

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Commission, when were present:

The Honorable JOHN J. HOWARD, Chairman

STEVE MCCLURE, Commissioner

COLLEEN MACLEOD, Commissioner

WHEN, on WEDNESDAY, the 6th day of June, 2001, among others the following proceedings were had to wit:

IN THE MATTER OF AN ORDINANCE	)	
AMENDING ORDINANCE 1992-4	)	
CONTROLLING AND MANAGING FIELD	)	ORDINANCE
BURNING IN UNION COUNTY, OREGON	)	2001-04
AND AMENDING THE UNION COUNTY	)	
SMOKE MANAGEMENT PROGRAM	)	
AND DECLARING AN EMERGENCY	)	

WHEREAS, the Union County Board of Commissioners adopted Ordinance 1991-6 on June 5, 1991; and

WHEREAS, difficulties during the 1991 burning season resulted in amendments which were made as Ordinance 1992-4 adopted on May 6, 1992; and

WHEREAS, difficulties during the 2000 burn season have resulted in the need for amendments to the ordinance; and

WHEREAS, Union County is primarily an agricultural County in which numerous acres of wheat and grass seed crops are grown; and

WHEREAS, it is recognized that grass seed and cereal grain fields benefit from thermal sanitation (open burning) in order to eliminate certain diseases and pests; and

WHEREAS, if the practice of open field burning is to be allowed in Union County, it is necessary to establish an effective and enforceable smoke management program to control open field burning, in order to protect public health and safety and to avoid visibility degradation in the Eagle Cap Class I Wilderness Area.

NOW THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

SECTION I. UNION COUNTY SMOKE MANGEMENT PROGRAM

The Union County Smoke Management Program is hereby created to administer the provisions of this act.

The smoke management season will run from July 15 through September 30 inclusive, for each year or dates set by the Union County Board of Commissioners.

Field burning occurring outside of the smoke management season must still comply with:

1. Section V parts B through K.

2. Any penalties that apply from Section VI.
3. Per acre burn fees.
4. Obtain clearance to burn and any specific conditions from the Union County Air Quality Notification Center, once it is implemented.

## SECTION II. FIELD BURNING FEES

- A. All field burning in Union County shall be subject to a burning fee for each acre burned. The amount of this fee shall be determined by the Union County Grass Seed Growers Association prior to the start of each field-burning season. This fee shall be based on a budget projection of the estimated revenue necessary to cover the program operating expenses listed in part D of this section.
- B. The burning fee applies to the open burning of grass seed and cereal grain acreage as well as propane flaming on acreage where straw residue has been removed prior to flaming. It does not apply to acreage where propane flaming is being used as a secondary or follow-up treatment to open burning.
- C. All county field burning fees collected shall be placed in a special fund to support the Union County Smoke Management Program.
- D. The County Board of Commissioners will contract with the Union County Grass Seed Growers Association to use these funds to cover the following program operation expenses:
  1. Meteorological monitoring equipment, which shall include two surface wind stations and may include theodolite, pibal balloons and/or a nephelometer in Island City, and vertical temperature readings.
  2. Contract with a meteorologist for weather forecasting.
  3. Office materials, which shall include maps, burn report forms, and burn fee receipts.
  4. Contract personnel, which may include smoke management program manager and other personnel as necessary.
  5. Radios and/or cell phones for field communication with Smoke Management Center.
- E. The Smoke Management Center contract will be submitted annually prior to the smoke management season with an operations plan that is subject to review and approval by the Board of Commissioners.

## SECTION III. FIELD BURNING PERMITS

- A. Fire permits must be obtained from the appropriate fire protection agency before any open field burning is conducted.
- B. Each fire permit issued for open field burning in Union County shall include the following conditions:
  1. Date of the permit and time of issuance.

2. Field(s) location and size.
3. Any fire safety requirements as specified by the State Fire Marshal's Rules, i.e., extinguishing capability, establishing fire guards, safe burning techniques, etc.
4. A 30-minute limit after permit issuance to commence the burning of the field. Before burning, permittee shall contact the Union County Smoke Management Center for final approval. Time set for final call in will be set in the smoke management operations plan. If the fire is not started within 30-minutes of assigned time, a new permit must be obtained from the Smoke Management Center.

#### SECTION IV. DAILY FIELD BURNING AUTHORIZATION CRITERIA.

- A. Open field burning shall be allowed in Union County when the prevailing atmospheric dispersion and burning conditions are favorable for optimum smoke dispersal. Determination "made at the smoke management center," of optimum smoke dispersal conditions may be made based on the following factors:
  1. Morning weather forecast and discussion with a reputable weather service, indicating anticipated weather conditions for Union County, such as afternoon surface and upper-level wind direction and speed, high temperature, and lowest relative humidity.
  2. Upper-level transport wind direction and speed as determined by pibal\_balloon readings taken at the smoke management center at Imbler and/or Island City.
  3. Surface level winds, based on wind monitoring equipment located at the smoke management center at Imbler, and the La Grande/Union County Airport or other locations in Union County.
  4. Observations of visibility and potential smoke impacts from the Point Prominence Lookout Station.
  5. An Island City beta scatter nephelometer reading below a level established in the smoke management operations plan in consultation with DEQ.
- B. Once the determination has been made that favorable conditions exist for burning, a test fire will be conducted to verify that such conditions exist.

#### SECTION V. GENERAL REQUIREMENTS.

- A. Open field burning is prohibited under poor smoke dispersal conditions, or when the mixing height is a minimum of 1500 feet agl or lower as measured from ground elevation at Imbler during the smoke management season. A test fire may be used to determine the actual mixing height, or a calculated mixing height may be used.
- B. No open field burning, including test fires, shall be allowed when prevailing winds indicate smoke transport directly toward the following areas:
  1. The La Grande PM 10 Non-attainment Area.
  2. The Eagle Cap Class I Wilderness Area.

- C. All open field burning shall be conducted in a manner which minimizes smoke impact on the public and promotes safe burning practices.
- D. No open field burning shall be allowed if the State Fire Marshal or designated agent has prohibited burning based on fire safety considerations, i.e., high fire danger conditions.
- E. Open field burning shall be prohibited on Sundays and holidays. Open field burning shall be prohibited on Saturdays except following extreme periods of wet weather or special circumstances.
- F. No open field burning shall be allowed during air stagnation periods designated by the meteorologist or during likely periods of noncompliance with National Ambient Air Quality Standards.
- G. Propane flaming on grass seed and cereal grain acreage is allowed only when the loose straw has been removed from the field, or if the field has been recently open burned and is subject to proper smoke dispersal conditions. Propaning is allowed on all days except Sundays and holidays.
- H. Rapid ignition techniques are encouraged on all acreage where there are not imminent fire hazards or public safety concerns.
- I. Test fires may only be used after meteorological and atmospheric conditions have been carefully analyzed.
- J. This ordinance does not relieve permittees from responsibility for fire damage.
- K. Any field not authorized for burning that is accidentally ignited must be extinguished immediately and reported to the smoke management center.
- L. On or before December 1 of each year, the following information shall be assembled and reported to the Department of Environmental Quality, the Board of County Commissioners, and appointed representatives from the local communities:
  - 1. Daily acreage burned.
  - 2. Daily meteorology on each burn day.
  - 3. Daily smoke impacts in La Grande and the Eagle Cap Wilderness Area (extent, duration, and severity of smoke impact).
  - 4. Daily public complaints (location and observation of complainant).
  - 5. Total amount of fees collected for the year.
  - 6. A summary of any enforcement action taken during the season.
- M. There will be an annual review of the smoke management program by the Board of Commissioners and the Smoke Management Committee.

**SECTION VI. SMOKE MANAGEMENT PROGRAM FINES AND PENALTIES.**

- A. The Union County Smoke Management Program shall provide Union County with adequate funding to hire a seasonal field inspector. The field inspector will have the responsibility of providing observations of field

burning activity to the smoke management center, extent, duration and severity of smoke impacts, and investigating any potential violations of the provisions of this Ordinance, for which the field inspector shall notify the Union County Sheriff's office of violations of this ordinance.

The following violations of this Ordinance shall be subject to the following fines and penalties:

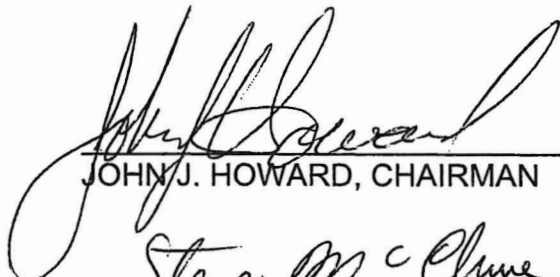
1. \$500 for burning without first obtaining a burning permit.
2. \$250 for open burning more acres than authorized.
3. \$100 for burning acreage for which a burning fee was not paid.
4. Not less than \$50 nor more than \$1000 for any other violation pertaining to this Ordinance.
5. An automatic doubling of each fine for any reoccurring violation of the Ordinance per season.

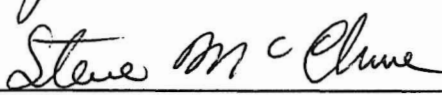
Violators shall be cited into the Union County District Court. The fines and penalties shall be in lieu of the field burning fees as assessed in Section II. Said assessment in Section II shall be levied and enforced by and through the Union County Board of Commissioners, and shall be in addition to whatever fines and penalties are imposed pursuant to this Ordinance.

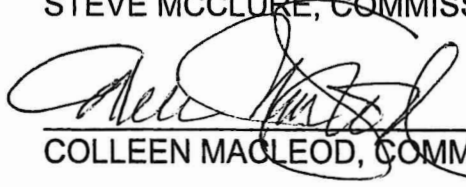
#### SECTION VII. EMERGENCY ADOPTION

Whereas an emergency exists in order to have revised guidelines in place before the 2001 burning season, this Ordinance shall become effective July 1, 2001.

Passed by the Union County Board of Commissioners this 27<sup>th</sup> day of June, 2001.

  
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JOHN J. HOWARD, CHAIRMAN

  
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STEVE MCCLURE, COMMISSIONER

  
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COLLEEN MACLEOD, COMMISSIONER