

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO
OAC 252:100-13. OPEN BURNING**

**COMMENTS RECEIVED PRIOR TO THE *OCTOBER 17, 2012*
AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

United States Environmental Protection Agency (EPA) - Letter received by email on October 5, 2012 from Mr. Guy Donaldson, Chief, Air Planning Section:

1. **COMMENT:** The EPA "...appreciates the restrictions on burning during air quality "Watch" days for ozone and Particulate Matter (PM). These restrictions work well with the air quality health advisories sent out by the Air Quality Division. Please consider modifying the ozone and PM advisories by adding a sentence stating that open burning is restricted in the counties that are predicted to be (or indicated as) orange or greater."

RESPONSE: Staff is pleased with EPA's agreement on DEQ's proposed approach on Ozone or PM Watch days. Staff would like to clarify that these are two separate but related pollutant-specific programs - one is a Watch, and the other is a Health Advisory. Public notification of a Watch is made when modeling indicates that the NAAQS will likely be exceeded on the following day. A Health Advisory may be issued at any time, in response to the monitored high pollution concentrations. The Health Advisory uses the Air Quality Index (AQI) standard colors (green, yellow, orange, red, purple) in the public notification to designate increasing levels of concern.

Staff proposes to ban open burning on Ozone and PM Watch days. Since the determination is issued by 4:00 pm the day before, there should be ample time for those who plan to burn to determine if an Ozone or PM Watch has been designated for their county. Staff is researching better methods to officially communicate to the public which counties are included in a Watch, and thus which counties would be under an open burning ban.

2. **COMMENT:** EPA attached the October 16, 2008 letter from Robert J. Meyers, Principal Deputy Assistant Administrator, to Mr. Brian O'Connor, President, Air Burners, LLC that asserts EPA's opinion that all air curtain incinerators are required by the Clean Air Act to obtain a Title V (Part 70) permit.

RESPONSE: DEQ staff is researching applicability of permitting requirements and ways to make the requirements less onerous for air curtain incinerator owner and operators.