

**A-Engrossed**  
**Senate Bill 528**

Ordered by the Senate May 4  
Including Senate Amendments dated May 4

Sponsored by Senators PROZANSKI, MORRISSETTE, WALKER, BATES, Representative HOLVEY; Senator BONAMICI, Representatives BARNHART, BUCKLEY, GELSER, GREENLICK, KOTEK, NATHANSON, NOLAN, SHIELDS, TOMEI

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Prohibits certain field burning in specified Oregon counties.]* Allows Environmental Quality Commission to adopt rules listing *[additional]* counties to be covered by *[prohibitions]* **regulations** relating to field burning **in addition to those listed by statute. Restricts number of acres to be burned. Requires field burning techniques to cease on specified dates.** Allows specified number of acres of steep terrain to be burned until *[2011]* **2013.** Allows commission by order to permit emergency field burning of specified number of acres under certain conditions. Modifies **and creates** fees for field burning. **Specifies that fees for emergency field burning are to be deposited in State Treasury to credit of Department of Agriculture Service Fund for purpose of carrying out certain duties and responsibilities.** *[Transfers administration of certain provisions regarding field burning from State Department of Agriculture to Department of Environmental Quality.]*

*[Establishes Department of Environmental Quality Service Fund and continuously appropriates moneys in fund to Department of Environmental Quality for administering provisions related to field burning.]*

*[Repeals provisions related to memorandum of understanding between Environmental Quality Commission and State Department of Agriculture.]*

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to field burning; creating new provisions; amending ORS 468A.560, 468A.575, 468A.580,  
3 468A.585, 468A.595, 468A.610, 468A.615 and 468A.620; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 468A.560 is amended to read:

6 468A.560. (1) Except for the fee imposed under ORS 468A.615 (1)(c), the provisions of ORS  
7 468A.550 to 468A.620 and 468A.992 shall apply only to open field burning, propane flaming and stack  
8 or pile burning of grass seed **crop residues** or cereal grain crop residues on acreage located in *[the*  
9 *counties specified in ORS 468A.595 (2)]* **Multnomah, Washington, Clackamas, Marion, Polk,**  
10 **Yamhill, Linn, Benton and Lane Counties.**

11 *[(2) Nothing in this section shall apply to the propane flaming of mint stubble.]*

12 **(2) As necessary to implement the federal Clean Air Act, 42 U.S.C. 7401 et seq., as in ef-**  
13 **fect on the effective date of this 2009 Act, or as necessary to protect public health, the En-**  
14 **vironmental Quality Commission by rule may list counties, in addition to those listed in**  
15 **subsection (1) of this section, to which the provisions of ORS 468A.550 to 468A.620 and**  
16 **468A.992 apply as specified in subsection (1) of this section. The acreage restrictions in ORS**  
17 **468A.610 do not apply to counties listed in any rule adopted by the commission, except that**  
18 **the commission by rule may establish acreage limitations as necessary to implement the**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **federal Clean Air Act, 42 U.S.C. 7401 et seq., as in effect on the effective date of this 2009**  
2 **Act, or as necessary to protect public health.**

3 **SECTION 2.** ORS 468A.575 is amended to read:

4 468A.575. (1) Permits for open burning, propane flaming or stack or pile burning of the residue  
5 from perennial grass seed crops, annual grass seed crops and cereal grain crops are required in the  
6 counties listed in ORS [468A.595 (2)] **468A.560 (1) and in the counties listed in any rule adopted**  
7 **by the Environmental Quality Commission pursuant to ORS 468A.560 (2).** [and] Permits shall  
8 be issued in accordance with rules adopted by the Environmental Quality Commission and subject  
9 to the fee prescribed in ORS 468A.615. The permit described in this section shall be issued in con-  
10 junction with permits required under ORS 476.380 or 478.960.

11 (2) By rule the Environmental Quality Commission may delegate to any county court, board of  
12 county commissioners, fire chief of a rural fire protection district or other responsible person the  
13 duty to deliver permits to burn acreage if the acreage has been registered under ORS 468A.615 and  
14 fees have been paid as required in ORS 468A.615.

15 **SECTION 3.** ORS 468A.580 is amended to read:

16 468A.580. (1) Permits under ORS 468A.575 for open field burning of cereal grain crops shall be  
17 issued in the counties listed in ORS [468A.595 (2)] **468A.560 (1) and in the counties listed in any**  
18 **rule adopted by the Environmental Quality Commission pursuant to ORS 468A.560 (2)** only if  
19 the person seeking the permit submits to the issuing authority a signed statement under oath or  
20 affirmation that the acreage to be burned will be planted to seed crops other than cereal grains  
21 which require flame sanitation for proper cultivation.

22 (2) The Department of Environmental Quality shall inspect cereal grain crop acreage burned  
23 under subsection (1) of this section after planting in the following spring to determine compliance  
24 with subsection (1) of this section.

25 (3) Any person planting contrary to the restrictions of subsection (1) of this section shall be  
26 assessed by the department a civil penalty of \$25 for each acre planted contrary to the restrictions.  
27 Any fines collected by the department under this subsection shall be deposited by the State Treas-  
28 urer in the Department of Agriculture Service Fund to be used in carrying out the smoke manage-  
29 ment program in cooperation with the Oregon Seed Council and for administration of this section.

30 (4) Any person planting seed crops after burning cereal grain crops under subsection (1) of this  
31 section may apply to the department for permission to plant contrary to the restrictions of sub-  
32 section (1) of this section if the seed crop fails to grow. The department may allow planting contrary  
33 to the restrictions of subsection (1) of this section if the crop failure occurred by reasons other than  
34 the negligence or intentional act of the person planting the crop or one under the control of the  
35 person planting the crop.

36 **SECTION 4.** ORS 468A.585 is amended to read:

37 468A.585. (1) The Environmental Quality Commission shall enter into a memorandum of under-  
38 standing with the State Department of Agriculture that provides for the State Department of Agri-  
39 culture to operate all of the field burning program.

40 (2) Subject to the terms of the memorandum of understanding required by subsection (1) of this  
41 section, the State Department of Agriculture:

42 (a) May perform any function of the Environmental Quality Commission or the Department of  
43 Environmental Quality relating to the operation and enforcement of the field burning smoke man-  
44 agement program, **except for making findings pursuant to ORS 468A.610 (10), (11) and (12).**

45 (b) May enter onto and inspect, at any reasonable time, the premises **and fields** of any person

1 **registered under ORS 468A.615 for** *[conducting]* an open field burn, **propane flaming or stack**  
2 **or pile burning** to ascertain compliance with a statute, rule, standard or permit condition relating  
3 to the field burning smoke management program.

4 (c) May conduct a program for the research and development of alternatives to field burning.

5 **SECTION 5.** ORS 468A.595 is amended to read:

6 468A.595. In order to regulate open field burning pursuant to ORS *[468A.610]* **468A.550 to**  
7 **468A.620:**

8 (1) In such areas of the state and for such periods of time as it considers necessary to carry out  
9 the policy of ORS 468A.010, the Environmental Quality Commission by rule may prohibit, restrict  
10 or limit classes, types and extent and amount of burning for perennial grass seed crops, annual grass  
11 seed crops and grain crops.

12 *[(2) In addition to but not in lieu of the provisions of ORS 468A.610 and of any other rule adopted*  
13 *under subsection (1) of this section, the commission shall adopt rules for Multnomah, Washington,*  
14 *Clackamas, Marion, Polk, Yamhill, Linn, Benton and Lane Counties, which provide for a more rapid*  
15 *phased reduction by certain permit areas, depending on particular local air quality conditions and soil*  
16 *characteristics, the extent, type or amount of open field burning of perennial grass seed crops, annual*  
17 *grass seed crops and grain crops and the availability of alternative methods of field sanitation and*  
18 *straw utilization and disposal.]*

19 *[(3)]* (2) Before promulgating rules pursuant to *[subsections (1) and (2)]* **subsection (1)** of this  
20 section, the commission *[shall]* **may** consult with Oregon State University *[and may consult with],*  
21 the United States Natural Resources Conservation Service, or its successor agency, the Agricultural  
22 Stabilization Commission, the state Soil and Water Conservation Commission and other interested  
23 agencies. The Department of Environmental Quality shall advise the commission in the promulgation  
24 of such rules. The commission must review and show on the record the recommendations of the de-  
25 partment in promulgating such rules.

26 *[(4)]* (3) No regional air quality control authority shall have authority to regulate burning of  
27 perennial grass seed crops, annual grass seed crops and grain crops.

28 *[(5)]* (4) Any amendments to the State Implementation Plan prepared by the state pursuant to  
29 the federal Clean Air Act, *[as enacted by Congress, December 31, 1970, and as amended by Congress*  
30 *August 7, 1977, and November 15, 1990, and Acts amendatory thereto]* **42 U.S.C. 7401 et seq., as in**  
31 **effect on the effective date of this 2009 Act,** shall be *[only]* **at least** of such sufficiency as to gain  
32 approval of the amendment by the United States Environmental Protection Agency *[and shall not*  
33 *include rules promulgated by the commission pursuant to subsection (1) of this section not necessary*  
34 *for attainment of national ambient air quality standards].*

35 **SECTION 6.** ORS 468A.610 is amended to read:

36 468A.610. (1) Except as provided under ORS 468A.620, no person shall open burn or cause to be  
37 open burned, propane flamed or stack or pile burned in the counties *[specified]* **listed** in ORS  
38 *[468A.595 (2)]* **468A.560 (1) and in the counties listed in any rule adopted by the Environmental**  
39 **Quality Commission pursuant to ORS 468A.560 (2),** perennial or annual grass seed crop **residue**  
40 or cereal grain crop residue, unless the acreage has been registered under ORS 468A.615 and the  
41 permits required by ORS 468A.575, 476.380 and 478.960 have been obtained.

42 (2) The maximum total registered acreage allowed to be open burned per year pursuant to sub-  
43 section (1) of this section shall be:

44 *[(a) For 1991, 180,000 acres.]*

45 *[(b) For 1992 and 1993, 140,000 acres.]*

1 [(c) For 1994 and 1995, 120,000 acres.]

2 [(d) For 1996 and 1997, 100,000 acres.]

3 [(e) For 1998 and thereafter, 40,000 acres.]

4 **(a) For 2009, 20,000 acres.**

5 **(b) For 2010 and thereafter, none.**

6 **(3) The maximum total registered acreage allowed to be stack or pile burned per year**  
7 **under subsection (1) of this section shall be:**

8 **(a) For 2009, 1,000 acres.**

9 **(b) For 2010, 1,000 acres.**

10 **(c) For 2011, 1,000 acres.**

11 **(d) For 2012, 1,000 acres.**

12 **(e) For 2013 and thereafter, none.**

13 [(3)] **(4) The maximum total registered acreage allowed to be propane flamed per year under**  
14 **subsection (1) of this section in the counties listed in ORS 468A.560 (1) shall be:**

15 [(a) In 1991 through 1997, 75,000 acres per year; and]

16 [(b) In 1998 and thereafter, 37,500 acres per year may be propane flamed.]

17 **(a) For 2009, 500 acres.**

18 **(b) For 2010, 500 acres.**

19 **(c) For 2011, 500 acres.**

20 **(d) For 2012, 500 acres.**

21 **(e) For 2013 and thereafter, none.**

22 [(4)(a)] **(5) [After January 1, 1998,] Fields shall be prepared for propane flaming by removing all**  
23 **loose straw or vacuuming, or prepared using other techniques approved by rule by the [Environ-**  
24 **mental Quality] commission, and [.]**

25 [(b) After January 1, 1998,] propane equipment shall satisfy best available technology.

26 [(5) Notwithstanding the limitations set forth in subsection (2) of this section, in 1991 and there-

27 **after, a maximum of 25,000 acres of steep terrain and species identified by the Director of Agriculture**  
28 **by rule may be open burned and shall not be included in the maximum total permitted acreage.]**

29 **(6)(a) Notwithstanding the limitations set forth in subsection (2) of this section, steep**  
30 **terrain and species identified by the Director of Agriculture by rule shall not be included in**  
31 **the maximum total of permitted acreage set forth in subsection (2) of this section. The ad-**  
32 **ditional acreage allowed to be open burned shall be:**

33 **(A) For 2009, 10,000 acres.**

34 **(B) For 2010, 5,000 acres.**

35 **(C) For 2011, 2,500 acres.**

36 **(D) For 2012, 1,250 acres.**

37 **(E) For 2013 and thereafter, none.**

38 **(b) Steep terrain and species identified by the Director of Agriculture by rule may not**  
39 **be open burned under the provisions of this section in Linn, Benton and Lane Counties.**

40 [(6)] **(7) Acreage registered to be open burned under this section may be propane flamed at the**  
41 **registrant's discretion without reregistering the acreage.**

42 [(7)] **(8) In the event of the registration of more than the maximum allowable acres for open**  
43 **burning, propane flaming or stack or pile burning in the counties [specified] listed in ORS**  
44 **[468A.595 (2), after 1996] 468A.560 (1) or in the counties listed in any rule adopted by the com-**  
45 **mission pursuant to ORS 468A.560 (2), the commission, after consultation with the State Depart-**

1 ment of Agriculture, by rule or order may assign priority of permits based on soil characteristics,  
 2 the crop type, terrain or drainage. **In no event may permits be issued for more than the**  
 3 **maximum acreage listed in subsections (2), (3), (4) and (6) of this section or in any rule**  
 4 **adopted by the commission pursuant to ORS 468A.560 (2).**

5 [(8)] (9) Permits shall be issued **under ORS 468A.575 and open burning, propane flaming and**  
 6 **stack or pile burning** shall be allowed for the maximum acreage specified in [*subsection (2) of this*  
 7 *section*] **subsection (2), (3), (4) and (6) of this section and in any rule adopted by the com-**  
 8 **mission pursuant to ORS 468A.560 (2) unless[:]**

9 [(a)] the daily determination of suitability of meteorological conditions, regional or local air  
 10 quality conditions or other burning conditions requires that a maximum number of acres not be  
 11 burned on a given day.[: or]

12 [(b) *The commission finds after hearing that other reasonable and economically feasible, environ-*  
 13 *mentally acceptable alternatives to the practice of annual open field burning have been developed.*]

14 [(9)] (10) Upon a finding of [*extreme*] **potential** danger to public health or safety, the commission  
 15 may order temporary emergency cessation of all open field burning, propane flaming [*or*] **and** stack  
 16 or pile burning in any area of the counties listed in [*ORS 468A.595 (2)*] **468A.560 (1) or in the**  
 17 **counties listed in any rule adopted by the commission pursuant to ORS 468A.560 (2).**

18 (11)(a) **Notwithstanding subsection (8) of this section, the commission may by order per-**  
 19 **mit emergency open burning, propane flaming or stack or pile burning of up to 1,000 acres**  
 20 **of steep terrain each calendar year in addition to the acreage allowed under subsections (2),**  
 21 **(3), (4) and (6) of this section or in any rule adopted by the commission pursuant to ORS**  
 22 **468A.560 (2), if the commission finds:**

23 (A) **Extreme hardship due to irreparable damage, as identified by the commission by rule,**  
 24 **outweighs the dangers to public health and safety from emergency open burning, propane**  
 25 **flaming or stack or pile burning;**

26 (B) **Authorization of additional acreage does not result in open burning, propane flaming**  
 27 **or stack or pile burning of more acreage than required to address the emergency;**

28 (C) **Authorization of additional acreage is limited to the calendar year in which the**  
 29 **commission makes the required findings; and**

30 (D) **All emergency open burning, propane flaming or stack or pile burning is otherwise**  
 31 **consistent with ORS 468A.550 to 468A.620 and rules adopted under ORS 468A.550 to 468A.620.**

32 (b) **The commission by rule may assess fees for the acreage burned pursuant to this**  
 33 **subsection. All fees collected under this subsection shall be deposited in the State Treasury**  
 34 **to the credit of the Department of Agriculture Service Fund for the purpose specified in ORS**  
 35 **468A.615 (2).**

36 (12)(a) **Notwithstanding subsection (8) of this section, the commission may by order per-**  
 37 **mit emergency open burning, propane flaming or stack or pile burning of up to 2,000 acres**  
 38 **each calendar year in addition to the acreage allowed under subsections (2), (3), (4) and (6)**  
 39 **of this section or in any rule adopted by the commission pursuant to ORS 468A.560 (2), if the**  
 40 **commission finds:**

41 (A) **Extreme hardship due to disease outbreak or insect infestation, as identified by the**  
 42 **commission by rule, outweighs the dangers to public health and safety from emergency open**  
 43 **burning, propane flaming or stack or pile burning;**

44 (B) **Authorization of additional acreage does not result in open burning, propane flaming**  
 45 **or stack or pile burning of more acreage than required to address the emergency;**

1 (C) Authorization of additional acreage is limited to the calendar year in which the  
2 commission makes the required findings; and

3 (D) All emergency open burning, propane flaming or stack or pile burning is otherwise  
4 consistent with ORS 468A.550 to 468A.620 and rules adopted under ORS 468A.550 to 468A.620.

5 (b) The commission by rule may assess fees for the acreage burned pursuant to this  
6 subsection. All fees collected under this subsection shall be deposited in the State Treasury  
7 to the credit of the Department of Agriculture Service Fund for the purpose specified in ORS  
8 468A.615 (2).

9 [(10)] (13) The commission shall act on any application for a permit under ORS 468A.575 within  
10 60 days of registration and receipt of the fee required under ORS 468A.615. [*The commission may*  
11 *order emergency cessation of open field burning at any time. Any other decision required under this*  
12 *section must be made by the commission on or before June 1 of each year.*]

13 **SECTION 7.** Section 8 of this 2009 Act is added to and made a part of ORS 468A.550 to  
14 468A.620.

15 **SECTION 8.** (1) Notwithstanding any other provision of ORS 468A.550 to 468A.620, the  
16 Environmental Quality Commission by rule may prohibit field burning of grass seed crop  
17 residues or cereal grain crop residues in areas determined by the commission to be critical  
18 nonburn areas. The prohibition may be permanent or for a limited period of time.

19 (2) To ensure that the provision of electricity services is not interrupted, the critical  
20 nonburn areas described in subsection (1) of this section may include, but are not limited to,  
21 areas under power transmission lines.

22 **SECTION 9.** ORS 468A.615 is amended to read:

23 468A.615. (1)(a) On or before April 1 of each year, the grower of a grass seed crop shall register  
24 with the county court or board of county commissioners, the fire chief of a rural fire protection  
25 district, the designated representative of the fire chief or other responsible persons the number of  
26 acres to be open burned or propane flamed in the remainder of the year. At the time of registration,  
27 the Department of Environmental Quality shall collect a nonrefundable fee of [2] \$4 per acre reg-  
28 istered to be sanitized by open burning or [1] \$2 per acre to be sanitized by propane flaming. The  
29 department may contract with counties and rural fire protection districts or other responsible per-  
30 sons for the collection of the fees which shall be forwarded to the department. Any person regis-  
31 tering after April 1 [of] in each year shall pay an additional fee of [1] \$2 per acre registered if the  
32 late registration is due to the fault of the late registrant or [one] a person under the control of the  
33 late registrant. Late registrations must be approved by the department. Copies of the registration  
34 form shall be forwarded to the department. The required registration must be made and the fee paid  
35 before a permit shall be issued under ORS 468A.575.

36 (b) Except as provided in paragraph (d) of this subsection, the department shall collect a fee in  
37 accordance with paragraph (c) of this subsection for issuing a permit for open burning, propane  
38 flaming or stack or pile burning of perennial or annual grass seed crop **residue** or cereal grain crop  
39 residue under ORS 468A.555 to 468A.620 and 468A.992. The department may contract with counties  
40 and rural fire protection districts or other responsible persons for the collection of the fees which  
41 shall be forwarded to the department.

42 (c) The fee required under paragraph (b) of this subsection shall be paid within 10 days after  
43 [a permit is issued and shall be] **the date of the invoice issued by the issuing authority and shall**  
44 **be:**

45 (A) [8] \$16 per acre of crop sanitized by open burning in the counties [specified] **listed** in ORS

1 [468A.595 (2)] **468A.560 (1) and in the counties listed in any rule adopted by the Environmental**  
2 **Quality Commission pursuant to ORS 468A.560 (2);**

3 (B) [\$4] **\$8** per acre of perennial or annual grass seed crop sanitized by open burning in any  
4 county not [specified] **listed** in ORS [468A.595 (2)] **468A.560 (1) or in any county not listed in any**  
5 **rule adopted by the commission pursuant to ORS 468A.560 (2);**

6 (C) [\$2] **\$4** per acre of crop sanitized by propane flaming;

7 (D) **\$10 per acre** for acreage from which 100 percent of the straw is removed and burned in  
8 stacks or piles; **and**[:]

9 [(i) \$2 per acre from January 1, 1992, to December 31, 1997;]

10 [(ii) \$4 per acre in 1998;]

11 [(iii) \$6 per acre in 1999;]

12 [(iv) \$8 per acre in 2000; and]

13 [(v) \$10 per acre in 2001 and thereafter; and]

14 (E) For acreage from which less than 100 percent of the straw is removed and burned in stacks  
15 or piles, the same per acre as the fee imposed under subparagraph (D) of this paragraph, but with  
16 a reduction in the amount of acreage for which the fee is charged by the same percentage as the  
17 reduction in the amount of straw to be burned.

18 (d) The fee required by paragraph (b) of this subsection shall not be charged for any acreage  
19 where efficient burning of stubble is accomplished with equipment certified by the department for  
20 field sanitizing purposes or with any other certified alternative method to open field burning,  
21 propane flaming or stack or pile burning. The fee required by paragraph (b) of this subsection shall  
22 not be charged for any acreage not harvested prior to burning or for any acreage not burned.

23 (2)(a) All fees collected under this section shall be deposited in the State Treasury to the credit  
24 of the Department of Agriculture Service Fund. Such moneys are continuously appropriated to the  
25 State Department of Agriculture for the purpose of carrying out the duties and responsibilities car-  
26 ried out by the State Department of Agriculture pursuant to the memorandum of understanding es-  
27 tablished under ORS 468A.585.

28 **(b) The State Department of Agriculture by rule may increase the fees required under**  
29 **this section as needed to carry out its duties and responsibilities pursuant to the memoran-**  
30 **dum of understanding established under ORS 468A.585, provided that the fees do not exceed**  
31 **the costs of the State Department of Agriculture in operating all of the field burning pro-**  
32 **gram.**

33 (3) It is the intention of the Legislative Assembly that the programs for smoke management, air  
34 quality monitoring and the enforcement of rules under ORS 468A.550 to 468A.620 and 468A.992 be  
35 operated in a manner that maximizes the resources available for the research and development  
36 program. Therefore, with regard to the disbursement of funds collected under subsection (1) of this  
37 section, the State Department of Agriculture shall act in accordance with the intent of the Legis-  
38 lative Assembly and shall:

39 (a) Pay an amount to the county or board of county commissioners or the fire chief of the rural  
40 fire protection district or other responsible person, for each fire protection district, \$1 per acre  
41 registered for each of the first 5,000 acres registered for open field burning and propane flaming in  
42 the district, 75 cents per acre registered for each of the second 5,000 acres registered in the district  
43 and 35 cents per acre registered for all acreage registered in the district in excess of 10,000 acres,  
44 to cover the cost of and to be used solely for the purpose of administering the program of registra-  
45 tion of acreage to be burned, issuance of permits, keeping of records and other matters directly re-

1 lated to agricultural field burning. For each acre from which straw is removed and burned in stacks  
2 or piles, the State Department of Agriculture shall pay to the county or board of county commis-  
3 sioners, or the fire chief of the rural fire protection district or other responsible person, 25 cents  
4 per acre.

5 (b) Designate an amount to be used for the smoke management program. The State Department  
6 of Agriculture by contract with the Oregon Seed Council or otherwise shall organize rural fire  
7 protection districts and growers, coordinate and provide communications, hire ground support per-  
8 sonnel, provide aircraft surveillance and provide such added support services as are necessary.

9 (c) Retain funds for the operation and maintenance of the Willamette Valley field burning air  
10 quality impact monitoring network and to insure adequate enforcement of rules established by the  
11 Environmental Quality Commission governing standards of practice for open field burning, propane  
12 flaming and stack or pile burning.

13 *[(d) Of the remaining funds, designate an amount to be used for additional funding for research  
14 and development proposals described in the plan developed pursuant to section 15, chapter 920, Oregon  
15 Laws 1991.]*

16 **SECTION 10.** ORS 468A.620 is amended to read:

17 468A.620. (1) *[Notwithstanding the provisions of ORS 468A.610,]* For the purpose of improving  
18 by demonstration or investigation the environmental or agronomic effects of alternative methods of  
19 field sanitization, the Environmental Quality Commission shall by rule allow experimental field  
20 sanitization under the direction of the Department of Environmental Quality for up to 1,000 acres  
21 of perennial grass seed crops, annual grass seed crops and grain crops in such areas and for such  
22 periods of time as *[it]* **the commission** considers necessary. Experimental field sanitization includes  
23 but is not limited to:

24 (a) Development, demonstration or training personnel in the use of special or unusual field ig-  
25 nition techniques or methodologies.

26 (b) Setting aside times, days or areas for special studies.

27 (c) Operation of experimental mobile field sanitizers and improved propane flaming devices.

28 (d) Improved methods of stack or pile burning.

29 (2) The commission may allow open burning under this section of acreage for which permits  
30 have not been issued under ORS *[468A.610]* **468A.575** if the commission finds that the experimental  
31 burning:

32 (a) Can, in theory, reduce the adverse effects on air quality or public health from open field  
33 burning; and

34 (b) Is necessary in order to obtain information on air quality, public health or the agronomic  
35 effects of an experimental form of field sanitization.

36 (3) The commission may, by rule, establish fees, registration requirements and other require-  
37 ments or limitations necessary to carry out the provisions of this section.

38 **SECTION 11. Section 8 of this 2009 Act and the amendments to ORS 468A.560, 468A.575,  
39 468A.580, 468A.585, 468A.595, 468A.610, 468A.615 and 468A.620 by sections 1 to 6, 9 and 10 of  
40 this 2009 Act apply to all open field burning, propane flaming and stack or pile burning oc-  
41 ccurring on or after the effective date of this 2009 Act.**

42 **SECTION 12. This 2009 Act being necessary for the immediate preservation of the public  
43 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
44 on its passage.**