

## **Chapter 2**

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# **Agricultural Burning Requirements of Rule 4103 and CH&SC**

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## **Chapter 2: AGRICULTURAL BURNING REQUIREMENTS OF RULE 4103 AND CH&SC**

The District has implemented the burn prohibition for many crops and materials specified in CH&SC Section 41855.5. In addition to the burn prohibitions, the District has addressed the diseased crops and materials by regulating the burning of those materials through issuance of a conditional burning permit. Staff has also continued to monitor burning of agricultural materials through the District's SMS.

### **2.1 CURRENT DISTRICT RULE**

Rule 4103 was originally adopted on June 18, 1992 and it has been amended several times to incorporate state law requirements. The provisions of Rule 4103 apply to open burning conducted in the San Joaquin Valley Air Basin, with the exception of prescribed burning and hazard reduction burning, as defined in Rule 4106 (Prescribed Burning and Hazard Reduction Burning). The current rule, which would be effective until June 1, 2010, has limitations on the amount and the type of materials that can be burned and restricts when such burning can occur.

### **2.2 CH&SC BURNING PROHIBITIONS (see Appendix A for affected crops/ materials)**

As legislated in 2003, Section 41855.5 of the CH&SC prohibits the issuance of a burn permit for specific categories of agricultural material. This section also requires that the District regulates the burning of diseased crops and establish best management practices for the control of other weeds and maintenance. The schedule below shows the requirements for specific categories of agricultural material and their corresponding prohibition dates.

June 1, 2005

- Prohibit burning for Field Crops, Prunings, and Weed Abatement
- Establish best management practices for Other Weeds and Maintenance
- Regulate burning of diseased crops

June 1, 2007

Prohibit burning for Orchard Removals

June 1, 2010

Prohibit burning for Vineyard Removals, Prunings from Surface Harvested Crops and Other Materials

The agricultural materials subject to the first two deadlines were previously addressed in separate rulemaking projects. The District has incorporated the diseased crops and the materials from Other Weeds and Maintenance into Section 5.5.5 and Section 5.9 of the rule in previous rulemaking. Further details on the CH&SC definitions are provided in Appendix A of this report.

Section 41855.6 of the CH&SC allows the District to postpone the burn prohibition implementation dates of Section 41855.5 for any category of agricultural material or crop. Postponement of those deadlines requires the District to meet additional criteria; however, the CH&SC does not permit the District to provide a “permanent” postponement of the burning prohibition. All of the following criteria must be met for the District to postpone a burn prohibition commencement date for a specific category or crop:

1. The District determines that there is no economically feasible alternative means of eliminating the agricultural material.
2. The District determines that there is no long-term federal or state commitment for the continued operation of biomass facilities in the San Joaquin Valley or the development of alternatives to burning.
3. The District determines that the continued issuance of permits for that specific category or crop will not cause, or substantially contribute to a violation of an applicable federal ambient air quality standard.
4. The State Air Resources Board concurs with the District’s determinations.