

Smoke Management Review Committee Meeting
Oregon Department of Forestry
Santiam Conference Room, Operations Bldg, Salem
0830-1500 January 22, 2004

In Attendance: Stephen Fitzgerald, Brian Jennison, Lee Miller, Stan Benson, Erik Christiansen, Jim Brown, Gregory McClarren, Mike Dykzeul, Gary Stevens, Jim Russell, Brian Finneran, Mike Ziolko and Cindy Smith (notetaker).

Visitors: Harold Merritt (Plum Creek Timber), Kim Metzler (LRAPA), Karen Willoughby (Capital Press), Nick Yonker, and Jim Trost.

1. Administrivia

Mike Ziolko, ODF

Mike Ziolko explained that Geoff Babb had tendered his resignation from the Smoke Management review Committee because of workload issues. His vacant position will not be filled and the number needed for a quorum was changed to 8. Mike also noted that Brian Finneran has replaced David Collier on the Committee as DEQ technical advisor.

Harold Merritt will be Lee Miller's proxy and attend the February meeting.

2. Minutes

The following corrections were made to the minutes:

David Collier was present.

Page 1: Item 3, paragraph 2: replace 'research' with 'literature review'.

Page 4: Bullet 2, first line, change 'Finneran' to 'Jennison'.

Page 6: Bullet 12, Jim Russell statement should read 'everything from burning tires, which is no longer a practice, to "napalm" (gelled fuel) to burn piles'

Page 7: First bullet should read 'Erik Christiansen replied that there is **no** difference in his opinion.' Middle of the page, 5th bullet, Jim Russell's response to Stan Benson should read 'the USFS and BLM do not wish to participate because this is a state level issue and asked that ODF take this to DEQ.'

Middle of the page, 7th bullet, should read "Mike Ziolko did not **know** what purpose..."

Page 8: Last Bullet, replace 'Dykzeul' with "Christiansen".

Greg McClarren made the motion and it was seconded by Brian Jennison that the minutes be accepted as corrected. The vote was favorable.

3. Burning PE Plastic on Piles

All

0840

Committee members reviewed the draft letter to the State Forester regarding burning PE plastics on piles. Committee members added further edits to those already suggested by Mike Dykzeul.

First paragraph:

- Jim Brown noted that the name of the committee should be capitalized and added that "recognized and accepted possible" should be deleted from the first sentence.
- The OAR prohibiting the burning of plastic needs to be cited - OAR 340-264-0060(3).
- Greg suggested adding "based on the literature review and cited research, PE poses virtually no risk to air quality or human health, yet it is very durable..."
- Brian Jennison – the open burning of plastics - all plastics, should be simplified to "all plastics"

Third Paragraph:

- Greg McClarren expressed his concern that the second sentence (Consideration should be given to amending...) was not what the committee had voted on. He suggested that it be removed.

- Stephen Fitzgerald explained that Mike Dykzeul had inserted that in his edits for clarification to the State Forester. He added that the committee had discussed it even though it was not voted on.
- Brian Jennison noted that he would not support it as written
- Mike Z – the intent is to clarify all forestland burning under ODF’s regulation, not to get into backyard burning.
- Greg McClarren said he sees the merit but noted that the bulk of the paragraph as a dialogue between ODF, DEQ and maybe ODA, and suggested waiting.
- Stephen responded that the committee needs to give Marvin some context of where we want to go... within the next two weeks because Marvin will be meeting with DEQ.
- Brian Jennison suggested striking the reference to all open burning and referring only to Forest Practice related opening burning instead.
- It was noted that DEQ was not present for this discussion and concern was expressed over the fact that the committee was having this discussion in the absence of DEQ representation.
 - Mike Ziolko stated that David Collier was present at the last meeting
 - Stephen Fitzgerald made note that DEQ’s position is that of technical advisor and it is not the Committee’s problem that they had not shown up this morning.
 - Mike Ziolko added that this had been discussed at other times with DEQ representation present.
- Stephen Fitzgerald noted that the committee needed to provide as much context as possible to Marvin and added that DEQ had brought this issue to the Committee – it was not originally on the Committee’s plan of work.
- Gary Stevens pointed out that there should be one standard for forest practices and backyard burning.
 - Stephen noted that most of the public may not know the difference PE and any plastic and forest practices could be require certification of the PE but it could be very difficult to do so with the public.
 - Mike Ziolko added that if someone wanted to know the requirements for burning on forestland – a change would simplify things if we could provide the regulations for burning on forestlands without having to provide both ODF and DEQ requirements. He noted that it is a step in the right direction.
- Jim Brown said the Committee should ask for an exemption only for FP – then aren’t asking to change rules except for FP and would keep it as narrow as possible.
- Jim Russell commented that DEQ continually talks about equity – in this case the difference between backyard burning and the FS burning piles is not an equity issue.
- Greg McClarren proposed changing the start of sentence to read “Part of the committees deliberations have identified that ODF and DEQ may wish to move all Forest management related burning out of DEQ and under ODF jurisdiction.”
- Jim Russell noted that if you have a regulation, you have to be able to enforce the regulation... that’s why it needs to fall under ODF.
- Stan noted that this meets the desired intent and suggested a vote be taken.
 - Jim Brown – asking for two things - A limited exemption and a broader point for discussion.
 - Greg McClarren thought the whole letter should be concerning PE
- Greg McClarren said the reference to amending should be stuck from the paragraph.
- Mike Ziolko said that the second paragraph says what we want to see exempted and the third paragraph is a way to implement it – by bringing all forestry related burning under ODF’s regulation. DEQ still has oversight because the EQC also has to approve the Smoke Management rule changes.

- Greg added that there are other examples such as range management burning on forested land and what to do with lands that are not technically forested and suggested that they should be woven together.
 - Mike Ziolkko replied that it could be a next step but noted that ODF has no authority over rangeland.
- Brian Jennison suggested removing paragraph 3 because the bullets in paragraph 4 support paragraph 2. Part of paragraph 3 could be put in a final paragraph and added that the sentence beginning with “Consideration should be given to amending ODF and DEQ regulations so that FP related burning be removed from...” could be moved to the end of the letter.

Page 2 - Information that Supports Our Recommendations

Discussion:

- Delete the first line - “Below are some important points that we considered...” and go directly to the first bullet.
- Bullet 1 – The public may not know what a “consume model” – consider deleting the word consume.
- Bullet 1 – Delete the underlined portion “The ability to control timing...”
- Bullet 3 – Replace “about equal” with “similar”.
- Bullet 4 – Brian Jennison suggested “and easier to use in the field” because we have had testimony to that effect.
- Bullet 4 – Correct spelling to “drier” and pile should be plural.
- Bullet 5 – The placement of Mike’s edit could be changed. – it could to become the last sentence of the third bullet. And changed to read “chemicals used to treat the paper (i.e. Paraffin wax)...” There was additional discussion of moving the remainder of the paragraph to follow it in the third paragraph but it was decided to leave it stand after moving the edit to Bullet 3.

Possible Best Management Practices

Discussion:

- Bullet 1 – Replace “only PE” with “only PE sheeting”
- Bullet 1 – delete the word “existing” in the last sentence.
- Bullet 3 – Should read “... efficient ignition, combustion and durability determined by cite specific conditions”.
- Paragraph 2 – First sentence should read “... agreement by DEQ representatives, (who attend our meetings), on many aspects of...” The last sentence should read “... The Committee has worked hard on this PE issue...”
- The final paragraph should read:
- *Further, consideration should be given to amending ODF and DEQ regulations so that the use of PE and petroleum-based ignition accelerants for forest management related burning be administered by ODF’s Smoke Management Plan. DEQ and the Environmental Quality Commission have joint approval responsibility of the Smoke Management Plan requirements, so concerns that they may have on exceptions can be addressed in the Smoke Management Plan. This change could simplify and strengthen rule administration by having all forest land burning under one agency (ODF).*

Committee members approved the letter as amended. The letter will be sent to State Forester, Marvin Brown, prior to his annual meeting with DEQ on January 30.

A copy of the signed letter will be filed with the minutes of this committee.

4. Public Comments

There was no public comment at this time.

5. Break

6. Develop Matrix Results

7. Working Lunch

DEQ Regional Haze Rule Revision

Brian Finneran, DEQ

Brian Finneran updated the Committee on the status of the Regional Haze Rule revisions. A supplemental submission needs to be sent to EPA, which will address two questions that need further details. It is due sometime this spring.

- What process will the state of Oregon pursue regarding alternatives to burning?
- How those alternatives will be evaluated when considering prescribed fire?

The final *Alternatives to Wildland Burning Report* has not been received. The report was referenced in the Regional haze Plan and needs to be completed. Additionally, Brian suggested that this committee should evaluate it to 1.) Determine if it would be a good reference for evaluating alternatives, and 2.) Adding language to the Administrative Rule or Operational Guidance for the Smoke Management Plan that would identify the process by which alternatives would be evaluated.

Brian said that EPA would be expecting something – probably no later than mid-summer.

Brian added that there is also the requirement for emission reduction technique and how they are being utilized to minimize the increase in emissions from burning.

Brian will make a further presentation at the February meeting of the Smoke Management Review Committee.

Stephen Fitzgerald expressed his reluctance for the committee to take on more work.

Mike Ziolk added that he was looking for this committee to have its work completed by September.

Jim Brown noted he sees it as an opportunity – using alternatives allows more acres to be treated without putting additional smoke into the air.

Gregory McClarren pointed out that item H of the Matrix is the perfect place to discuss this.

Jim Russell noted that it could be as easy as making an appendix.

Pile Burn Fee Increase Update

Mike Ziolk

Mike Ziolk updated the Committee on the status of the proposed Pile Burn Fee increase. Due to the cancellation of the January Board of Forestry meeting, Charlie Stone, on behalf of the State Forester has polled the board members and will sign the fee increase. The State Forester does have statutory authority to adopt Smoke Management rules. It will be effective until the end of this biennium at which point the increase must be approved by the state legislature

The rule will be effective upon filing, not retroactive. The new fees will be an increase from two dollars per acre to five dollars per acre for pile burning. Landing piles will remain exempt. Mike Ziolk expects the filing to be done within two weeks.

8. Develop Matrix Results

Matrix Item B

1. Optimize Best Burn Days

Rule Change

Barriers and Opportunities:

- Barrier – Limits in (6)(b) and meteorological might restrict this option. Items in (b) are outdated and need to be updated to reflect increased sophistication for forecasting, type of burning and geographic location.
- Barrier – Defining an “optimal day”
- Opportunity – Gather more precise information to optimize burning.

Measures of Success:

- Planned acres versus accomplished are equivalent
 - Reforestation
 - WUI
 - Fuels Reduction
 - Maintenance burns
- NAAQS met – an exceedence or not and where?
- Complaints – Increasing or decreasing? (Complaints quantified to the nature of the complaint and where they come from – inside or outside the DA)
- Intrusions in a designated area increasing or decreasing?
- Visibility impacts in Class 1 areas increasing or decreasing?

2. Take Advantage of Technology

No Directive Change?

Barriers and Opportunities:

- Barrier – Funding for positions and technology
- Opportunity – Maintain SMP in a leadership status
- Opportunity – Better optimize burn days
- Opportunity – Better ways to conduct the burn including education, training of those doing the burns
- Opportunity – Improved forecasting and ignitions with real time data on a micro-scale level.
- Opportunity – Improve overall burn tracking system for all sources of emissions
- Opportunity – Quality Control Process – audit process
- Barrier – Inconsistent education/training on decision making and approval (i.e. once-a-year stakeholder meetings)

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- Intrusions in a designated area increasing or decreasing?
- Visibility impacts in Class 1 areas increasing or decreasing?
- Internal agency policies developed that address education/training/auditing

3. Enhanced Communication

No Rule Change

Barriers and Opportunities:

- Opportunity – Quality Control Process – audit process

- Barrier – Inconsistent education/training on decision making and approval (i.e. once-a-year stakeholder)
- Opportunity – Better optimize burn days
- Opportunity – Better ways to conduct the burn including education, training of those doing the burns
- Opportunity – Consistency in SMP administration
- Enhanced public understanding
- Barrier – Costs – training and public education

Measures of Success:

- Internal agency policies developed that address education/training/auditing

4. Develop Protocol for Prioritization

Rule Change

Barriers and Opportunities:

- Opportunity – Change permitting process to add columns on priorities for the units and assist forecasters
- Opportunity – Better provides “guidelines” to achieve consistency and land objectives: reforestation, maintenance burns, WUI, and other factors to consider. (Directive change)

Mike Dykzeul suggested inviting a district forester to attend the next meeting to get their input as develop the process for setting priorities. Someone from the coast range was suggested. Jim R would like to see the process broken down to address: health, visibility, etc as set in the Protocol for Prioritization added to the Directive (See page 13 number 2. Stephen Fitzgerald asked how far we need to go with this. Mike Ziolko said set the parameters...

Stephen said he would like to come up with a protocol to be tested in the field. Harold Merritt said it would just be something on paper because the field will do as they see needs to be done... the District Forester already knows which unit has priority...

Jim Russell said there are units that do require priority.

Mike Ziolko noted that the process is already in place.

Stephen asked if there were units not able to burn because of competition for a narrow window...

Jim Brown – for less experienced people in the field having guidelines to set priorities is a good idea.

Specific prioritization will be tabled... Mike will invite someone from the field to attend the February meeting for their input.

- Barrier - Institutional resistance to the notion of prioritization and consistency.
- Opportunity – Formal communication between private and federal lands for burning priorities.

Jim Russell noted that prioritization needs to include federal as well as private landowners.

Stan Benson commented that prioritization should be strictly a guideline for when there are choices.

Jim Russell noted that rangeland burning is not part of the cap. And usually isn't burned at the same time.

Developing a guideline for prioritization will become a project for a workgroup.

Measures of Success:

- Develop policies to address this issue – highest priority units are burned/treated
- Met NAAQS – maintenance areas to non DA's
- Prescribed burner complaints are decreased.
- Quality assurance reports show that burn objectives and AQ objectives are met.

9. Break

10. Public Comments

No Public comment was made at this time.

11. Adjourn

The meeting adjourned as scheduled at 3 p.m.

Next Meeting February 18, 2004

Committee information may be found on the web at:

http://www.odf.state.or.us/DIVISIONS/protection/fire_protection/smp/SMR/SM_Review.asp