningful public involvement by providing interpretation services for the public hearing as needed and accepting comments in languages other than English. The agency is committed to assessing and addressing any unintended consequences of this rule change to achieve environmental justice.

Federal relationship

The proposed rules add requirements additional to those in federal requirements. There are no federal rules applicable to outdoor burning. LRAPA's outdoor burning rules are an element of the State Implementation Plan that is federally approved and enforceable strategy outlining how Oregon will meet federal air quality standards to protect public health and the environment.

The proposed changes to LRAPA's Title 47 have been developed in close coordination with the Oregon Department of Environmental Quality to ensure consistency with state regulations and the Oregon Clean Air Act State Implementation Plan. Upon adoption by the LRAPA Board and the EQC, these rule amendments will be submitted to the U.S. Environmental Protection Agency for incorporation into the SIP, as they strengthen the existing rules and demonstrate noninterference with the attainment and maintenance of the National Ambient Air Quality Standards.

What alternatives did LRAPA consider if any?

The rulemaking effects such a small area and decreases allowable burning promoting alternative disposal methods which LRAPA supports, and consideration was made to reach out to more areas of the county however the timeliness of this issue prevented that outreach.

Land use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

LRAPA, in coordination with DEQ, has determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

National Ambient Air Quality Standards considerations

The consideration of the NAAQS is important ahead of proposing the amendment to LRAPA's rules in Title 47 - Outdoor Burning. The points following delve into various aspects of how this amendment aligns with NAAQS and other regulatory frameworks. LRAPA's established curtailment program, daily burning advisory, collaborative efforts with local fire protection agencies, and the stringent permit process collectively depict a structured approach towards mitigating air pollution from outdoor burning, especially during unfavorable conditions. These multi-faceted considerations

fortify the rationale for the proposed amendment, indicating a comprehensive strategy for maintaining air quality standards while accommodating controlled outdoor burning during the winter months in Lowell.

1. Established Curtailment Program:

LRAPA's established daily burning advisory and curtailment program stands as a robust mechanism that meticulously restricts outdoor burning during unfavorable ventilation conditions. This program is well-anchored on leveraging air quality forecasting and meteorological data to pinpoint when conditions may precipitate air quality degradation from outdoor burning. The strategic utilization of data empowers the program to foresee and mitigate potential air quality issues, showcasing its robustness. Despite the proposed amendment to allow outdoor burning during winter months, the curtailment program remains a steadfast approach to preventing air pollution on days with adverse meteorological conditions that could amplify pollution from additional winter burning.

A testament to the program's robustness is the dedicated enforcement arm, consisting of two Full-Time Equivalents (FTEs) whose responsibilities encompass responding to air quality complaints submitted to LRAPA, including those pertaining to outdoor burning. Their vigilant enforcement and response to complaints underscore LRAPA's commitment to maintaining a tight rein on outdoor burning activities, ensuring they remain within the defined regulatory framework. This structured enforcement, coupled with the daily advisories, fortifies the curtailment program, ensuring it continues to serve as a reliable bulwark against potential air quality degradation, even with the proposed amendment in effect.

2. Daily Burning Advisory:

The advisory, released daily at 7:00 p.m., educates residents about the prevailing burning conditions and necessitates their adherence to local fire district's burning requisites. It stipulates that residents may only burn woody yard debris generated on their property, ensuring control over the materials being burnt and limiting the potential for prohibited materials being introduced into the burn.

3. Air Quality and Fire Season Restrictions:

The cooperation between LRAPA and the Lane County Fire Defense Board, as well as the Oregon Department of Forestry (ODF) local fire protection agencies in issuing temporary burn restrictions during different seasons further exemplifies the concerted effort to maintain air quality. LRAPA's air quality restrictions are proactive, curbing residential outdoor burning when stagnant air and poor ventilation conditions prevail. Additionally, fire hazard restrictions by local fire agencies, although primarily aimed at fire prevention, also contribute to controlling outdoor burning, especially during summer and early fall, when fire risks are high.

4. Types of LRAPA Permitted Outdoor Burns:

The stringent permit process for outdoor burning under LRAPA's jurisdiction ensures that only controlled, approved burns occur, minimizing unauthorized or hazardous burning practices. This approach, coupled with the categorization of burns and the explicit listing of prohibited materials in 47-015(1)(e), further reiterates LRAPA's dedication to controlling substances that contribute to air pollution.

Conclusion

Based on the reasons described above, LRAPA believes allowing outdoor burning of woody yard trimmings in Lowell during winter months, while continuing to implement its curtailment program and other protective measures, will not interfere with attainment or maintenance of any NAAQS or with other applicable Clean Air Act requirements.

LRAPA Board and EQC Prior Involvement

LRAPA staff has not previously presented information specific to this proposed rule revision to the EQC. However, the EQC will be briefed on the rule amendments and their alignment with the City of Lowell's Ordinance 308 during the May 23, 2024 meeting, where the proposed changes will be considered for adoption.

Advisory Committee

Background

LRAPA has a standing Citizens Advisory Committee (CAC) that meets most months, LRAPA consulted the CAC for this rulemaking and presented an overview of the changes to the committee at their meeting on July 25, 2023.

Weblink: Public Oversight | Lane Regional Air Protection Agency (lrapa.org)
<https://www.lrapa.org/air-quality-protection/about-lrapa/public-oversight/>

The committee members were:

LRAPA Title 47 Outdoor Burning - Citizens Advisory Committee (CAC)	
Name	Representing
Jim Daniels, Chair	Industry
Kelly Wood, Vice-Chair	Industry
Peter Dragovich	Planning
Evelina Davidova-Kamis	Industry
Paul Metzler	General Public
Teresa Roark	Public Health
Jeffery Carman (absent)	Agriculture
Mysti Frost (absent)	General Public
Chris Cline (absent)	Fire Suppression

Meeting notifications

To notify people about the advisory committee's activities, LRAPA:

- Sent a one-time notice to General News & Updates subscribers of our email listserv of meeting content.
- Added advisory committee announcements to LRAPA's calendar of public meetings at [LRAPA Calendar](#)

Committee discussions

Below is an excerpt from the minutes from the July 25, 2023 meeting discussion and motion from the CAC regarding this proposed rulemaking.

V. Rulemaking – Title 47 Review

Steve Dietrich, Director, stated that the City of Lowell had revised their code to allow for residential outdoor burning from October 1 through June 15. He explained that change now conflicted with Title 47 and referred to the handout provided that outlined the revision. Dietrich asked if committee members had an opportunity to review the revision and all responded that they had. Brief discussion followed.

MOTION: Paul Metzler moved and Peter Dragovich seconded the motion to support the proposed revision to Title 47 to allow for residential outdoor burning from October 1 through June 15 in the City of Lowell and recommended that it be forward to the Board of Directors as written. The motion passed 5-0.

Public Engagement

Public notice

LRAPA provided notice of the proposed rulemaking and rulemaking hearing by:

- On January 30, 2024 Filing notice with the Oregon Secretary of State for publication in the February Oregon Bulletin;
- Notifying the EPA by E-mail;
- Emailing: Send email to list of those who subscribe to our Public Notices category on our email listserv <https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/>
- Posting on the LRAPA event calendar: [LRAPA Calendar](#)

Public Hearing

LRAPA held one public hearing.

Date: March 14, 2024

Start time: 12:30PM

Street address: 1010 Main Street

Room: Large LRAPA Conference Room

City: Springfield, Oregon 97477

Teleconference phone number: +1 253 215 8782

Webinar link: <https://us02web.zoom.us/j/82551664224>

There were no people who testified at the hearing. One (1) entity – the EPA – submitted written comments during the public comment period that began February 1, 2024 and ended March 14, 2024.

Summary of Public Comments and LRAPA Responses

Public comment period

LRAPA accepted written public comment on the proposed rulemaking from February 1, 2024, until the conclusion of the public hearing which at 12:30 p.m. on March 14, 2024. No comments were received during the public hearing on March 14, 2024. LRAPA received comments from one (1) organization, the U.S. Environmental Protection Agency (EPA), during the public notice period.

For public comments received by the close of the public comment period, the summary below presents comment summaries with cross references to the comment number. Original comments are on file with LRAPA. LRAPA considered and responded to all comments described in the response sections below. LRAPA changed some of the proposed rules in response to comments as described in LRAPA's responses.



Title 47 Outdoor Burning Rule Revisions: Response to Public Comment

Comment #1: The demonstration should provide additional details on the spring burning season extension in Lowell, including the rationale and any expected air quality impacts.

Response #1: LRAPA revised the 110(l) demonstration to include a new footnote on page 2 that explains the spring burning season extension is a housekeeping measure to align Lowell with the rest of Lane County. The footnote clarifies this extension is for fire danger reasons, not air quality, and is expected to have minimal impact. This additional context addresses the EPA's request for more details on the spring burning change.

Comment ID linked to Comment #1: EPA

Comment #2: The demonstration would be strengthened by including a discussion of the percentage of winter days that LRAPA has historically declared as burn bans in the area due to stagnant air conditions. An estimate of the number of additional winter burn days that will likely occur as a result of the rule change would also be helpful.

Response #2: LRAPA added a new paragraph to the 110(l) demonstration on page 10 that directly addresses this feedback. The paragraph states that based on historical data from 2015-2024, LRAPA prohibited burning on average 12 days per winter season (10% of days) due to predicted air stagnation. It further clarifies that for the other 90% of winter days when burning is allowed, it is limited to hours with good ventilation. The following paragraph puts the impact of these additional winter burn days into perspective, highlighting that even areas like Cottage Grove which currently allow wintertime outdoor burning have lower PM2.5 levels than Eugene and Oakridge which

prohibit it. This discussion provides the requested context around the likely limited number of additional burn days and their minimal expected impact on PM2.5 levels and NAAQS compliance.

Comment ID linked to Comment #2: EPA

Comment #3: Please clarify if the PM2.5 data in Tables 2, 3 and 4 and the PM10 data in Table 1 includes or excludes wildfire data.

Response #3: LRAPA revised the 110(l) demonstration to clearly label each table to indicate whether the data includes or excludes wildfire data:

- Table 1 notes the data excludes Q2 and Q3 data that might include wildfire levels.
- Table 2 introduces a new footnote clarifying wildfire related values >35 ug/m3 in Q4 were removed.
- Tables 3 and 4 were already labeled as excluding wildfire data >12 ug/m3 and >35 ug/m3, respectively.

These changes make it readily apparent which datasets have been controlled for wildfire impacts, fully addressing the EPA's request for clarification.

Comment ID linked to Comment #3: EPA

Comment #4: In the "Emissions Scaling Demonstration" section, the 1.4% increase used for the 24-hour PM2.5 demonstration should match the 1.38% increase calculated in the paragraph above it. Also, please include a discussion of the potential impact if emissions are underestimated and are higher than expected.

Response #4: LRAPA updated the emission scaling sections on pages 11-12 to use consistent 1.4% emission increase values for both the 24-hour and annual PM2.5 analyses. Additionally, a new sentence has been added to each section discussing the impact of potentially underestimated emissions. For both the 24-hour and annual PM2.5 standards, the document now notes that even a hypothetical 10-fold emissions increase would still result in design values well below the NAAQS thresholds. This demonstrates that the attainment finding is robust to underestimated emissions, directly addressing the EPA's feedback.

Comment ID linked to Comment #4: EPA

Comment #5: On page 8 (Tables), clarify which wildfire value threshold was used to exclude data in the analysis (>12ug/m3 or >35ug/m3). Clarify if the data represented in the tables are from Lowell or the other monitoring sites in Lane County. Also, Table 3 should specify that the standard was revised from 12 to 9 ug/m3 rather than 10 ug/m3 on 2/7/24.

Response #5: LRAPA revised the table section on pages 8-9 to clearly specify the wildfire data exclusion thresholds used for each table (>12 ug/m3 for Table 3, >35 ug/m3 for Tables 2 and 4). Each table caption now also clarifies whether the data is from the Lowell PA sensor or the other Lane County FRM/FEM monitoring sites. Finally, the text under Table 3 has been corrected to state the annual PM2.5 standard was revised from 12 to 9 ug/m3 in 2024. These changes fully address the EPA's requests for additional clarity on the data sources and standards referenced.

Comment ID linked to Comment #5: EPA

Public Comment Receipt Log

Written comments were received from:

1. U.S. Environmental Protection Agency (EPA)

Public Hearing Comment Receipt Log

No oral comments were received.

Implementation

Notification

The proposed rules became effective on March 14, 2024 after the LRAPA Board adopted them. LRAPA notified the following affected parties by:

- Emailing all commenters on the proposed rulemaking; and
- Emailing LRAPA's staff.

If the EQC adopts the proposed rules LRAPA will notify affected parties by:

- Emailing interested parties on the Rulemaking, LRAPA Public Notices, DEQ Public Notices, and Air Quality Permits GovDelivery lists;

Compliance and enforcement

Incorporating revised outdoor burning rules into LRAPA's compliance program

LRAPA will update its outdoor burning advisory and complaint response protocols to reflect the revised rules allowing outdoor burning of woody yard trimmings in Lowell during the winter months. LRAPA inspectors will be trained on the new provisions and will educate Lowell residents about the updated regulations as part of their routine outreach and enforcement activities.

LRAPA will continue to monitor compliance with the outdoor burning rules through its established complaint response process. Complaints received about outdoor burning in Lowell during the newly allowed winter months will be investigated and addressed following LRAPA's standard procedures.

LRAPA will track outdoor burning activity and complaints in Lowell during the winter months to assess the impact of the rule change. If any unanticipated issues or adverse air quality impacts arise, LRAPA will consider whether additional rule revisions or mitigation measures are necessary.

Monitoring air quality impacts

LRAPA will closely monitor air quality data from nearby regulatory monitors to evaluate the impact of the expanded winter outdoor burning on PM2.5 levels. The agency will compare PM2.5 concentrations before and after the rule change to determine if there are any significant increases attributable to the additional burning activity.

If monitoring data indicates that the revised rules are contributing to elevated PM2.5 levels or potential NAAQS exceedances, LRAPA will promptly take action to address the situation. This could include increasing patrols to identify and stop unauthorized burning, escalating enforcement

against repeat offenders, or proposing further rule amendments to curtail burning as needed to maintain air quality.

LRAPA remains committed to protecting public health and ensuring that the revised outdoor burning rules do not interfere with attainment or maintenance of the NAAQS. The combination of proactive outreach, diligent compliance monitoring, and responsive air quality tracking will allow LRAPA to effectively implement the new rules while safeguarding the community.

Accessibility Information

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes).

LRAPA is committed to providing meaningful opportunities for public involvement in its proceedings. LRAPA strives to ensure that information and services are accessible to everyone, regardless of race, color, national origin, income, disability, or language proficiency. If assistance is needed accessing this document or participating in the public processes, please contact LRAPA Non-Discrimination Coordinator at (541) 736-1056 or info@lrapa.org. Language interpretation, translation, alternative formats, or other reasonable accommodations are available upon request. Please allow at least 5 business days to respond to a request. More information is available on LRAPA's [nondiscrimination policy](#).

Supporting documents

Attachment A – Proposed revisions to LRAPA Title 47 Outdoor Burning Rules (redline version) and the final approved rules.

Attachment B – Crosswalk summary of proposed revisions to LRAPA Outdoor Burning Rules.

Attachment C – Demonstration of Noninterference PM NAAQS Under Section 110(l) of the Clean Air Act (CAA) for Proposed Revision to Allow Outdoor Burning of Woody Yard Trimmings in Lowell, Oregon During Winter Months.

Attachment D – Proposed revisions to OAR 340-200-0040 (redlined version with changes shown).