



# AGENDA

LANE REGIONAL AIR PROTECTION AGENCY  
MONTHLY BOARD OF DIRECTORS MEETING  
**THURSDAY NOVEMBER 9, 2023**  
12:15 P.M.

## Virtual Participation

By Video: <https://us02web.zoom.us/j/82551664224>  
By Audio: +1 253 215 8782  
Meeting ID: 825 5166 4224

## In-Person Participation

LRAPA  
1010 Main Street  
Springfield, OR 97477

*[Note: Start times for agenda items are approximate.]*

## CALL TO ORDER:

1. **Call to Order** (12:15 p.m.)
2. **Adjustments to Agenda** (12:15 p.m.)
3. **Public Participation (time limited to three minutes per speaker)** (12:20 p.m.)
  - A. **Comments on an Item on Today's Agenda**
  - B. **Comments on a Topic Not Included on Today's Agenda**  
*(Note: This is an opportunity for the public to bring up unscheduled items. The Board may not act at this time but, if it is deemed necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)*
4. **Comments from Board Members** *(Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but if it deems necessary place such items on future agendas.)*
5. **Consent Calendar** (12:25 p.m.)
  - A. Approval of Minutes for October 17, 2023 Board of Directors Meeting
  - B. Approval of Financial Reports July, August, and September 2023
6. **Citizens Advisory Committee** (12:30 p.m.)
  - A. Jim Daniels
  - B. Report
  - C. Board Discussion

Information

- |   |                    |
|---|--------------------|
| <p><b>7. Airmetrics Business Plan Update (1:00 p.m.)</b></p> <ul style="list-style-type: none"> <li>A. Susannah Sbragia &amp; Trinidad Cardenas</li> <li>B. Report</li> <li>C. Board Discussion</li> </ul>          | <p>Action</p>      |
| <p><b>8. Oakridge Air Project Status Report (1:15 p.m.)</b></p> <ul style="list-style-type: none"> <li>A. Grace Kaplowitz</li> <li>B. Report</li> <li>C. Board Discussion</li> </ul>                                | <p>Information</p> |
| <p><b>9. Title 47 Outdoor Burning Rule Public Hearing Request (1:45 p.m.)</b></p> <p>Action</p> <ul style="list-style-type: none"> <li>A. Travis Knudsen</li> <li>B. Report</li> <li>C. Board Discussion</li> </ul> |                    |
| <p><b>10. Director's Report (2:10 p.m.)</b></p> <ul style="list-style-type: none"> <li>A. Management Team</li> <li>B. Report</li> <li>C. Board Discussion</li> </ul>  | <p>Information</p> |
| <p><b>11. Adjournment of LRAPA Board Meeting (2:15 p.m.)</b></p>  |                    |

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M I N U T E S  
LANE REGIONAL AIR PROTECTION AGENCY  
BOARD OF DIRECTORS MEETING  
TUESDAY, OCTOBER 17, 2023  
MEETING VIA ZOOM/ LRAPA BUILDING, SPRINGFIELD OREGON

Board Present: Bryan Cutchen, Chair; Howard Saxion, Vice Chair; Mike Fleck; Jared Hensley; Matt Keating; Michael Johnston and Joe Pishioneri

Absent: David Loveall and Dylan Plummer

Staff Present: Susannah Sbragia; Travis Knudsen; Lance Giles; Colleen Wagstaff; Max Hueftle; Trinidad Cardenas; Heather Gravelle and Jenilee Easter

Others Present: Jim Daniels

1. Call to Order.

**Chair Bryan Cutchen** called the meeting of the Lane Regional Air Protection Agency (LRAPA) Board to order at 12:15 p.m.

2. Adjustments to Agenda.

**Director Johnston** noted that he would like an update from the Citizen Advisory Committee (CAC) Chair, Jim Daniels, for both the August and September CAC meetings.

3. Public Participation:

A. Comments on an Item on Today's Agenda.

No comments were made.

B. Comments on a Topic Not Included on Today's Agenda.

No comments were made.

4. Comments from Board Members.

There were no comments from Board Members.

5. Consent Calendar:

**Chair Cutchen** stated that he was pulling Item B, Expense Reports, from the Consent Calendar due to errors with the new financial software system.

**Ms. Sbragia** indicated that once they had resolved the issues, staff would email the corrected reports to the Board. She explained that the reports would be added to the November 2023 Board meeting agenda for review and approval. **Director Fleck** requested to have the beginning fund balance removed from the expense report because it was confusing; just noting the revenues and expenditures would be preferred. **Ms. Sbragia** responded that she would remove it from the reports.

A. Approval of Minutes from September 14, 2023 Board of Director's Meeting.

**MOTION: Director Saxion** moved, and **Director Keating** seconded the approval of the Consent Calendar with the removal of Item B, Approval of Expense Reports July and August 2023. **The motion passed unanimously.**

6. Citizen Advisory Committee

Citizens Advisory Committee (CAC) Chair, **Jim Daniels** and Public Affairs Manager, **Travis Knudsen**, provided the Board with an overview of the August and September CAC meetings. **Mr. Knudsen** specified that the August CAC meeting was a review of possible revisions to Title 47, Outdoor Burning rules, and would come before the Board at the November meeting. He added that the meeting in September was focused on a discussion regarding greenhouse gas reduction grant opportunities. The Board thanked Mr. Daniels and Mr. Knudsen for the update.

7. Dashboard Report.

**Ms. Sbragia** reviewed the Dashboard Report with the Board. She highlighted revisions that included the addition of the JH Baxter public hearing, permit, and clean-up status. **Max Hueftle**, Operations Manager, provided the Board with further details on the matter. **Ms. Sbragia** stated that other changes to the Dashboard Report include an increase in revenue for Airmetrics.

**Trinidad Cardenas**, Airmetrics Sales and Business Manager, stated that sales had rebounded for the quarter and the monthly average was about thirteen units per month. He added that was higher than it had been over the last two years and that the online interest and website traffic between July 1 and September 30 was 2,560 views spanning over sixty countries. Brief discussion followed.

**Ms. Sbragia** provided the Board with further updates regarding permitting percentages, streamlining the permit process, current rulemaking status, existing vacancies, and the 5-year financial forecast that will be presented to the Board during the supplemental budget process. **Director Keating** asked for clarification on the percentage of the backlog of expired permits and **Mr. Hueftle** explained that the reports looked back six months and were reflecting April 2023 percentages. He added that staff were catching up on the backlog and there had been an increase in permit renewals, which was why the percentages reflected in the report were going down. He also noted that the current backlog was at or better than the goal recommended by the Environmental Protection Agency.

8. Navigating a Federal Shutdown.

**Ms. Sbragia** explained that LRAPA receives federal grant dollars, which means that they could be affected by a federal shutdown. The Target Airshed Grants in Oakridge was the work most likely to be affected by a federal shutdown, specifically if that shutdown lasts a period greater than a month. However, she added that they were in a fiscally good spot and have set a schedule to ensure they can draw down the funds if necessary. **Ms. Sbragia** stated that they were keeping in close contact with the grantors and if there was a shutdown, the organization should be able to manage it without any significant issues. Brief discussion followed.

9. Director Search – Initial Planning.

**Ms. Sbragia** explained that the leadership had conducted a thorough review of Oregon Statutes and collaborated with legal counsel to initiate the process of recruiting and hiring a new Director. She provided the Board with an overview of the educational backgrounds and professional experiences of five former Directors, which included degrees in zoology, geology, administration, and engineering.

**Director Saxion** stated that according to Title 13, Section 13-010, Duties and Powers of the Board of Directors, “the Board shall appoint a director who is competent in the field of air pollution control and who will enforce the provisions of these rules and all orders of this Agency.” He explained that it was the only reference to qualifications, and it does not provide a clear definition of what “competent” means. Discussion followed.

**Ms. Sbragia** informed the Board that they had hired SRG Recruiting Agency to assist with the hiring process for the director position in 2021, which had cost \$25,000. She asked the Board if they would prefer to use a recruiter again or manage the hiring process in-house. After deliberation, the Board determined that they wanted to find a firm that had expertise in recruiting qualified environmental professionals with management experience to assist with the search for a new director. The Board then discussed forming a sub-committee to develop the request for proposal (RFP).

**MOTION: Director Fleck** moved, and **Director Saxion** seconded the formation of a sub-committee consisting of **Chair Cutchen, Vice-Chair Saxion and Director Pishioneri** to review and develop a Request for Proposal (RFP) for hiring a recruiting firm to assist in the search for a new Director. **The motion passed unanimously.**

10. Director’s Report.

**Ms. Sbragia** provided the Board with an overview of the Director’s Report which included AQI (Air Quality Index) stats, monthly complaints, the enforcement report, outdoor burning letter permits, permitting and asbestos abatement removal projects. She stated that the only change to the format was that she had added detailed information on upcoming agenda items.

**Director Keating** pointed out that the number of complaints was low and suggested that the public may not be fully aware of LRAPA. He inquired about the availability of grants to promote LRAPA’s mission and educate the community on how to file a complaint and engage with the agency more effectively. Specifically, he asked if there were any grants available for communication through radio, TV, digital media, or other channels.

**Ms. Sbragia** responded that they would certainly look for grants that could assist in increasing LRPA's visibility. She stated that staff had recently attended the Fire Safety Event at Jerry's in Springfield and it was a terrific opportunity to engage with the public. **Mr. Knudsen** acknowledged that it would be advantageous to utilize media marketing to better publicize LRAPA's resources and services that were provided to the community. He explained that historically, the Public Affairs Department has not had a clearly defined budget. However, with the restructuring occurring, that would potentially change, and he would have more flexibility and agency determining how best to utilize those dollars allocated. Brief discussion followed.

11. December Meeting.

**Ms. Sbragia** questioned if the Board would agree to hold a December meeting. After discussion, the Board agreed to have the meeting on Thursday, December 14<sup>th</sup> at Noon.

12. Adjournment.

**Chair Cutchen** adjourned the Board meeting at 1:15 p.m.

*(Minutes recorded by Heather Gravelle)*



	Prior Yr. Actuals FY 22-23 July 31, 2022	FY 23-24 July 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>General Fund</b>				
<b>Revenues</b>				
Federal & State Revenues	74,484	96,762	1,078,514	(981,752)
Local Dues	196,273	93,573	201,550	(107,977)
Permit Fees	25,709	12,306	1,260,739	(1,248,434)
Other Revenues	2,376	11,208	50,000	(38,792)
<b>Total Revenue Received</b>	<b>298,841</b>	<b>213,848</b>	<b>2,590,803</b>	<b>(2,376,955)</b>
<b>Expenditures ^</b>				
Personnel Services	125,425	168,426	1,761,213	10%
Materials & Services	43,315	82,181	743,870	11%
Capital Improvements	-	2,512	130,000	2%
<b>Total Expenditures</b>	<b>168,740</b>	<b>253,118</b>	<b>2,635,083</b>	<b>10%</b>
<b>General Fund Net</b>	<b>\$ 130,101</b>	<b>\$ (39,270)</b>		

	Prior Yr. Actuals FY 22-23 July 31, 2022	FY 23-24 July 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Special Revenue (Title V)</b>				
<b>Revenues</b>				
Permit Fees	-	-	515,417	(515,420)
Miscellaneous Revenue	-	-	-	0
<b>Total Revenue Received</b>	<b>0</b>	<b>0</b>	<b>515,417</b>	<b>(515,420)</b>
<b>Expenditures ^</b>				
Personnel Services	50,516	21,674	475,939	5%
Materials & Services	144	550	17,207	3%
Capital Outlay	-	-	-	0%
<b>Total Expenditures</b>	<b>50,660</b>	<b>22,224</b>	<b>493,146</b>	<b>5%</b>
<b>Special Revenue Net</b>	<b>\$ (50,660)</b>	<b>\$ (22,224)</b>		

	Prior Yr. Actuals FY 22-23 July 31, 2022	FY 23-24 July 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Grant Fund</b>				
<b>Revenues</b>				
EAP Tag 1 &2	-	97,583	1,403,000	1,305,400
Miscellaneous Revenue	-	-	1,403,001	1,403,000
<b>Total Revenue Received</b>	<b>0</b>	<b>97,583</b>	<b>1,403,000</b>	<b>1,305,400</b>
<b>Expenditures ^</b>				
Personnel Services	4,505	2,385	75,616	3%
Materials & Services	35,643	16,805	1,327,384	1%
Capital Outlay	-	3,875	-	0%
<b>Total Expenditures</b>	<b>40,148</b>	<b>19,190</b>	<b>1,403,000</b>	<b>1%</b>
<b>Grant Fund Net</b>	<b>\$ (40,148)</b>	<b>\$ 78,393</b>		

	Prior Yr. Actuals FY 22-23 July 31, 2022	FY 23-24 July 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Enterprise Fund (AirMetrics)</b>				
<b>Revenues</b>				
Sales: Portable Samplers PM2.5	3,394	31,055	243,000	(211,900)
Sales: Portable Samplers PM10	-	-	100,000	(100,000)
Sales: Portable Samplers TSP	-	-	50,000	(50,000)
Sales: Portable Samplers APM	-	-	50,000	(50,000)
Sales: Accessories	2,560	1,230	103,000	(101,800)
Sampler Rental Income	-	-	6,300	(6,300)
Sampler Calibration Fee	-	525	8,050	(7,500)
Interest, Misc. & Freight	950	3,780	23,289	(19,500)
<b>Total Revenue Received</b>	<b>6,904</b>	<b>36,590</b>	<b>583,639</b>	<b>(547,049)</b>
<b>Expenditures ^</b>				
Personnel Services	12,099	6,890	160,870	4%
Materials & Services	1,300	37,565	397,269	9%
<b>Total Expenditures</b>	<b>13,400</b>	<b>44,455</b>	<b>558,139</b>	<b>8%</b>
<b>Airmetrics Net</b>	<b>\$ (6,496)</b>	<b>\$ (7,864)</b>		





	Prior Yr. Actuals FY 22-23 August 31, 2022	FY 23-24 August 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>General Fund</b>				
<b>Revenues</b>				
Federal & State Revenues	129,800	104,908	1,078,514	(973,606)
Local Dues	196,273	93,573	201,550	(107,977)
Permit Fees	233,020	205,015	1,260,739	(1,055,724)
Other Revenues	4,691	17,896	50,000	(32,104)
<b>Total Revenue Received</b>	<b>563,783</b>	<b>421,393</b>	<b>2,590,803</b>	<b>(2,169,410)</b>
<b>Expenditures ^</b>				
Personnel Services	257,690	313,235	1,761,213	18%
Materials & Services	95,544	94,286	743,870	13%
Capital Improvements	-	6,568	130,000	5%
<b>Total Expenditures</b>	<b>353,234</b>	<b>414,089</b>	<b>2,635,083</b>	<b>16%</b>
<b>General Fund Net</b>	<b>\$ 210,549</b>	<b>\$ 7,304</b>		

	Prior Yr. Actuals FY 22-23 August 31, 2022	FY 23-24 August 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Special Revenue (Title V)</b>				
<b>Revenues</b>				
Permit Fees	424,246	592,011	515,417	76,590
Miscellaneous Revenue	-	-	-	0
<b>Total Revenue Received</b>	<b>424,246</b>	<b>592,011</b>	<b>515,417</b>	<b>76,590</b>
<b>Expenditures ^</b>				
Personnel Services	95,312	61,432	475,939	13%
Materials & Services	203	1,008	17,207	6%
Capital Outlay	-	-	-	0%
<b>Total Expenditures</b>	<b>95,515</b>	<b>62,440</b>	<b>493,146</b>	<b>13%</b>
<b>Special Revenue Net</b>	<b>\$ 328,731</b>	<b>\$ 529,571</b>		

	Prior Yr. Actuals FY 22-23 August 31, 2022	FY 23-24 August 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Grant Fund</b>				
<b>Revenues</b>				
EAP Tag 1 &2	-	125,821	1,403,000	1,277,200
Miscellaneous Revenue	-	-	1,403,001	1,403,000
<b>Total Revenue Received</b>	<b>0</b>	<b>125,821</b>	<b>1,403,000</b>	<b>1,277,200</b>
<b>Expenditures ^</b>				
Personnel Services	8,768	6,799	75,616	9%
Materials & Services	118,376	79,690	1,327,384	6%
Capital Outlay	-	1,937	-	0%
<b>Total Expenditures</b>	<b>127,144</b>	<b>86,489</b>	<b>1,403,000</b>	<b>6%</b>
<b>Grant Fund Net</b>	<b>\$ (127,144)</b>	<b>\$ 39,332</b>		

	Prior Yr. Actuals FY 22-23 August 31, 2022	FY 23-24 August 31, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Enterprise Fund (AirMetrics)</b>				
<b>Revenues</b>				
Sales: Portable Samplers PM2.5	36,047	94,500	243,000	(148,500)
Sales: Portable Samplers PM10	-	3,596	100,000	(96,400)
Sales: Portable Samplers TSP	-	-	50,000	(50,000)
Sales: Portable Samplers APM	-	-	50,000	(50,000)
Sales: Accessories	22,145	29,393	103,000	(73,600)
Sampler Rental Income	-	-	6,300	(6,300)
Sampler Calibration Fee	-	525	8,050	(7,500)
Interest, Misc. & Freight	3,022	6,496	23,289	(16,800)
<b>Total Revenue Received</b>	<b>61,215</b>	<b>134,510</b>	<b>583,639</b>	<b>(449,129)</b>
<b>Expenditures ^</b>				
Personnel Services	27,094	19,663	160,870	12%
Materials & Services	61,354	59,756	397,269	15%
<b>Total Expenditures</b>	<b>88,448</b>	<b>79,419</b>	<b>558,139</b>	<b>14%</b>
<b>Airmetrics Net</b>	<b>\$ (27,233)</b>	<b>\$ 55,091</b>		



	Prior Yr. Actuals FY 22-23 September 30, 2022	FY 23-24 September 30, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>General Fund</b>				
<b>Revenues</b>				
Federal & State Revenues	243,598	137,218	1,078,514	(941,296)
Local Dues	196,273	201,550	201,550	0
Permit Fees	249,603	243,379	1,260,739	(1,017,360)
Other Revenues	7,310	17,896	50,000	(32,104)
<b>Total Revenue Received</b>	<b>696,784</b>	<b>600,044</b>	<b>2,590,803</b>	<b>(1,990,759)</b>
<b>Expenditures ^</b>				
Personnel Services	391,896	459,203	1,761,213	26%
Materials & Services	162,205	182,840	743,870	25%
Capital Improvements	0	53,324	130,000	41%
<b>Total Expenditures</b>	<b>554,101</b>	<b>695,367</b>	<b>2,635,083</b>	<b>26%</b>
<b>General Fund Net</b>	<b>142,683</b>	<b>(95,323)</b>		

	Prior Yr. Actuals FY 22-23 September 30, 2022	FY 23-24 September 30, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Special Revenue (Title V)</b>				
<b>Revenues</b>				
Permit Fees	424,246	594,144	515,417	78,730
Miscellaneous Revenue	0	0	0	0
<b>Total Revenue Received</b>	<b>424,246</b>	<b>594,144</b>	<b>515,417</b>	<b>78,730</b>
<b>Expenditures ^</b>				
Personnel Services	142,494	101,003	475,939	21%
Materials & Services	263	4,895	17,207	28%
Capital Outlay	0	0	0	0%
<b>Total Expenditures</b>	<b>142,757</b>	<b>105,898</b>	<b>493,146</b>	<b>21%</b>
<b>Special Revenue Net</b>	<b>281,489</b>	<b>488,246</b>		

	Prior Yr. Actuals FY 22-23 September 30, 2022	FY 23-24 September 30, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Grant Fund</b>				
<b>Revenues</b>				
EAP Tag 1 &2	7,092	125,821	1,403,000	(1,277,200)
Miscellaneous Revenue	0	0	1,403,001	(1,403,000)
<b>Total Revenue Received</b>	<b>7,092</b>	<b>125,821</b>	<b>1,403,000</b>	<b>(1,277,200)</b>
<b>Expenditures ^</b>				
Personnel Services	13,272	11,104	75,616	15%
Materials & Services	209,014	66,323	1,327,384	5%
Capital Outlay	0	1,937	0	0%
<b>Total Expenditures</b>	<b>222,286</b>	<b>77,427</b>	<b>1,403,000</b>	<b>6%</b>
<b>Grant Fund Net</b>	<b>(215,194)</b>	<b>48,394</b>		

	Prior Yr. Actuals FY 22-23 September 30, 2022	FY 23-24 September 30, 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Enterprise Fund (AirMetrics)</b>				
<b>Revenues</b>				
Sales: Portable Samplers PM2.5	75,700	94,500	243,000	(148,500)
Sales: Portable Samplers PM10	0	3,596	100,000	(96,400)
Sales: Portable Samplers TSP	0	0	50,000	(50,000)
Sales: Portable Samplers APM	0	0	50,000	(50,000)
Sales: Accessories	30,832	29,393	103,000	(73,600)
Sampler Rental Income	0	0	6,300	(6,300)
Sampler Calibration Fee	0	525	8,050	(7,500)
Interest, Misc. & Freight	2,138	4,074	23,289	(19,200)
<b>Total Revenue Received</b>	<b>108,670</b>	<b>132,088</b>	<b>583,639</b>	<b>(451,551)</b>
<b>Expenditures ^</b>				
Personnel Services	29,140	32,742	160,870	20%
Materials & Services	66,453	120,561	397,269	30%
<b>Total Expenditures</b>	<b>95,593</b>	<b>153,302</b>	<b>558,139</b>	<b>27%</b>
<b>Airmetrics Net</b>	<b>13,077</b>	<b>(21,215)</b>		



## **LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM**

**Date:** November 9, 2023

**To:** Bryan Cutchen, Chair, and LRAPA Board Members

**Department:** Administration

**From:** Trinidad Cardenas & Susannah Sbragia

**Subject:** AirMetrics Changes

### **STAFF REPORT**

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#### **ISSUE STATEMENT:**

Trinidad Cardenas has worked for our agency for 18 years and has done an excellent job as the sales and marketing manager for AirMetrics. The FTE to run this Enterprise Fund has been 1.0 with about a 0.3 FTE as financial support. Trinidad has announced he is leaving LRAPA. Due to many changes in the AirMetrics enterprise fund over the years and with ongoing change within LRAPA, staff have presented some options for the board to consider and then direct staff on the next steps for the enterprise.

#### **BACKGROUND:**

In the early 1990's, LRAPA, through contractual agreements, supported the development and field testing of the first prototype of the MiniVol to assess the local airshed in Lane County. The field test results were positive and garnered the interest of the U.S. Environmental Protection Agency (EPA), which later funded the production of additional units for further research and development. Encouraged by national interest in the MiniVol, LRAPA created AirMetrics as a government enterprise fund to manufacture and distribute portable air samplers.

In 1993, the EPA established the Saturation Monitor Repository to make saturation samplers more widely available to state, local, and tribal agencies. The repository consisted of 115 saturation samplers and support equipment, which agencies could borrow to conduct special field studies. By 1994 AirMetrics began selling the MiniVol to customers in the US and overseas and sought international representation. Throughout the years the MiniVol has been updated and improved due to market needs and customer requests. These updates also ensured the product remained competitive. The MiniVol TAS Model 5.0 is the latest version and current offering, this version of the sampler was launched in 2008. To date, AirMetrics has sold nearly 8,400 MiniVol and MiniVol TAS air samplers.

Today, the majority of sales are international with about 30% of the sales within the US. The sampler is no longer utilized by LRAPA directly. The enterprise fund has a history of up and down revenue and currently maintains about \$1.2 million in reserves. The current projection is that this sampler will remain a desired product for international companies for the next few years.

#### **GOING FORWARD:**

The board is faced with an opportunity to assess the next steps for AirMetrics. Staff research suggests



the following options.

### **Remain open and restructure the Enterprise Fund**

As the effects of the pandemic continue to decrease in overseas markets, sales of the MiniVol have begun to return to pre-pandemic conditions. In its current status, AirMetrics requires changes and restructuring in order to be successful and competitive. If the Board considers keeping Airmetrics operational, additional staff will be needed to adequately run the enterprise fund. In addition, with the majority of the sales occurring overseas, the fund will need strategies to build and maintain international business relationships.

### **Closing the Enterprise Fund**

Another consideration is to close the fund. Under this option, current enterprise funds—approximately \$1.2 million—would be transferred to LRAPA’s general fund. This would allow LRAPA to use those funds for other priority projects as they are unrestricted general fund dollars.

There are a few approaches to consider in closing AirMetrics. The assets could be sold to another entity who would be responsible for completing the one-year warranties of sold MiniVols. Alternatively, the Board may choose not to sell any assets and allow the hiring of a part-time employee to manage the duties and responsibilities of closing operations and finishing the final commitments MiniVols warranties.

### **MOTIONS OPTIONS:**

The Board can elect a few different options. Suggested options are listed below.

- Plan a work session to discuss in more detail.
- Choose to close The Enterprise Fund by selling the assets.
- Choose to close The Enterprise without selling the assets.
- Choose to keep The Enterprise open but change the model of operations going forward.
- Choose something different.

# LRAPA Board Report: Oakridge Air Program

## November 2023

### Coordination & Project Management

- **EPA EJ G2G grant:** The Oakridge Air team is excited to work on this additional grant project with LRAPA towards increasing community resiliency from smoke and wildfire hazards.
- **TAG 1.0 extension request:** We are still in the process of requesting a 1-year timeline extension for TAG 1.0 that will extend the grant period through November 2025.
- **Bedrock Fire smoke response:** The SWS/Oakridge Air team distributed additional Oregon Health Authority funded GrovPure purifiers and replacement filters during the Bedrock Fire, bringing the total # of GrovPure filters distributed to 1,378.
- **PNWIS conference presentation:** Travis & Grace presented an overview of the Oakridge Air program and lessons learned at the Pacific Northwest International Section of the Air and Waste Management Association's 63rd annual conference in October.

### Home Heating Upgrades

- **Home Energy Audits:** Thaddeus Carter, the Residential Upgrade Coordinator has begun conducting the pre and post home energy audits after Premium Efficiency ended their service as the auditor and another auditor that was selected through an RFP process proved unreliable.
- **Oakridge Air Admin Assistant:** SWS hired an admin assistant using TAG 1.0 funds to support the home heating upgrades and energy auditing to further expedite the process. LRAPA and Good Company/Parametrix were directly involved in the hiring process.
- **Cohort 6 started in Q3:** This is the first cohort that Thaddeus is conducting the full pre-audits for. Upgrades are still being completed in order from wood stove changeouts to electrical heating upgrades to weatherization work.
- **Program statistics**
  - Qualifications Questionnaires completed– 415
  - Homes in progress– 76
  - Homes with initial audits complete– 67
  - Complete– 40
  - After Action Reviews complete– 8
  - Homes where progress has stopped– 16
  - Homes with stopped progress that received pre-audit– 4
- **Change outs & upgrades completed to date:**
  - Wood stove– 44
  - Wood stove opt outs– 5
  - Electrical Heat– 44
  - Weatherization– 43
- **Chimney sweep vouchers and vendors:** Oakridge Air has partnered with 2nd Chance Roof & Chimney to pilot the chimney sweep voucher program and will be distributing 75 vouchers (valued at \$250) to eligible residents in the coming months. 18 chimney sweeps have been completed to date.

## Community Firewood Program

- **New local contractor operating the CFP:** In August a new local contractor, Brock's Wood Lot LLC, was hired to process and deliver wood for the firewood program. With the hire of Brock's Wood Lot, there has been improved communication, greater capacity for processing wood, and positive community reports on the quality of the wood they receive.
- **38 cords were delivered in Q2-Q3:** 84% of customers qualify as senior, disabled or on the home heating exempt list.
- **CFP equipment maintenance and repairs:** Brock's Wood Lot has been providing maintenance and requested some equipment repairs and small parts replacements that will be funded through the TAG 1.0 grant.

## Education and Outreach

- **Electronic message centers (readerboards):**
  - **The City of Oakridge readerboard** installed at the Fire Department in April was used for smoke messaging during the Bedrock Fire. It is also being used for home heating advisories and prescribed fire smoke. LRAPA and Oakridge Air have access to create and post smoke messaging.
  - **The Oakridge School District readerboard** was installed in Q3 at the Oakridge High School and will also be used to share smoke messaging.
- **Oakridge Air Ambassador Program:** Since the program launched earlier this year, Oakridge Air Ambassadors have shared their support and willingness to spread the word about Oakridge Air's programs to their neighbors and fellow community members.
- **Community meetings and events:**
  - SWS and Oakridge Air partners hosted the third annual **Wildfire Safety Night** on July 14th.
  - Oakridge Air attended the **Oakridge School District resource fair**, where the primary outreach centered around Home Heating Upgrades and chimney sweeps.
  - Oakridge Air also attended the **Oakridge Police Department's National Night Out** event.
- **Woodshed program with Oakridge High School CTE:** Wood sheds are in production thanks to the Junior/Senior High woodshop class.
  - 13 sheds have been delivered so far in 2023 and 18 were delivered in 2022 for a total of 31.
  - Seven additional sheds were just constructed and will be delivered to community members shortly.
  - TAG 2.0 has funding for approximately 150 sheds.
- **University of Oregon research project continues:**
  - In Q3, Oakridge Air partnered with UO to launch a survey to help understand public perception of smoke in the community and community satisfaction with smoke communications.
  - After initial survey launch, internet bots interfered with the survey so it was taken offline and restructured with additional security features before being relaunched to the community.
  - Results of the survey are expected to be completed and analyzed in Q4.





## **LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM**

**To:** Bryan Cutchen, Chair and LRAPA Board Members

**From:** Travis Knudsen, Public Affairs Manager

**Date:** November 9, 2023

**Subject:** Title 47 Outdoor Burning Rules – Request for Hearing Authorization

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### **ISSUE STATEMENT**

The LRAPA outdoor burning rules need to be revised and updated. Staff is proposing to amend Title 47 – Outdoor Burning of the LRAPA Rules and Regulations. The purpose of these amendments is to include language that aligns the outdoor burning periods allowed by the City of Lowell with LRAPA's title 47 requirements, as well as formatting updates and clarifying changes.

### **BACKGROUND INFORMATION**

The LRAPA outdoor burning rules have been revised and updated several times since 1968, most recently in October 1999, October 2001, February 2008, October 2017, and April 2018. Potential rule revisions were discussed with the LRAPA Board and Citizens Advisory Committee over the past few months. LRAPA also met with the City of Lowell to discuss the changes made to their city code. Staff has demonstrated that the changes will not cause or contribute to an exceedance of any federal ambient air quality standard. Even though the burning season has been expanded by the City of Lowell under their city code, burning would still be restricted by LRAPA based on the Agency's approved burn days.

LRAPA staff has drafted a redline-strikeout version with these draft changes seen in Attachment A. The proposed amendments are also summarized in the crosswalk table of Attachment B. The notice of proposed rulemaking for Title 47 is included at Attachment C. Finally, Lowell's city ordinance adopted by the City's Council is included as Attachment D.

### **OPTIONS FOR CONSIDERATION**

The Board has at least three options:

1. Authorize a public hearing on the proposed revisions to the LRAPA Title 47 Outdoor Burning Rules for the January 11, 2024 Board meeting.
2. Direct additional changes to the proposed rules before authorization of a public hearing at a later date.
3. Not authorize a public hearing or consider revisions to the Title 47 rules.

### **STAFF RECOMMENDATION**

LRAPA staff recommends that the Board authorize a public hearing on the proposed outdoor burning rule revisions for the January 11, 2024 Board meeting.



### **SUGGESTED MOTION**

I MOVE TO APPROVE THE ABOVE STAFF RECOMMENDATION.

### **ATTACHMENTS**

Attachment A – Proposed revisions to LRAPA Title 47 Outdoor Burning Rules (redline version).

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

Attachment C – Notice of proposed rulemaking for Title 47

Attachment D – Lowell’s city ordinance adopted by the City’s Council on January 3, 2024.

# LANE REGIONAL AIR PROTECTION AGENCY

## TITLE 47

### OUTDOOR BURNING

Outdoor burning in compliance with the sections in LRAPA ~~Title-title~~ 47 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

#### **Section 47-001 General Policy**

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

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

#### **Section 47-005 Exemptions from LRAPA Title 47**

- (1) Statutory exemptions. Due to Oregon statutory exemptions, this title does not apply to the following:
  - (a) The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in paragraph 47-015(1)(e) must not be used as fuel.
  - (b) Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.
  - (c) Agricultural outdoor burning conducted pursuant to ORS 468A.020. Agricultural outdoor burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
  - (d) Outdoor burning on forest land permitted under the Oregon Department of

(2) Other exemptions.

- (a) Recreational fires are allowed when set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and campgrounds). Prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#), woody yard trimmings, leaves and grass clippings must not be burned. Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA. ~~[NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM THE OREGON DEPARTMENT OF FORESTRY AND THE STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.]~~ *[Note: Local ordinances from municipalities, rules from local fire districts, and rules from the Oregon Department of Forestry and the State Fire Marshal may be more prohibitive.]*
- (b) Outdoor barbecuing connected to a group outing, festival, fair or similar occasion when food is cooked by a fire that is sized proportionally to the amount of food being cooked, is allowed, except that prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#), woody yard trimmings, leaves, grass clippings, commercial, industrial, construction, and demolition waste must not be burned.

Religious ceremonial fires as defined in [section 47-010](#) are allowed. Prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#), woody yard trimmings, leaves and grass clippings must not be burned. Larger fires would be required to be permitted under the “Bonfire” requirement.

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

**Section 47-010 Definitions**

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

- (1) \_\_\_\_\_ "Agricultural outdoor burning" means the outdoor burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.
- (2) \_\_\_\_\_ "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and the sale of crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction and use of dwellings or structures customarily provided in conjunction with the agricultural operation.

(3) ——— "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in [paragraph 47-015\(1\)\(e\)](#).

"Bonfire" means a controlled outdoor fire (combustible pile larger than [three \(3\)](#) feet in diameter and [two \(2\)](#) feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#) ~~shall~~must not be burned. Bonfires may include clean woody construction/demolition/commercial material.

(4) ——— "Commercial outdoor burning" means the outdoor burning of "commercial wastes," which are materials ~~actually~~ generated or used by a commercial operation including removed and transported materials, and excluding those materials described in [paragraph 47-015\(1\)\(e\)](#).

(5) ——— "Construction outdoor burning" means the outdoor burning of "construction wastes," which are materials ~~actually~~ resulting from or produced by a building or construction project, excluding those materials described in [paragraph 47-015\(1\)\(e\)](#). The outdoor burning of construction waste materials ~~which are actually~~ resulting from or produced by a building or construction project, excluding those materials described in [paragraph 47-015\(1\)\(e\)](#), that are transported from tax lot of origin is ~~C~~commercial outdoor burning.

(6) ——— "Demolition outdoor burning" means the outdoor burning of "demolition wastes," which are materials ~~actually~~ resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in [paragraph 47-015\(1\)\(e\)](#). The outdoor burning of demolition waste materials ~~which are actually~~ resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in [paragraph 47-015\(1\)\(e\)](#), that are transported from tax lot of origin is ~~C~~commercial outdoor burning.

(7) ——— "Eugene and Springfield Urban Growth Boundaries" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

(8) ——— "Forest slash outdoor burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash outdoor burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.

(9) ——— "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.

- (10) ——— "Industrial outdoor burning" means the outdoor burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in [paragraph 47-015\(1\)\(e\)](#).
- (11) ——— "Land clearing" means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation.
- (12) ——— "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.
- (13) ——— "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. (See [Title-title 12](#) of LRAPA's Rules and Regulations)
- (14) ——— "Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels, incinerators which do not meet emission limitations specified in [Title-title 30](#) of LRAPA's Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
- (15) ——— "Outdoor Burning Letter Permit (OBLP)" means an authorization issued pursuant to [Section-section 47-020](#) to burn select materials at a defined site and under certain conditions.
- (16) ——— "Recreational fire" means a small fire (combustible pile no larger than [three \(3\)](#) feet in diameter and [two \(2\)](#) feet in height), limited to campfires or fires lit in [chimineas](#), patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in [paragraph 47-015\(1\)\(e\)](#).
- (17) ——— "Religious ceremonial fire" means a small, controlled outdoor fire (combustible pile no larger than [three \(3\)](#) feet in diameter and [two \(2\)](#) feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in [paragraphSection 47-015\(1\)\(e\)](#) ~~shall~~[must](#) not be burned.
- (18) ——— "Residential outdoor burning" means the outdoor burning of clean, woody yard trimmings which are ~~actually~~ generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials ~~actually~~ generated in or around a dwelling of more than four (4) family living units are commercial wastes.
- (19) ——— "Responsible person" means each person who is in ownership, control, or custody

of the property on which the outdoor burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows outdoor burning to be initiated or maintained.

(20) ~~\_\_\_\_\_~~ "Salvage" as used in ~~Title~~title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.

(21) ~~\_\_\_\_\_~~ "Woody Yard Trimmings" means woody limbs, branches and twigs with any attached leaves which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

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

### **Section 47-015 Outdoor Burning Requirements**

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

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

(b) ~~(b)~~ A responsible person ~~to~~must promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations or of any permit issued by ~~the Agency~~LRAPA.

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

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

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

(f) ~~(f)~~ To promote efficient burning and prevent excessive emissions of smoke, each responsible person ~~shall~~must assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.

(g) ~~(g)~~ No person ~~shall~~may cause, or allow to be initiated or maintained, any outdoor



burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to ~~Oregon Administrative Rules (OAR) 340-094093-00400050~~. ~~The AgencyLRAPA shall~~must be notified by the responsible person prior to such burning.

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

~~(i)~~ ~~(i)~~ — Burning in ~~a burn barrel~~barrels is prohibited.

## (2) Residential Outdoor Burning Requirements

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

~~(a)~~ ~~(a)~~ — Residential outdoor burning is allowed only on approved burning days with a valid fire permit (if required by fire district). The start and end times for burning vary and are set as part of the daily burning advisory issued by ~~the AgencyLRAPA~~.

~~(b)~~ ~~(b)~~ — Outdoor burning within Eugene city limits is prohibited.

~~(c)~~ ~~(c)~~ — Outdoor burning outside the Eugene city limits but within the Eugene Urban Growth Boundary is prohibited except outdoor burning of woody yard trimmings is allowed on lots of two (2) acres or more on approved burn days from March 1 through June 15 and October 1 through October 31.

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

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

~~(f)~~ ~~(f)~~ — Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15 and October 1 through October 31.

~~(g) — Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.~~

~~(g)~~ Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through



June 15.

- (h) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:

- (A) (1) Bailey-Spencer RFPD
- (B) (2) Coburg Fire District
- (C) (3) Dexter RFPD west of the Willamette Meridian
- (D) (4) Eugene RFPD #1
- (E) (5) Goshen Fire District
- (F) (6) Hazeldell RFPD
- (G) (7) Junction City RFPD
- (H) (8) Lane County Fire District #1 (Lane Fire Authority)
- (I) (9) Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
- (J) (10) Lowell RFPD
- (K) (11) McKenzie Fire & Rescue outside the Eugene and Springfield Urban Growth Boundaries
- (L) (12) Mohawk Valley RFPD
- (M) (13) Monroe RFPD, that portion within Lane County
- (N) (14) Oakridge Fire & EMS
- (O) (15) Pleasant Hill RFPD
- (P) (16) Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries
- (Q) (17) Siuslaw Valley Fire & Rescue
- (R) (18) South Lane County Fire & Rescue
- (S) (19) Westfir Fire Department
- (T) (20) Willakenzie RFPD
- (U) (21) Zumwalt RFPD

- (i) Residential outdoor burning of woody yard trimmings and leaves is allowed in Lane County, outside of the affected areas defined in paragraph 47-015(2)(b) through (i) of this section, on approved burn days from October 1 through June 15. *(Note: Some fire districts require burning permits. Fire districts may restrict burning whenever fire danger dictates. Persons wishing to conduct residential outdoor burning should check first with their fire district.)*

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

(3) Construction/Demolition Outdoor Burning Requirements

(a) Construction/demolition outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.

(b) ~~(b)~~—Construction/demolition outdoor burning is prohibited inside the affected areas described in paragraph 47-015(2)(i), unless authorized pursuant to title 47-020.

(c) ~~(e)~~—Construction/demolition outdoor burning is allowed elsewhere in Lane County, subject to the general requirements of subsection 47-015(1).

#### (4) Commercial Outdoor Burning Requirements

(a) Commercial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.

(b) Commercial outdoor burning is prohibited elsewhere, unless authorized pursuant to section 47-020.

#### (5) Industrial Outdoor Burning Requirements

(a) Industrial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.

(b) ~~(b)~~—Industrial outdoor burning is prohibited elsewhere, unless authorized pursuant to section 47-020.

#### (6) Forest Slash Outdoor Burning

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

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

(A) ~~(A)~~—Forest slash outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.

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

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

*Section 47-015 Amended 03/14/08 (Amended 10/12/17)(Amended 04/12/18) (Amended 01/11/24)*

### **Section 47-020 Outdoor Burning Letter Permits (OBLP)**

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

~~(6)~~ ~~(6)~~—Upon receipt and review of the required information, ~~the AgencyLRAPA~~ may approve the application if it is satisfied that:

~~(a)~~ ~~(a)~~—The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists;

~~(b)~~ ~~(b)~~—The proposed burning will not cause or contribute to significant degradation of air quality; and

~~(c)~~ ~~(e)~~—There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.

~~(7)~~ ~~(7)~~—~~The AgencyLRAPA~~ may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:

~~(a)~~ ~~(a)~~—Any material misstatement or omission in the required application information;

~~(b)~~ ~~(b)~~—If the conditions of the permit are being violated;

~~(c)~~ ~~(e)~~—Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree; and

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

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

~~(9)~~ ~~(9)~~—Each letter permit issued by ~~the AgencyLRAPA~~ pursuant to this title ~~shall will~~ contain at least the following elements:

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

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

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

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

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

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

~~(g)~~ ~~(g)~~—A statement that ~~Section-subsection~~ 47-015(1) is fully applicable to all

burning under the permit;

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

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

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



## Crosswalk of Proposed Revisions to LRAPA Title 47 Outdoor Burning

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
<b>General Revisions to Title 47</b>				
<b>Revisions to Section Numbering and Section Titles</b>				
	Throughout		Minor formatting updates and changes.	To provide consistent formatting and style across LRAPA titles.
	47-015 (2) Residential Outdoor Burning Requirements		Removing 2 (g) in its entirety will affect the current numbering. Reformatting will need to be completed as necessary.	Reformatting
	47-015 (2) Residential Outdoor Burning Requirements		<p>Remove (2) (g) <del>Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.</del></p> <p>Add language to (2) h: Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, <u>Lowell</u>, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.</p>	The City of Lowell revised their code to allow for residential outdoor burning from October 1 through June 15. The change is now in conflict with Title 47 language and this revision will eliminate the inconsistency.



Lane Regional Air Protection Agency

# Notice of Proposed Rulemaking

## December 1, 2023

Lane Regional Air Protection Agency (LRAPA) Rules and Regulations Title 47 Outdoor Burning 2024

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules - Edits Highlighted
- Draft Rules - Edits Included (final clean version)

### Note for Readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

- Click on the "Windows" item in the top ribbon
- Click on "New Window"
- A second copy of the PDF will open in a new window

### Or:

- Click on "File" in the top ribbon
- Click on "Open" in the top ribbon
- Double click on the name of the PDF you want to open
- A second copy of the PDF will open in a separate tab in the same window

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# Introduction

LRAPA and DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules via changes to LRAPA Rules and Regulations Title 47 Outdoor Burning.

## Request for Other Options

During the public comment period, LRAPA staff asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

## Overview

### Short summary

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

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

## Procedural Summary

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

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

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

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

## **BACKGROUND**

**Board Action History.** The LRAPA outdoor burning rules have been revised and updated several times since 1968, most recently in October 1999, October 2001, February 2008, and October 2017. Potential rule revisions were discussed with the LRAPA Board and Citizens Advisory Committee over the past few years. The Board held a public hearing on 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. A public hearing was held on February 8, 2018 which allowed further review by the LRAPA Citizens Advisory Committee at their January 30, 2018 meeting. The Board adopted the agreed upon acreage changes after the second public hearing at their April 12, 2018 meeting with the changes effective on October 1, 2018.

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

## **More information**

Information about this rulemaking is on this rulemaking's web page: [www.lrapa.org](http://www.lrapa.org)

## **Public Hearings**

LRAPA was granted authority to act as hearings officer and staff plans to hold one public hearing. Anyone can attend a hearing in person, or by webinar or teleconference.

Date: January 11, 2024

Start time: 12:30PM

Street address: 1010 Main Street

Room: Large LRAPA Conference Room

City: Springfield, Oregon 97477

Teleconference phone number: +1 253 215 8782

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

## How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

### Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA receives in writing by 5:00 p.m., on January 10, 2024, along with oral comments made at the time of the public hearing at 12:30PM on January 11, 2024.

### Submit comment online

Any person can submit comments online by going to this rulemaking's web page: [www.lrapa.org](http://www.lrapa.org) or via email to [permitting@lrapa.org](mailto:permitting@lrapa.org)

### Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

### By mail

LRAPA  
Attn: Travis Knudsen  
1010 Main Street  
Springfield, OR 97477

**At hearing**  
**January 11, 2024**

### Sign up for rulemaking notices

Get email or updates about this rulemaking or other agency activities by joining the General News & Updates email listserv: [https://www.lrapa.om/air-gualit\)-protection/public-calendar/sign-up-for-updates/](https://www.lrapa.om/air-gualit)-protection/public-calendar/sign-up-for-updates/)

### What will happen next?

Following adoption by the LRAPA Board, LRAPA staff will include a written response to comments in a staff report and will submit the informational packet the Environmental Quality

Commission (EQC). LRAPA staff may modify the rule proposal based on the comments. The EQC will then consider and adopt the rule changes. Following that state adoption the rules are forwarded to the Environmental Protection Agency (EPA) for publication into the federal register.

# **Statement of need**

## **What need would the proposed rule address?**

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

## **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<sub>2.5</sub> National Ambient Air Quality Standards in Lane County.

## **How will DEQ know the rule addressed the need?**

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 PM<sub>10</sub> and PM<sub>2.5</sub> air quality health standards, reduced impacts of residential outdoor burning on neighbors and fewer public complaints.

# Rules affected, authorities, supporting documents

## Lead division

Operations

## Program or activity

Outdoor Burning

## Chapter 340 action

Amend OAR 340-200-0040

## Other authority

LRAPA title action

Amend LRAPA Title 47 Outdoor Burning

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

## Documents relied on for rulemaking

Document title	Document location
Code of Federal Regulations	<a href="http://www.nno.aov/fdsvs/browse/collectionCfr.action?collectionCode=CFR">http://www.nno.aov/fdsvs/browse/collectionCfr.action?collectionCode=CFR</a>
Federal Register	<a href="http://www.aoo.aov/fdsvs/browse/collection.action?collectionCode=FR">http://www.aoo.aov/fdsvs/browse/collection.action?collectionCode=FR</a>
Oregon Administrative Rules	<a href="https://secure.sos.state.or.us/oard/disolavChapterRules.action?selectedChanter=80">https://secure.sos.state.or.us/oard/disolavChapterRules.action?selectedChanter=80</a>
Oregon Revised Statutes	<a href="https://www.oreaon.aov/idea/Reaulations/Paaes/statutes.asox">https://www.oreaon.aov/idea/Reaulations/Paaes/statutes.asox</a>
LRAPA Rules and Regulations	<a href="https://www.lrana.orn/air-nuality-nrotection/about-lraoa/reaulations-rules/">https://www.lrana.orn/air-nuality-nrotection/about-lraoa/reaulations-rules/</a>

# Fee Analysis

This rulemaking does not involve fees.

# **Statement of fiscal and economic impact**

## **Fiscal and Economic Impact**

The proposed rule changes have no measurable fiscal and economic impact due to the small, affected area and negligible costs of burning versus alternative methods of disposal during a short time period.

## **Statement of Cost of Compliance**

### **State agencies**

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

### **Local governments**

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

### **Public**

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

### **Large businesses - businesses with more than 50 employees**

### **Small businesses - businesses with 50 or fewer employees**

#### **ORS 183.336 - Cost of Compliance for Small Businesses**

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

The proposed rulemaking affects no known small businesses.

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



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

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

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

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

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

## **Documents relied on for fiscal and economic impact**

<b>Document title</b>	<b>Document location</b>
Code of Federal Regulations	<a href="http://www.ggo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR">http://www.ggo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR</a>
Federal Register	<a href="http://www.ggo.gov/fdsys/browse/collection.action?collectionCode=FR">http://www.ggo.gov/fdsys/browse/collection.action?collectionCode=FR</a>
Oregon Administrative Rules	<a href="https://www.oregon.gov/deg/Regulations/Pages/statuses.aspx">https://www.oregon.gov/deg/Regulations/Pages/statuses.aspx</a>

## **Advisory committee fiscal review**

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

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

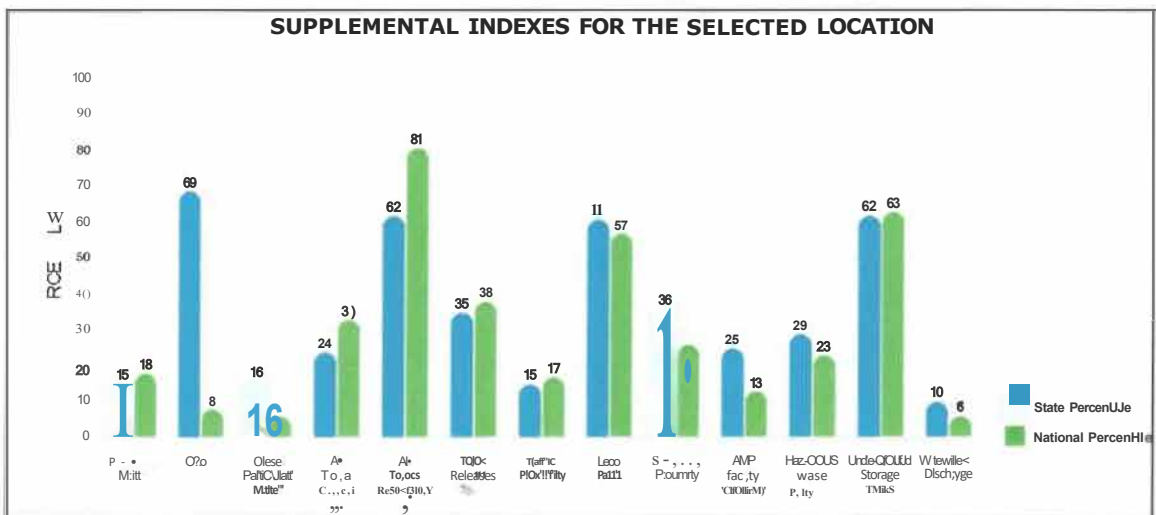
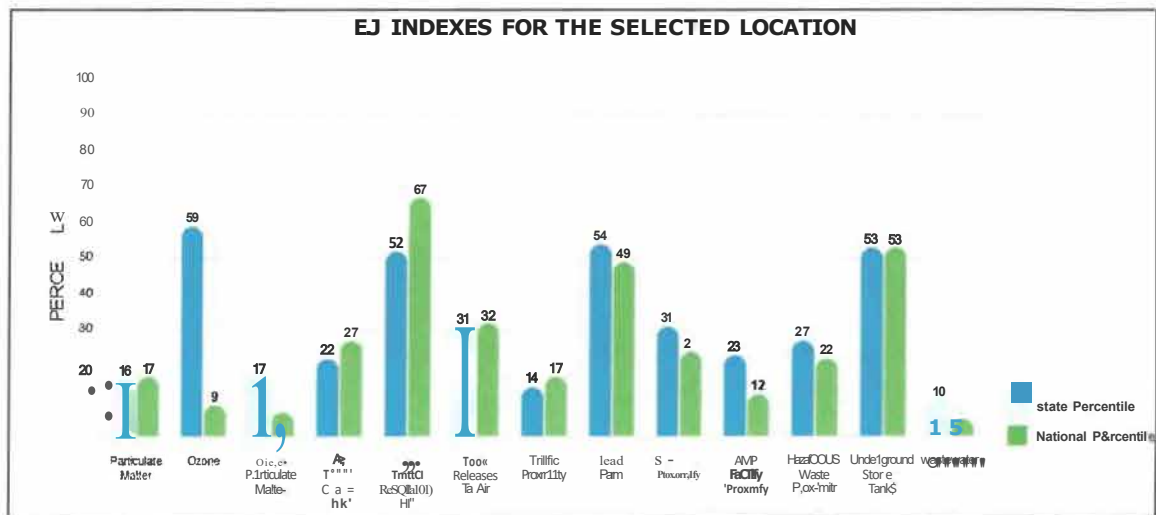
# Racial Equity

The adoption of this rule will not affect racial equity in this area of the state.

# Environmental Justice Considerations

## *Environmental Justice analysis*

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



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

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

LRAPA will continue to monitor air quality in the regional airshed using existing regulatory monitors in Springfield as well as a low-cost sensor installed at the school to track any increases in PM2.5 levels during the allowed winter burning period. If concerning trends emerge, LRAPA will re-evaluate the expanded burning allowances to ensure protection of public health for all Lowell residents.

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

## **Federal relationship**

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

### **What alternatives did DEQ consider if any?**

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

# Land use

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

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

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

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

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

Statewide goals also specifically reference the following DEQ programs:

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

## NAAQS considerations

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

standards while accommodating controlled outdoor burning during the winter months in Lowell.

1. The Oregon Department of Environmental Quality (DEQ) perspective on NAAQS:

[The Oregon Department of Environmental Quality's (DEQ) perspective on this rule change and state efforts/rules that protect NAAQS statewide.]

2. Established Curtailment Program:

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

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

3. Daily Burning Advisory:

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

4. Air Quality and Fire Season Restrictions:

The cooperation between LRAPA and the Lane County Fire Defense Board, as well as the Oregon Department of Forestry (ODF) local fire protection agencies in issuing temporary burn restrictions during different seasons further exemplifies the concerted effort to maintain air quality. LRAPA's air quality restrictions are proactive, curbing residential outdoor burning when stagnant air and poor ventilation

conditions prevail. Additionally, fire hazard restrictions by local fire agencies, although primarily aimed at fire prevention, also contribute to controlling outdoor burning, especially during summer and early fall, when fire risks are high.

5. Types of LRAPA Permitted Outdoor Bums:

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

### **Conclusion**

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

### **Determination**

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

## **EQC Prior Involvement**

LRAPA staff did not present additional information specific to this proposed rule revision.



# Advisory Committee

## Background

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

Weblink: Public Oversight ILane Regional Air Protection Agency (lrapa.org)

<https://www.lrapa.org/air-quality-protection/about-lrapa/public-oversight/>

The committee members were:

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

## Meeting notifications

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

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

## Committee discussions

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

V. Rulemaking-Title 47 Review

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

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

## Public Engagement

### Public notice

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

- On November 15, 2023 Filing notice with the Oregon Secretary of State for publication in the December Oregon Bulletin;
- Notifying the EPA by mail;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: <https://www.lrapa.org/air-quality-protection/public-calendar/>
- Emailing: Send email to list of those who subscribe to our Public Notices category on our email listserv <https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/>
- Emailing the following key legislators required under [ORS 183.335](#):
  - o Cedric R Hayden
  - o Paul Holvey
  - o Boomer Wright
  - o Marty Wilde
- Posting on the LRAPA event calendar: [LRAPA Calendar](#)

### How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

#### Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA staff receives by 5:00 p.m., on January 10, 2024 in writing and oral comment will be received at the public hearing on January 11, 2024 at 12:30 p.m., written comments can be emailed to [rulemaking@lrapa.org](mailto:rulemaking@lrapa.org)

### **Submit comment email**

Any person can submit a written comment to this email: [rulemaking@lrpa.org](mailto:rulemaking@lrpa.org)

### **Note for public university students:**

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

### **By mail**

Lane Regional Air Protection Agency (LRAPA)  
Attn: Travis Knudsen  
1010 Main Street  
Springfield, OR 97477

### **At hearing**

**January 11, 2024 at 12:30P.M.**

## **Public Hearing**

LRAPA plans to hold one public hearing.

**The public hearing is online and by teleconference only.**

Anyone can attend a hearing by webinar or teleconference.

Date: January 11, 2024  
Start time: 12:30PM  
Street address: 1010 Main Street  
Room: Large LRAPA Conference Room  
City: Springfield, Oregon 97477  
Teleconference phone number: +1 253 215 8782  
Webinar link: <https://us02web.zoom.us/j/82551664224>

LRAPA will consider all comments and testimony received before the closing of the public hearing. LRAPA will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

# Accessibility Information

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

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

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

## Supporting documents

Attachment A - Proposed revisions to LRAPA Title 47 Outdoor Burning Rules (redline version).

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

## Draft Rules - Edits Highlighted

g. ~~Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from March 1 through May 31 and October 1 through October 31.~~

g. Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.

**NOTE:** Minor, non-substantive format changes are applied throughout the title.

## **Draft Rules - Edits Included**

- h. Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.

**CITY OF LOWELL, OREGON**

**ORDINANCE 308**

**AN ORDINANCE TO AMEND SECTION S.106 OF THE LOWELL  
REVISED CODE RELATING TO OPEN BURNING.**

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**The City of Lowell ordains as follows:**

**Section 1. That Sec. 5.106(b)(2) of the Lowell Revised Code is amended to read as follows.**

**(2) Recreational fires no larger than three feet in diameter and two feet in height using manufactured logs or clean, dry, natural firewood as fuel. This is limited to fires in chimneys, patio fireplaces, fire pits, or other similar devices on private property.**

**Section 2. That Sec. 5.106(b)(3) of the Lowell Revised Code is amended to read as follows.**

**(3) Religious ceremonial fires that burn legal materials in a controlled outdoor fire. A LRAPA permit and LRFD authorization are required if the religious ceremonial fire is larger than three feet in diameter and two feet in height**

**Section 3. That Sec. 5.106(b)(4) of the Lowell Revised Code is amended to read as follows.**

**(4) The residential outdoor burning season is October 1 through June 15, with the following restriction:**

- A. Residential outdoor burning is allowed only on LRAPA approved burning days. The start and end times for burning vary and are set as part of the daily burning advisory by LRAPA.**
- B. Outdoor burn piles must be extinguished by the end time set by LRAPA.**
- C. The total fuel area must be no more than four feet in width by four feet in length by four feet in height**
- D. Open flames are prohibited on or within twenty-five feet of any structure or within fifteen feet of a fence.**



- E. Vegetation must be cleared a minimum of six feet around piles prior to burning.
- F. A garden hose connected to a water supply must be readily available to extinguish the fire.

Adopted by the City Council of the City of Lowell this ..2. day of February ~~2022~~ <sup>2023</sup>.

AYES: J

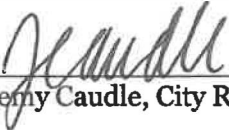
NOES: L

APPROVED:



Don Bennett, Mayor

AITEST:



Jeremy Caudle, City Recorder

First reading: 12 / 1 2 2 t,

Second reading: 1 / U 2 P: 1. 3

Adopted: 1 / 1 2 1 2 3

Signed: 1 / 1 2 1 1

Effective date: 2 / 1 / 2 0 2 1



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## Director's Report for October 2023

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Meeting Date: November 9, 2023  
Department: Director's Office  
[www.lrapa.org](http://www.lrapa.org)

Agenda Item No. 10  
Staff Contact: Susannah Sbragia  
541-736-1056 ext. 209

### OCTOBER 2023 AQI CHARTS AND STATS:

Site	Date	Max AQI	Pollutant
Eug/Spfld	31-Oct-23	100	PM
Oak	29-Oct-23	61	PM
CottGrv	30-Oct-23	63	PM

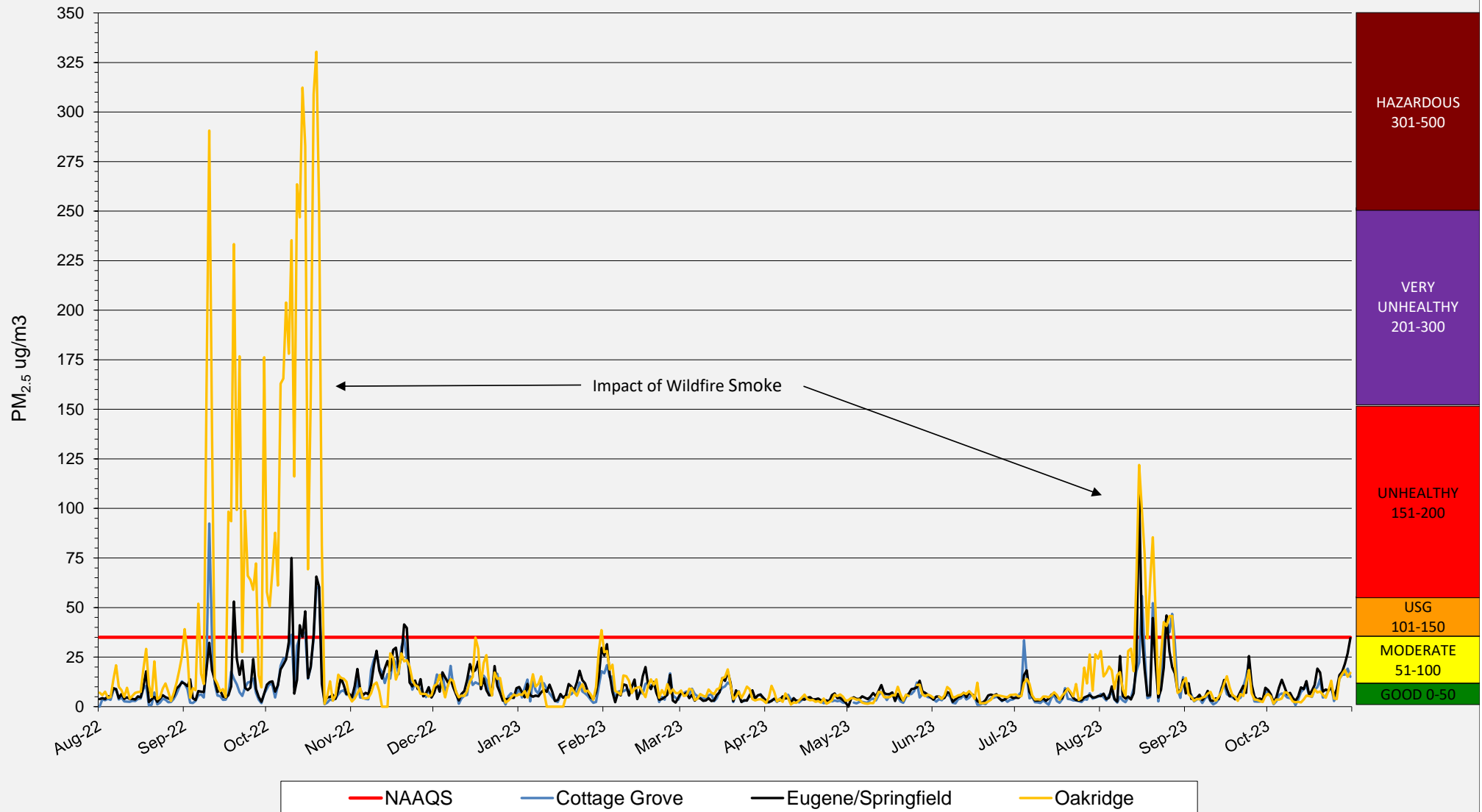
AQI	Eug/Spfld	Oak	CottGrv	AQI Range	PM2.5 Range, ug/m3
Good	20	27	24	0-50	0-12
Moderate	11	4	7	51-100	12.1-35.4
USG	0	0	0	101-150	35.5-55.4
Unhealthy	0	0	0	151-200	55.5-150.4
Very Unhealthy	0	0	0	201-300	150.5-250.4
Hazardous	0	0	0	301-500	250.5-500

Attachment No. 1: Air Quality Index (AQI) charts for Lane County (October 2023)

Attachment No. 2: PM2.5 index charts for Lane County (October 2023)

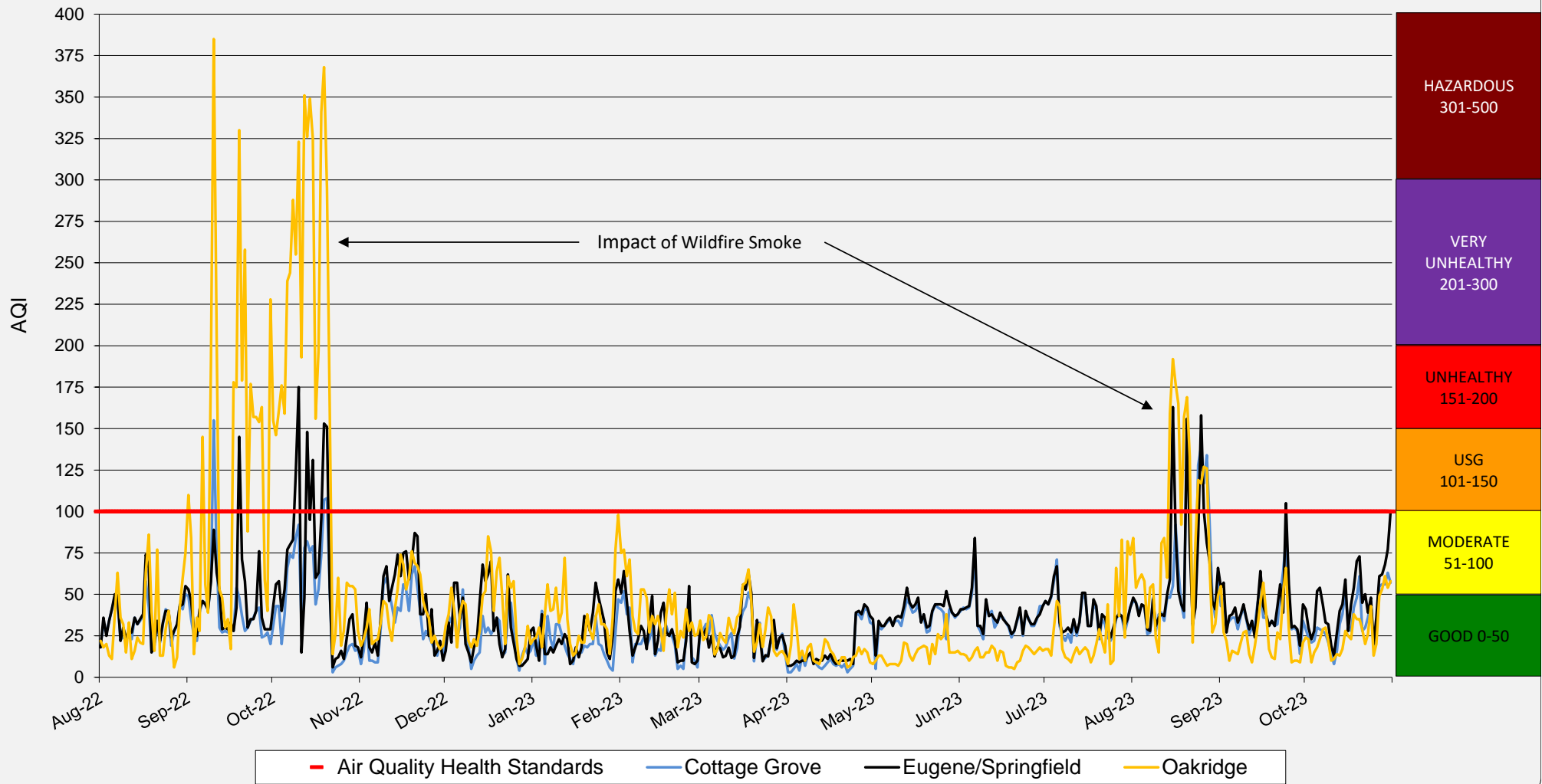
# Daily PM2.5 Levels

Daily Sampling, NAAQS Exceedance is Triggered on the 8th High



# Daily Air Quality Index Chart

This 15-month chart demonstrates the seasonality of the pollutants.



**COMPLAINTS RECEIVED: October 2023**

<b>Smoke complaints:</b>
32 – Outdoor Burning
1 – Ecological Burn
1 – Home Wood Heating
<b>Industry:</b>
11 – International Paper (1 confirmed, 10 under investigation)
1 – Pacific Recycling
1 – Knife River
<b>Miscellaneous complaints:</b>
6 - Unknown Odor
2 – Marijuana Odor
1 – Albertsons Generator Odor
<b>56 Total</b>

Calendar year 2023 compares to previous years:

<b>Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>*2023</b>
Dust	26	15	17	26	12	7
Ag Burning / Spraying	0	6	2	7	2	3
General Air Quality	6	12	4	8	1	22
Home Wood Heating	126	128	74	57	67	37
Industry	50	170	100	336	198	82
Outdoor Burning	351	402	423	243	292	220
Slash Burning	24	16	12	10	6	10
Miscellaneous	66	67	59	40	102	56
Unknown	29	39	74	71	45	52
<b>Total</b>	<b>678</b>	<b>855</b>	<b>765</b>	<b>798</b>	<b>725</b>	<b>489</b>

**\* Year-To-Date**

## NEW/OPEN ENFORCEMENT ACTIONS STATUS REPORT

### October 2023

#### NEW ENFORCEMENT:

No new enforcement actions.

#### ACTIONS PERFORMED:

1. ANDREASON'S CREMATION & BURIAL SVCR (SPRINGFIELD) 320 NORTH 6<sup>TH</sup> STREET
  - A. They agreed to the penalty and will be sending the \$1,400 payment.

#### ENFORCEMENT STATUS:

Category of Violation	New	Follow-Up Action	Pending	Closed	Total
Asbestos	-	-	3	-	3
Industrial	-	1	3	-	4
Outdoor Burning	-	-	1	-	1
Fugitive Dust	-	-	-	-	-
Home Wood Heating	-	-	-	-	-
<b>Totals</b>	-	1	7	-	8

The complete enforcement report document is published on [LRAPA's Publication Reports and Factsheets webpage](#).

Calendar year 2023 compares to previous years:

Year	2018	2019	2020	2021	2022	*2023
<b>Notices of Non-compliance and Warnings</b>	41	55	15	21	24	16
<b>Notices of Violation with Civil Penalties</b>	43	37	26	17	24	13

\* Year-To-Date.

#### OUTDOOR BURNING LETTER PERMITS:

Letter Permit (OBLP) issued.

1. Craig Crocker, Lowell, to burn 50 cubic yards of Land Clearing debris
2. Robin Heide, Veneta, to burn 15 cubic yards of Land Clearing debris.
3. JAL Construction Bend, Swisshome, to burn 50 cubic yards of Commercial debris
4. Staffordshire HOA, Eugene, to burn 20 cubic yards of Land Clearing debris

#### ASBESTOS ABATEMENT:

Received 44 notices of asbestos removal projects, none of which were schools.

Calendar year 2023 compares to previous years:

Year	2018	2019	2020	2021	2022	*2023
Total Asbestos Abatement Notices	428	488	439	408	465	411
School Asbestos Abatement Notices (NESHAP)	24	16	25	20	16	15
Number of Asbestos Abatements Inspected	770	94	93	104	115	79

\* Year-To-Date.

#### PERMITTING (TITLE V AND ACDP):

LRAPA currently permits 14 Title V sources and approximately 275 Air Contaminant Discharge Permit (ACDP) sources. Below are the total numbers of permit activities that are new, renewals, modifications, construction approvals, registration applications, terminated and/or total issued permits the Operations staff currently have in process.

#### Permits placed on public notice

1. SFPP, Renewal, Title V
2. 9 Wood, New Title V
3. Arclin, Renewal, ACDP
4. McFarland, Mod, ACDP
5. International Paper, under review EPA, Title V

Category of Permit Activity	Title V	ACDP	Registration	Total Active
New	1	5	-	6
Renewals	5	9	-	14
Modifications	1	2	-	3
Constructions	-	-	-	-
Registrations	-	-	-	-
Terminated Permits	-	-	-	-
Total Issued Permits Year-to-date	5	43	-	48

#### PUBLIC AFFAIRS, MONTHLY SUMMARY

### Smoke management from wood stoves, outdoor burning, and wildfires:

The fall outdoor burning season was shortened this year due to curtailment under the authority of the Oregon Department of Forestry and the Lane County Fire Defense Board. Outdoor burning resumed October 11th and ended by rule on October 31st.

Home wood heating season began October 1 and LRAPA has published daily green, yellow, red home wood heating advisories for Eugene, Springfield, and Oakridge on the website.

### Public outreach efforts and events:

- Jerry's Fire Safety Saturday, October 7, 2023, | 10:00 am – 2:00 pm where LRAPA staff handed out air quality fliers and engaged with the public to discuss the importance of air quality.
- LRAPA's Public Affairs Manager attended a lecture at the University of Journalism and presented the Air Quality Index.
- LRAPA participated in a collaborative presentation between Oregon Department of Energy, Good Company – a division of Parametrix, and LRAPA, at the 12th Northwest Climate Conference (NWCC) hosted virtually by Boise State University.
  - The presentation titled, "[Mitigating the Impacts of Heat and Smoke in Oregon Communities: Lessons Learned from a Public Health, Energy Efficiency/Emissions Reduction, and Environmental Justice Lens](#)"
- LRAPA and Good Company – a division of Parametrix provided a joint presentation at the 61st annual conference of Pacific Northwest International Section (PNWIS) of the Air & Waste Management Association (A&WMA)
  - The Presentation titled, "[Mitigating Smoke Impacts in Oakridge, Oregon: Lessons Learned from a Public Health, Energy Efficiency and Emissions Reduction, and Environmental Justice Lens](#)."
  - This presentation was recognized at the conference by receiving the Young Professional Excellence in Presentation Award (awarder's name/organization could be specified).
- LRAPA continues to engage collaboratively with residents, regulatory bodies, and government entities on soil remediation activities concerning J.H. Baxter, a closed wood preservation business in West Eugene.

### Media interest and outreach:

Media	DATE	MEDIA	REPORTER	TOPIC
Contacts	10/05/2023	KLCC	Nathan Wilk	LRAPA's Director Transition
	10/30/2023	KEZI	Jennifer Singh	EJG2G Grant Awarded to LRAPA
	10/31/2023	KLCC	Karen Richards	EJG2G Grant Awarded to LRAPA
Press Releases	10-02-2023	LRAPA Board names Susannah Sbragia as Agency's Interim Acting Director		
	10-30-2023	LRAPA awarded nearly \$1 Million EPA grant to build wildfire smoke resiliency in rural Lane County		

### AGENCY GOALS AND UPDATES:

Goal: Update LRAPA Internal Policies and Procedures to include the list below



The team is currently focused on prioritizing a list of policy and workflow areas that need addressing. For each area, we will draft corresponding policies and procedures. The job descriptions have been updated and this data is being used to review the staff organizational chart. This work is being reviewed with workflow changes to improve efficiency and best utilize staff talents.

CIS will conduct in person training in November. They will include all agency staff and include team-building exercises and a review of communications styles. The management team will have special training to address skills and issues management faces.

Human Resource policies for the Employee Handbook are being reviewed now by CIS Insurance and these policies are planned to be presented at the December board meeting.

Goal: Update Budget and Forecasting Process

The updating of Caselle software and Express Bill pay has been a slow process and still requires more training to complete and build our processes within our new system. This change will provide a lot more data that the old software could not provide. The budget is in the accounting software for the first time. The forecasting models have been built and are being tested and will be presented at the January board meeting.

Goal: Community Engagement and CAO understanding

The team has continued to look at community activities, share updates, as well as improvements to the website to be more user friendly. The Acting Interim Director has begun to reach out to local stakeholders to meet with them to introduce herself and continue good communication.

Goal: Stay engaged with Oregon DEQ, State legislature, EPA R10, nongovernment organizations

The Acting Interim Director has begun meetings with DEQ, EPA R10 group and is now on their mailing list and has been added to their relevant meeting circles. The Acting Interim Director has met and established regular check-in meetings with Ali Mirzakhali, the Air Quality Division Administrator from DEQ and Aeron Teverbaugh the Sr. Legislative and Policy Analyst with Air Quality and Greenhouse Gas from DEQ. These working relationships are vital to remain updated on legislative activities and topics they are addressing.

Goal: Succession Planning and Training of LRAPA Staff

The management team is preparing a plan that adds staff training to include cross-training to build a secession plan. Considering the small size of the agency it is vital to prepare for retirement of key staff within the next 5 years so to not lose any understanding of important workflows, processes, and responsibilities.

The team is working on a strategic plan and order of priorities of staff needs.

**TENTATIVE UPCOMING LRAPA BOARD AGENDA ITEMS**

This schedule outline is a preview of upcoming agenda items, and we will update it as the time frames for additional issues become firmer.

**December 2023:**

- Funding for Building Project
- Recruitment for Director Position
- Employee Handbook

**January 2024:**

- Preview Upcoming Appointments on Board and Committees
- Budget Committee Meeting Supplemental Budget FY24
- Audit FY23 Report
- Budget QR 1 Update
- Title 47 Outdoor Burning Rules Public Hearing
- Employee Recognition
- AQ Permitting Rules Request Authorization to Hold a Public Hearing

**February 2024:**

- Elect Board Chair and Vice-Chair
- Supplemental Budget FY24
- Appoint new Budget Committee members and Budget Officer
- Budget Forecasting Models
- Budget Update QR 2

**March 2024**

- Budget Committee Meeting

**April 2024**

- Budget Committee Meeting
- Dashboard Report

**May 2024**

- Approve FY25 Budget