

DIVISION 264
RULES FOR OPEN BURNING

340-264-0010 How to Use These Open Burning Rules

(1) This Division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR Chapter 340, Division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this Division prescribes requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-264-0040 are exempted from this Division.

(2) Organization of rules: (a) OAR 340-264-0020 is the Policy statement of the Environmental Quality Commission setting forth the goals of this Division;

(b) OAR 340-264-0030 contains definitions of terms that have specialized meanings within the context of this Division;

(c) OAR 340-264-0040 lists specific types of open burning and practices that are not governed by this Division;

(d) OAR 340-264-0050 lists general requirements that usually apply to any open burning governed by this Division;

(e) OAR 340-264-0060 lists general prohibitions that apply to most open burning;

(f) OAR 340-264-0070 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468A.570;

(g) OAR 340-264-0075 allows the delegation of some or all of the open burning authority to be administered by a local jurisdiction;

(h) OAR 340-264-0078 contains the legal description of Open Burning Control Areas and maps that generally depict these areas;

(i) OAR 340-264-0080 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county;

(j) OAR 340-264-0100 through 340-264-0170 are rules that give specific restrictions to open burning for each class of open burning in the counties named in each rule;

(k) OAR 340-264-0180 provides for a letter permit authorization for open burning under certain circumstances in which open burning otherwise would be prohibited;

(l) OAR 340-264-0190 establishes criteria for use of forced-air pit incineration.

(3) Use of this Division will be made easier by the following procedure:

(a) Read OAR 340-264-0050 and 340-264-0060 to understand general requirements and prohibitions that apply to all burning governed by this Division;

(b) In OAR 340-264-0030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read OAR 340-264-0040 to determine if the type of burning is exempted from this Division;

(c) Locate the rule (OAR 340-264-0100 through 340-264-0170) that governs the county in which burning is to take place. OAR 340-264-0090 is an index to the county rules;

(d) Read the sections of the county rules that apply to the type of burning to be accomplished;

(e) If not prohibited by this Division, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning;

(f) If the type of burning proposed is prohibited by this Division, refer to OAR 340-264-0180 (Letter Permits) or 340-363-0190 (Forced-Air Pit Incinerators) for a possible alternative.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0020 Policy

In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the Environmental Quality Commission:

(1) To eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;

(2) To encourage the development of alternative disposal methods;

(3) To emphasize resource recovery;

(4) To regulate specified types of open burning;

(5) To encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and

(6) To require specific programs and timetables for compliance with this Division.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0030 Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Agricultural Burning for Disease or Pest Control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.

(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 selling crops or by raising - and selling livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. Agricultural operation also means activities conducted by not-for-profit agricultural research organizations, which activities are necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

(3) "Agricultural Open Burning" means the open burning of any agricultural waste, except as provided in OAR 340-264-0040(5).

(4) "Agricultural Waste" means any waste material generated or used by an agricultural operation, excluding those materials described in OAR 340-264-0060(3).

(5) "Animal Disease Emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines potentially serious economic implications for the livestock industries of this state.

(6) "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.

(7) "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

(8) "Commercial Open Burning" means the open burning of commercial waste.

(9) "Commercial Waste" means:

(a) Any material except:

(A) Agricultural waste;

(B) Construction waste;

(C) Demolition waste;

(D) Domestic waste;

(E) Industrial waste; and

(F) Slash.

(b) Examples of commercial waste are waste material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units, such as apartments, condominiums, hotels, motels or dormitories.

(10) "Commission" means the Environmental Quality Commission.

(11) "Construction Open Burning" means the open burning of any construction waste.

(12) "Construction Waste" means any waste material generally used for, resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.

(13) "Daylight hours" means the time between 7:30 a.m. and two hours before sunset.

(14) "Demolition Open Burning" means the open burning of demolition waste.

(15) "Demolition Waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris (domestic waste) and agricultural waste.

(16) "Department" means the Department of Environmental Quality.

(17) "Director" means the Director of the Department or delegated employee representative pursuant to ORS 468.045(3).

(18) "Domestic Open Burning" means the open burning of any domestic waste.

(19) "Domestic Waste" means household waste material, which includes paper, cardboard, clothing, yard debris, or other material generated in or around a dwelling of four-or-fewer-family-living units, or on the real property appurtenant to the dwelling. Such waste materials generated in or around a dwelling of more than four-family-living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.

(20) "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.

(21) "Forced-Air Pit Incineration" means any method or device by which burning is accomplished in a subsurface pit or above-ground enclosure using:

(a) Combustion air supplied under positive draft by an air curtain; and

(b) Combustion air controlled in order to optimize combustion efficiency and minimize the emission of air contaminants.

(22) "Hazard to public safety" means fires that burn prohibited materials or result in

smoke that substantially impairs visibility on a roadway.

(23) "Industrial Open Burning" means the open burning of any industrial waste.

(24) "Industrial Waste" means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.

(25) "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. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

(26) "Letter Permit" means an authorization issued pursuant to OAR 340-264-0180 to burn select materials at a defined site and under certain conditions.

(27) "Local Jurisdiction" means:

(a) The local fire permit issuing authority; or

(b) The local governmental entity having authority to regulate by law or ordinance.

(28) "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.

(29) "Open Burning" means:

(a) Burning in open, outdoor fires;

(b) Burning in burn barrels;

(c) Burning in incinerators that do not meet the emission limitations specified for solid and infectious waste incinerators in OAR 340-230-0100 through 340-230-0150; and

(d) Any other outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(30) "Open Burning Control Area" means an area established to control specific open burning practices or to maintain specific open burning standards that may be more stringent than those established for other areas of the state. Open burning control areas in the state are described in OAR 340-264-0078.

(31) "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof.

(32) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(33) "Slash" means forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber.

(34) "Special Open Burning Control Area" means an area in the Willamette Valley where the Department restricts the practice of open burning. These areas are described in OAR 340-264-0078(6).

(35) "Ventilation Index" means a number calculated by the Department relating to the ability of the atmosphere to disperse pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed in knots through the mixed layer.

(36) "Waste" includes any useless or discarded materials. Each waste is categorized in this Division as one of the following types:

- (a) Agricultural;
- (b) Commercial;
- (c) Construction;
- (d) Demolition;
- (e) Domestic;
- (f) Industrial; or
- (g) Slash.

(37) "Yard Debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Yard debris is included in the definition of domestic waste.

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340-264-0040 Exemptions, Statewide

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this Division does not apply to:

- (1) Recreational fires and ceremonial fires, for which a fire is appropriate.
- (2) The operation of any barbecue equipment.
- (3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of fire fighting, which in the opinion of the public agency is necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshall.
- (4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR chapter 340, division 266, Rules for Field Burning.
- (6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.
- (7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.
- (8) Fires set for the purpose of disposal of dry tumbleweed plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.
- (9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.
- (10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0050 General Requirements Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, order or decree of the Commission or other agency having jurisdiction:

(1) The following persons are considered a responsible person for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(d) For purposes of this rule, a public agency in its official capacity that has issued the permit for burning is not considered a responsible person.

(2) A responsible person, or an expressly authorized agent, must constantly attend all open burning. This person must be capable of and have the necessary equipment for extinguishing the fire. This person also must completely extinguish the fire before leaving it.

(3) A responsible person must promptly extinguish any burning that is in violation of any rule of the Commission or of any permit issued by the Department, unless the Department has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production, and the responsible person complies with the requirements in the written approval. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3).

(4) To promote efficient burning and prevent excessive emissions of smoke, a responsible person must:

(a) Assure that all combustible material is dried to the extent practicable. This includes covering the combustible material when practicable to protect the material from moisture in any form, including precipitation or dew. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3);

(b) Loosely stack or windrow the combustible material to eliminate dirt, rocks and other noncombustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment to accomplish this;

(c) Periodically re-stack or feed the burning pile, insure that combustion is essentially completed and smoldering fires are prevented, and provide the necessary tools and equipment to accomplish this.

(5) Notwithstanding OAR 340-264-0040(4), each person sanitizing perennial or annual grass seed crops by open burning in counties outside the Willamette Valley must pay the Department \$4 for each acre burned:

(a) The Department may contract with counties, rural fire protection districts, or oilier responsible individuals for the collection of the fees;

(b) All fees collected under this section must be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(6) Open burning in compliance with this Division 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 govern mental entity having jurisdiction.

(7) If any commercial, construction, or demolition debris burning allowed in OAR 340-264-0100 through 340-264-0170 violates OAR 340-264-0060(2), the open burning must be immediately extinguished. Any future burning of this material or similar material by the responsible person is prohibited unless the Department issues a letter permit pursuant to OAR 340-264-0180.

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340-264-0060 General Prohibitions Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, or order or decree of the Commission or other agency having jurisdiction:

(1) The following persons are strictly liable for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(2) No person may cause or allow to be initiated or maintained any open burning that creates a nuisance or a hazard to public safety.

(3) No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(4) No person may cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if the Department has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-264-0070.

(5) No agency may issue any fire permit authorizing any open burning of any material at any location on any day or at any time if the Department has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. If an agency issues a permit in violation of this rule, the permit does not excuse any person from complying with this section.

(6) No person may cause or allow to be initiated or maintained any open burning authorized by this Division during hours other than specified by the Department.

(7) No person may cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050.

(8) No person may cause or allow to be initiated or maintained any open burning of debris removed from the property of origin unless the person receives a letter permit pursuant to OAR 340-264-0180. A letter permit is not required to burn agricultural waste removed from the property of origin provided the waste remains under control of the same responsible person.

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340-264-0070 Open Burning Conditions

Pursuant to ORS 468A.570, 476.380, 477.520 and 478.960, the following open burning conditions apply:

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions:

(a) The Department will notify the State Fire Marshal that all open burning is prohibited in all or a specified part of the state when the Department declares:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-206-0030(2);

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-206-0030(3); or

(C) An emergency for any air contaminant pursuant to OAR 340-206-0030(4).

(b) All open burning is prohibited until the Department notifies the State Fire Marshal that the episode and prohibition are terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions:

(a) The Department may notify the State Fire Marshal that all or specified types of open burning are prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An air stagnation event as determined by the Department;

(B) The daily maximum ventilation index calculated by the Department for Willamette Valley Open Burning Control Areas or Umpqua Basin Open Burning Control Area is less than 200;

(C) The daily maximum ventilation index calculated by the Department for the Rogue Basin Open Burning Control Area is less than 400 for all regulated open burning.

(D) The Department determines there is poor ventilation;

(E) For regulation of burning of yard debris in urban areas, the amount of precipitation expected during the day; or

(F) Any other relevant factor.

(b) Such prohibitions or limits remain in effect until the Department notifies the State Fire Marshal that the prohibition or limitation has been terminated;

(c) In deciding whether to prohibit or limit open burning pursuant to this section, the Department will consider:

(A) The policy of the state set forth in ORS 468A.010;

(B) The relevant criteria set forth in ORS 468A.025(2);

(C) The extent and types of materials available to be burned;

(D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and

(E) Any other relevant factor.

(d) In deciding whether to prohibit or limit any open burning pursuant to this section the Department must give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless prohibited or limited pursuant to section (1) or (2) of this rule, open burning will be allowed only during daylight hours, and must be conducted consistent with the other rules in this Division and the requirements and prohibitions of local jurisdiction and the State Fire Marshal.

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340-264-0075 Delegation of Authority

Whenever the department finds that any city, county, fire protection district, forest protection district or state agency is capable of effectively administering the issuance and/or enforcement of permits under any or all of the open burning authority outlined within this division and is desirous of doing so, the department may delegate powers necessary for the issuance and/or enforcement of open burning permits to that entity. The department, upon finding that the entity is not effectively administering the program, may withdraw such delegation.

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340-264-0078 Open Burning Control Areas

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in Figures 2 through 5. The open burning control areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence

east to the NE Corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figures 1 and 2. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.

(6) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

(a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;

(b) Any area in or within six miles of the boundary of any city of 45,000 or more population;

(c) Any area between areas established by this rule where the boundaries are separated by three miles or less;

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of sub-section (a) or (b) of this section and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(7) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to OAR 340-264-0180.

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340-264-0080 County Listing of Specific Open Burning Rules

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-264-0050 and 340-264-0060, specific prohibitions of Agricultural, Commercial, Construction, Demolition, Domestic, and Industrial open burning are listed in separate rules for each county. The following list identifies the rule containing prohibitions of specific types of open burning applicable to a given county:

- (1) Baker County — OAR 340-264-0100.
- (2) Benton County — OAR 340-264-0110.
- (3) Clackamas County — OAR 340-264-0120.
- (4) Clatsop County — OAR 340-264-0100.
- (5) Columbia County — OAR 340-264-0150.
- (6) Coos County — OAR 340-264-0170.
- (7) Crook County — OAR 340-264-0100.
- (8) Curry County — OAR 340-264-0100.
- (9) Deschutes County — OAR 340-264-0100.

- (10) Douglas County — OAR 340-264-0170.
- (11) Gilliam County — OAR 340-264-0100.
- (12) Grant County — OAR 340-264-0100.
- (13) Harney County — OAR 340-264-0100.
- (14) Hood River County — OAR 340-264-0100.
- (15) Jackson County — OAR 340-264-0170.
- (16) Jefferson County — OAR 340-264-0100.
- (17) Josephine County — OAR 340-264-0170.
- (18) Klamath County — OAR 340-264-0100.
- (19) Lake County — OAR 340-264-0100.
- (20) Lane County — OAR 340-264-0160.
- (21) Lincoln County — OAR 340-264-0100.
- (22) Linn County — OAR 340-264-0110.
- (23) Malheur County — OAR 340-264-0100.
- (24) Marion County — OAR 340-264-0110.
- (25) Morrow County — OAR 340-264-0100.
- (26) Multnomah County — OAR 340-264-0130.
- (27) Polk County — OAR 340-264-0110.
- (28) Sherman County — OAR 340-264-0100.
- (29) Tillamook County — OAR 340-264-0100.
- (30) Umatilla County — OAR 340-264-0100.
- (31) Union County — OAR 340-264-0100.
- (32) Wallowa County — OAR 340-264-0100.
- (33) Wasco County — OAR 340-264-0100.
- (34) Washington County — OAR 340-264-0140.
- (35) Wheeler County — OAR 340-264-0100.
- (36) Yamhill County — OAR 340-264-0110.

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Open Burning Requirements

340-264-0100 Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties

Open burning requirements for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning:
 - (a) Commercial open burning is prohibited within Lincoln County except as provided in OAR 340-264-0180.
 - (b) Commercial open burning is allowed outside of open burning control areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Commercial open burning,

unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, commercial open burning is prohibited in any area meeting the test in OAR 340-264-0078(1):

- (c) In Baker County, the City of Baker City;
- (d) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
- (e) In Crook County, the City of Prineville;
- (f) In Curry County, the City of Brookings;
- (g) In Deschutes County, the Cities of Bend and Redmond;
- (h) In Hood River County, the City of Hood River;
- (i) In Jefferson County, the City of Madras;
- (j) In Klamath County, the City of Klamath Falls;
- (k) In Malheur County, the City of Ontario;
- (l) In Tillamook County, the City of Tillamook;
- (m) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;
- (n) In Union County, the City of La Grande;
- (o) In Wasco County, the City of The Dalles.

(4) Construction and Demolition open burning outside of an open burning control area is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060, and 340-264-0070. Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, construction and demolition burning is prohibited in any area meeting the standard in OAR 340-264-0078(1):

- (a) In Baker County, the City of Baker City;
- (b) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;
- (c) In Crook County, the City of Prineville;
- (d) In Curry County, the City of Brookings;
- (e) In Deschutes County, the Cities of Bend and Redmond;
- (f) In Hood River County, the City of Hood River;
- (g) In Jefferson County, the City of Madras;
- (h) In Klamath County, the City of Klamath Falls;
- (i) In Lincoln County, the Cities of Lincoln City and Newport;
- (j) In Malheur County, the City of Ontario;
- (k) In Tillamook County, the City of Tillamook;
- (l) In Umatilla County, the Cities of Hermiston, Milton-Freewater and

Pendleton;

- (m) In Union County, the City of La Grande;
- (n) In Wasco County, the City of The Dalles.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, and OAR 340-264-0050, 340-264-0060 and 340-264-0070.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Plan is prohibited, except as provided in OAR 340-264-0180.

340-264-0110 Benton, Linn, Marion, Polk, and Yamhill Counties

Open burning requirements for Benton, Linn, Marion, Polk, and Yamhill Counties that form a part of the Willamette Valley Open Burning Control Area described in OAR 340-264-0078:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060 and 340-264-0070. Unless authorized pursuant to OAR 340-264-0180, Construction and Demolition open burning is prohibited within special open burning control areas, including the following:

(a) Areas in or within six miles of the corporate city limit of:

(A) In Benton County, the City of Corvallis;

(B) In Marion County, the Cities of Salem and Keizer;

(C) In Polk County, the City of Salem.

(b) Areas in or within three miles of the corporate city limit of:

(A) In Benton County, the Cities of Albany, and Philomath;

(B) In Linn County, the Cities of Albany, Brownsville, Harrisburg, Lebanon, Lyons, Mill City, Tangent and Sweet Home;

(C) In Marion County the Cities of Aumsville, Gervais, Hubbard, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn;

(D) In Polk County, the Cities of Dallas, Falls City, Independence, Monmouth and Willamina;

(E) In Yamhill County, the Cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.

(c) Any areas that meet the test in OAR 340-264-0078(6).

(5) Domestic open burning: (a) As generally depicted in Figure 1 of OAR 340-264-0078, domestic open burning is prohibited in the special open burning control areas named in section (4) of this rule, except open burning of yard debris is allowed beginning March first and ending June 15th, inclusive, and beginning October 1st and ending December 15th, inclusive, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is allowed outside of special open burning control areas named in section (4) of this rule, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours, unless otherwise specified by the Department pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not

regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0120 Clackamas County

Open burning requirements for Clackamas County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Unless authorized pursuant to OAR 340-264-0180, Construction and Demolition open burning is prohibited within the following:

(a) Areas in or within six miles of the corporate city limits of Gladstone, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tualatin, West Linn and Wilsonville;

(b) Areas in or within three miles of the corporate city limits of Canby, Estacada, Molalla and Sandy.

(c) Any areas that meet the test in OAR 340-264-0078(6).

(5) Domestic open burning:

(a) Those areas where domestic burning is always prohibited (unless authorized under 340-264-0180): Beginning at the trisection of the Clackamas-Multnomah-Washington County Line; thence east and then northerly and then east following the Clackamas-Multnomah County Line to the intersection with the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe (Oregon National Guard); thence west approximately 1/4 mile to the mid- point of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River and the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary first southerly and then westerly to the intersection with the Willamette River, excepting that portion listed in subsection (b)(2); thence northeasterly along the Willamette River to the confluence with the Tualatin River; thence northwesterly along the Tualatin River to the intersection with U.S. Interstate Highway 205 (I-205); thence westerly along I-205 to the intersection with the Clackamas-Washington County Line; thence north along the Clackamas-Washington County Line to the trisection of the Clackamas-Multnomah-Washington County Line, the point of beginning.

(b) Those areas where domestic open burning is prohibited except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas that lie within both Clackamas County and the Metro Boundary and are not included in paragraph (a) of this section. Specifically, those areas are listed as follows:

(A) The area beginning at the point on the Clackamas-Washington County Line where it is intersected by I-205; thence easterly along I-205 to the intersection with the Tualatin River; thence southeasterly along the Tualatin River to the confluence with the Willamette River; thence southerly along the Willamette River to the intersection with the northern boundary of Section 15, T3S, R1E; thence west to the northwest corner of Section 15, T3S, R1E; thence north to the northwest corner of section 10, T3S, R1E; thence west to the northwest corner of Section 9, T3S, R1E; thence north to the northwest corner of Section 4, T3S, R1E; thence west to the intersection with the Clackamas-Washington County Line; thence north to the intersection with I-205, the point of beginning.

(B) The area bounded by Henrici Road on the south; Highway 213 on the west; Beaver Creek Road on the east; and the southern boundary of Clackamas Community College on the north.

(C) The area beginning at the point where the Clackamas-Multnomah County Line intersects the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe; thence west 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River; thence easterly along the Clackamas River to the intersection with the western boundary of Section 18, T2S, R3E; thence north to the northwest corner of Section 18, T2S, R3E; thence east to the northwest corner of Section 14, T2S, R3E; thence north to the northwest corner of Section 11, T2S, R3E; thence east to the intersection with Epperson Road; thence north-north westerly along Epperson Road to the intersection with the Clackamas-Multnomah County Line at the northern boundary of Section 29, T1S, R2E; thence west along the county line to the northwest corner of Section 27, T1S, R2E, the point of beginning.

(c) Domestic open burning is allowed in all other areas of Clackamas County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless specified by the Department pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0130 Multnomah County

Open burning requirements for Multnomah County:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.
- (4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited west of the Sandy River but is allowed east of the Sandy River,

subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) Those areas where open burning is always prohibited (unless authorized by 340-264-0180):

(A) The area encompassed by the line beginning at the point where the Multnomah, Clackamas, and Washington County lines meet at a trisection; thence east and then north and then east along the Multnomah-Clackamas County Line to the intersection with SE 172nd Avenue; thence north along SE 172nd Avenue to the intersection with SE Foster Road; thence southeasterly along SE Foster Road to the intersection with Jenne Road; thence northeasterly along Jenne Road to the intersection with SE 174th Avenue; thence north along SE 174th Avenue to the intersection with SE Marie Street; thence east along SE Marie Street to the intersection with SE 182nd Avenue; thence north along SE 182nd Avenue and continuing north as SE 182nd Avenue merges into SE 181st Avenue and then turns into NE 181st Avenue to the intersection with NE Sandy Boulevard; thence easterly along NE Sandy Boulevard to the intersection with NE 185th Drive; thence north along NE 185th Drive to the intersection with Marine Drive; thence continuing on a line due north to the Columbia River and the state line; thence following the Columbia River and the state line; thence following the Columbia River and the state line to the confluence of the Columbia and the Willamette Rivers; thence along the Willamette River to the Confluence with the Multnomah Channel and the Portland City Limits; thence following the Portland City Limits generally southerly to the intersection with Section 27, T1N, R1W and the Multnomah-Washington County Line; thence following the Multnomah-Washington County Line southwesterly and then south to the trisection of the Multnomah-Clackamas-Washington County Line, the point of beginning.

(B) All areas in northwest Multnomah County that are not contained within a Fire Protection District.

(C) The Burlington Water District.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15 and subject to OAR 340-264-0050 through 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas within Multnomah County that lie west of the Sandy River and are not included in OAR 340-264-0130(5)(a).

(c) Domestic open burning is allowed east of the Sandy River, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless otherwise specified by Department pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0140

Washington County

Open burning requirements for Washington County:

- (1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.
- (2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.
- (4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Domestic open burning:
 - (a) The area where open burning is always prohibited (unless authorized by 340-264-0180): Beginning at the point where U.S. Interstate Highway 205 (I-205) intersects the Washington-Clackamas County Line; thence west along I-205 to the Tualatin City Limits; thence following along the Tualatin City Limits westerly, southerly, westerly and northerly to the intersection with U.S. Highway 99; thence northerly along U.S. Highway 99 to the intersection with the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary generally northerly and westerly to the intersection with the Tualatin Valley Highway; thence westerly along the Tualatin Valley Highway to the intersection with the western boundary of Section 11, T1S, R2W; thence north to the northwest corner of Section 2, T1S, R2W; thence east to the northwest corner of Section 2, T1S, R2W; thence north to the intersection with U.S. Highway 26; thence northwesterly along U.S. Highway 26 to the intersection with Cornelius Pass Road; thence northeasterly along Cornelius Pass Road to the intersection with the northern boundary of Section 23, T1N, R2W; thence east approximately 1/5 mile along the northern boundary of section 23, T1N, R2W to the southernmost point of the Orchard; thence north following the eastern boundary of the Orchard to the intersection with West Union Road; thence southeasterly and then easterly along West Union Road approximately 1.1 miles to a point approximately 1/4 mile west of the eastern boundary of Section 24, T1N, R2W; thence north on a line approximately 1000 feet; thence northeasterly on a line approximately 1/4 mile to the intersection of NW 185th Avenue and NW Springville Road; thence northeasterly along NW Springville Road approximately 1/4 mile to the one-quarter point of the northern boundary of Section 19, T1N, R1W; thence north approximately 400 feet; thence east to the intersection with NW 185th Avenue; thence north along 185th Avenue approximately 800 feet to the one-quarter point of the western boundary of Section 18, T1N, R1W; thence gradually northeasterly such that the Rock Creek Campus of Portland Community College is within the boundary approximately 1/2 mile to the midpoint of Section 18, T1N, R1W; thence south following the eastern boundary of the Rock Creek Campus of Portland Community College and continuing on a line due south to the intersection with NW Springville Road and the southern boundary of Section 18, T1N, R1W; thence northeasterly along NW Springville Road to the intersection with the Washington-Multnomah County Line; thence following the Washington County line southeasterly and then southerly to the point where the Washington-Clackamas County Line intersects I-205, the point of beginning.
 - (b) Those areas where domestic open burning is prohibited, except for the burning of yard

debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-262-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) All incorporated areas in Washington County not listed in OAR 340-264-0140(5)(a) or 340-264-0140(5)(c).

(B) All unincorporated areas within municipal or rural fire districts.

(c) Those areas where domestic burning is allowed, subject to OAR 340-264-0050, and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) The area enclosed by a line beginning at the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W; thence north to the northwest corner of Section 13, T2N, R4W; thence east to the midpoint of the northern boundary of Section 16, T2N, R3W; thence on a line south to the middle of Section 21, T2N, R3W; thence east to the intersection with the midpoint of the western boundary of Section 22, T2N, R3W; thence south to the southwest corner of Section 22, T2N, R3W; thence continuing south to the northern boundary of Washington County Donation Land Claim (DLC) #44; thence southeast and east following the northern boundary of Washington County DLC #44 to the eastern boundary of Washington County DLC #44; thence southwesterly along the eastern boundary of DLC #44 to the intersection with DLC Plot #76; thence continuing southwesterly along the eastern boundary of DLC #76 to the intersection with the Burlington Northern Railroad Line; thence northwesterly along the Burlington Northern Railroad Line to the intersection with the southern boundary of Section 32, T2N, R4W; thence west to the southwest corner of Section 36, T2N, R4W; thence north to the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W, the point of beginning.

(B) All unincorporated areas of Washington County outside of municipal or rural fire districts.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0150 Columbia County

Open burning requirements for Columbia County:

(1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(4) Construction and demolition open burning:

(a) Unless authorized pursuant to OAR 340-264-0180, Construction and Demolition open burning is prohibited within three miles of the open burning control areas of

Clatskanie, Rainier, St. Helens, Scappoose, and Vernonia and any other area that meets the standard in OAR 340-264-0078(1);

(b) Construction and Demolition open burning is allowed in all other parts of Columbia County subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0160 Lane County

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2:

(1) The rules and regulations of the Lane Regional Air Pollution authority apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this Division. The Lane Regional Air Pollution Authority may not regulate agricultural open burning.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal:

(4) Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:

- (a) Bailey-Spencer RFPD;
- (b) Coburg RFPD;
- (c) Cottage Grove/South Lane Fire District;
- (d) Creswell RFPD;
- (e) Dexter RFPD except that portion east of the Willamette Meridian;
- (f) Eugene RFPD No.1;
- (g) Goshen RFPD;
- (h) Junction City Fire District;
- (i) Junction City RFPD;
- (j) Lane County Fire District #1;

- (k) Lane RFPD No.1 outside the Eugene-Springfield Urban Growth Boundary;
- (l) Lowell RFPD;
- (m) Marcola RFPD;
- (n) McKenzie RFPD outside the Eugene-Springfield Urban Growth Boundary;
- (o) Monroe RFPD that portion within Lane County;
- (p) Oakridge RFPD;
- (q) Pleasant Hill RFPD;
- (r) Santa Clara RFPD outside the Eugene-Springfield Urban Growth Boundary;
- (s) Westfir RFPD;
- (t) Willakenzie RFPD;
- (u) Zumwalt RFPD.

(6) Domestic open burning:

(a) Domestic open burning outside the fire districts listed in section (5) of this rule is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is prohibited within all fire districts listed in section (5) of this rule except that open burning of yard debris is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) Refer to Lane Regional Air Pollution Authority open burning rules for specific seasons and hours for domestic open burning.

(7) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0170 Coos, Douglas, Jackson and Josephine Counties

Open burning requirements for Coos, Douglas, Jackson and Josephine Counties:

(1) Open burning control areas:

(a) The Coos Bay open burning control area as generally described in OAR 340-264-0078(2) and depicted in Figure 3 is located in Coos County;

(b) The Umpqua Basin open burning control area as generally described in OAR 340-264-0078(4), and depicted in Figure 5, is located in Douglas County;

(c) The Rogue Basin open burning control area as generally described in OAR 340-264-0078(3) and depicted in Figure 4, is located in Jackson and Josephine Counties.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Commercial open burning is allowed in all other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning is prohibited within the Coos Bay,

Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7) of this rule, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0180 Letter Permits

(1) Open Burning of commercial, industrial, slash, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris that is otherwise prohibited, may be permitted by a letter permit issued by the Department in accordance with this rule and subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-014-0025 and division 216 do not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning that has been approved by the Department. Each application for a letter permit must contain the following items:

- (a) The quantity and type of material proposed to be burned;
- (b) A listing of all alternative disposal methods and potential costs that have been identified or investigated;
- (c) The expected amount of time that will be required to complete the burning (not required for yard debris);
- (d) The methods proposed to be used to insure complete and efficient combustion of the material;
- (e) The location of the proposed burning site;
- (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto;
- (g) The expected frequency of the need to dispose of similar materials by burning in the future;
- (h) If the application is for prescribed burning of standing vegetation for the purpose of creating or restoring wetlands or for promoting or enhancing habitat for indigenous species of plants or animals, the application must also include a citation to the federal or state law or program requiring or authorizing such conversion or enhancement. The application must also include a statement from the appropriate agency responsible for implementing the law or program that open burning is the most practicable alternative for the conversion or enhancement.

(i) Any other information that the applicant considers relevant or the Department may

require;

(j) For open burning of yard debris:

(A) A "Hardship Permit Application" completed on a form supplied by the Department;

and

(B) Either payment of the appropriate fee pursuant to section (10) of this rule or a "waiver request" completed on a form supplied by the Department.

(3) Upon receipt of a written application, the Department 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 materials exists; and

(b) The proposed burning will not cause or contribute to significant degradation of air quality.

(c) For locations within Clackamas, Columbia, Multnomah and Washington counties, where open burning is otherwise prohibited, the following conditions must also be met. Letter permits may be issued only for disposing of:

(A) Material resulting from emergency occurrences, including but not limited to floods, storms or oil spills;

(B) Material originating as yard debris that has been collected and stored by governmental jurisdictions, provided that no other reasonable means of disposal are available;

(C) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:

(i) An economic burden because the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant;

(ii) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or

(iii) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable.

(4) The Department may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:

(a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant;

(b) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment or decree.

(5) In making its determination under section (3) of this rule, the Department may consider:

(a) The conditions of the airshed of the proposed burning;

(b) The other air pollution sources in the vicinity of the proposed burning;

(c) The availability of other methods of disposal, and special circumstances or conditions that may impose a hardship on an applicant;

(d) The frequency of the need to dispose of similar materials in the past and expected in the future;

(e) The applicant's prior violations, if any;

(f) The projected effect upon persons and property in the vicinity; and

(g) Any other relevant factor.

(6) Each letter permit issued by the Department pursuant to section (2) of this rule must contain at least the following elements:

(a) The location where burning is permitted to take place.

(b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven. Burning pursuant to a permit for yard debris must be limited to three days per season unless satisfactory justification for more burning is provided by the applicant.

(c) The period during which the permit is valid, not to exceed a period of 30 consecutive days, except a permit for yard debris. The actual period in the permit must be specific to the needs of the applicant. The Department may issue specific letter permits for shorter periods.

(d) A letter permit for yard debris is valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in section (10) of this rule. The spring burning is from March 1 to June 15, inclusive, and the fall burning season is from October 1 to December 15, inclusive.

(e) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production.

(f) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris must be limited to the hours and times that limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur.

(g) Reporting requirements for both starting the fire each day and completion of the requested burning, (optional for permits for yard debris).

(h) A statement that OAR 340-264-0050 and 340-264-0060 are fully applicable to all burning under the permit.

(i) Such other conditions as the Department considers to be desirable.

(7) Regardless of the conditions contained in any letter permit, each letter permit, except permits for yard debris, will not be valid for more than 30 consecutive calendar days of which a maximum of seven can be used for burning. The Department may issue specific letter permits for shorter periods.

(8) Letter permits are not renewable. Any request to conduct additional burning requires a new application and a new permit.

(9) No person may violate any condition, limitation, or term of a letter permit.

(10) All applications for a letter permit for yard debris must be accompanied by a permit fee payable to the Department, or approved delegated authority, and become non-refundable upon issuance of the permit. The fee to be submitted is:

(a) For a single burning season, spring or fall - \$20;

(b) For a calendar year - \$30.

(11) The Department may waive the single season permit fee if the applicant shows that the cost of the yard debris permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

State effective: 12/15/2000; EPA effective: 5/28/2013

340-264-0190 Forced Air Pit Incinerators

Forced-air pit incineration may be approved as an alternative to open burning prohibited

by this Division, provided that the following conditions are met:

(1) The person requesting approval of forced-air pit incineration must demonstrate to the satisfaction of the Department that no feasible or practicable alternative to forced-air pit incineration exists.

(2) The forced-air pit incineration facility must be designed, installed, and operated in such a manner that visible emissions do not exceed 40 percent opacity, as measured by EPA Method 9, for more than three minutes out of any one hour of operation following the initial 30 minute startup period.

(3) The person requesting approval of a forced-air pit incineration facility must submit a Notice of Construction and Application for Approval pursuant to OAR 340-210-0200 through 340-210-0220 before the department will approve any facility.

(4) A forced-air pit permit for operation of a forced-air pit incineration facility is required, based on the same conditions and requirements for letter permits in OAR 340-264-0180, except that both the term of the permit and the operation limit of the facility will be specified in the permit and must be appropriate to the purpose of the facility.

State effective: 12/15/2000; EPA effective: 5/28/2013