

**LANE REGIONAL AIR PROTECTION AGENCY  
MEMORANDUM**

**Date:** February 8, 2024

**To:** Howard Saxion, Vice-Chair and LRAPA Board Members

**Department:** Administration

**From:** Susannah Sbragia, Interim Executive Director

**Subject:** Evaluation of a Potential Variance on Certain LRAPA Title 47 – Outdoor Burning Requirements

**STAFF REPORT**

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**ISSUE STATEMENT:**

The January 2024 ice storm caused significant tree damage that resulted in a large amount of fallen limbs, branches, and whole trees. Property owners in some specific areas are seeking ways to remove the woody debris, including options to burn the material. Local free pickup sites have been provided and extensively used in two local locations. Commercial sites that accept woody debris are known to be overwhelmed with material and are disposing of it at the Lane County Short Mountain Landfill. City of Springfield residents are currently invited to dispose of storm-related tree debris for free at 36433 Brand S Road.

**BACKGROUND:**

In light of the widespread tree damage from the January 2024 ice storm and the resulting need for efficient debris removal, it's important to note that LRAPA regulations restrict burning green wood (Title 47, paragraph 015(1)(f)) and limit outdoor burning in Springfield to March 1 through June 15 and October 1 through October 31 for eligible properties (Title 47, paragraph 015(2)(d)). Given the extraordinary circumstances and the challenges posed by the storm's aftermath, it is possible the City of Springfield may submit a written request for a variance from these regulations to facilitate the removal of woody debris. The City of Springfield first needs to submit a written request and pay an administrative fee (\$225) to LRAPA for this variance. If that request isn't received, then there will be no decision before the Board. As of yet, LRAPA has not received a written request. But LRAPA's legal counsel has been in communication with Springfield's legal counsel on this potential.

**EVALUATION:**

LRAPA staff has been working with the City of Springfield and other partners to mitigate the effects of the ice storm debris, to allow people to return to their properties to begin the rebuilding process, and to safely and expeditiously clear, contain, and properly dispose of the debris. This LRAPA evaluation is to balance the air pollution impacts of Outdoor Burning (OB) in a densely populated area while still allowing property owners to conduct the removal of debris which could become a nuisance or fire hazard during the summer; each property owner could then weigh their own personal options.

## Questions for Board Consideration

**1. What are the potential environmental and public health impacts of granting the variance for burning wet wood and fallen trees prior to the open burning season?**

Granting a variance for burning wet wood and fallen trees prior to the outdoor burning season could significantly increase air pollution from smoke, particulates, and other harmful emissions. This increase in air pollution could negatively impact public health, especially among vulnerable populations, by exacerbating respiratory and cardiovascular conditions. Such actions could conflict with LRAPA's mission to protect public health and maintain air quality in Lane County, as burning green wood contradicts efforts to reduce air pollution and promote environmental well-being.

**2. Have all alternative methods for debris disposal been thoroughly evaluated and determined to be impractical or insufficient?**

Lane County has established three free storm debris collection sites which were available through 2/4/24 as an environmentally friendly alternative to burning debris from the 2024 ice storm. This effort aimed to mitigate the environmental and health impacts associated with burning wet wood, aligning with LRAPA's mission to enhance air quality and public health by promoting cleaner disposal methods. Utilizing these sites helps preserve Lane County's air quality and supports the safe, effective management of storm debris. Also, City of Springfield residents are currently invited to dispose of storm-related tree debris for free at 36433 Brand S Road.

**3. How will granting a variance align with LRAPA's mission and compliance obligations under state and federal air quality laws?**

Granting a variance for early burning under Title 47, a part of the State Implementation Plan (SIP), requires careful alignment with LRAPA's air quality mission and legal obligations under state and federal laws. This process must navigate the complexities of ensuring that any increase in emissions from burning wet wood does not harm public health or contravene National Ambient Air Quality Standards (NAAQS) set by the Clean Air Act and may need approval by the Oregon Department of Environmental Quality (ODEQ) and Environmental Protection Agency (EPA).

**4. What specific conditions or limitations can be imposed on the variance to minimize adverse effects on air quality and community health?**

To align with its commitment to protect air quality and public health, LRAPA would require limiting the daytime burning window, reducing the duration within which residents can burn wood, this approach may help to lessen smoke accumulation. Additionally, LRAPA could advise residents to allow the wood to dry for an extended period before burning which may significantly decrease smoke emissions. However, LRAPA would not be able to enforce the rule requiring the burning of dried wood.

**5. How will LRAPA monitor compliance with the variance conditions, and what enforcement actions will be taken if violations occur?**

In response to the variance allowing burning before the open season, LRAPA's compliance officers will actively respond to air quality complaints. However, the nature of the variance introduces constraints on enforcement capabilities, focusing primarily on ensuring adherence to the designated daily outdoor burning window and preventing the burning of prohibited materials.

Given the variance explicitly permits the burning of wet wood, LRAPA's ability to enforce against the health impacts arising from smoke generated by such burning will be inherently limited.

**Pros for allowing OB that is not currently allowed by rule.**

- Demonstrates LRAPA's responsiveness to community needs in the declared emergency.
- Residents that favor burning as a means of disposal in this acute period would appreciate LRAPA support.
- Allows property owners to clean up their property more quickly to provide access to all areas of their property, restore utilities, and rebuild structures.
- Reduces accumulated material and the associated fire risk.
- Alternative options may not be as feasible due to the significant volume of materials and distance to drop off points.
- Burning under the variance would be limited to an approved burn day allowing proper airshed ventilation.
- LRAPA could explore the issuance of site-specific Outdoor Burn Letter Permits (OBLPs) as a method to authorize the burning of downed trees. Given the limited resources available for managing the OBLP program, a broader variance could provide a practical solution, enabling more efficient burning while preventing the program from being overwhelmed.
- Firewood generated from the fallen trees may get transported longer distances than recommended by the OR Department of Agriculture.

**Cons for allowing OB that is not currently allowed by rule.**

- The freshly fallen woody debris has a high moisture content which will create significant smoke if burned. Burning these types of woody green materials creates much more smoke than would be expected from relatively small amounts of materials if they were seasoned and dry.
- The smoke created by burning in a densely populated area can create localized and broader impacts to human health, even if the burning is conducted on an approved burn day. The expected rise in smoke could lead to more complaints to LRAPA, with the public anticipating resolution in line with the Agency's mission. Addressing these additional complaints could overextend our limited resources and potentially foster ill-will towards the Agency, especially if field staff are unable to effectively manage smoke-related concerns.
- Disincentivizes preferred alternative disposal methods or uses such as chipping, mulching, mound culture, biochar generation, processing into firewood to be used less than 10 miles in distance, etc.
- Allowing burning in one area (e.g., East Springfield) may result in complaints of inequity for property owners that fall outside the approved burn locations and make initiation of investigations and potential enforcement more difficult in those outlying areas.
- Residents and individuals with respiratory issues that are opposed to burning as a means of disposal would appreciate LRAPA's support.
- Burning may occur anyway resulting in LRAPA having to respond to illegal/non-approved OB.
- The burn season in Springfield for lots greater than 0.5 acres begins March 1st, the variance would only provide a few additional weeks of burning opportunities if approved by the Board in February.

**STAFF RECOMMENDATIONS:**

LRAPA staff advise against approval of a variance to allow outdoor burning of wet wood before the seasonal outdoor burning period. Though LRAPA empathizes with property owners' need for efficient debris removal, the expected rise in harmful smoke emissions and subsequent health impacts lead staff to believe granting a variance would undermine LRAPA's air quality protection mission and legal mandates. Staff aim to balance these interests through continued promotion of safe, sustainable disposal alternatives that mitigate environmental harm while expediting community rebuilding efforts.

This report is intended to impartially present both the advantages and disadvantages associated with granting a variance, while highlighting critical legal considerations for the Board's review prior to making an informed decision.

**ATTACHMENT(s):**

LRAPA's rules and regulations pertaining to variances - Title 23

LRAPA's rules and regulations pertaining to outdoor burning - Title 47

# LANE REGIONAL AIR PROTECTION AGENCY

## TITLE 23

### VARIANCES

#### Section 23-005 Conditions for Granting

The Board of Directors may grant specific variances from the particular requirements of any rule, regulation or order to such specific person or class of persons or such specific air contamination source, upon such conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with such rule, regulation or order is inappropriate because of conditions beyond the control of the persons granted such variance or because of special circumstances which would render strict compliance unreasonable, burdensome, or impractical due to special physical conditions or cause, or because strict compliance would result in substantial curtailment or closing down of a business, plant, or operation, or because no other alternative facility or method of handling is yet available. Such variances may be limited in time.

#### Section 23-010 Procedures for Requesting

Any person requesting a variance shall make his request in writing and shall state in a concise manner the facts to show cause why such variance should be granted. All persons requesting a variance shall, at the time of application, pay the following fees:

1. A non-refundable filing fee of \$75,
2. One of two application processing fees:
  - A. \$150 for sources or activities not subject to Air Contaminant Discharge Permit, or
  - B. \$500 for sources or processes subject to Air Contaminant Discharge Permits.

#### Section 23-015 Period of Variance

Variances shall be for a period of time not to exceed twelve (12) months, but may be renewed for a similar period of time by the Board of Directors upon reapplication.

#### Section 23-020 Revocation or modification

A variance granted may be revoked or modified by the Board of Directors after a public hearing held upon not less than ten (10) days notice. Such notice shall be served upon the holder of the variance and all persons who have filed with the Board of Directors a written request for such notification.

#### Section 23-025 Filing and Review

A copy of each variance granted shall be filed with the Department of Environmental Quality within fifteen (15) days after being granted.

LANE REGIONAL AIR PROTECTION AGENCY  
TITLE 47  
Outdoor Burning

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

Section 47-001 General Policy

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

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

Section 47-005 Exemptions from LRAPA Title 47

- (1) Statutory exemptions. Due to Oregon statutory exemptions, this title shall not apply to the following:
  - (a) The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in 47-015(1)(e) shall not be used as fuel.
  - (b) Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.
  - (c) Agricultural outdoor burning conducted pursuant to ORS 468A.020. Agricultural outdoor burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
  - (d) Outdoor burning on forest land permitted under the Oregon Department of Forestry (ODF) Smoke Management Plan filed with the Secretary of State.
- (2) Other exemptions.
  - (a) Recreational fires are allowed when set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and

campgrounds). Prohibited materials listed in 47-015(1)(e), woody yard trimmings, leaves and grass clippings shall not be burned. Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA. [NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM OREGON DEPARTMENT OF FORESTRY AND STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.]

- (b) Outdoor barbecuing connected to a group outing, festival, fair or similar occasion when food is cooked by a fire that is sized proportionally to the amount of food being cooked, is allowed, except that prohibited materials listed in 47-015-(1)(e), woody yard trimmings, leaves, grass clippings, commercial, industrial, construction, and demolition waste shall not be burned.
- (c) Religious ceremonial fires as defined in Section 47-010 are allowed. Prohibited materials listed in 47-015(1)(e), woody yard trimmings, leaves and grass clippings shall not be burned. Larger fires would be required to be permitted under the “Bonfire” requirement.

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

### Section 47-010 Definitions

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

- "Agricultural outdoor burning" means the outdoor burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.
- "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and the sale of crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction and use of dwellings or structures customarily provided in conjunction with the agricultural operation.
- "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in 47-015(1)(e).
- “Bonfire” means a controlled outdoor fire (combustible pile larger than 3 feet in diameter and 2 feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in 47-015(1)(e) shall not be burned. Bonfires may include clean woody construction/demolition/commercial material.
- "Commercial outdoor burning" means the outdoor burning of "commercial wastes," which are materials actually generated or used by a commercial operation including removed and transported materials, and excluding those materials described in 47-015(1)(e).

- "Construction outdoor burning" means the outdoor burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project, excluding those materials described in 47-015(1)(e). The outdoor burning of construction waste materials which are actually resulting from or produced by a building or construction project, excluding those materials described in 47-015(1)(e), that are transported from tax lot of origin is Commercial outdoor burning.
- "Demolition outdoor burning" means the outdoor burning of "demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in 47-015(1)(e). The outdoor burning of demolition waste materials which are actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in 47-015(1)(e), that are transported from tax lot of origin is Commercial outdoor burning.
- "Eugene and Springfield Urban Growth Boundaries" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.
- "Forest slash outdoor burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash outdoor burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.
- "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
- "Industrial outdoor burning" means the outdoor burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in 47-015(1)(e).
- "Land clearing" means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation.
- "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.
- "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. (See Title 12 of LRAPA's Rules and Regulations)
- "Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels, incinerators which do not meet emission limitations specified in Title 30 of LRAPA's Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.



- “Outdoor Burning Letter Permit (OBLP)” means an authorization issued pursuant to Section 47-020 to burn select materials at a defined site and under certain conditions.
- “Recreational fire” means a small fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), limited to campfires or fires lit in Chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in 47-015(1)(e).
- “Religious ceremonial fire” means a small, controlled outdoor fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in Section 47-015(1)(e) shall not be burned.
- "Residential outdoor burning" means the outdoor burning of clean, woody yard trimmings which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.
- "Responsible person" means each person who is in ownership, control, or custody of the property on which the outdoor burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows outdoor burning to be initiated or maintained.
- "Salvage" as used in Title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.
- "Woody Yard Trimmings" means woody limbs, branches and twigs with any attached leaves which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

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

### Section 47-015 Outdoor Burning Requirements

- (1) General requirements to be met by all outdoor burning conducted in accordance with LRAPA’s Rules and Regulations:
  - (a) All outdoor burning shall be constantly attended by a responsible person or an expressly authorized agent, until extinguished.

- (b) It shall be the duty of each responsible person to promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations or of any permit issued by the Agency.
- (c) No person shall cause, or allow to be initiated or maintained, any outdoor burning which is prohibited by the burning advisory issued by the Agency.
- (d) No person shall cause, or allow to be initiated or maintained, any outdoor burning which creates a nuisance or a hazard to public safety.
- (e) No person shall cause, or allow to be initiated or maintained, outdoor burning of any material which normally emits dense smoke, noxious odors, or hazardous air contaminants; such materials may include but are not limited to garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, cardboard, clothing, animal remains, grass clippings.
- (f) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.
- (g) No person shall cause, or allow to be initiated or maintained, any outdoor burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to Oregon Administrative Rules (**OAR**) **340-094-0040**. The Agency shall be notified by the responsible person prior to such burning.
- (h) All burning shall be conducted in accordance with local fire safety regulations, including required minimum distances from structures.
- (i) Burning in barrels is prohibited.

## (2) Residential Outdoor Burning Requirements

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

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

on lots of one half acre or more on approved burn days from March 1 through June 15 and October 1 through October 31.

- (e) Outdoor burning within Florence city limits is prohibited per Florence city ordinance.
- (f) Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15 and October 1 through October 31.
- (g) Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.
- (h) Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.
- (i) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:
  - (1) Bailey-Spencer RFPD
  - (2) Coburg Fire District
  - (3) Dexter RFPD west of the Willamette Meridian
  - (4) Eugene RFPD #1
  - (5) Goshen Fire District
  - (6) Hazeldell RFPD
  - (7) Junction City RFPD
  - (8) Lane County Fire District #1 (Lane Fire Authority)
  - (9) Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
  - (10) Lowell RFPD
  - (11) McKenzie Fire & Rescue outside the Eugene and Springfield Urban Growth Boundaries
  - (12) Mohawk Valley RFPD
  - (13) Monroe RFPD, that portion within Lane County
  - (14) Oakridge Fire & EMS
  - (15) Pleasant Hill RFPD
  - (16) Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries
  - (17) Siuslaw Valley Fire & Rescue
  - (18) South Lane County Fire & Rescue
  - (19) Westfir Fire Department
  - (20) Willakenzie RFPD
  - (21) Zumwalt RFPD

- (j) Residential outdoor burning of woody yard trimmings and leaves is allowed in Lane County, outside of the affected areas defined in 47-015(2)(b) through (i) of this section, on approved burn days from October 1 through June 15.

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

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

### (3) Construction/Demolition Outdoor Burning Requirements

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

### (4) Commercial Outdoor Burning Requirements

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

### (5) Industrial Outdoor Burning Requirements

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

### (6) Forest Slash Outdoor Burning

- (a) Forest slash outdoor burning in areas covered by the Oregon Smoke Management Plan is regulated by the Oregon Department of Forestry (ODF) pursuant to Oregon Revised Statutes (ORS) 477.515.
- (b) Forest slash outdoor burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:

- (A) Forest slash outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (B) Forest slash outdoor burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to 47-020.
- (C) Forest slash outdoor burning will be coordinated with the ODF South Cascade and Western Lane districts to ensure burning complies with resource protection standards under the Oregon Forest Practices Act.

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

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

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

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

- (e) The limitations, if any, based upon meteorological conditions required before burning may occur;
- (f) Reporting requirements for both starting the fire and completion of the requested burning;
- (g) A statement that Section 47-015(1) is fully applicable to all burning under the permit;
- (h) Such other conditions that the Agency considers to be desirable; and
- (i) A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.

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

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