



Oregon Department of Environmental Quality
July 11-13, 2018
Oregon Environmental Quality Commission meeting
Agency Staff Report
Rulemaking, Action Item M

Lane Regional Air Protection Agency Rules and Regulations
Title 47 – “Open (Outdoor) Burning”

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DEQ recommendation to the EQC

DEQ recommends that the Environmental Quality Commission:

1. Approve incorporating the LRAPA rule amendments as shown on pages 52 through 62 of this staff report into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040 (the “SIP revision”); and
2. Revise OAR 340-200-0040 as shown on pages 49 through 51 of this staff report to reflect the incorporation of the LRAPA rule amendments as a SIP revision on July 13, 2018; and
3. Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Overview

Short summary

LRAPA's Board of Directors adopted the proposed outdoor burning rules as part of LRAPA's Rules and Regulations at their Oct. 12, 2017, Feb. 8, 2018, and April 12, 2018 meetings.

DEQ proposes the Oregon Environmental Quality Commission approve the proposed Lane Regional Air Protection Agency revised regulations for outdoor burning into the Oregon Clean Air Act State Implementation Plan and submit them to the U.S. Environmental Protection Agency for its approval under the federal Clean Air Act.

The LRAPA Board of Directors considered the outdoor burning rules revisions in an effort to meet or maintain federal air quality standards for fine particulate matter and to improve the general air quality of Lane County.

The LRAPA rules were revised to:

- Change the term "Open Burning" to "Outdoor Burning" throughout Title 47
- Clarify terminology pertaining to size and materials of "religious ceremonial fires" and "bonfires"
- Clarify terminology relative to outdoor burning during the LRAPA "Home Wood Heating Season"
- Require residents within the Oakridge Urban Growth Boundary to be subject to outdoor burning prohibitions and exemptions during the November through February Oakridge "Home Wood Heating Season"
- Identify the Eugene and Springfield Urban Growth Boundaries as separate
- Identify cardboard, clothing and grass clippings as "prohibited materials"
- Prohibit outdoor burning in barrels
- Prohibit outdoor burning within the Eugene Urban Growth Boundary (addressed separately in hearing 2 – Attachment A)
- Include in LRAPA rules Oakridge and Florence outdoor burning ordinances requirements
- Limit outdoor burning to woody yard trimmings within the city limits of Junction City, Coburg, Cottage Grove, Creswell, Lowell, Westfir, Dunes City and Veneta and further clarify relative to affected areas
- Update names of Fire Districts
- Update "Forest Slash Outdoor Burning" requirements in areas not covered by Department of Forestry Smoke Management Plan
- Increase fee for prescribed burning of standing vegetation permits (species or wetland conversion) from \$100 to \$1,000 and include caveat relative to Director discretion in fee adjustment

- Increase fee for permits required for forest slash outdoor burning in areas not covered by the Department of Forestry Smoke Management Plan, and for construction, demolition, commercial or industrial outdoor burning from \$4 per cubic yard to \$10 per cubic yard and minimum fee from \$50 to \$100

Brief history

LRAPA, in consultation with DEQ and the U.S. Environmental Protection Agency, is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans to restore healthy air quality in any area violating standards. LRAPA conducts air monitoring, permitting and compliance, inspection and enforcement, and regulates outdoor/open burning and asbestos abatement throughout Lane County. It also has a woodstove advisory program, an outdoor burning advisory program and conducts special projects focused on air quality. The agency is funded by a combination of local dues from Lane County and four cities within Lane County, industrial and other permitting fees, and LRAPA coordinates with DEQ to obtain EPA funding and state general funds.

In the late summer of 2013, because of concerns about the seasonal timing, unrestricted volume and unrestricted materials requirements pertaining to “religious ceremonial fires”, the LRAPA Board in conjunction with the LRAPA Advisory Committee directed staff to address this concern by way of rule review and amendment. The project evolved into a comprehensive Title 47 rule review and amendments.

On Sept. 14, 2017, the LRAPA Board of Directors held the first of two public hearings on the Title 47 Open (Outdoor) Burning rules. The Board adopted most of the proposed changes at their Oct. 12, 2017, meeting. One issue was deferred and resulted in an additional hearing and Board discussion (see Hearing 2 Overview below).

Hearing 2 Overview

Short summary

The LRAPA Board updated and adopted outdoor burning rules in Title 47 of the LRAPA Rules and Regulations at its April 12, 2018, and Oct. 12, 2017, meetings. The board deferred one portion of the October 2017 proposal regarding further restrictions on outdoor burning in the Eugene Urban Growth Boundary, pending further conversations with the Lane County Board of Commissioners and others. The Board updated the rules for this final element based on public comment in early 2018, and the LRAPA Board took action on the rules as presented in this report April 12, 2018, with the changes effective Oct. 1, 2018.

Background

Board Action History

LRAPA has revised its outdoor burning rules several times since 1968, due to updated federal and state standards and in response to a need for continued healthy air quality. The LRAPA Board and Citizens Advisory Committee have discussed revisions over the past few years. The Board held a public hearing Sept. 14, 2017, and adopted most of the proposed revisions Oct. 12, 2017, but did not adopt changes to the Eugene UGB requirements at that time. The Board deferred the UGB action in October 2017 until April 2018 and conducted additional outreach to the potentially affected communities and analysis of the proposed changes.

Analysis

Prior to developing the proposed revisions, discussions were held with the: Lane County Fire Defense Board; LRAPA Citizens Advisory Committee; cities of Springfield, Lowell, Cottage Grove and Eugene; Lane Pomona Grange; the River Road and Santa Clara Community Organizations and others. These interactions helped to shape the proposed revisions submitted for public review in September 2017. A work session was held with the Lane County Board of Commissioners Nov. 1, 2017, regarding the proposed ban on outdoor burning in the Eugene UGB.

LRAPA received many comments, both in support and opposition, to the proposed rules. The rules regarding the Eugene UGB garnered the most controversy. LRAPA staff summarized, with the assistance of Lane Council of Governments staff, the properties that would be affected by the proposed outdoor burning ban in the Eugene UGB:

Table 1: Eugene Area UGB Residential Properties, Outside the Eugene City Limits

Acreage	All of UGB	All North of 11th	All South of 11th
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Total Properties > 0.5 Acre	312	254	58
Properties > 1 Acres	82	46	36
Properties > 2 Acres	32	10	22
Properties > 3 Acres	15	0	15
Properties > 4 Acres	12	0	12
Properties > 5 Acres	10	0	10
Properties > 10 Acres	3	0	3
Properties > 15 Acres	2	0	2
Properties > 20 Acres	1	0	1
Properties > 25 Acres	1	0	1
Properties > 30 Acres	1	0	1
Properties > 35 Acres	1	0	1
Properties > 40 Acres	0	0	0

Table 2: Eugene Area UGB Residential Properties, Outside the Eugene City Limits

Acreage	All of UGB	All of UGB	All of UGB	All North of 11th	All of UGB	All of UGB	All South of 11th	All of UGB	All of UGB
	# of Properties	Total Acreage	% of Acreage	# of Properties	Total Acreage	% of Acreage	# of Properties	Total Acreage	% of Acreage
Total Properties > 0.5	312	408.2	100.0%	254	217.0	53.2%	58	191.2	46.8%
Properties > 1 Acres	83	246.9	60.5%	47	74.4	18.2%	36	172.5	42.3%
Properties > 2 Acres	32	180.1	44.1%	10	24.7	6.1%	22	155.3	38.1%
Properties > 3 Acres	15	137.7	33.7%	0	0.0	0.0%	15	137.7	33.7%
Properties > 4 Acres	12	127.8	31.3%	0	0.0	0.0%	12	127.8	31.3%
Properties > 5 Acres	10	119.0	29.2%	0	0.0	0.0%	10	119.0	29.2%
Properties > 10 Acres	3	69.9	17.1%	0	0.0	0.0%	3	69.9	17.1%
Properties > 15 Acres	2	57.3	14.0%	0	0.0	0.0%	2	57.3	14.0%
Properties > 20 Acres	1	38.1	9.3%	0	0.0	0.0%	1	38.1	9.3%
Properties > 25 Acres	1	38.1	9.3%	0	0.0	0.0%	1	38.1	9.3%
Properties > 30 Acres	1	38.1	9.3%	0	0.0	0.0%	1	38.1	9.3%
Properties > 35 Acres	1	38.1	9.3%	0	0.0	0.0%	1	38.1	9.3%
Properties > 40 Acres	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%

All properties > 10 acres are near Greenhill and W 11th.

Eight of the ten properties > 5 acres are near Greenhill and W 11th. The other two are in the S and SW hills.

Most, 254 of 312, of the residential properties that would be affected by a ban in the Eugene UGB are located in the northern part of the UGB. However, all of the larger properties over five acres are located in the southern part.

Prior to the rule revisions, outdoor burning was allowed in the Eugene UGB on properties of 0.5 acres or more on some days, subject to fire safety and atmospheric ventilation considerations, during October, March, April and May, but outdoor burning is banned within the City of Eugene. Complaints regarding smoke from outdoor burning have been

increasing over the past decade, and many of these complaints are from the northern portion of the Eugene UGB where city and unincorporated properties are intermixed in the River Road and Santa Clara areas.

LRAPA evaluated at least five alternatives for addressing outdoor burning within the Eugene UGB:

1. No further action, continuing to allow outdoor burning on 0.5 acre properties at some times within the Eugene UGB. This would continue to allow burning on up to 312 properties.
2. Requiring minimum property size of 1.0 acres for outdoor burning in the Eugene UGB. This would reduce the number of potentially-burning properties to 82.
3. Requiring minimum property size of 3.0 acres for outdoor burning in the Eugene UGB. This would reduce the number of potentially-burning properties to 15, all of which would be in the southern portion of the Eugene UGB which typically has steeper slopes, and eliminating outdoor burning in the northern portion of the Eugene UGB.
4. Requiring minimum property size of 5.0 acres for outdoor burning in the Eugene UGB. This would reduce the number of potentially-burning properties to 10, all of which would be in the southern portion of the Eugene UGB which typically has steeper slopes.
5. Ban all outdoor burning within the Eugene UGB, as proposed in August 2017, consistent with the current prohibition within the Eugene city limits.

LRAPA staff drafted a redline-strikeout version with these five alternatives for the purpose of seeking public comments on them. The redline-strikeout version also includes a few minor housekeeping changes noted in the staff review of the rule revisions adopted by the LRAPA Board Oct. 12, 2017. LRAPA held a public hearing on the UGB proposals Feb. 8, 2018, which allowed further review by the LRAPA Citizens Advisory Committee at the Jan. 30, 2018, meeting.

The LRAPA Board adopted the agreed upon acreage at its April 12, 2018, meeting with the changes effective Oct. 1, 2018.

Regulated parties

The proposed amendment to LRAPA's Title 47: Open (Outdoor) Burning does not change the regulated parties.

Statement of Need

What need is LRAPA trying to address?

LRAPA proposed rule changes based on the LRAPA mission of protecting air quality and the existing “General Policy” outlined in LRAPA Title 47 “Outdoor Burning” Section 47-001, which states,

“In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the Lane Regional Air Protection Agency to eliminate outdoor burning disposal practices where alternative disposal methods are feasible. As a result, all outdoor burning is prohibited in Lane County except as expressly allowed by these rules or if exempted from these rules by Oregon Statute. Contained in these rules are the requirements for the outdoor burning of residential, construction, demolition, commercial, and industrial waste, and forest slash waste on properties outside the Oregon Smoke Management Plan.”

How would the proposed rule address the need?

LRAPA’s outdoor burning rules provide a consistent basis for complaint response and help prevent nuisances and violations of PM_{2.5} National Ambient Air Quality Standards in Lane County.

How will LRAPA know the need has been addressed?

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

Program or activity

Outdoor Burning

Chapter 340 action

Amend - OAR

340-200-0040

Amend – LRAPA Title

Title 47 Outdoor Burning

Statutory authority - ORS

468.020

468A

Statute implemented - ORS

468A.035

468A.135

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	http://www.deq.state.or.us/regulations/rules.htm
Oregon Revised Statutes	http://www.deq.state.or.us/regulations/statutes.htm
LRAPA Rules and Regulations	http://www.lrapa.org/205/Rules-Regulations

Fee Analysis

This rulemaking involves fee changes for outdoor burning letter permits. The current permit fee for these types of burns was set in the mid-1990s. Changing the fees encourages more rigorous evaluation of the alternatives to burning as a means of disposal and more effort in pre-planning salvage efforts in demolition or land-clearing projects. The changes in fees are more realistic in costs associated with LRAPA permitting and compliance assurance.

The proposed fee changes are:

- Increase fee for prescribed burning of standing vegetation permits (species or wetland conversion) from \$100 to \$1,000 and include caveat relative to LRAPA Director discretion in fee adjustment
- Increase fee for permits required for forest slash outdoor burning in areas not covered by the Department of Forestry Smoke Management Plan, and for construction, demolition, commercial or industrial open burning from \$4 per cubic yard to \$10 per cubic yard and minimum fee from \$50 to \$100

Summary of Impacts

LRAPA estimates the outdoor burning letter permit fee increase would affect:

- Approximately two permits each year for prescribed burning of standing vegetation (species or wetland conversion), and
- Approximately 10 permits each year for forest slash outdoor burning in areas not covered by the Department of Forestry Smoke Management Plan, and for construction, demolition, commercial or industrial outdoor burning

Statement of fiscal and economic impact

Fiscal and Economic Impact

LRAPA expects that the proposed rule changes will add a direct collective cost to owners or operators who may conduct the outdoor burning of woody yard trimmings within the Eugene Urban Growth Boundary. However, since the inception of the half-acre exemption, around 1995, multiple alternative methods of disposal such as local yard debris recycling centers and waste hauler yard debris recycle bins are available to urban residents. Fallen leaves and non-woody vegetation are easily composted and are currently not allowed to be burned within the UGB.

The permit fees were set over 20 years ago and the increase in fees are adjusted to be more comparable to present day costs of alternate to burning methods to encourage the use of alternate to burning disposal evaluations and methods.

The increase in fee for prescribed burning of standing vegetation permits is relative to LRAPA resources directed to the permitting, monitoring and response to the public. When the \$100 fee was instituted, LRAPA received applications and fees from multiple organizations and issued separate permits. Presently, the groups have formed a partnership of which LRAPA receives a single permit application and fee; however, LRAPA resources directed relative to the permit, monitoring and response to the public is equivalent to multiple permits. There is also included in the rule a caveat by which the fee may be adjusted at the discretion of the LRAPA Director.

Statement of Cost of Compliance

State and Federal 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. The proposed rule changes may result in increased revenue for LRAPA, however the increase in fees will likely result in operators electing alternate methods of disposal and resultant decrease in LRAPA revenue. In either case, the cost differential would be considered negligible. State and Federal Agencies within the LRAPA area of jurisdiction have generally adopted alternate burning waste management strategies.

Local governments

LRAPA does not expect that the proposed outdoor burning rule changes will impose any direct fiscal or economic impact on local governments. The proposed rule changes may result in increased revenue for LRAPA, however the increase in fees will likely result in operators electing alternate methods of disposal and resultant decrease in LRAPA revenue. In either case the cost differential would be considered negligible. Local governments

within the LRAPA area of jurisdiction have generally adopted alternate burning waste management strategies.

Public

The proposed rule changes will likely add minimal cost to a member of the public within the Eugene Urban Growth Boundary relative to transport or pickup of woody yard trimmings. However, several woody yard trimmings recycling centers are located near the affected area and recycle bins from local waste haulers are generally readily available within the UGB.

The proposed rule changes will likely add minimal cost to a member of the public within the areas affected by increase in permit fees to conduct the outdoor burning of materials for which permits are required. However, the permit fees are generally minimal relative to the requirements imposed by permit pertaining to efficient combustion and management.

Large businesses - businesses with more than 50 employees

Most of the businesses affected by these proposed rule changes are small businesses and would not expect large businesses to be impacted other than a positive impact relative to yard debris recycling haulers.

Small businesses – businesses with 50 or fewer employees

Most of the businesses these proposed rule changes affect are small businesses. However, the small businesses that are engaged in activities relative to outdoor burning permitting requirements are engaged in the preparation of materials to be burned and conduct the burning. The difference in costs of management of burning versus immediate alternate would likely be negligible.

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

This proposal will affect approximately twenty-five small businesses.

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

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

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

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

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

LRAPA presented to its standing advisory committee, which includes small business representatives, about 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

Advisory Committee

LRAPA's standing Citizens Advisory Committee was provided ongoing updates of the rulemaking progress and provided guidance to staff during the entire process.

Housing cost

As ORS 183.534 requires, LRAPA evaluated whether the proposed rule 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 rule development costs of burning versus alternative methods would be negligible.

Federal relationship

Relationship to federal requirements

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 a federally approved and enforceable strategy outlining how Oregon will meet federal air quality standards to protect public health and the environment.

The proposed rules would update the outdoor burning requirements adopted by LRAPA on Oct. 12, 2017, Feb. 8, 2018 and April 12, 2018.

What alternatives did LRAPA consider if any?

A total ban on outdoor burning was not considered feasible in Lane County. Outdoor burning is recognized as an important tool for disposal of yard debris and reducing overall fire danger, especially on larger acreages in more rural areas of Lane County.

Land Use

Land-use considerations

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 state wide 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, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
9	Ocean Resources
11	Public Facilities and Services
16	Estuarial 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 determined that the proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program. LRAPA's rules are consistent with land use in applicable Lane County land use plans.

Advisory Committee

Advisory committee

Background

LRAPA has a standing advisory committee that meets most months. LRAPA consulted its advisory committee for this rulemaking and presented a summary of the changes to the committee periodically from 2013 to 2017. An outdoor burning subcommittee was formed and met one time on Nov. 20, 2013.

The committee members were:

LRAPA Advisory Committee	
Name	Representing
Maurie Denner, Chair	General Public
Chuck Gottfried, Co-Chair	Agriculture
Larry Dunlap, Member	Public Health
Jim Daniels, Member	Large Industry
Paul Engelking, Member	General Public
Laura Seyler, Member	Large Industry
Leonard Epstein, Member	General Public
Gery Vander Meer, Member	General Public
Randy Hledik, Member	Industry
Kathy Lamberg, Member	General Public
Link Smith, Member	Fire Suppression
Terry Richardson, Member	General Public

Meeting notifications

To notify people about advisory committee's activities, LRAPA posted the agendas for all meetings online:

<http://www.lrapa.org/AgendaCenter/Search/?term=&CIDs=3,&startDate=&endDate=&dateRange=&dateSelector=>

- LRAPA sends a one-time notice to the Citizens Advisory Committee subscribers email list alerting to the meeting agenda for each month.

Committee discussions

The committee members that attended the meetings agreed to the proposed changes at the final meeting on Jan. 31, 2017. Notes from the January 2017 meeting located here:

<http://www.lrapa.org/DocumentCenter/View/2519> .

The committee notes are available included as an agenda item linked to the Board of Director's agendas on the LRAPA website: :

<http://www.lrapa.org/AgendaCenter/Search/?term=&CIDs=2,3,&startDate=&endDate=&dateRange=&dateSelector=>

LRAPA prior involvement

LRAPA shares general rulemaking information with the Board through the monthly Director's Report and information items on the Board agenda. LRAPA met with several city and county governments prior to developing amendments and provided specific advance notice to city governments of which no meeting was held to provide for these entities to comment on the proposed amendments. LRAPA met with the Lane County Fire Defense Board and presented the proposed amendments. The Lane County Fire Defense Board expressed agreement with the proposed amendments. LRAPA met with the Grange, the Santa Clara and River Road citizens' advisory groups to discuss the proposed changes, and also conducted a survey of the Santa Clara and River Road citizens advisory groups to ascertain outdoor burning proclivities.

Stakeholder groups the rule revisions were presented to between 2013 and 2017:

- Santa Clara Community Organization
- River Road Neighborhood
- Lane Pomona Grange #14
- City of Cottage Grove
- City of Eugene
- City of Springfield
- City of Lowell
- Lane County Fire Defense Board
- Lane County Commissioners

Public Notice 1 (August 1 – Sept. 14, 2017, for September 14 Hearing)

DEQ and LRAPA provided notice of the Notice of Proposed Rulemaking with Hearing on August 1st to:

- Secretary of State for publication in the [*Oregon Bulletin*](#) published in the August edition.
- The LRAPA Web page notice: <http://www.lrapa.org/calendar.aspx?CID=22>
- 132 interested parties on the LRAPA Rulemaking List on August 1, 2017
- 7,701 stakeholders on the DEQ GovDelivery list on August 1, 2017
- LRAPA provided legal notices in the following newspapers:
 - *Register Guard (Eugene)* Publication date – August 1, 2017
 - *Dead Mountain Echo (Oakridge)* Publication date – August 3, 2017
 - *Siuslaw News (Florence)* Publication date - August 2, 2017
 - *The Sentinel (Cottage Grove)* Publication date - August 2, 2017

Public notice 2: (January 2 – Feb. 8, 2018, for February 8 Hearing)

DEQ and LRAPA provided public notice to the stakeholders of the Rulemaking Hearing on January 2nd to:

- Secretary of State for publication in the [*Oregon Bulletin*](#) published in the January 2, 2018 edition.
- The LRAPA Web page notice: [January 2, 2018](#)
- 132 interested parties on the LRAPA Rulemaking List on January 2, 2018
- 7,701 stakeholders on the DEQ GovDelivery list on January 2, 2018
- LRAPA provided legal notices in the following newspapers:
 - *Register Guard (Eugene)* Publication date – January 2, 2018
 - *Dead Mountain Echo (Oakridge)* Publication date – January 4, 2018
 - *Siuslaw News (Florence)* Publication date - January 3, 2018
 - *The Sentinel (Cottage Grove)* Publication date - January 3, 2018

Request for other options

During the public comment period, DEQ and LRAPA requested public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business. This document includes a summary of comments and LRAPA responses.

Public Hearings

Public hearings

LRAPA held the first hearing on the proposed adoption and rulemaking Sept. 14, 2017, in the LRAPA Conference Room. At that time, the LRAPA Board approved all but one of the proposed rule revisions and deferred the proposed rules specific to the Eugene Urban Growth Boundary to a second rulemaking process.

LRAPA held a second hearing Feb. 8, 2018 in the LRAPA Conference Room to address specifically the Eugene UGB area.

Comments submitted prior to the hearing dates and comments received at the hearings along with staff responses are summarized below.

Presiding Officers' Record

Hearing 1

Meeting date and time: 12:30 p.m., Sept. 14, 2017

Presiding Officer: Jeannine Parisi, Board Chair
Staff Presenter: Merlyn Hough, Agency Director

Hearing 2

Meeting date and time: 12:30 p.m., Feb. 8, 2018

Presiding Officer: Jeannine Parisi, Board Chair
Staff Presenter: Merlyn Hough, Agency Director

The presiding officer convened the hearings, summarized procedures for the hearing, and explained that LRAPA was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

Public hearings and comments

LRAPA held the first public hearing in the conference room at the LRAPA Office on Sept. 14, 2017. LRAPA received thirteen public comments during the public comment period.

LRAPA held a second public hearing in the conference room at the LRAPA Office on Feb. 8, 2018. LRAPA received twelve additional public comments during this comment period.

All original comments are on file with LRAPA.

LRAPA Office:

Lane Regional Air Protection Agency (LRAPA)
1010 Main Street
Springfield, Oregon 97477
541-736-1056

Public comment period

The first comment period closed Sept. 14, 2017, at the Public Hearing.

The second comment period closed Feb. 8, 2018, at the Public Hearing.

Summary of Feb. 8, 2018, comments and LRAPA responses (2nd Public Notice)

The following lists public comments received during the second public comment period for LRAPA Title 47: Outdoor Burning with a hearing before the LRAPA Board of Directors on Feb. 8, 2018. The list includes the commenter's information and LRAPA responses. All original comments are on file with LRAPA.

Comment 1:

Subject: Outdoor burning in Eugene Area. Ban all outside burning. Alternative no 5. This should be statewide! Ann Watters Healthcare practitioner in Salem Oregon. PUBLIC COMMENT!

Ann Watters RPE BCPP
Polarity Center of Salem

Response to comment 1:

Thank-you for your interest and comment. Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 2:

Please support the burning of outdoor yard material on properties of 5 acres or larger only. As you are aware, the outdoor burning of materials can negatively affect vulnerable people and should be allowed in very limited form only. Thanks for working on this.
Theresa Brand

Response to comment 2:

Thank-you for your interest and comment. Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on

outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 3:

Subject: comments on proposed revisions to LRAPA's Title 47 Outdoor Burning

Thank you for the opportunity to comment on the proposed revisions to LRAPA's Title 47 Outdoor Burning rules. I have lived in the Eugene Urban Growth Boundary for 20 years on a 1.8-acre lot. I have a large organic garden with fruit bushes and trees. Each spring, I burn a pile of pruned branches from these fruit bushes and trees. Burning is an effective method of control for two important insect pests – raspberry crown borer and currant borer. Chipping or composting branches is not effective at controlling these pests, and there are no effective organic insecticides for these pests. Without the opportunity to burn the branches, I would have to resort to spraying inorganic insecticides. I feel that the environmental harm from applying these inorganic insecticides would be far greater than the harm from properly regulated outdoor burning.

I appreciate that the current proposed update considers alternatives. Of the five alternatives presented, I would favor either the first (no further action) or the second (requiring a minimum 1-acre property). I am opposed to the third and fourth alternative, as they would require too large a minimum property size and would so severely restrict burning within the Urban Growth Boundary as to be little different than outright bans. I am also opposed to the fifth alternative (a complete ban).

The staff report indicates two different needs for this proposed rule: reducing nuisance complaints and protecting air quality. As for reducing nuisance complaints, responsible burning should not produce conditions that cause such complaints from neighbors. LRAPA can and should cite landowners that do not burn properly and in accordance with the rules. The solution to poor burning practices is not to ban burning, but to enforce the rules. As for protecting air quality, I question whether outdoor burning within the Urban Growth Boundary constitutes an important contribution to local particulate levels. If it is truly necessary to reduce effects on air quality from burning within the Urban Growth Boundary, I suggest an alternative approach of more strongly restricting the burn days for the Urban Growth Boundary. For small property owners for whom burning is an important cultural practice, we only need to burn once each spring. Restricting burn days within the Urban Growth Boundary to only the most favorable weather conditions would avoid adverse effects on air quality and continue to allow us to manage our land responsibly.

Sincerely,

Richard Hardt

Response to comment 3:

Thank-you for your interest and comment. In accordance with the mission statement of LRAPA and in consideration of the fact that smoke does not recognize property boundaries, LRAPA staff supports further reduction in outdoor burning within the UGB. Though there may be some tax lots of significant size, there are multitudes of properties and residences of smaller lot size within the UGB that suffer the smoke from those that are privileged to foul the air that we all must breathe. Eugene UGB residents that are currently

provided the privilege of outdoor burning are amid or adjacent to high density urban areas and should not be provided privilege to continue to foul the air at the expense of their neighbors.

It has been the experience of LRAPA to witness local smoke impacts from outdoor burning that rival the regional impact of the summer of 2017 wildfire smoke intrusions. If open burning is prohibited within the Eugene UGB, those affected will discover other means of vegetation management as the citizens within the city limits of Eugene and the citizens of less than one-half acre within the Eugene and Springfield UGB's did. Although LRAPA commends one on the use of organic methods of vegetation control, it is the position of LRAPA that outdoor burning is the least environmentally friendly practice of organic farming. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less.

Comment 4:

Thank you for this opportunity to comment on proposed rule changes. I oppose the proposed rule to ban outdoor burning in the Eugene Urban Growth Boundary. I live on the Oregon coast near Florence on a small tree farm. You may ask why I am responding to this Public Notice when I live outside the affected area? First of all the Public Notice states "Who is affected? Anyone wishing to conduct outdoor burning in Lane County" Secondly, it seems what happens in the Eugene area eventually migrates to the coast. As you know, burning is not allowed in the Florence city limits by ordinance. When the ordinance was passed by the city council, they made allowance for free drop off of debris twice a year. After a short time the council decided to begin charging for each load.

It comes down to economics. I simply cannot afford to transport material off site to a disposal area. Nor can I afford to purchase industrial chippers. Our family owns 30 acres. I have been slowly rehabilitating our acreage to a healthy forest the last 30 years. Burning small brush piles along with lots of chain saw work are my only tools to retard brush and prepare a good seed bed for reforestation. I do not use herbicides.

I think we can agree that climate change is here and consequently extreme fire dangers are at hand, even here on the coast. I'm trying to do my part by following the guidelines in Oregon Dept. of Forestry's "Fire Wise" program to help in fire prevention on my property. Again, pile burning is my main tool. How can I accomplish this when burning is restricted or curtailed? I refer you to letter in the 1-5-18 Capital Press "Burning on our own terms" which describes the disconnect between air quality and fire prevention efforts.

Our weather on the coast is so much different than the Willamette Valley. No air stagnation, excellent transport and mixing from our ocean breezes. Burn days are restricted by high fire danger rather than atmospheric conditions. Even so, I take my burning seriously so as not to impact my neighbors.

For these reasons I support Alternative 1 "no further action". It's time to stop government over reach into our lives. I am sympathetic to the lives of people with respiratory ailments but rules that are currently in place are more than sufficient to protect all.

Marc Wangerin

Response to comment 4:

Thank-you for your interest and comment. The proposed amendments would affect persons residing within the Eugene Urban Growth Boundary and Eugene City Limits. Outdoor Burning on Forest Land within the Department of Forestry Smoke Management Plan is permitted under the Department of Forestry and by state statute is exempt from the LRAPA outdoor burning requirements.

Comment 5:

Beyond Toxics is a statewide environmental justice and health organization with thousands of members in Oregon. We are writing on behalf of our members to express our strong support for adopting changes to LRAPA Title 47: Open (Outdoor) Burning rules that would prohibit outdoor burning within the Eugene Urban Growth Boundary. Our members support all efforts to improve air quality in Lane County. Outdoor burning releases fine particulate matter, carbon dioxide and many other air pollutants.

Adopting outdoor burning restrictions that apply to the areas within the respective urban growth boundaries (UGB) of Eugene, Veneta, Springfield, Cottage Grove and Oakridge is especially critical to protect the health of the young, the elderly and those with respiratory and heart conditions. Within the UGB, residences are in close proximity to one another, even on lots of 1-5 acres. Beyond Toxics receives calls from families who get trapped inside their home because a neighbor started an outdoor slash burn without notice. The family had no option but to shelter in place with all windows closed because one of their children with severe asthma would not fair well in the outdoor smokey air. We support LRAPA's proposed rules that will reduce this hazard.

We also support the banning the outdoor burning of construction materials and demolition debris. This type of debris may contain other waste products capable of generating hazardous fumes (plastics, paints, varnishes, asbestos, fiberglass, etc.).

It is commendable that, by this rule, LRAPA will essentially encourage more residents to make use of outdoor waste debris recycling whereby leaves and small woody debris can be turned into compost, soil amendments and other landscaping materials. These services will likely continue to grow and locate to more Lane County areas as demand increases.

Beyond Toxics offers one possible suggestion regarding woody debris created by unusual climate events such as ice storms. In the case of a weather disaster, perhaps LRAPA can propose a process for impacted residents to apply for a temporary exemption to backyard burning. The temporary exemption would allow residents within the UGB but outside city limits to request to burn woody debris brought down by storms. An exemption would apply only in areas where outdoor waste pick-up serves are not available. The exemption could be restricted to 30 – 60 days.

We also ask that LRAPA revisit the issue of burning for backyard fire pits within city limits. Our organization has also received calls from people who are suffering ill effects and restricted use of their home property due to smoke from a neighbor's fire pit. While it is understandable that homeowners may enjoy fire pits, the smoke from fire pits can be a nuisance for next door neighbors. A fire pit in one backyard may prevent a neighbor from enjoying their own backyard or being forced to close all windows on a warm summer night. We aren't suggesting a ban on fire pits, but would LRAPA consider issuing a warning if the agency receives three or more complaints about residential fire pit burning, and a citation if neighbors repeatedly refuse to be careful about pollution emissions from fire pits after receiving a warning? Perhaps LRAPA can measure the particulate matter at the fence line

with a nephelometer to determine if neighbors are being subjected to excessive amounts of smokey air.

Beyond Toxics appreciates this opportunity to comment on LRAPA Title 47: Open (Outdoor) Burning rules. Please keep our organization informed of the final ruling.

Sincerely,

Lisa Arkin, Executive Director

Beyond Toxics

Response to comment 5:

Thank-you for your interest and comment. The outdoor burning of construction/demolition/commercial waste is currently prohibited within the Eugene and Springfield Urban Growth Boundaries. Except for several areas of the county that are outside of a fire protection district, the outdoor burning of construction/demolition/commercial waste requires a permit from LRAPA and authorization from the fire district. The permit requires an inspection of the material. The storm exemption and fire pits (recreational or cooking fires) are not addressed in the current proposal, however may be considered in the future. .

Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 6:

Dear Chair Parisi and Members of the Board:

I am submitting these comments on behalf of the League of Women Voters of Lane County. Thank you for the opportunity to testify again on potential revisions to your agency's regulations for outdoor burning within the City of Eugene's Urban Growth Boundary (UGB).

Of the five possible alternatives listed in your notices, the League continues to support alternative 5, which would ban all outdoor burning within the Eugene UGB, consistent with the current prohibition within the Eugene city limits. We believe it is the best choice for preventing deterioration of the region's air quality as well as unintended smoke intrusions from neighboring properties. Such a prohibition is especially welcome in the areas of patchwork annexations in the northern part of the city.

We note, however, that alternatives 2, 3, and 4 would dramatically reduce the number of potentially-burning residential properties by increasing the minimum lot sizes on which outdoor burning would be permitted. For example, doubling the minimum acreage from the

current 0.5 acres to 1.0 acre would reduce the number of properties whose owners could conduct outdoor burning from 312 to 82, a 74% reduction.

We urge the LRAPA board to amend its regulations for residential properties within the UGB but outside the city limits by increasing the minimum lot size for allowed outdoor burning to at least 1.0 acre. In addition to making such an adjustment, the board should consider adopting a process that would phase out all outdoor burning within the Eugene UGB within a set period such as 10 years.

Thank you for your continuing efforts to improve and maintain air quality in our region and to support the health of its residents.

Linda Lynch

President

Response to comment 6:

Thank-you for your interest and comment. Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 7:

Comments regarding outdoor burning within the Eugene UGB.

The idea of allowing outdoor burning at any level is in direct contradiction to Eugene's basic principles of reuse, repurpose, and recycle. The great majority of Eugene's residents manage a host of collection bins to help minimize our environmental impact. We separate house waste from plastics, glass, cardboard, yard debris, etc., on a daily basis.

When we moved to Eugene in 2007, my wife and I converted our conventionally landscaped Santa Clara yard to one hosting fruit trees, garden beds, flower beds and shade gardens. During the year long conversion we removed and recycled existing landscape plants through Pierce Street Gardens Nursery and brought any remaining yard debris to Lane Forest Products for composting. Nothing was ever sprayed, chemicalized, and especially not burned.

In a time when issues regarding environmental and personal health are of vital concern to all of us, the idea of contemplating the continuation of a policy of outdoor burning seems counterintuitive. This is a list of burn requirements taken from the DEQ's website.

<http://www.deq.state.or.us/aq/burning/openburning/regulations.asp?county=Lane>
Burning Regulations for Lane County:

The following requirements apply to any burning in Lane County, when allowed:

- You are responsible for any fire, smoke or odors created from open burning and for any damage that results from your fire.

- A responsible person must constantly attend any open burning.
- This person must be capable of and have the equipment to extinguish the fire.
- This person must also completely extinguish a fire before leaving it.
- The burning must be extinguished by sunset.
- **The fire cannot create a nuisance or a hazard to public safety.**
- No burning can occur during a period when prohibited by LRAPA or the State Fire Marshal because of adverse fire safety, meteorological or air quality conditions.
- If you plan to move debris from one site to another and burn it you need an LRAPA permit.

I would especially like to emphasize the regulation I have bolded and underlined. In no way can any fire NOT create a nuisance nor can the contaminants created NOT be a public hazard. We have all experienced the harmful effects of smoke from summer forest fires drifting over the Willamette Valley. Creating these conditions purposely, even on a local level, only benefits the property owner in saving money over the detriment to others. Giving favor to some 312 or less residents based on property size is simply a case of making an exception for the few over the detriment to the many other property owners. In a document produced by LRAPA at

<http://www.lrapa.org/DocumentCenter/View/163> there is a section at the end that states;

Alternatives to burning

Whenever possible, choose other ways to dispose of yard debris. Chipping, composting and hauling are alternatives. Check with your local garbage hauler about the availability of curbside yard debris pick-up, or call Lane County Waste Management, 541-682-4119.

I think with having larger properties comes greater responsibility, not greater regulatory exceptions. As LRAPA has stated, there are always viable alternatives to burning. Its long past time that larger property owners within Eugene's UGB comply with the same outdoor burning restrictions imposed on the rest of its citizens. Ban all outdoor burning within the Eugene UGB.

Sincerely,
Ron & Sandy Patton

Response to comment 7:

LRAPA Response – Thank-you for your interest and comment. Your comment eloquently mirrors the basis for LRAPA staff initial proposal to ban outdoor burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a total ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within

the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 8:

I strongly oppose any effort to address outdoor burning by maintaining or expanding affected property size. Instead, 0.5 acre properties can produce the same amount of harmful particulates as a larger size property, depending on the material and quantity burned.

Therefore, it is critical to eliminate, rather than manage, outdoor burning emissions. I encourage LRAPA to adopt Alternative #5: Ban all outdoor burning within the Eugene UGB, as proposed in August 2017, consistent with the current prohibition within the Eugene city limits.

Greg Ringer, PhD

Response to comment 8:

LRAPA Response – Thank-you for your interest and comment. Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 9:

Subject: In favor of option 1 of Outdoor Burning rule proposals

I am writing to favor your discussion toward option 1 of your proposed changes to the Outdoor Burning rule: **“No further action, continuing to allow outdoor burning on 0.5 acre properties at some times within the Eugene UGB. This would continue to allow burning on up to 312 properties.”**

Properties in the UGB yet outside City limits are subject to much vegetative debris that would be cumbersome and costly to remove, or hazardous to pile and compost:

- Storm events bring down limbs or entire trees periodically that require clean up,
- Larger properties neighboring properties between .5 and 3 acres can have invasive vegetation that creeps into smaller properties, creating much maintenance work to remove (blackberries, English Ivy, hawthorns, holly trees, Scot’s Broom, and butterfly

bush come to mind). Smaller properties should have the same access of disposal as other sized properties.

- Properties in the UGB do not gain benefit from the seasonal leaf pick up program that urban residents utilize, are influenced to grow trees on their property, yet can accumulate much leaf and organic matter that may not be advantageous to stock pile, especially in combination with all the above types of vegetation that is typically burned for quick removal.

If residents in the UGB compost their debris instead of burning it, the piles:

- Become unsightly as they decompose,
- Become a fire hazard as they build up,
- Become an attractive habitat for unwanted rodent populations, which can be a health and safety hazard.

Granted, compost is certainly advantageous for those who garden, in reasonable amounts. Piles of tree limbs, under-canopy growth, and shrubs are not useful.

People who take advantage of burning vegetative debris on their property typically have too much to haul off, feasibly. It requires much time and resources; a large enough truck bed or trailer that requires to be loaded, driven, then unloaded and a return trip. It is a miserable task to load blackberries and then dump them. Piling them and burning is much more efficient. Typically, many trips would be required per season, depending on the debris. Add to this the cost for hauling or hiring someone, and the dumping fee. A burn pile can be dispatched in relatively short order in comparison, if tended correctly. Further, in late summer, there are grass fires and field burns, and if this meets with a stockpile of dead vegetation, it could be quite a problem. Ease and efficiency of disposal ensures the task will be done.

Most long term residents who take advantage of burning the debris know how to prepare and quickly burn off their piles, and neighbors tend to work with (educate) newer neighbors in proper care to get the task done.

A burn pile on a smaller lot is an occasional occurrence, and would likely only happen once, up to a few times a year, per lot, if the residents take advantage of this type of vegetation disposal. As one who would be effected by any other option to the rule, I've only had a handful of backyard burns in the last 27 years I've lived at my address. When I need a large removal of vegetation, this is certainly the best method to get the job done, and ensure that it is completed. Thus, I would say of the 312 properties you cite in this category, that does not equate to 312 fires. Limiting the lot size would not provide gainful outcomes.

A backyard burn of vegetation removes fire hazards of vegetation build up. Properties are encouraged to remove fire hazards, which entails seasonal vegetation removal. Having options to dispose of stockpiles of cleared vegetation greatly increases the probability of its safe removal. Not all residents burn their debris, but if this option becomes unavailable, not all debris will be timely removed. Periodic and responsible burns are a safe and efficient method for residents in the proposed areas to keep their properties maintained. Responsible residents adhere to LRAPA's burning guidelines, and don't burn on prohibited days. I advocate maintaining the current guidelines.

Thank you for your consideration,
Respectfully,
SANDI BONN

Response to comment 9:

LRAPA Response – Thank-you for your interest and comment. Your comment eloquently mirrors the basis for LRAPA staff initial proposal to ban outdoor burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a total ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 10:

To Whom It May Concern

I am a resident in the Eugene Springfield Urban Growth Boundary who participates in the Outdoor Burn. I have grave concerns about the potential ban on outdoor burning without having affordable healthy alternative options.

My property is a little over an acre and I have at least 20 trees on my property my neighbor has a little under an acre and she has 30 or so trees on her property. My property has the invasive and aggressive ground cover called English Ivy I have researched many ways to get rid of the cover without using chemicals. Doing my research the only answer I could discover was you need to dig and remove every single tendril from the soil. My neighbor and I share several horse chestnut (inedible by humans) trees one original and probably four or five that have been spread by the wind and animals carrying the seed off. When we had an arborist out for some other tree removal I asked if he were aware of a way to prevent the seed without harming the tree, he was unaware of any way to prevent seeding. I have found horse chestnuts sprouting from the thinnest layer of dirt you could imagine. Every year we rake up the seeds and pods then we start pulling all of the sprouts and hope we have gotten all of the seeds. Besides the invasive I also have pine, fir, oak, pear, apple, cherry and filbert trees on my property. Every fall a ton of leaves along with seeds branches and limbs naturally, not to mention if we are having wind ice or snow storms with even more branches and limbs falling.

Allowing us to burn allows us to make sure that we have been able to get the ivy off our trees, houses, sheds, and buildings and that we don't have to put it in the remaining ivy allowing it to sink to the ground and grow more shoots and further invasion of the species. Allowing us to burn allows us to know that we will not have a ton of chestnut trees taking over our oak pine and fir trees by sprouting wherever they fall or sprouting in a compost pile which they would thrive in.

I can tell you that the majority of properties around the lot size limit do not burn or if they do it is only a couple of times a year that they do burn. Personally I try to acquire all of the downed branches/limbs, yard debris, blackberry vines, raspberry vines, holly clippings and other clippings so that I only have to burn a couple of times out of the year to reduce my work level and smoke output and try to only burn when the smoke will go back into the hill and trees behind me.

Other than burning I am concerned about what we are to do with our yard debris. We have discussed composting but we have the invasive and aggressive trimmings, seeds which could attract rats/mice which we have an abundant supply, and more of a fire hazard in the summer than usual. We have no options for the garbage to pick up yard debris, buying a chipper or running our debris would be prohibitive for myself and several others. Please address this concern before a blanket wide ban.

If it is decided to limit burn hours I request you have us start burning later rather than having us stop earlier in the day. During burn season we tend to have a lot of damp fog and other moisture which can take a while to dry off in the mornings.

Sincerely
Julie Ott

Response to comment 10:

Thank-you for your interest and comment. Initial LRAPA proposal was to ban burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than 1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. There are yard debris and/or wood waste recycling opportunities within the Eugene Springfield UGB at various drop-off sites or via waste haulers through curbside pickup.

Comment 11: (Provided at Hearing)

Thank you for the opportunity to provide comments on LRAPA's proposed revision of Title 47 Outdoor Burning in Eugene's Urban Growth Boundary (UGB). I am an environmental scientist (retired) with over 30 years of experience assisting the US Department of Defense in its efforts to comply with various environmental requirements including the Clean Air Act. I was a subject matter expert for DoD on National Emission Standards for Hazardous Air Pollutant regulations and worked collaboratively on several regulations with US Environmental Protection Agency's (EPA) Office of Air Quality Planning and Standards. I commend LRAPA in its efforts to revise its Title 47 Outdoor Burning regulations. I support the prohibition of outdoor burning within Eugene's UGB. The human health effects from outdoor wood burning are well understood and documented by EPA and numerous peerreviewed studies.

Outdoor burning of vegetation is typically uncontrolled, from an air quality standpoint, Vegetation burned is variable with respect to composition (deciduous and non-deciduous

trees and shrubs), varying moisture content, and the possibility of burning non-vegetative matter. All of this results in a broad range of emission rates and smoke generation.

Wood smoke is not benign. It contains criteria and hazardous air pollutants (HAPs). Of concern from a human health standpoint are combustion products containing particulate matter less than 2.5 microns in size and HAPs including polycyclic aromatic hydrocarbons (PAHs), benzene, aldehydes, and others.^{1 2} For example, PAH emissions from outdoor burning can vary from 5.1 to 32,000 mg/kg (milligrams/kilogram) of particulate phase of wood burned. This is not a trivial amount.

The UGB includes agricultural and undeveloped land that is interspersed with residential and commercial land uses. Allowing open burning next to residential areas is inappropriate. People with respiratory disease or other breathing problems are adversely affected by wood smoke. Children and the elderly are very susceptible to adverse effects from wood smoke inhalation.

Meteorological conditions in the Eugene UGB are not conducive to dispersal of emissions from open burning. Wind velocity is typically low as is mixing height. While an extreme condition, last year's forest fires demonstrated how the area's meteorological conditions exacerbated pollutant levels.

Options such as allowing open burning on land of varying acreage is arbitrary and an overly simple approach to a complex issue. For example, why would open burning be allowed on a 5-acre tract of land but not on an adjacent 4.5-acre tract. Such an approach does not take into account the property's proximity to adjacent land uses, exposed populations, the quantity and type of vegetation to be burned, or meteorological conditions. Such an approach is not technically credible and is probably unworkable from a regulatory standpoint unless a permit system is implemented.

In closing, I empathize with land owners about this issue. Before moving to Eugene, I lived on 12 acres of partially wooded land. I experienced firsthand the devastating effects of ice storms had on trees and the resulting large quantity of fallen limbs and trees. Fortunately, the local city and county through FEMA disaster funds, were able to transport trees and limbs to a central location for grinding. A ban on outdoor burning will be inconvenient and costly for some, but protecting human health and the environment is more important.

1Naeher,Luke, et. al. (2007), Woodsmoke Health Effects: A Review. Inhalation Toxicology, 19-67.

2 Lemeux, Paul, et. al. (14 August 2003), Emissions of Air Toxics from Open Burning: A Comprehensive Review. Progress in Energy and Combustion Science, 30, 1-32
Howard Saxion, Ph.D. QEP

Response to comment 11:

LRAPA Response – Thank-you for your interest and comment. Your comment eloquently mirrors the basis for LRAPA staff initial proposal to ban outdoor burning within the Eugene and Springfield UGBs. There was pushback from the City of Springfield to ban outdoor burning within the City and Springfield UGB, so LRAPA did not pursue. There was also pushback from the county relative to a complete ban within the Eugene UGB. LRAPA subsequently met with the county commissioners who generally supported a prohibition on outdoor burning within the Eugene UGB on residential tax lots of less than

1.0 acre in size. The LRAPA Board may adopt one of the options at the February 8, 2018 Board meeting. LRAPA staff supported in October of 2017 a total ban on outdoor burning within the Eugene UGB and generally supports the prohibition of outdoor burning within the Eugene UGB on residential tax lots of 3 acres or less which would essentially eliminate the option of outdoor burning in the River Road/Santa Clara areas of the Eugene UGB.

Comment 12: (Provided at Hearing)

Maurie Denner wanted to note that there was an error in the staff report for agenda item #5, attachment 1, page 8. The CAC members were corrected to list the members at the time they made their recommendations to the board. The member roster had been corrected as below on the website, and on the handouts at today's meeting. But the few board members who receive their packet via us mail noted the incorrect information.

Maurie Denner, Chair	General Public
Chuck Gottfried, Co-Chair	Agriculture
Larry Dunlap, Member	Public Health
Jim Daniels, Member	Large Industry
Paul Engelking, Member	General Public
Laura Seyler, Member	Large Industry
Leonard Epstein, Member	General Public
Gery Vander Meer, Member	General Public
Randy Hledik, Member	Industry
Kathy Lamberg, Member	General Public
Link Smith, Member	Fire Suppression
Terry Richardson, Member	General Public

The original recommendation that was made to the board was no burning in the Eugene UGB. You will see in the notes from the January 2017 meeting that they used a survey. 4 people – 1 acre; 4 people – 2 acres; 1 person – 3 acres; 1 person - ½ acre. One other suggestion was could there be exceptions for unusual events like storms?
Maurie Denner- LRAPA CAC Chair

Response to comment 12:

LRAPA Response – Thank-you for your comment. Staff made necessary corrections to the staff report.

Summary of Oct. 12, 2017, comments and LRAPA responses (1st Public Notice)

The following lists public comments received during the first public comment period for LRAPA Title 47: Outdoor Burning with a hearing before the LRAPA Board of Directors on Oct. 12, 2017, the commenter's information, and LRAPA responses. All original comments are on file with LRAPA.

Comment 1:

I strongly support the proposed changes to the LRAPA Title 47 Outdoor Burning rules. It's crucial to protect our air quality. Thank you,
Barbara Berkley

Response to comment 1:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 2:

I would like to see stronger limits on Outdoor Burning, preferably no burning of debris within the city limits of Cottage Grove. There are days that I have a difficult time being outside due to backyard burning, and I do not even have asthma. I do support the proposed changes to LRAPA Title 47 Outdoor Burning rules. It is a step in the right direction. Thank you.

Amanda Nichols 97424

Response to comment 2:

The proposed rules would prohibit the outdoor burning of piled leaves within the city limits of Cottage Grove. Piled leaves generally burn inefficiently and generate significant smoke.

Comment 3:

It IS appropriate to eliminate outdoor burning within the Eugene Urban Growth Boundary. With a growing population causing more pollution, nearly constant forest fires all summer and fall, rising temperatures, particularly high spring and summer pollen counts, our air quality has suffered greatly over the 13 years I've lived in the mid-River Road area. There are too many warm nights that we cannot keep our windows open due to smoke. Our indoor smoke detectors have gone off twice already this summer!

Julie Schaum 97404-2838

Response to comment 3:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 4:

With all due respect, I think the proposed ban is an over reach of government. Can the use of a chimera or fire pit for social gathering within the existing code parameters be so offensive or threatening that it must be banned? Is there evidence or research that there is increased fire hazard in neighborhoods around the country where it is permitted? If so, please present this evidence at a public hearing.

Lou Wentz 97404

Response to comment 4:

On Fri, Aug 18, 2017 at 11:06 AM, John Morrissey wrote:

Mr. Wentz,

The proposed rule changes do not amend the provisions for the allowance of cooking or recreational fires except that the Urban Growth Boundary surrounding the City Limits of Oakridge will be subject to the same restrictions as citizens within the Oakridge City limits during the Home Wood Heating (HWH) Season

which runs from October 1 through May 31. The restriction is that recreational fires are prohibited on “yellow” or “red” HWH days which are times when smoke levels in that area have reached levels that may be unhealthful for segments of the population. The same restriction applies to areas within the Eugene and Springfield Urban Growth Boundaries during the HWH season.

John Morrissey, LRAPA

Response comment to response to comment 4:

It wasn't clear to me that the wording of the proposed rule I saw on the River Road Neighborhood Organization notification e-mail made any differentiation on the source or intent of the fires. Thanks for the clarification.

Lou Wentz 97404

Comment 5:

August 31, 2017

Thank you for the opportunity to comment on proposed amendments to rules regarding open burning in LRAPA Title 47. I am submitting this testimony on behalf of the League of Women Voters of Lane County (LWVLC).

The League supports LRAPA's efforts to improve air quality in Lane County by revising the regulations governing outdoor burning. The League believes that all segments of society (government, industry, agriculture, and individuals) share the responsibility for improving air quality.

Specifically, the League supports extending city-wide restrictions to the areas within the respective growth boundaries of Eugene, Springfield, and Oakridge as proposed. This is especially critical for Eugene due to patchwork annexation in some areas. We also support the proposed changes to section 47-015 E that define and add prohibited materials and the addition of section 47-015 I that prohibits burning in barrels. We appreciate that the proposal contains different restrictions depending on population densities, location within or outside of cities or fire districts, and natural weather impacts on air quality.

In order to promote voluntary compliance, we encourage LRAPA to conduct extensive public education about any adopted amendments through the media, internet, and community meetings. Many residents are aware of and concerned about the frequent deterioration of local air quality and interested in guidance about their part in the solution.

If you have any questions about the League's position on this matter or if you believe we can assist in the public education process, please do not hesitate to contact me.

Sincerely,

Linda Lynch

President – League of Women Voters

Response to comment 5:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris

or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 6:

Why would it be advisable to prohibit burning in barrels? Following the times permitted for outdoor burning and using a barrel with a mesh top seems to contain a fire rather than just on the ground.

Bobbie Sanford 97405

Response to comment 6:

The containment aspect is not paramount, however it is partly a basis for prohibiting outdoor burning in barrels. The concept of a barrel and a screen as containment provides many folks with a false sense of security of a safe burn. That false sense of security provides some with the belief that it is OK to burn in August because the fire is contained. Some wildfires are caused from folks burning in barrel and screen “containment”. The containment aspect should generally not be an issue because the LRAPA burn season will not begin and may end at any time if the Lane Fire Defense Board (LFDB) has determined that conditions are such that outdoor burning is deemed hazardous. The LFDB will convey that information to LRAPA and LRAPA will adjust the burn advisory accordingly.

Another aspect related to the banning of burning in barrels is related to inefficient combustion. Efficient combustion requires air and even with a few holes in the sides towards the bottom (which are soon covered) the air supply is limited, resulting in smoky and smoldering burns.

The primary reason for the ban on burning in barrels is that the barrel is used as a garbage “incinerator”. The current rules do not allow the outdoor burning of garbage, plastics, etc. at any time. This writer has responded to thousands of complaints or observations of folks burning in barrels and a hand full of those were of the burning of allowable to be burned material. The rest were of garbage or materials that are prohibited from being burned at any time. Because of inefficient combustion these barrel fires can smolder for hours or days and inundate the neighborhood with toxins and noxious odors. This writer has also experienced that rental properties equipped with a burn barrel provide new tenants with “authorization” to burn trash.

Comment 7:

To Whom it May Concern,

We are writing to express our strong support for the change to LRAPA Title 47: Open (Outdoor) Burning rules that would prohibit outdoor burning within the Eugene Urban Growth Boundary.

Our family lives in the River Road neighborhood on Sunnyside Drive, a street that has a somewhat rural feel due to lack of curbs and sidewalks, but with lots less than a quarter acre. We live close to our neighbors and the lots are not large enough for people to have burn piles. However, on the first beautiful days of spring this year, we were forced inside on multiple weekends due to thick smoke from our neighbors' burn piles.

We do not think they were trying to avoid the rules, but rather that the rules were not clear enough that they knew to whom they applied. The fact is, very few people, if anyone, within the Eugene UGB are far enough from their neighbors that they can have a burn pile without the possibility of it affecting their neighbors' air quality. Thank you for simplifying the rules and protecting the air quality of the County's largest community.

Sarah Mazze and Steve Korin, 97404

Response to comment 7:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 8:

I have a history with LRAPA with regard to backyard burning in Oakridge where I live. I have a neighbor who has huge bonfires all year round 10 feet from my house and the smoke seeps in no matter if windows are closed. They burn yard waste and other garbage. I have called local police who tell me that they say it's a cookout to not illegal. It's not a cookout. They pile all manner of materials and then fan it with a leaf

blower and party around it. I have seen sparks land on my roof. It frightens me. I also have COPD as a result of breathing in unregulated wood smoke for several years. I fully support changes under title 47 to ban or regulate backyard burning in Oakridge. It is dangerous to elderly like me and children. There are significant numbers of people with lung disease here and it is a travesty they are not protected. Thank you.
Jill Mardin 97463

Response to comment 8:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 9:

Thank you for the opportunity to comment on the proposed rule changes. I oppose the proposed rule to ban outdoor burning in the Eugene Urban Growth Boundary. I have lived in the Eugene Urban Growth Boundary for 20 years on a 1.8-acre lot. I have a large organic garden with fruit bushes and trees. Each spring, I burn a pile of pruned branches from these fruit bushes and trees. Burning is an effective method of control for two important insect pests – raspberry crown borer and currant borer. Chipping or composting branches is not effective at controlling these pests, and there are no effective organic insecticides for these pests. Without the opportunity to burn the branches, I would have to resort to spraying inorganic insecticides. I feel that the environmental harm from applying these inorganic insecticides would be far greater than the harm from properly regulated outdoor burning. I appreciate the need to limit air pollution in the Eugene-Springfield area. However, the importance of particulate emissions from outdoor burning depends heavily on the timing of the burning. There are many days in the spring when the weather conditions are such that outdoor burning has no meaningful effect on air quality in the Eugene-Springfield area. Therefore, I suggest restricting outdoor burning to days with only the most favorable weather conditions. From a management perspective, there is an enormous difference between a small number of burn days and no burn days whatsoever. Finally, the

Urban Growth Boundary is not an appropriate geography for banning burning. Under Oregon law, the Urban Growth Boundary is an effective tool for controlling urban expansion onto farm and forest lands. Given the anticipated eventual development of the Urban Growth Boundary, it makes sense to require construction within the boundary to comply with city code and permitting; it would be impossible to attempt to apply code and permitting requirements retroactively if areas within the boundary are annexed into the city. However, there is no logical basis for restricting temporary actions – such as burning – within the boundary. If properties within the boundary are annexed into the city, city rules for such temporary actions would apply. However, if my property is annexed into the city, I would be able to vote for the city government and have a say in the formulation of city rules, which is not the case now. To apply city rules to temporary actions on my property when I have no possibility of representation in the city government is inherently unfair and undemocratic. For these reasons, I oppose the proposed rule to ban outdoor burning in the Eugene Urban Growth Boundary. Instead of a complete ban, I would support restricting outdoor burning throughout the Eugene-Springfield areas to days with highly favorable weather conditions to reduce air quality impacts. Richard Hardt 97405

Response to comment 9:

In the rule adoption hearing of September 14, 2017, the Board delayed adoption of the rules pending LRAPA staff further evaluating options pertaining to the proposed ban on outdoor burning within the Eugene Urban Growth Boundary.

Comment 10:

Re: Proposal to ban outdoor burning within Eugene UGB. I have lived on a 3/4 acre lot within the Eugene UGB over 40 years. I have the good fortune to have numerous trees on the lot - Forty four trees that provide shade, generate oxygen, beautify the area, and some produce fruit and nuts. However, trees require maintenance for safety and to maintain productivity in an orchard. When the leaves fall, I compost them in the garden. When I prune the trees they are typically barren of leaves and are small limbs. My practice has been to cut them to fairly uniform lengths, loosely stack in my burn area and cover them to keep rain from soaking them, with the cover situated such that air can circulate in the stack to dry them. When LRAPA permits burning (I always call the burning advisory line) I burn the limbs to dispose of the debris and eliminate any diseases that might be present in the woody debris. I tend the fire to promote rapid burning and minimize smoke. The fire rapidly consumes the limbs and then the fire is out. Curbside pickup of yard debris is not a solution for the volume and size of the limbs. Taking the limbs to a recycling facility would increase the time spent in performing these maintenance tasks and the associated effort of loading and unloading them as well as the cost of disposal. I appreciate fresh clean air and I manage my burning to minimize smoke and duration of the fire, therefore, I respectfully request you modify the proposal to retain the existing half acre lot size requirement for outdoor burning on approved days within the Eugene UGB. Thank you.

Gerald Betts 97404

Response to comment 10:

In the rule adoption hearing of September 14, 2017, the Board delayed adoption of the rules pending LRAPA staff further evaluating options pertaining to the proposed ban on outdoor burning within the Eugene Urban Growth Boundary.

Comment 11:

Strong support is given for the Open Burning proposal and I wish it would go further to prohibit "backyard" burning. I live in Elmira with Rural Residential zoning. Most of my neighbors burn, but I do not. I choose to take all green waste to Lane Forest or Rexius for recycling into mulch or compost products. It is a serious waste of a natural resource to have it all go up in smoke. As we have all seen in the last month, and may see much more of in the future, smoke is a serious health hazard. Every burn season, my neighbors burn their yard trimmings that they saved for the previous months along with whatever else they seem to be able to find. For some reason they start the burn about 1-2:00 pm and let it go until.... Some folks even add to the pile at 5-6 in the evening. I have asked them not to do this and their reply cannot be repeated to polite company. Some neighbors burn odd construction debris. Flaming ashes land in my pasture areas with the wind. A call to Lane Fire or Oregon Forest tells me to call LRAPA. Given the forested nature of Oregon, fire folks should be interested all the time especially during these drought times. Another commenter tells us that burning of yard trimmings eliminates his problems for his berries, but it sure can create a problem for the rest of us. I doubt that he can keep his smoke within his property line at any time of the year, nor can anyone. I understand that some Agricultural burning is can be economically beneficial, however this can be managed without burning, as is done in other parts of the country. Zoning maps are readily available from Lane County and the Fire folks and LRAPA and permitted or restricted accordingly. I would like to see NO Open/Outdoor/Backyard burning in Residential areas whether in an incorporated or unincorporated area of Lane County. We could all breath easier. Thank you to LRAPA folks who need more funding to help us all. And, I would like to see some air monitoring stations to the west of Highway 99.

Kathleen Sweet 97437

Amendment to Comment 11:

An amendment to my previous comments....the smoke plumes from neighboring properties have set off the smoke detectors in my barn and in my garage to the point that they need to be disabled. And, Lane Forest, Rexius, or others are perhaps missing a business opportunity to collect wood/yard trimmings, or other green materials that can be turned into multi or compost materials. Perhaps they could gather materials on a schedule such as trash collection or have a green waste yard collection yard where it is not processed, but just gathered for a similar fee, which would allow property owners to save a trip to town and dump the green waste. Some creative ideas maybe?

Kathleen Sweet 97437

Response to comment 11 and amendment:

Thank you for your support. One of the reasons LRAPA is proposing further open burning restrictions within the Eugene Urban Growth Boundary is the availability of

curb side pickup for yard waste and the proximity to yard waste recycling centers. According to the Lane County waste management website there are no yard debris or wood waste recycling opportunities at the Veneta transfer station. Availability of recycling options is one of the drivers for further restrictions on open burning. The proposed rules would prohibit the outdoor burning of leaves within the City limits of Veneta and prohibit the open burning of grass clippings throughout the county which may not provide relief in your case, but is a step in the direction that you propose.

Another factor in consideration of more restrictive outdoor burning requirements in the rural residential area is the concept of defensible space. There is more vegetative waste debris in the rural residential areas and with few recycling options, burning to minimize the fire hazard becomes a more viable option.

As far as the rules that are in place at present, LRAPA endeavors to respond to complaints or observations regarding compliance with the requirements and also endeavors to provide information relative to efficient combustion to those who choose to burn vegetative wastes as a means of disposal.

Comment 12:

As a long-time resident of the City of Eugene and a property owner within the Eugene Urban Growth Boundary (Eugene UGB), and a former member of the LRAPA Board I have been an advocate for protecting the air quality of the area for many years. Although I support the majority of the proposed revisions to the LRAPA Title 47: Open (Outdoor) Burning rules, I am in strong opposition to the proposed prohibition of residential outdoor burning of woody material within the Eugene UGB during the periods of the year when residential open burning is currently allowed. Through my years of experience working with the staff of LRAPA as a board member, I have appreciated the expertise and knowledge of the LRAPA staff. However I must take exception to the stated staff consensus that the “The proposed rule changes will likely add minimal cost to a member of the public within the Eugene Urban Growth Boundary...”. As the owner of 8.25 acres of forested property within the Eugene UGB this proposed change will result in several thousand dollars of cost to me over a period of just a year or two. The LRAPA Technical Support Document (page 4) in part justifies the proposed change due to the availability of curbside pickup of yard debris. That solution is not a viable option for landowners within the Eugene UGB with relatively large tax lots. As you will recall during the winter of 2016 – 2017 the Eugene area experience possibly the worst ice storm in the area’s history. This storm resulted in extensive damage to the trees on my property. Although I have been diligent at removing the woody debris from my property as quickly as possible, my estimate is that it will take at least an additional year to deal with the majority of the woody material from just the one storm. An additional impact to my property has been the summer droughts that have resulted in additional stress and death of many trees. I do not own a truck or other equipment capable of transporting woody material to a yard trimming recycling facility and even if I did, moving it to a location where it would be accessible for loading on a truck would be very labor intensive. A concern I have is that the large accumulation of dead woody material on my property has resulted in an increased risk for a catastrophic wildfire that could potentially spread to

adjacent property. Prohibiting residential burning of woody material within the Eugene UGB would restrict the ability of owners of relatively large tax lots to deal effectively with fuel loading as a result of storms and drought. The current regulations allow burning on residential tax lots of 0.5 acres or greater at specific times of the year when atmospheric mixing and air quality is good. Rather than a complete prohibition of residential burning of woody debris, I believe a better option would be to increase the minimum tax lot size within the Eugene UGB to greater than 5 acres, a ten-fold increase in the minimum tax lot size compared to the current regulation. This would allow property owners with relative large lots to deal effectively with the woody debris and make sure that where burning does occur it would be in areas of relatively low housing density and air quality would be protected. Please do not place a complete prohibition of residential burning of woody debris on relatively large lot lots within the Eugene UGB. Thank you for the opportunity to provide comments on the proposed changes to the LRAPA Title 47: Open (Outdoor) Burning rules. Al Johnson LRAPA Board Member 1995 – 2002 LRAPA Vice-Chair 1996 LRAPA Board Chair 1997, 1998 and 1999
Al Johnson

Response to comment 12:

In the rule adoption hearing of September 14, 2017, the Board delayed adoption of the rules pending LRAPA staff further evaluating options pertaining to the proposed ban on outdoor burning within the Eugene Urban Growth Boundary.

Comment 13:

Prohibit outdoor burning in barrels We live in a very rural area at the north end of Lane County and just south of Benton County. Prevailing winds are from the south and any smoke should not harm the Lane County population centers at all during the burning season. We comply with the burning regulations and don't burn much and recycle most items. We want to continue to do outdoor burning for the small amount of light debris we have and support outdoor burning in the north part of Lane County. Clarify terminology relative to outdoor burning during the LRAPA "home wood heating season" We do have a heat pump but also need to use wood heat during the winter. It is not uncommon for us to be out of power. We use 80% less wood heat since we have installed the heat pump. We do not want to be cold during 32 degree weather because the heat pump does not adequately operate at that low temperature; therefore, we need another heat source. If you have questions, please call or email. Thank you Bill and Terri Nielsen Junction City - Rural North Lane County

Response to comment 13:

The current rules allow the outdoor burning of yard debris, and by permit, the outdoor burning of construction/demolition debris in the area described by the commenter. The proposed rule changes would not affect this allowance. The prohibition on winter (Home Wood Heating Season) outdoor burning applies to properties within the Eugene and Springfield Urban Growth Boundaries and the Oakridge City limits (the proposed rules include the surrounding Oakridge Urban Growth Boundary also). The "Green", "Yellow", "Red", Home Wood Heating

Advisory does not apply to the area described by the commenter. Though there may be some days in the winter months when outdoor burning is prohibited in the rural areas, the daily burn advisory is adjusted relative to smoke conditions.

Implementation

Notification

If approved, the proposed rules would become effective upon filing on approximately July 14, 2018. DEQ and LRAPA would notify affected parties by:

- Emailing interested parties through the same email list used when noticing the public comment period
- Press releases will be sent to the local Lane County press email list

Compliance and enforcement

LRAPA staff would conduct outreach and education to update the public on the new outdoor burning rules using our website, new outdoor burning pamphlets, monthly new homeowner mailings and community events where LRAPA can help educate the public.

Enforcement of the regulations is subject to standard LRAPA and DEQ enforcement and compliance procedures.

Five-year review

ORS 183.405

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).

Draft Rules – With Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~March 22~~July 13, 2018.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State

Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018

DEQ 7-2017, f. & cert. ef. 7-13-17

DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-

2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15; DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17

LRAPA Draft Rules – With Edits Highlighted

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 47

Outdoor-Open Burning

Outdoor-Open burning in compliance with the sections~~rules~~ in LRAPA~~this~~ Title 47 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.

Section 47-001 General Policy

In accordance with OAR 340-264-0160(1), the rules and regulations of LRAPA apply to outdoor burning in Lane County. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the Lane Regional Air Protection Agency to eliminate outdoor-open burning disposal practices where alternative disposal methods are feasible. -As a result, all outdoor-open burning is prohibited in Lane County except as expressly allowed by Title 47~~these rules~~ or if exempted from Title 47~~these rules~~ by Oregon Statute. -Contained in this title~~these rules~~ are the requirements for the outdoor-open burning of residential, construction, demolition, commercial, ~~and~~ industrial waste, ~~and~~ forest slash waste on properties outside areas covered by the Oregon Smoke Management Plan, bonfires, and for ecological conversion.

Section 47-001 Amended 03/14/08 (Amended 10/12/17)

Section 47-005 Exemptions from LRAPA Title 47~~These Rules~~

~~(1)~~ Statutory exemptions. -Due to Oregon statutory exemptions, this title~~these rules~~ shall not apply to the following:

~~(a)A-~~ The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in ~~Section 47-015(-1)(e)-E~~ shall not be used as fuel.

~~(b)B-~~ Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.

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

(d) Outdoor~~C. — Agricultural open burning.~~

~~D. — Open~~ burning on forest land permitted under the Oregon Department of Forestry (ODF) Smoke Management Plan filed with the Secretary of State.

(2)~~-~~ Other exemptions.

(a)

~~A.~~ Recreational fires are allowed when, set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and campgrounds), ~~and on private property~~. Prohibited materials listed in ~~Section 47-015(-1)(e).~~E, woody yard trimmings, leaves and grass clippings shall not be burned. ~~Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary,~~ these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA.~~November, December, January, and February.~~ [NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM OREGON DEPARTMENT OF FORESTRY AND STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.]

(b)~~B.~~ Outdoor barbecuing connected to a group outing, festival, fair or similar occasion, when food is cooked by a fire that is sized proportionally to the amount of food being cooked, ~~connected to a group outing, festival, fair or similar occasion~~, is allowed, except that prohibited materials listed in ~~Section 47-015(-1)(e), woody yard trimmings, leaves, grass clippings.~~E and commercial, industrial, construction, and demolition waste shall not be burned.

(c)~~C.~~ Religious ceremonial fires as defined in Section 47-010 are allowed. Prohibited materials listed in 47-015(1)(e), woody yard trimmings, leaves and grass clippings shall not be burned. Larger fires would be required to be permitted under the “Bonfire” requirement.

Section 47-005 Amended 03/14/08 (Amended 10/12/17)

Section 47-010 Definitions

The ~~following~~ definitions in LRAPA Title 12 and this section apply to this title. ~~If the same term is defined in this section, and additional general definitions can be found in Title 12 of these Rules and Title 12, the definition in this section applies to this title~~Regulations.

- "Agricultural ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.
- "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 the sale of crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. -It does not include the construction and use of dwellings or structures customarily provided in conjunction with the agricultural operation.
- "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in ~~Section 47-015(-1)(e).E.~~
- "Bonfire" means a controlled outdoor fire (combustible pile larger than 3 feet in diameter and 2 feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in 47-015(1)(e) shall not be burned. Bonfires may include clean woody construction/demolition/commercial material.
- "Commercial ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of "commercial wastes," which are materials actually generated or used by a commercial operation including removed and transported materials, and excluding those materials described in ~~Section 47-015(-1)(e).E.~~
- "Construction ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project, excluding those materials described in ~~Section 47-015(-1)(e).E.~~ The ~~outdooropen~~ burning of construction waste materials which are actually resulting from or produced by a building or construction project, excluding those materials described in ~~Section 47-015(-1)(e).E.~~, that are transported from tax lot of origin is Commercial ~~outdooropen~~ burning.
- "Demolition ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of ~~"—"~~demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in ~~Section 47-015(-1)(e).E.~~ The ~~outdooropen~~ burning of demolition waste materials which are actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in ~~Section 47-015(-1)(e).E.~~, that are transported from tax lot of origin is Commercial ~~outdooropen~~ burning.
- "Eugene ~~and~~ -Springfield Urban Growth ~~Boundaries~~ Boundary (ESUGB)" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.
- "Forest slash ~~outdooropen~~ burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. -Forest slash ~~outdooropen~~ burning does not

include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.

- "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
- "Industrial ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in ~~Section 47-015(-1)(e).-E.~~
- "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.
- "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.
- "Nuisance" means a substantial and unreasonable interference with another's² use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. -(See Title 12 of LRAPA's²these Rules and Regulations)
- "~~OutdoorOpen~~ burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels, incinerators which do not meet emission limitations specified in Title 30 of LRAPA's²these Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
- "Outdoor Burning Letter Permit (OBLP)" means an authorization issued pursuant to Section 47-020 to burn select materials at a defined site and under certain conditions.
- "Recreational fire" means a small fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), limited to ~~cooking fires, and~~ campfires, or fires lit in Chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. -The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in 47-015(-1)(e).-E.
- "Religious ceremonial fire" means a small, controlled outdoor fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in Section 47-015(1)(e)-~~01-E~~ shall not be burned.
- "Residential ~~outdooropen~~ burning" means the ~~outdooropen~~ burning of clean, woody yard trimmings which are actually generated in or around a dwelling for four (4) or fewer family living units. -Once this material is removed from the property of origin it becomes commercial

waste.- Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.

- "Responsible person" means each person who is in ownership, control, or custody of the property on which the ~~outdooropen~~ burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows ~~outdooropen~~ burning to be initiated or maintained.
- "Salvage", as used in ~~Title 47open burning rules~~, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.
- "Woody Yard Trimmings" means woody limbs, branches and twigs, with any attached leaves, which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

Section 47-010 Amended 03/14/08 (Amended 10/12/17)

Section 47-015 ~~OutdoorOpen~~ Burning Requirements

- (1)- General requirements—to be met by all ~~outdooropen~~ burning conducted in accordance -with ~~LRAPA's these~~ Rules and Regulations:

~~(a)A-~~ All ~~outdooropen~~ burning shall be constantly attended by a responsible person or an expressly authorized agent, until extinguished.

~~(b)B-~~ It shall be the duty of each responsible person to promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations~~rule of the LRAPA Board~~ or of any permit issued by the Agency.

~~(c)C-~~ No person shall cause, or allow to be initiated or maintained, any ~~outdooropen~~ burning which is prohibited by the burning advisory issued by the Agency.

~~(d)D-~~ No person shall cause, or allow to be initiated or maintained, any ~~outdooropen~~ burning which creates a nuisance or a hazard to public safety.

~~(e)E-~~ No person shall cause, or allow to be initiated or maintained, ~~outdooropen~~ burning of any material which normally emits dense smoke, noxious odors, or hazardous air contaminants; such materials may include but are not limited to garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, cardboard, clothing, animal remains, grass clippings; ~~or of any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants.~~

~~(f)F-~~ To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other

non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.

~~(g)G.~~ No person shall cause, or allow to be initiated or maintained, any ~~outdooropen~~ burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to Oregon Administrative Rules (OAR) 340-094-0040, 94-040. The Agency shall be notified by the responsible person prior to such burning.

~~(h)H.~~ All burning shall be conducted in accordance with local fire safety regulations, including required minimum distances from structures.

~~(i)~~ Burning in barrels is prohibited.

~~(2)~~ Residential ~~OutdoorOpen~~ Burning Requirements

The residential ~~outdooropen~~ burning season is October 1 through June 15, with the following restrictions:

~~(a)A.~~ Residential ~~outdooropen~~ burning is allowed only on approved burning days, ~~between sunrise and sunset,~~ with a valid fire permit (if required by fire district). ~~-The start and end times for burning vary and are set as part of the daily burning advisory issued by the Agency.-~~

~~(b)~~ OutdoorB. ~~—All open burning is prohibited within the Eugene city limits.-~~

~~C.~~ ~~—All open burning is prohibited.~~

~~(c)~~ Outdoor burning outside the Eugene city limits but within the Eugene Urban Growth Boundary is prohibited except outdoor burning of woody yard trimmings is allowed on lots of two acres or more on approved burn days from March 1 through June 15 and October 1 through October 31.

~~(d)~~ Outdoor burning within ~~—within the—~~Springfield city limits and the surrounding Springfield urban growth boundary is prohibited,- except that burning of woody yard trimmings is allowed on lots of one ~~half acre or more on approved burn days from March 1 through June 15 and from October 1 through October 31.~~

~~D.~~ ~~—Within the ESUGB, burning is prohibited if required by local fire codes.-~~

~~E.~~ ~~Residential open burning outside the city limits of Eugene and Springfield but within the Eugene-Springfield Urban Growth Boundary is prohibited except that burning of woody yard trimmings is allowed on lots of one-half acre or more on approved burn days from March 1 through 1 through June 15 and from October 1 through October 31.~~

~~(e)~~ Outdoor burning within Florence city limits is prohibited per Florence city ordinance.

~~(f)~~ Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that~~F.~~ ~~—Residential open~~

burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15, leaves and October 1 through October 31.

- (g) Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.
- (h) Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.
- (i) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves~~grass clippings~~ is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:

- (1) Bailey-Spencer RFPD
- (2) Coburg Fire District
- (3) ~~South Lane County Fire & Rescue~~
- ~~(4)~~ ——— Dexter RFPD west of the Willamette Meridian
- ~~(45)~~ Eugene RFPD #1
- ~~(56)~~ Goshen Fire District
- ~~(67)~~ Hazeldell RFPD
- ~~(78)~~ Junction City RFPD
- ~~(89)~~ Lane County Fire District #1 (Lane Fire Authority)
- ~~(940)~~ Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
- ~~(10)~~ Lowell RFPD
- ~~(11)~~ McKenzie Fire & Rescue outside the Eugene and Springfield Urban Growth Boundaries~~ESUGB~~
- ~~(11)~~ ——— ~~Lowell RFPD~~
- (12) Mohawk Valley RFPD
- (13) ~~McKenzie Fire & Rescue outside the ESUGB~~
- ~~(14)~~ ——— Monroe RFPD, that portion within Lane County
- ~~(1445)~~ Oakridge Fire & EMS
- ~~(1546)~~ Pleasant Hill RFPD
- ~~(1647)~~ Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries~~ESUGB~~
- ~~(1748)~~ Siuslaw Valley Fire & Rescue
- ~~(18)~~ South Lane County Fire & Rescue
- (19) Westfir Fire Department
- (20) Willakenzie RFPD
- (21) Zumwalt RFPD

- (j) ~~G-~~ Residential outdoor~~open~~ burning of woody yard trimmings and, leaves, ~~and grass clippings~~ is allowed in Lane County, outside of the affected areas defined in 47-015(-

2)(b)-B through (i)F of this section, on approved burn days from October 1 through June 15.

(Note: -Some fire districts require burning permits. -Fire districts may restrict burning whenever fire danger dictates. -Persons wishing to conduct residential outdooropen burning should check first with their fire district.)

(k)H- Failure to conduct residential outdooropen burning in accordance with this section is a violation of Title 47these rules and may be cause for assessment of civil penalties. Citations will be issued by authorized enforcement agents to responsible person(s) where residential outdooropen burning rules are violated pursuant to this section.

(3)- Construction/Demolition OutdoorOpen Burning Requirements

(a)A- Construction/demolition outdooropen burning is prohibited inside the Eugene and Springfield Urban Growth BoundariesESUGB.

(b)B- Construction/demolition outdooropen burning is prohibited inside the affected areas described in 47-015(-2)(i)-F, unless authorized pursuant to Section 47-020.

(c)C- Construction/demolition outdooropen burning is allowed elsewhere in Lane County, subject to the general requirements of Section 47-015(-1)-.

(4)- Commercial OutdoorOpen Burning Requirements

(a)A- Commercial outdooropen burning is prohibited inside the Eugene and Springfield Urban Growth BoundariesESUGB.

(b)B- Commercial outdooropen burning is prohibited elsewhere, unless authorized pursuant to Section 47-020.

(5)- Industrial OutdoorOpen Burning Requirements

(a)A- Industrial outdooropen burning is prohibited inside the Eugene and Springfield Urban Growth BoundariesESUGB.

(b)B- Industrial outdooropen burning is prohibited elsewhere, unless authorized pursuant to Section 47-020.

(6)- Forest Slash OutdoorOpen Burning

(a)A- Forest slash outdooropen burning in areas covered by the Oregon Smoke Management Plan is regulated by the Oregon Department of Forestry (ODF) pursuant to Oregon Revised Statutes (ORS) 477.515.

(b)B- Forest slash outdooropen burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:

(A1) Forest slash ~~outdoor~~~~open~~ burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries~~ESUGB~~.

(B) ~~Forest slash outdoor~~(2) ~~Forest slash open burning is prohibited inside the affected areas described in 47-015-2.F, unless authorized pursuant to Section 47-020.~~

(3) ~~Forest slash open~~ burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to ~~Section~~ 47-020.

(C4) Forest slash ~~outdoor~~~~open~~ burning will be coordinated with the ODF South Cascade and Western Lane districts ~~to ensure and will occur as consistently as possible with slash burning~~ complies with resource protection standards~~advisories issued by the ODF.~~

(5) ~~A written plan is required under the Oregon Forest Practices Act, (ORS 527) when burning is to be conducted:~~

(a) ~~within 100 feet of type D or F streams (domestic water supply or fish bearing streams), lakes or significant wetlands (see OAR 629-605-0170(1)(a) and 629-615-0300(3)); [or]~~

(b) ~~within 300 feet of protected resources listed under OAR 629-605-170(1)(b); (c), and (d); or~~

(c) ~~on highly erosive soils.~~

~~The ODF should be contacted for all Forest Practices Act requirements.~~

Section 47-015 Amended 03/14/08 (Amended 10/12/17)(Amended 4/12/18)

Section 47-020 Outdoor Burning Letter Permits (OBLP)

(1) ~~Outdoor; Open~~ burning of commercial, industrial, construction, demolition, or forest slash wastes on a singly occurring or infrequent basis, which is otherwise prohibited, and a bonfire held for a single event, may be permitted by a letter permit issued by the Agency in accordance with this ~~title~~~~rule~~ and subject to the general requirements in ~~Section~~ 47-015~~(-1)~~.

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2) Prescribed burning of standing vegetation for the purpose of species or wetland conversion, pursuant to federal or state laws or programs to promote or enhance habitat for indigenous species of plants or animals, which is otherwise prohibited, may be permitted by a letter permit issued by the Agency in accordance with 47-020. These permits require a permit fee of \$1,000. The Director in his or her discretion may compromise the permit fee based upon factors that include, but are not limited to, complexity of the permit, number of proposed units, staff resources required or projected to be required relative to monitoring, public outreach and complaint response~~section 47-020. These permits require a permit fee of \$100.~~

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- 3)- Prior to any burning, the applicant must also obtain a valid fire permit issued by the fire permit issuing agency having jurisdiction.
- (4)- Permits issued for ~~outdoor~~~~open~~ burning other than prescribed burning of standing vegetation ~~n,as described above in (47-020(-2),)~~ require a permit fee of \$~~104~~ per cubic yard, with a minimum fee of \$~~100~~~~50~~.
- (5)- The following factors shall be evaluated in determining whether a letter permit will be approved or denied:
- (a)~~A~~- The quantity, type, and combustibility of the materials proposed to be burned;
 - (b)~~B~~- The costs and practicability of alternative disposal methods, including on-site and landfill disposal and salvage;
 - (c)~~C~~- The seasonal timing and expected duration of the burn;
 - (d)~~D~~- The willingness and ability of the applicant to promote efficient combustion by using heavy equipment, fans, pit incineration, or other appropriate methods;
 - (e)~~E~~- The location of the proposed burn site with respect to potential adverse impacts;
 - (f)~~F~~- The expected frequency of the need to dispose of materials by burning in the future;
 - (g)~~G~~- Any prior ~~outdoor~~~~open~~ burning violations by the applicant; and
 - (h)~~H~~- Any additional relevant information.
- (6)- Upon receipt and review of the required information, the Agency may approve the application if it is satisfied that:
- (a)~~A~~- The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists;
 - (b)~~B~~- The proposed burning will not cause or contribute to significant degradation of air quality; and
 - (c)~~C~~- There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.
- (7)- The Agency may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:
- (a)~~A~~- Any material misstatement or omission in the required application information;
 - (b)~~B~~- If the conditions of the permit are being violated;
 - (c)

~~C.~~ Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree; and

~~(d)D.~~ Any other relevant factor.

~~(8).~~ Failure to conduct outdoor~~open~~ burning according to the conditions, limitations, or terms of a letter permit, or any outdoor~~open~~ burning in excess of that permitted by the letter permit, shall be a violation of the permit and shall be cause for assessment of civil penalties or for other enforcement action by the Agency.

~~(9).~~ Each letter permit issued by the Agency pursuant to this title~~rule~~ shall contain at least the following elements:

~~(a)A.~~ The location at which the burning is permitted to take place;

~~(b)B.~~ A description of the material that may be burned;

~~(c)C.~~ The calendar period during which the burning is permitted to take place;

~~(d)D.~~ The equipment and methods required to be used by the applicant to insure efficient burning;

~~(e)E.~~ The limitations, if any, based upon meteorological conditions required before burning may occur;

~~(f)F.~~ Reporting requirements for both starting the fire and completion of the requested burning;

~~(g)G.~~ A statement that Section 47-015~~(-1)~~ is fully applicable to all burning under the permit;

~~(h)H.~~ Such other conditions that the Agency considers to be desirable; and;

~~(i)I.~~ A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.

~~(10).~~ Letter permits issued by the Agency pursuant to this title~~rule~~ shall be forwarded to the fire permit issuing agency having jurisdiction. - The fire permit issuing agency has the ultimate authority to issue or deny the burn permit.

Section 47-020 Amended 03/14/08 (Amended 10/12/17)

Draft Rules – With Edits Included

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on July 13, 2018.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018

DEQ 7-2017, f. & cert. ef. 7-13-17

DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-

2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15; DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17

LRAPA Draft Rules – With Edits Included

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 47

Outdoor Burning

Outdoor burning in compliance with the sections in LRAPA Title 47 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.

Section 47-001 General Policy

In accordance with OAR 340-264-0160(1), the rules and regulations of LRAPA apply to outdoor burning in Lane County. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the Lane Regional Air Protection Agency to eliminate outdoor burning disposal practices where alternative disposal methods are feasible. As a result, all outdoor burning is prohibited in Lane County except as expressly allowed by Title 47 or if exempted from Title 47 by Oregon Statute. Contained in this title are the requirements for the outdoor burning of residential, construction, demolition, commercial, industrial waste, forest slash waste on properties outside areas covered by the Oregon Smoke Management Plan, bonfires, and for ecological conversion.

Section 47-001 Amended 03/14/08 (Amended 10/12/17)

Section 47-005 Exemptions from LRAPA Title 47

- (1) Statutory exemptions. Due to Oregon statutory exemptions, this title shall not apply to the following:
 - (a) The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in 47-015(1)(e) shall not be used as fuel.
 - (b) Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.

- (c) Agricultural outdoor burning conducted pursuant to ORS 468A.020. Agricultural outdoor burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
 - (d) Outdoor burning on forest land permitted under the Oregon Department of Forestry (ODF) Smoke Management Plan filed with the Secretary of State.
- (2) Other exemptions.
- (a) Recreational fires are allowed when set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and campgrounds). Prohibited materials listed in 47-015(1)(e), woody yard trimmings, leaves and grass clippings shall not be burned. Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA. [NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM OREGON DEPARTMENT OF FORESTRY AND STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.]
 - (b) Outdoor barbecuing connected to a group outing, festival, fair or similar occasion when food is cooked by a fire that is sized proportionally to the amount of food being cooked, is allowed, except that prohibited materials listed in 47-015-(1)(e), woody yard trimmings, leaves, grass clippings, commercial, industrial, construction, and demolition waste shall not be burned.
 - (c) Religious ceremonial fires as defined in Section 47-010 are allowed. Prohibited materials listed in 47-015(1)(e), woody yard trimmings, leaves and grass clippings shall not be burned. Larger fires would be required to be permitted under the "Bonfire" requirement.

Section 47-005 Amended 03/14/08 (Amended 10/12/17)

Section 47-010 Definitions

The definitions in LRAPA Title 12 and this section apply to this title. If the same term is defined in this section and Title 12, the definition in this section applies to this title.

- "Agricultural outdoor burning" means the outdoor burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.
- "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 the sale of crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction

and use of dwellings or structures customarily provided in conjunction with the agricultural operation.

- "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in 47-015(1)(e).
- "Bonfire" means a controlled outdoor fire (combustible pile larger than 3 feet in diameter and 2 feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in 47-015(1)(e) shall not be burned. Bonfires may include clean woody construction/demolition/commercial material.
- "Commercial outdoor burning" means the outdoor burning of "commercial wastes," which are materials actually generated or used by a commercial operation including removed and transported materials, and excluding those materials described in 47-015(1)(e).
- "Construction outdoor burning" means the outdoor burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project, excluding those materials described in 47-015(1)(e). The outdoor burning of construction waste materials which are actually resulting from or produced by a building or construction project, excluding those materials described in 47-015(1)(e), that are transported from tax lot of origin is Commercial outdoor burning.
- "Demolition outdoor burning" means the outdoor burning of "demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in 47-015(1)(e). The outdoor burning of demolition waste materials which are actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in 47-015(1)(e), that are transported from tax lot of origin is Commercial outdoor burning.
- "Eugene and Springfield Urban Growth Boundaries" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.
- "Forest slash outdoor burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash outdoor burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.

- "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
- "Industrial outdoor burning" means the outdoor burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in 47-015(1)(e).
- "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.
- "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.
- "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. (See Title 12 of LRAPA's Rules and Regulations)
- "Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels, incinerators which do not meet emission limitations specified in Title 30 of LRAPA's Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
- "Outdoor Burning Letter Permit (OBLP)" means an authorization issued pursuant to Section 47-020 to burn select materials at a defined site and under certain conditions.
- "Recreational fire" means a small fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), limited to campfires or fires lit in Chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in 47-015(1)(e).
- "Religious ceremonial fire" means a small, controlled outdoor fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in Section 47-015(1)(e) shall not be burned.
- "Residential outdoor burning" means the outdoor burning of clean, woody yard trimmings which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it

becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.

- "Responsible person" means each person who is in ownership, control, or custody of the property on which the outdoor burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows outdoor burning to be initiated or maintained.
- "Salvage" as used in Title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.
- "Woody Yard Trimmings" means woody limbs, branches and twigs with any attached leaves which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

Section 47-010 Amended 03/14/08 (Amended 10/12/17)

Section 47-015 Outdoor Burning Requirements

- (1) General requirements to be met by all outdoor burning conducted in accordance with LRAPA's Rules and Regulations:
 - (a) All outdoor burning shall be constantly attended by a responsible person or an expressly authorized agent, until extinguished.
 - (b) It shall be the duty of each responsible person to promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations or of any permit issued by the Agency.
 - (c) No person shall cause, or allow to be initiated or maintained, any outdoor burning which is prohibited by the burning advisory issued by the Agency.
 - (d) No person shall cause, or allow to be initiated or maintained, any outdoor burning which creates a nuisance or a hazard to public safety.
 - (e) No person shall cause, or allow to be initiated or maintained, outdoor burning of any material which normally emits dense smoke, noxious odors, or hazardous air contaminants; such materials may include but are not limited to garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, cardboard, clothing, animal remains, grass clippings.
 - (f) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other

non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.

- (g) No person shall cause, or allow to be initiated or maintained, any outdoor burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to Oregon Administrative Rules **(OAR) 340-094-0040**. The Agency shall be notified by the responsible person prior to such burning.
- (h) All burning shall be conducted in accordance with local fire safety regulations, including required minimum distances from structures.
- (i) Burning in barrels is prohibited.

(2) Residential Outdoor Burning Requirements

The residential outdoor burning season is October 1 through June 15, with the following restrictions:

- (a) Residential outdoor burning is allowed only on approved burning days with a valid fire permit (if required by fire district). The start and end times for burning vary and are set as part of the daily burning advisory issued by the Agency.
- (b) Outdoor burning within Eugene city limits is prohibited.
- (c) Outdoor burning outside the Eugene city limits but within the Eugene Urban Growth Boundary is prohibited except outdoor burning of woody yard trimmings is allowed on lots of two acres or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (d) Outdoor burning within Springfield city limits and the surrounding Springfield urban growth boundary is prohibited except that burning of woody yard trimmings is allowed on lots of one half acre or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (e) Outdoor burning within Florence city limits is prohibited per Florence city ordinance.
- (f) Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15 and October 1 through October 31.
- (g) Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.

- (h) Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.
- (i) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:
- (1) Bailey-Spencer RFPD
 - (2) Coburg Fire District
 - (3) Dexter RFPD west of the Willamette Meridian
 - (4) Eugene RFPD #1
 - (5) Goshen Fire District
 - (6) Hazeldell RFPD
 - (7) Junction City RFPD
 - (8) Lane County Fire District #1 (Lane Fire Authority)
 - (9) Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
 - (10) Lowell RFPD
 - (11) McKenzie Fire & Rescue outside the Eugene and Springfield Urban Growth Boundaries
 - (12) Mohawk Valley RFPD
 - (13) Monroe RFPD, that portion within Lane County
 - (14) Oakridge Fire & EMS
 - (15) Pleasant Hill RFPD
 - (16) Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries
 - (17) Siuslaw Valley Fire & Rescue
 - (18) South Lane County Fire & Rescue
 - (19) Westfir Fire Department
 - (20) Willakenzie RFPD
 - (21) Zumwalt RFPD
- (j) Residential outdoor burning of woody yard trimmings and leaves is allowed in Lane County, outside of the affected areas defined in 47-015(2)(b) through (i) of this section, on approved burn days from October 1 through June 15.

(Note: Some fire districts require burning permits. Fire districts may restrict burning whenever fire danger dictates. Persons wishing to conduct residential outdoor burning should check first with their fire district.)

- (k) Failure to conduct residential outdoor burning in accordance with this section is a violation of Title 47 and may be cause for assessment of civil penalties. Citations

will be issued by authorized enforcement agents to responsible person(s) where residential outdoor burning rules are violated pursuant to this section.

(3) Construction/Demolition Outdoor Burning Requirements

- (a) Construction/demolition outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (b) Construction/demolition outdoor burning is prohibited inside the affected areas described in 47-015(2)(i), unless authorized pursuant to 47-020.
- (c) Construction/demolition outdoor burning is allowed elsewhere in Lane County, subject to the general requirements of 47-015(1).

(4) Commercial Outdoor Burning Requirements

- (a) Commercial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (b) Commercial outdoor burning is prohibited elsewhere, unless authorized pursuant to 47-020.

(5) Industrial Outdoor Burning Requirements

- (a) Industrial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (b) Industrial outdoor burning is prohibited elsewhere, unless authorized pursuant to 47-020.

(6) Forest Slash Outdoor Burning

- (a) Forest slash outdoor burning in areas covered by the Oregon Smoke Management Plan is regulated by the Oregon Department of Forestry (ODF) pursuant to Oregon Revised Statutes (ORS) 477.515.
- (b) Forest slash outdoor burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:
 - (A) Forest slash outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
 - (B) Forest slash outdoor burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to 47-020.

- (C) Forest slash outdoor burning will be coordinated with the ODF South Cascade and Western Lane districts to ensure burning complies with resource protection standards under the Oregon Forest Practices Act.

Section 47-015 Amended 03/14/08 (Amended 10/12/17)(Amended 4/12/18)

Section 47-020 Outdoor Burning Letter Permits (OBLP)

- (1) Outdoor burning of commercial, industrial, construction, demolition, or forest slash wastes on a singly occurring or infrequent basis, which is otherwise prohibited, and a bonfire held for a single event, may be permitted by a letter permit issued by the Agency in accordance with this title and subject to the general requirements in 47-015(1).
- (2) Prescribed burning of standing vegetation for the purpose of species or wetland conversion, pursuant to federal or state laws or programs to promote or enhance habitat for indigenous species of plants or animals, which is otherwise prohibited, may be permitted by a letter permit issued by the Agency in accordance with 47-020. These permits require a permit fee of \$1,000. The Director in his or her discretion may compromise the permit fee based upon factors that include, but are not limited to, complexity of the permit, number of proposed units, staff resources required or projected to be required relative to monitoring, public outreach and complaint response.
- (3) Prior to any burning, the applicant must also obtain a valid fire permit issued by the fire permit issuing agency having jurisdiction.
- (4) Permits issued for outdoor burning other than prescribed burning of standing vegetation n,as described above in 47-020(2), require a permit fee of \$10 per cubic yard, with a minimum fee of \$100.
- (5) The following factors shall be evaluated in determining whether a letter permit will be approved or denied:
 - (a) The quantity, type, and combustibility of the materials proposed to be burned;
 - (b) The costs and practicability of alternative disposal methods, including on-site and landfill disposal and salvage;
 - (c) The seasonal timing and expected duration of the burn;
 - (d) The willingness and ability of the applicant to promote efficient combustion by using heavy equipment, fans, pit incineration, or other appropriate methods;
 - (e) The location of the proposed burn site with respect to potential adverse impacts;
 - (f) The expected frequency of the need to dispose of materials by burning in the future;

- (g) Any prior outdoor burning violations by the applicant; and
 - (h) Any additional relevant information.
- (6) Upon receipt and review of the required information, the Agency 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 material exists;
 - (b) The proposed burning will not cause or contribute to significant degradation of air quality; and
 - (c) There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.
- (7) The Agency may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:
- (a) Any material misstatement or omission in the required application information;
 - (b) If the conditions of the permit are being violated;
 - (c) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree; and
 - (d) Any other relevant factor.
- (8) Failure to conduct outdoor burning according to the conditions, limitations, or terms of a letter permit, or any outdoor burning in excess of that permitted by the letter permit, shall be a violation of the permit and shall be cause for assessment of civil penalties or for other enforcement action by the Agency.
- (9) Each letter permit issued by the Agency pursuant to this title shall contain at least the following elements:
- (a) The location at which the burning is permitted to take place;
 - (b) A description of the material that may be burned;
 - (c) The calendar period during which the burning is permitted to take place;
 - (d) The equipment and methods required to be used by the applicant to insure efficient burning;

- (e) The limitations, if any, based upon meteorological conditions required before burning may occur;
 - (f) Reporting requirements for both starting the fire and completion of the requested burning;
 - (g) A statement that Section 47-015(1) is fully applicable to all burning under the permit;
 - (h) Such other conditions that the Agency considers to be desirable; and
 - (i) A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.
- (10) Letter permits issued by the Agency pursuant to this title shall be forwarded to the fire permit issuing agency having jurisdiction. The fire permit issuing agency has the ultimate authority to issue or deny the burn permit.

Section 47-020 Amended 03/14/08 (Amended 10/12/17)

Supporting Documents

LRAPA Open Burning Rule Revision - Crosswalk Summary of LRAPA Staff Evaluation of Revisions to LRAPA Title 47

New Provisions	LRAPA Evaluation of Comparison to current SIP approved provisions	Is the revision less stringent?
Revisions throughout title 47	<p>The following minor revisions occur throughout the revised rules:</p> <ul style="list-style-type: none"> - The term “open burning” has been changed to “outdoor burning”. Though “open burning” is currently defined as any burning that is conducted outside or outdoors regardless of the containment, the consensus is that to avoid confusion regarding outdoor burning that may be conducted in some sort of container or enclosure as not “open burning”. - Reference to the Eugene-Springfield Urban Growth Boundary (ESUGB) has been changed to distinguish that Eugene and Springfield each have separate and distinct Urban Growth Boundaries. 	No
47-001 General Policy	<ul style="list-style-type: none"> - The term “areas covered by” the Department of Forestry has been added as a language clarification. - The terms “bonfires and for ecological conversion” has been included on the basis that LRAPA also issues permits for that type of outdoor burning. 	Language Clarification
47-005 Exemptions from These Rules, 1.C.	<ul style="list-style-type: none"> - Added language from DEQ rules that reference agricultural outdoor burning and certain restrictions that may apply. Same requirements – formalized in amended 	No

47-005 Exemptions from These Rules, 2.A.	<ul style="list-style-type: none"> - Language clarification - The language “during the months of November, December, January and February” has been deleted to provide for the option or possibility of change in the Home Wood Heating season advisory set by LRAPA without the requirement of amending the “Outdoor Burning” rules. 	No
47-005 Exemptions from These Rules, 2.B.	<ul style="list-style-type: none"> - Language Clarification - The revision adds that “woody yard trimmings, leaves and grass clippings” shall not be burned as a cooking fire. Provides consistency with the “Recreational Fire” requirements. Eliminates defense that the intention of burning that material is on the basis of “Cooking” 	No
47-005 Exemptions from These Rules, 2.C.	Defines materials that are prohibited as “Religious Ceremonial fire” material and limits the size of an unpermitted fire. Larger fires would be required to be permitted under the “Bonfire” requirement.	No
47-010 Definitions - “Bonfire”	LRAPA requires that a permit be obtained for a “Bonfire” to further distinguish between what may be allowed as “recreational” of “religious ceremonial”. Volumes of material that may include milled wood that are of larger volume may be allowed subject to LRAPA permitting and fire suppression agency oversight or authorization.	No
47-010 Definitions - “Eugene and Springfield Urban Growth Boundaries”	The “and” is included to recognize that Eugene and Springfield each have separate and distinct Urban Growth Boundaries.	No
“Outdoor Burning (alternately referred to as open burning)”	Recognition of the former definition	
47-010 Definitions - “Outdoor Burning Letter Permit”	Inclusion of definition	No
47-010 Definitions “Recreational fire”	Deleted “cooking fires” as cooking fires are specifically defined elsewhere as such	

47-010 Definitions – “Religious Ceremonial Fire”	Defines the limits of the size of a fire and defines materials allowed as “Religious Ceremonial Fire”. Fires larger and of allowable materials would require a permit from LRAPA. Also would require fire suppression agency of jurisdiction authorization where applicable.	No
Section 47-015, General Open burning Requirements, 1.E.	Language clarification The prohibition on the open burning of cardboard and clothing has been included to be consistent with DEQ rules. The prohibition on the open burning of grass clippings has been included as the open burning of that material “normally emits dense smoke and noxious odors”; grass clippings are generally piled, wet and in a state of decomposition in nature; combustion is inefficient; grass clippings decompose readily.	No
Section 47-015, General Open burning Requirements, 1.G.	Added “Oregon Administrative Rules” and clarified citation numbers	No
Section 47-015, General Open burning Requirements, 1.I.	Prohibits outdoor burning in barrels. Staff consensus is that burning in barrels is generally of inefficient combustion; the materials that are burned in barrels are consistently of the materials listed in 47-015-1.E.; eliminates the premise that burning in a barrel is not “open”.	No
Section 47-015, Residential Open Burning Requirements, 2.	Identifies the beginning and end dates of the outdoor burning season for all of Lane County and includes the term “restrictions” to clarify that though there is a definite outdoor burning season there are restriction within that time frame.	No
Section 47-015, Residential Open Burning Requirements, 2.A.	Eliminates the term “between sunrise and sunset” to avoid misinterpretation of the hours set by the LRAPA outdoor burning advisory. The LRAPA outdoor burning advisory is generally set such that open burning is allowed to commence a minimum of several hours after sunrise and is required to be extinguished at least several hours prior to sunset.	No

Section 47-015, Residential Open Burning Requirements, 2.B.	Prohibits outdoor burning within the Eugene Urban Growth Boundary. Presently, the outdoor burning of woody yard trimmings is allowed (advisory contingent) within the Eugene Urban Growth Boundary from the period of October 1 through 31 and from March 1 through June 15, on residential tax lots of 0.5 acres or more. In parts of the Eugene Urban Growth Boundary there are areas that are a patchwork of within the city of Eugene (where open burning is prohibited). Staff consensus is that with the availability of curbside pickup of yard debris and the availability of wood waste recycling facilities and increasing population density it is appropriate to eliminate outdoor burning within the Eugene Urban Growth Boundary except on parcels 2 acres or larger.	No
Section 47-015, Residential Open Burning Requirements, 2.D.	Includes in LRAPA rules the City of Florence ordinance. Would provide for but not necessarily require LRAPA enforcement of the City of Florence ordinance. Consensus was to formalize Florence ordinance in LRAPA regulations	No
Section 47-015, Residential Open Burning Requirements, 2.E.	Oakridge City ordinance included as clarification. The Oakridge City ordinance currently states that outdoor burning shall be conducted in accordance with LRAPA regulations. LRAPA outdoor burning advisory is set to prohibit burning in the months of November through February. Respective City of Oakridge or LRAPA enforcement options would not change. Consensus was to formalize the actual requirement in LRAPA regulations. Also, the November through February open burning restriction would apply within the surrounding Oakridge Urban Growth Boundary.	No
Section 47-015, Residential Open Burning Requirements, 2.F.	Prohibits the outdoor burning of fallen leaves within the respective city limits. Staff consensus is that alternatives such as decomposition or re-use as mulch are reasonable. If adopted would encourage cities to develop alternatives to burning, options for management. When burned, leaves are generally piled, are wet and of a state of decomposition before outdoor burning may be allowed and emit significant smoke. The outdoor burning of leaves creates unwarranted smoke intrusion. The outdoor burning of woody yard trimmings with attached leaves would still be allowed.	No

Section 47-015, Residential Open Burning Requirements, 2.G.	Formalizes the prohibition of the outdoor burning of grass clippings inside respective fire districts. The outdoor burning of fallen leaves and woody yard trimmings would still be allowed.	No
Section 47-015, Residential Open Burning Requirements, 2.H.	Formalizes the prohibition of the outdoor burning of grass clippings throughout Lane County. The outdoor burning of fallen leaves and woody yard trimmings would still be allowed. The 47-015-2.G. districts are generally of the valley. There are some fire districts, e.g., Deadwood, that are not specifically listed in 2.G. as well as some “Unprotected Areas”, e.g., Culp Creek area to which the prohibition on the burning of grass clippings.	No
47-015-6. Forest Slash outdoor burning 6.B(4)	Requirements would be the same. The reference to specific cites is deleted to eliminate the need to amend LRAPA rules in the event of changes in wordings or citations in DOF rules.	No
47-020 Outdoor Burning Letter Permits (OBLP) 2.	Increases permit fee to \$1000 from \$100. Current permit fee for these types of burns was set in the mid 1990’s. At that time there were multiple agencies or groups that would submit separate and distinct permit applications. Most of those agencies or groups presently belong to a coalition and submit a joint application that includes multiple burn sites in different areas of the county. The high profile nature of these burns require significant staff time in permitting, outreach, monitoring and complaint response. Maintains on a case by case basis the option for Director to compromise the permit fee.	No
47-020 Outdoor Burning Letter Permits (OBLP) 4.	Increases the permit fee to \$10 per cubic yard of material and the minimum fee to \$100. Current permit fee for these types of burns was set in the mid 1990’s. Encourages more rigorous evaluation of alternatives to open burning as a means of disposal. Encourages more effort in pre-planning salvage efforts in demolition or land-clearing projects. More realistic in costs associated with LRAPA permitting and compliance assurance.	No