



Lane Regional Air Protection Agency (LRAPA)
 Notice of Proposed Rulemaking Hearing
 September 14, 2017
 Board of Director's Meeting
 Rulemaking Action Item

Update LRAPA Title 47 – “Open (Outdoor) Burning”
 (Outdoor Burning 2017)

This Staff Report (Attachment 1: Agenda Item 9) contains the following documents:

- Attachment A – Proposed revisions to LRAPA Title 47 Open (Outdoor) Burning Rules (redline version). Version 1
- Attachment B – Crosswalk summary of proposed revisions to LRAPA Open (Outdoor) Burning Rules. Version 1
- Attachment C – Proposed revisions to LRAPA Open (Outdoor) Burning Rules (redline version without UGB restrictions). Version 2

Overview

Short summary

DEQ proposes to incorporate Lane Regional Air Protection Agency revised regulations for outdoor burning into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040. The LRAPA Board of Directors will consider the adoption of 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
- 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 open 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

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 local dues from Lane County and the cities of 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 via rule review and amendment. The project evolved into a comprehensive Title 47 rule review and amendments.

On September 14, 2017, the LRAPA Board of Directors plan to hold a hearing on the Title 47 Open (Outdoor) Burning rules, provided at the end of this document. The Environmental Quality Commission and DEQ have oversight authority to ensure LRAPA meets Clean Air Act requirements. The State Implementation Plan is the State of Oregon Clean Air Act Implementation Plan as adopted by EQC under OAR 340-200-0040 and approved by EPA. EQC's role is to review LRAPA rules to determine if they comply with state law and the Clean Air Act, approve those rules if they comply, and direct DEQ to submit the approved rules to EPA for federal approval as State Implementation Plan amendments.

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 proposes that the Board of Directors approve the 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	Program or activity
Operations	Outdoor Burning
Chapter 340 action	
Amend	OAR 340-200-0040
LRAPA title action	
Amend	LRAPA Title 47 Outdoor Burning
Statute implemented	
	ORS 468.020, 468A.035, and 468A.135

Documents relied on for rulemaking ORS 183.335(2)(b)(C)

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 as earlier described for outdoor burning letter permits. The current permit fee for these types of burns was set in the mid 1990’s. 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.

Statement of fiscal and economic impact

[ORS 183.335 \(2\)\(b\)\(E\)](#)

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 aspect (circa 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 in (circa 1995) 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. In about 1995 when the \$100 fee was instituted, LRAPA received applications and fee 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 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 [ORS 183.336](#)

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 LRAPA involved small businesses in developing this proposed rule.

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

Documents relied on for fiscal and economic impact

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	http://www.deq.state.or.us/regulations/rules.htm

Advisory Committee:

LRAPA’s standing Citizens Advisory Committee was provided on-going 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 the development costs of burning verses 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 March 14, 2008.

What alternatives did LRAPA consider if any?

A total ban on outdoor burning was not considered feasible in an area as diverse as 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

"It is the (*Environmental Quality*) Commission's policy to coordinate the Department's (*DEQ's*) programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible." [OAR 340-018-0010](#)

Land-use considerations

To determine whether the proposed rule involve programs or actions that are considered a *land-use action*, LRAPA considered the following state and/or DEQ program requirements:

- Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program document identifies the following statewide goal relating to DEQ's authority:

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

- [OAR 340-018-0030](#) for EQC rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rules will significantly affect land use. If yes, how DEQ will:
 - Comply with statewide land-use goals, and

- Ensure compatibility with acknowledged comprehensive plans, which DEQ most commonly achieves by requiring a Land Use Compatibility Statement.
- DEQ's mandate to protect public health and safety and the environment.
- Whether DEQ is the primary authority responsible for land-use programs or actions in the proposed rules.
- Present or future land uses identified in acknowledged comprehensive plans.

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.

Stakeholder and public involvement

Advisory committee

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

The committee members that attended the meetings agreed to the proposed changes at the final meeting on January 31, 2017. Notes from the January 2017 meeting located here: <http://www.lrapa.org/DocumentCenter/View/2519> . All CAC meeting notes regarding this rulemaking are available on the LRAPA website.

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=>

Roster

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
John Tamulonis, Member	Public Planning
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 on our website at:

<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.

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 2016:

Group
Santa Clara Community Org
River Rd. Neighborhood
Lane Pomona Grange #14
City of Cottage Grove
City of Eugene
City of Springfield
City of Lowell

Public notice

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

- Secretary of State for publication in the [Oregon Bulletin](#) to be 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 hearings

A hearing on the proposed adoption and rulemaking will be held at 12:30 P.M. September 14, 2017, in the LRAPA Conference Room. The public is encouraged to comment on the proposed rule amendments. Comments submitted prior to the hearing date must be submitted in writing and must be received by LRAPA by Wednesday, September 13, 2017. Comments submitted at the hearing must be presented orally by the commenter. If LRAPA Board adopts this rulemaking, the plan and rules will be presented to the Environmental Quality Commission for approval and submitted by DEQ to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan under OAR 340-200-0040 as a requirement of the Clean Air Act.

To submit comments or request additional information, please contact Robbye Lanier at LRAPA, 1010 Main Street, Springfield, OR 97477, toll free in Oregon at 877-285-7272 or 541-736-1056 extension 214, email at robbye@lrapa.org. Fax 541-726-1205. To view the proposed rule changes online, visit <http://www.lrapa.org>.

Before taking public comment and according to [Oregon Administrative Rule 137-001-0030](#), the presiding officer staff presenter will summarize the content of the notice given under [Oregon Revised Statute 183.335](#) and respond to any questions about the rulemaking.

LRAPA will add the names, addresses and affiliations of all hearing attendees to the interested parties list for this rule if provided on a registration form or the attendee list. LRAPA will consider all oral and written comments received at the hearing listed below before completing the proposed rule. LRAPA will summarize all comments and respond to comments on the staff report.

Hearing	
Date	September 14, 2017
Time	12:30 p.m.
Address line 1	Lane Regional Air Protection Agency (LRAPA) Meeting Room
Address line 2	1010 Main Street
City	Springfield, Oregon 97477
Presiding officer	Merlyn Hough, Agency Director
Staff presenter	Merlyn Hough, Agency Director
Conference number	(541) 736-1056 x302

Close of public comment period

The comment period closed on September 14, 2017 at the Public Hearing.

Public Hearings and comment

LRAPA held one public hearing on September 14, 2017. LRAPA received thirteen public comments during the public 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

Summary of comments and LRAPA responses

The following lists public comments received during the public comment period, 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 <mojo@lrpa.org> 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 unhealthy 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:

From: Nonewhere Listens [mailto:bluegrassbreeze2@gmail.com]

Sent: Saturday, August 19, 2017 2:10 PM

To: John Morrissey <mojo@lrpa.org>

Subject: Re: Online Form Submittal: Public Comment Form

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

534 Sunnyside Drive

Eugene, OR 97404

650-862-5423

sjmazze@gmail.com

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.