

Chapter 9

Determinations Required by State Law

This page intentionally blank.

Chapter 9: DETERMINATIONS REQUIRED BY STATE LAW
(for each affected crop/material)

9.1 ECONOMIC FEASIBILITY

The District has determined that there were no economically feasible alternatives for eliminating the material generated from the mentioned crops, which would allow the District to completely prohibit burning.

The table below shows the crop categories and District staff's recommendations.

Table 9-1 - Crop Categories and Recommendations

Crop Categories and Crop type	Current Method	Potentially Feasible Alternative(s)	Economically Feasible?	Recommendations
Vineyard Removal Materials				
Grape and Kiwi Crops	Open Burn	Possibly Biomass. Wire Issue.	No	Allow Burn
Orchard Removal Matter				
Small Other Orchards - 15 acres or less (Currently at 20 acres or less)	Open Burn / Biomass	Biomass	Yes	Reduce Burn to 15 acres or less per location per year. No case by case determinations for additional acreage.
Fig Crops	Open Burn / Biomass	Biomass.	See "Small Other Orchards - 15 acres or less" category.	Reduce Burn to 15 acres or less per location per year. No case by case determinations for additional acreage.
Citrus Crops	Open Burn	Possibly Biomass. Capacity Issue.	No	Allow Burn
Apple, Pear, and Quince Crops	Open Burn	None. Disease Issue.	N/A	Allow Burn
Weed Abatement				
Ponding & Levee Banks	Open Burn	None. Mowing and Herbicide Issues.	N/A	Allow Burn.
Other Materials				
Brooder Paper	Landfill	Landfill	N/A	Prohibit Burn
Deceased Goats	Burial	Burial	N/A	Prohibit Burn
Diseased Bee Hives	Open Burn	None. Disease Issue.	N/A	Allow Burn
Rice Stubble				
	Baling + Selling / Open Burn	Baling + Selling / Open Burn. Market and Water Issues.	Immediate additional phase-down is not economically feasible: low market for rice straw	Interim phase-down schedule would be modified: <ul style="list-style-type: none"> Only 70% of acreage can be burned starting 6/1/08 50% limitation (6/1/10) would be removed Burning is prohibited starting 6/1/15
Prunings				
Apple, Pear, and Quince Crops	Open Burn	None. Disease Issues.	N/A	Allow Burn.
Fig Crops	Soil Incorporation	Soil Incorporation	N/A	Prohibit Burn.

*N/A: Not applicable. Practices for these crop types are either already in place or there were no technologically feasible alternatives to open burning for these crop types.

Table 9-1 - Crop Categories and Recommendations (Continued)

Crop Categories and Crop type	Current Method	Potentially Feasible Alternative(s)	Economically Feasible?	Recommendations
Surface Harvested Prunings				
Grape vines – other prunings from grape vines	Soil Incorporation	Soil Incorporation	N/A	Prohibit Burn
Grape canes – defined as “Vineyard Materials”	Soil Incorporation	Soil Incorporation	N/A	Prohibit Burn
Raisin Trays – defined as “Vineyard Materials”	Open Burn	None. Material Type & Recycling Issues.	N/A	Allow Burn
Almond, Walnut, and Pecan Crops	Open Burn / Shred / Biomass	Shred / Biomass	Yes. if custom shedding services are available and economical for smaller growers	<ol style="list-style-type: none"> 1. Prohibit burning of prunings for each agricultural operation whose total nut acreage (i.e., almonds, walnuts, and pecans) at all agricultural operation sites is 3,500 acres or more. 2. For each agricultural operation whose total nut acreage at all agricultural operation sites is less than 3,500 acres, <ol style="list-style-type: none"> a. Allow burning of up to 20 acres of prunings per year, and b. Allow burning of additional prunings, provided: <ol style="list-style-type: none"> i. The operator submits to the APCO before the pruning operation is completed, a representative cost estimate(s) for shredding all prunings generated by the total nut acreage at the agricultural operation site. The cost estimate(s) shall reflect shredding in a time frame that allows the operator to proceed with established post-pruning cultural practices. ii. The APCO determines that either the submitted cost estimate(s) represent(s) an unreasonable financial impact to the operator, or that adequate shredding services are not available in time for the operator to proceed with established post-pruning cultural practices.

*N/A: Not applicable. Practices for these crop types are either already in place or there were no technologically feasible alternatives to open burning for these crop types.

9.2 FEDERAL & STATE COMMITMENTS FOR BIOMASS FACILITIES

The District has determined that there were no long-term federal or state funding commitments for the operation of biomass facilities or development of alternatives to

burning. The District supports legislation that will encourage, promote, and facilitate alternative uses for agricultural material. The District also supports policies and initiatives that encourage renewable energy and energy efficiency, including supporting legislation that provides additional biomass capacity utilizing agricultural materials.

Biomass facilities have received funding from short-term programs such as the Existing Renewable Facilities Program (ERFP) through the CEC and federal corporate tax credits from a short-term federal program called the Renewable Electricity Program Tax Credit (PTC). The California State Legislature will determine future funding for biomass facilities.

9.3 AIR QUALITY IMPACTS

The District determined that the continued issuance of burn permits for these crop categories would not cause or substantially contribute to a violation of an applicable federal ambient air quality standard. Burning of agricultural waste materials are managed by the District's Smoke Management System (SMS). The SMS uses a combination of real-time meteorological information and computer modeling to determine the allowable amount and location of agricultural burning. District's use of the SMS would limit combustion emissions to levels below the violation threshold of any applicable federal ambient air quality standard.

9.4 ARB CONCURRENCE

District staff has forwarded this report with the District's recommendations to ARB for review. Prior to the District's Governing Board's consideration of approval of the revised proposed recommendations, District staff has worked with ARB toward a concurrence with the determinations, as required by the CH&SC Section 41855.6. ARB held a Governing Board Hearing on May 27, 2010 to present the staff's report and recommendations. As a result, ARB concurred with the District Governing Board's determinations and requested that the District re-evaluate the determinations within two years.