

COLUMBIA COUNTY FIRE DEFENSE BOARD

RULES FOR OPEN BURNING

EXHIBIT A

PURPOSE:

These rules are adopted to provide a uniform procedure for the issuance of burning permits and for the determination of days and hours suitable for open burning permitted by the Oregon Environmental Quality Commission, Oregon State Fire Marshal, Columbia County Fire Defense Board, Oregon Department of Forestry and the local Fire District.

AUTHORITY:

OAR 340-264-0010 Through 340-264-0200
ORS 468.020, 468.295, 468.310, ORS 478.960, ORS 478,965, ORS 476.390, and
ORS 478.930. 1997 UFC Article 11.

DEFINITIONS:

As used in these rules unless otherwise required by context:

"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 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 customarily provided in conjunction with the agricultural operation.

"Agricultural Open Burning" means the open burning of any agricultural waste; except as provided in OAR 340-264-0040.

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

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

"C-COM" means the Columbia Emergency 911 Communications District.

"Combustion Promoting Materials" include, but are not limited to, propane, diesel

oil, or jellied diesel.

"Commercial Open Burning" means the open burning of any commercial waste.

"Commercial Waste" means combustible waste which is generated by any activity of whole sale or retail commercial offices or facilities, or by industrial, governmental, institutional, or charitable organization offices and facilities, or by housing facilities with more than four living units including but not limited to apartment, hotels, motels, dormitories, and mobile home parks, but does not include any waste which is defined as industrial waste, agricultural waste, construction waste, demolition waste, domestic waste, and trash.

"Commission" means the Environmental Quality Commission.

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

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

"Columbia County" means Columbia, Clatsop and Multnomah Counties served by a Columbia County Fire District.

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

"Demolition Waste" means any material 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 for land improvement or cleanup excluding yard debris (domestic waste) and agricultural waste.

"DEQ" means the Department of Environmental Quality.

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

"Domestic Waste" means household material, which includes: paper, cardboard, clothing, yard debris or other material actually generated in or around a dwelling of four (4) or fewer family living units, or on the real property appurtenant to the dwelling. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes. Once domestic waste is removed from the property of origin it becomes commercial waste.

"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 to adjacent lands.

"Fire Season" means the time of year that is hot & dry and usually starts in late June and can run through November. Burning is usually restricted during this period.

"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 such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.

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

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

"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 material generated by land clearing is DEMOLITION WASTE except those materials which are included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

"Letter Permit" means an Air Contaminant Discharge Permit issued pursuant to OAR 340-264-0180.

"Local Jurisdiction" means:

- (a) The local fire permit issuing authority, or
- (b) Local governmental entity with authority to regulate by law or ordinance.

"Open Burning" means burning in:

- (a) Burning in open outdoor fires;
- (b) Burning in burn barrels;
- (c) Burning in incinerators which do not meet the emission limitations specified for refuse burning equipment in OAR 340-021-0025; and
- (d) Any other 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.

"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 governmental or any agency thereof.

"Slash" means forest debris or woody vegetation to be burned under the Oregon Smoke Management Plan administered by the Oregon Department of Forestry pursuant to ORS 477.625. The burning of such slash must be related to the management of forestland used for growing and harvesting timber.

"Waste" includes any useless or discarded materials. Waste includes any useless or discarded materials. Each waste is categorized in these rules as one and only one of the following types: agricultural, commercial, construction, demolition, domestic, industrial or slash.

"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 (4) 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.

GENERAL REQUIREMENTS AND PROHIBITIONS:

All open burning and use of incinerators shall comply with Article 11 - Section 1101 and 1102 or Uniform Fire code & ORS 478.960 unless otherwise outlined in this ordinance.

No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of this ordinance.

Open burning in violation of any rule of this ordinance shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either DEQ or by any other appropriate public official; unless DEQ has given written approval 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 shall be construed to authorize any violation of OAR 340-264-0060.

Any person who owns or controls, including the tenant of, property on which open burning occurs or who has caused or allowed such open burning to be initiated or maintained shall be considered the person responsible for the open burning.

Open fires allowed by these rules shall be constantly attended by a responsible person until extinguished.

All combustible material to be open burned should be dried to the extent practical to prevent emissions of excessive smoke.

All combustible material to be open burned shall be stacked or wind rowed in such a manner as to eliminate dirt, rocks, and other noncombustible material, and to

promote efficient burning. Equipment and tools shall be available to periodically re-stack the burning material to insure that combustion is essentially complete and that smoldering fires are prevented.

Open burning of any waste material which normally emits dense smoke, noxious odors, or which may tend to create a public nuisance such as, but not limited to household wet garbage, plastics, wire insulation, auto bodies & parts, asphalt, waste petroleum products, rubber products, animal remains, and animal or vegetable waste resulting from the handling, preparation, cooking, or service of food is prohibited.

No person shall cause or allow to be initiated or maintained any open burning which interferes unreasonably with enjoyment of life or property or which creates a private or public nuisance, except as created by agricultural open burning. No person shall cause or allow open burning which creates a hazard to public safety.

No open burning shall be initiated in any part of Columbia County on any day or at any time when The Department advises the State Fire Marshal or fire permit issuing agencies that open burning is not allowed in Columbia County because of adverse meteorological or air quality conditions.

No open burning shall be initiated in Columbia County when an air pollution alert, warning, or emergency has been declared pursuant to OAR Chapter 340 section 206-0060, and is then in effect. Any open burning in progress at the time of such declaration shall be promptly extinguished by the person in attendance or person responsible when notified of the declaration by either DEQ or any other appropriate public official.

Open burning authorized by these rules does not exempt or excuse any person from liability for consequences, damages, or injuries resulting from such burning, nor does it exempt any person from complying with applicable laws, ordinances, or regulations of other governmental agencies having jurisdiction.

No person shall cause or allow be initiating or maintaining any open burning authorized by the rules in OAR 340, Division 264, during hours other than specified in this ordinance.

Forced-air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:

- (a) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of DEQ that no feasible or practicable alternative to forced-air pit incineration exists.
- (b) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute start up period.

- (c) The person requesting approval of a forced-air pit incineration facility shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR 340
- (d) A forced-air permit for operation of a forced air pit incineration facility shall be required and shall be based on the same conditions and requirements stipulated for letter permits in OAR 340-264-0180, except that the term of the permit shall not be limited to thirty (30) days and the operation of the facility shall not be limited to seven (7) days, but both the term of the permit and operation limit of the facility shall be specified in the permit and shall be appropriate to the purpose of the facility.

SPECIFIC REQUIREMENTS AND PROHIBITIONS:

"Solid Waste Disposal": No person shall 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 340-061-0005 through 340-061-0085.

"Industrial Waste": Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

"Agricultural Waste": Agricultural open burning is allowed subject to OAR 340-264-0050 and 340-264-0060 and the requirement and prohibitions of local jurisdictions and the State Fire Marshal (OAR 837, Division 110).

"Commercial Waste": Commercial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

"Construction and Demolition": Unless authorized pursuant to OAR 340-264-0180, construction and demolition open burning is prohibited in and within three (3) miles of the city limits of Columbia City, Clatskanie, Rainier, St. Helens, Scappoose and Vernonia. If local jurisdiction approves, they may allow construction & demolition debris to be moved outside the three mile limit and burned with a fire permit.

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

"Domestic Waste": Domestic open 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 Marshal.

"Open Burning by Letter Permits": Open burning of commercial, industrial, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris which is otherwise prohibited, may be permitted by a letter permit issued by DEQ in accordance with OAR 340-264-0180, 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and

the State Fire Marshal. OAR 340-014-0025, 340-020-0140, and 340-020-0150 through 340-020-0185 shall not apply.

Burning of uncut vegetation is prohibited, unless it meets the requirements of OAR 837, Division 110, Field Burning.

Burning in an approved barrel with screen, within 15 feet of a tree or structure is prohibited. All other open burning shall be 50' from a tree or structure in accordance with UFC Article, Section 1102.3.5 and Division I, Section 11.202 & 11.203.

EXCEPTIONS:

The provisions of this ordinance shall not apply to:

Fires set for traditional recreational purposes and traditional ceremonial occasions, for which a fire is appropriate, provided that no materials, which may emit dense smoke or noxious odors, are burned.

The operation of any outside barbecue equipment not used for commercial or fund raising purposes. Any outside barbecue equipment used for commercial or fund raising purposes for no more than two periods in any calendar year, each such period not to exceed two consecutive weeks.

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 instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.

Field burning will be in accordance with OAR 837, Division 110.

Slash burning on forestland permitted under the Oregon Smoke Management Plan, pursuant to ORS 477.625.

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.

ESTABLISHMENT OF BURN DAYS:

In order to reduce the fire hazards created by open burning and to prohibit burning during weather conditions that increase fire hazards or tend to create air pollution above acceptable levels, each day will be designated as a "Burning Permitted Day" or a "No Burning Permitted Day".

Each Fire District's Fire Chief or his designee will determine whether or not each day shall be a burning permitted day within their specific Fire Districts. The

procedure for such determination shall be as follows:

A. EACH DAY SHALL BE DESIGNATED A BURNING PERMITTED DAY UNLESS ANY ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

- (1) Information from D.E.Q. stating that an air pollution advisory involving Columbia County exists.
- (2) Information from State Fire Marshal, stating "no burn".
- (3) Temperature above 80° F.
- (4) Wind velocity greater than 10 mph.
- (5) Humidity below 30%.
- (6) Fog condition.
- (7) Columbia County Fire Defense Board stating "No Burn".
- (8) Any other fire hazard concerns

B. DURING PERIOD NOT DESIGNATED AS FIRE SEASON, THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

- (1) The Fire Chief or his designee shall determine if burning will be allowed, using above criteria.
- (2) The Fire Chief or his designee shall also consider any additional information received from DEQ of an air pollution advisory involving Columbia County or information received by other Emergency Agencies of the probability of unusual weather factors such as high winds, temperature, humidity, fog and smog conditions. The Fire Chief or his designee shall apply the required judgment and using the above criteria in Section "A" to determine whether or not burning shall be permitted on the following day.
- (3) The Fire Chief or his designee may, in the event that DEQ is unable to provide air pollution information for Columbia County, contact Columbia City Office of The Oregon Department of Forestry for slash burn information for their individual Districts. Slash burn information is an acceptable solution to determine if local weather conditions allow for adequate atmospheric ventilation of pollution caused by backyard burning.

C. ESTABLISHING FIRE SEASON:

The Columbia County Fire Defense Board along with Oregon Department of Forestry shall establish when conditions warrant a total ban on open burning.

The Columbia County Fire Defense Board along with Oregon Department of Forestry will determine when burning will be allowed. The Columbia County Fire Chief shall be responsible to notify all Fire Districts, and C-Com.

If burning has been allowed by the Columbia County Fire Defense Board, the Fire Chief or his designee shall determine if burning is allowed, using criteria as outlined on page 8 section "A".

HOURS OF BURNING:

- (a) All burning shall take place during daylight hours.
- (b) Large piles of debris such as stumps, logs and etc., which have been ignited lawfully within the provisions of these rules, may burn for extended periods of time. They need not be extinguished on any intervening "No Burning Permitted Day", (unless the local jurisdiction deems a hazard may exist) however they may not be built up or modified in anyway to increase or encourage burning.

BURNING PERMITS:

- (a) Burning Permits shall be required for all open burning, use of incinerators or burning barrels, as required by ORS 478.960 and UFC Article 11, Division 1101.3 and shall be acquired from the local jurisdiction.
- (b) No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of a Fire District, ORS 478.960, OAR 340-023, or UFC Article 11, Division I 1101.1 through 1102.5.2.3

PENALTIES:

Property owners and operators who are conducting illegal burning may be cited and fined for such action (ORS 478.960) and charged costs for fire suppression (ORS 478.965).

RECORDS AND REPORTS:

As required by ORS 476.380(4) and 478.960(7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof to DEQ as may be required. Forms for any reports required under this rule shall be provided by DEQ.

AMENDMENTS:

These Open Burning Rules shall remain in force until amended by the Columbia County Fire Defense Board.