

COMPLIANCE ASSISTANCE BULLETIN
June 2010

Restrictions on Agricultural Burning

On May 20, 2010, the District's Governing Board approved the "Staff Report and Recommendations on Agricultural Burning" described in Section 6.3 of District Rule 4103 – *Open Burning*. The report identified the agricultural material that met the criteria described in Section 5.5.2, allowing the postponement of the prohibitions required by California Health and Safety Code 41855.5. This bulletin identifies the types of agricultural materials that may continue to be burned with a valid agricultural burn permit. Section 6.3.2 requires the District to review and update the report at least once every five years.

Effective June 1, 2010, the District may issue agricultural burn permits for the following agricultural waste materials:

- **Pruning** from apples, pears, and quince crops.
- **Surface harvested pruning** (almonds, walnuts, pecans)
 - a) Burning of prunings is prohibited for each agricultural operation with a combined total nut acreage, at all agricultural operation sites, of 3,500 acres or more.
 - b) For each agricultural operation with a combined total nut acreage, at all agricultural operation sites, of less than 3,500 acres:
 1. A permit may be issued for the burning of up to a total of 20 acres, across all agricultural operation sites, per year
 2. The burning of additional prunings may be allowed on a case-by-case basis when absolutely no economically feasible alternatives are available. In the rare case that an economically feasible alternative is not available, burning may be allowed provided:
 - i. The grower submits to the District before the pruning operation is completed, a representative cost estimate for shredding all prunings generated by the total nut acreage at the agricultural operation site. The cost estimate shall reflect shredding in a time frame that allows the grower to proceed with established post-pruning cultural practices; and
 - ii. The District determines that either the submitted cost estimate demonstrates that shredding is not an economically feasible alternative, or that adequate shredding services are not available in time for the grower to proceed with established post-pruning cultural practices.
- **Orchard Attrition**, which include suckers, dead or broken branches and dead trees from an orchard. Attrition materials do not include annual prunings from an orchard or a removal of an orchard.

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- **Orchard Removals:** Agricultural burn permits for orchard removals may be issued for the following:
 - a) Orchard removals of citrus, apple, pear, and quince;
 - b) Orchard removals of up to 15 acres per location per year from other crops
- **Vineyard material**, which include untreated grape stakes, paper raisin trays, and vineyard removals. Vineyard prunings (i.e. vines and canes) may no longer be burned.
- **Grape Attrition**, which include suckers, and dead or broken stump and trunks from a vineyard. Attrition materials do not include annual prunings (i.e vines and canes) from a vineyard, which may no longer be burned.
- **Rice:** Agricultural burn permits for burning rice stubble may be issued, but the amount of rice debris that a grower may burn cannot exceed 70% of the total annual acreage of rice farmed.

Agricultural burn permits will allow burning of residual rice stubble left from baling equipment; spot burning in areas where rice stubble and straw had been compacted or flattened by harvesting or baling equipment; and burning of weeds and vegetation along rice field levees and banks.

- **Disease Prevention:** An agricultural burn permit may be issued with specific conditions after the county agricultural commissioner has determined that open burning is the only means available for disposing of the diseased materials.
- **Weeds from Surface Waterways**, primarily from ponding and levee banks associated with agricultural operations.
- **Tumbleweeds:** Landowners must implement Best Management Practices (BMPs) or reasonable alternatives to open burning. Managing tumbleweed growth may be accomplished by using herbicides, mowing, stabilizing soils, planting competitive species, or a combination of these practices. However, tumbleweeds often accumulate on property from which they did not originate. A burn permit may be issued for burning tumbleweeds once the District has deemed that the only disposal method for the site is by open burning and the smoke will not affect smoke sensitive areas or contribute to a nuisance.
- **Noxious Weeds** are those species identified by the USDA as being noxious to a crop, such as yellow star thistle and dodder weed. Growers must implement BMPs for controlling noxious weeds in their crops. Many practices or combination of practices are indeed reasonable alternatives to open burning; however, an agricultural burn permit may be issued if the grower demonstrates to the District that open burning is a BMP for abating the noxious weed.
- **Ditchbanks and Canals** maintained by an irrigation district or an agricultural operation. As with tumbleweeds and noxious weeds, feasible alternatives to open burning must first be examined before an agricultural burn permit may be issued.

- **Fertilizer and Pesticide Paper Sacks:** Alternatives to burning paper sacks include disposal in a landfill or purchasing fertilizers and pesticides in returnable, refillable bulk bags. A burn permit may be issued only if the BMP for disposing the paper sacks is by open burning. Burning burlap sacks, cardboard boxes, or plastic containers is prohibited.
- **Diseased Beehives:** Agricultural burn permits may be issued for diseased beehives.

Any agricultural material not described in this bulletin no longer qualifies for an agricultural burn permit. An on-site inspection by a District inspector may be required to determine burn permit eligibility.

Please be aware the District will review the burn allowances described above within two years to determine if they still meet the criteria for postponement and remain eligible to be issued burn permits.

When requesting burn authorizations, growers should report only the amount of material that can be expected to be burned on that date.

Agricultural burn permit holders are encouraged to use the automated smoke management system (SMS) when seeking a daily burn authorization. The SMS may be reached by telephone at 1-800-665-2876 or via the Internet at <http://sms.valleyair.org>.

For any questions on open burning and agricultural burn permits, please call 1-800-665-2876 between 6:00 AM and 11:00 AM.