

SMOKE MANAGEMENT RULE PROPOSAL

OAR Chapter 629, Division 48 – Smoke Management

629-048-0150

Criteria for Future Listing of Smoke Sensitive Receptor Areas

To ensure continued accomplishment of the smoke management plan objectives, additional smoke sensitive receptor areas may be listed according to the following procedures:

(1) Once each calendar year, the department shall consider additional SSRA listings if:

(a) A community has experienced significant smoke incidents as described in section (5) of this rule;

(b) The Department of Environmental Quality recommends consideration of a community for SSRA listing based on evidence of airborne pollutants in the community at levels that make periodic exceedance of ambient air quality standards a significant possibility; or

(c) The governing body of a city or county, as appropriate to the area being considered, requests by official action consideration of a community for SSRA listing, and cites the reasons for the request.

(2) When considering whether to list a community as an SSRA, the department will evaluate the evidence presented to it, including information presented at one or more public meetings. Specifically, the department will consider information regarding:

(a) The frequency, duration and intensity of verified smoke incidents;

(b) Population of the community;

(c) The results, if any, of mechanical or systematic monitoring of pollutants, or other verifiable information regarding chronic air quality problems in the community under consideration;

(d) The nature and performance of any local programs addressing other pollutants;

(e) Trends in prescribed burning activity on surrounding forestlands;

(f) Any local topographic or meteorological effects that may influence the frequency, duration or intensity of smoke incidents;

(g) Evaluation of the local and regional effect that listing the community as an SSRA will have on the smoke management plan's objectives of maintaining air quality and accomplishing necessary prescribed burning;

(h) The reasons cited in a request received under paragraph (1)(c) of this rule; and

(i) Any other information that is relevant to accomplishing the objectives of the smoke management plan.

(3) After considering the evidence presented to it, except as provided in section (4) of this rule, the department shall do one of the following:

(a) For communities with a population less than 10,000 [or 8,000], reject the recommendation or request unless both the department and the Department of Environmental Quality agree that the evidence warrants listing;

(b) For communities with a population of 10,000 [8,000] or more, accept the recommendation or request by defining the applicable boundaries of the community to be listed and treating the community as an SSRA beginning with the next burning season, unless both the department and the Department of Environmental Quality agree that the evidence does not warrant listing.

(4)(a) After notice and opportunity for comment in accordance with ORS 183.335, the board may reverse the listing decision under section (3) of this rule if it finds that the evidence considered by the department does not support the listing decision made. The board will consider any written or verbal testimony provide by the Environmental Quality Commission when making its decision.

(b) For communities with no air monitoring data, the department may delay a final determination of whether to list the community as an SSRA if it installs monitoring equipment in the community to gather information leading to a final determination.

(5) "Significant smoke incident" as used in this rule refers to any of the following combinations of verified smoke incidents resulting from prescribed burning on forestland in any continuous period of three years or less:

(a) One heavy intensity smoke incident;

(b) Two moderate intensity smoke incidents, both lasting at least one hour;

or

(c) Three or more smoke incidents of any combination of intensity for a combined duration of at least three hours (using the intensity parameters described in OAR 629-048-0110 for all of the above).