



LRAPA
Lane Regional Air Protection Agency

Lane Regional Air Protection Agency (LRAPA)
Rulemaking Hearing
February 8, 2018
Board of Director's Meeting
Rulemaking Action Item

Update LRAPA Title 47 – “Outdoor Burning”
regarding the Eugene Urban Growth Boundary (UGB)
(Outdoor Burning 2018)

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

- [Attachment A: Potential rule revisions to LRAPA Title 47, outlining five alternatives to address outdoor burning within the Eugene UGB, as well as minor housekeeping changes.](#)
- [Attachment B: Notice of Proposed Rulemaking Hearing September 14, 2017](#)

Overview

Short summary

The LRAPA outdoor burning rules in Title 47 of the LRAPA Rules and Regulations were recently revised and updated. Action was not taken on one issue regarding further restrictions on outdoor burning in the Eugene Urban Growth Boundary (UGB), pending further conversations with the Lane County Board of Commissioners and others.

BACKGROUND

Board Action History. The LRAPA outdoor burning rules have been revised and updated several times since 1968, most recently in October 1999, October 2001, February 2008, and October 2017. Potential rule revisions were discussed with the LRAPA Board and Citizens Advisory Committee over the past few years. The Board held a public hearing on September 14, 2017, and adopted most of the proposed revisions on October 12, 2017, but did not adopt changes to the Eugene UGB requirements at that time.

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 August-September 2017. A work session was held with the Lane County Board of Commissioners on November 1, 2017, regarding the proposed ban on outdoor burning in the Eugene UGB.

Many comments were received on the proposed rule revisions during the public comment period. The most controversial proposed revision was a ban on outdoor burning in the Eugene UGB, with

comments both in support and opposition. In response to public comments and the board discussion on September 14, 2017, LRAPA staff summarized, with the assistance of LCOG 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 |
|-----------------------------|------------|-------------------|-------------------|
| 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 | 21 | 5 | 58 | 191.2 | 46.8% |
| Properties > 1 Acres | 83 | 246.9 | 60.5% | 47 | 74.4 | 1 | 36 | 172.5 | 42.3% |
| Properties > 2 Acres | 32 | 180.1 | 44.1% | 10 | 24.7 | 6 | 22 | 155.3 | 38.1% |
| Properties > 3 Acres | 15 | 137.7 | 33.7% | 0 | 0.0 | 0 | 15 | 137.7 | 33.7% |
| Properties > 4 Acres | 12 | 127.8 | 31.3% | 0 | 0.0 | 0 | 12 | 127.8 | 31.3% |
| Properties > 5 Acres | 10 | 119.0 | 29.2% | 0 | 0.0 | 0 | 10 | 119.0 | 29.2% |
| Properties > 10 Acres | 3 | 69.9 | 17.1% | 0 | 0.0 | 0 | 3 | 69.9 | 17.1% |
| Properties > 15 Acres | 2 | 57.3 | 14.0% | 0 | 0.0 | 0 | 2 | 57.3 | 14.0% |
| Properties > 20 Acres | 1 | 38.1 | 9.3% | 0 | 0.0 | 0 | 1 | 38.1 | 9.3% |
| Properties > 25 Acres | 1 | 38.1 | 9.3% | 0 | 0.0 | 0 | 1 | 38.1 | 9.3% |
| Properties > 30 Acres | 1 | 38.1 | 9.3% | 0 | 0.0 | 0 | 1 | 38.1 | 9.3% |
| Properties > 35 Acres | 1 | 38.1 | 9.3% | 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% |

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

8 of the 10 properties > 5 acres are near Greenhill and W 11th. The other 2 are in the S and SW hills.

Most of the residential properties that would be affected by a ban in the Eugene UGB are located in the northern part of the UGB (254 of 312). However, all of the larger properties (over five acres) are located in the southern part (10 of 10).

Currently, outdoor burning is 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.

There are 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, or 26% of 312.
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, or 5% of the current 312, 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, or 3% of the current 312, 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 has drafted a redline-strikeout version with these five alternatives for the purpose of seeking public comments on them. The attached redline-strikeout version also includes a few minor housekeeping changes noted in the staff review of the rule revisions adopted by the LRAPA Board on October 12, 2017. A public hearing will be held on February 8, 2018 which would also allow further review by the LRAPA Citizens Advisory Committee at the January 30, 2018 meeting.

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 does not involve fees.

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 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 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 October 12, 2017.

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 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 |
| 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 2017:

| 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 |
| Lane County Fire Defense Board |
| Lane County Commissioners |

Public notice

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

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

Public hearings

A hearing on the proposed adoption and rulemaking was held at 12:30 P.M. September 14, 2017, in the LRAPA Conference Room. At that time, the portion Attachment B were adopted.

A second hearing will be held at 12:30 P.M. on February 8, 2018 in the LRAPA Conference Room to address specifically the Eugene UGB area. 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, February 7, 2018 at 5:00 P.M. 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 LRAPA, 1010 Main Street, Springfield, OR 97477, toll free in Oregon at 877-285-7272 or 541-736-1056, email at rules@lrapa.org. Fax 541-726-1205. To view the 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 | February 8, 2018 |
| 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 will close on February 8, 2018 at 1:00 P.M. Oral comments will be taken at the hearing.

Public Hearings and comment

LRAPA will hold a public hearing at 12:30 P.M. on February 8, 2018 in the LRAPA Conference Room.

LRAPA Office:

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

Summary of February 8, 2018 comments and LRAPA responses

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

Comment 1:

From: Ann Watters [mailto:twofivestars@comcast.net]
 Sent: Tuesday, January 02, 2018 7:15 AM
 To: LRAPA <LRAPA@lrpa.org>
 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
 1940 Breyman NE
 Salem, Oregon
 97301-4352
 1-503-581-6512
 twofivestars@comcast.net

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 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 (sheasrec@yahoo.com)

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:

From: rpjhardt@comcast.net [mailto:rpjhardt@comcast.net]
 Sent: Thursday, January 04, 2018 2:44 PM
 To: Robbye Lanier <robbye@lrpa.org>
 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
2199 Bailey Hill Rd
Eugene OR 97405

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:

To: LRAPA Board and Staff

Re: Title 47: Open (Outdoor) Burning rules

Date: 1/7/2018

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 services 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
 541-465-8860
 1192 Lawrence Street, Eugene, OR 97401
 larkin@beyondtoxics.org

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:

January 22, 2018
 Board of Directors
 Lane Regional Air Protection Agency
 1010 Main Street
 Springfield, OR 97477

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
988 Lincoln St
Eugene OR 97401

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

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
29649 Gimpl Hill Road
Eugene OR 97402

Summary of October 12, 2017 Comments and responses

The following lists public comments received during the public comment period for the first adoption by the LRAPA Board of Directors on October 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 <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 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:

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.