

Updated Informative Digest

ADOPTION OF REGULATIONS PERTAINING TO THE CONDITIONAL RICE STRAW BURNING PERMIT PROGRAM

Sections Affected

Amendments to section 80101, title 17, California Code of Regulations (CCR). Addition of sections 80155, 80156, 80157, 80158, and 80159, title 17 CCR.

Background

Since 1991, rice growers in the Sacramento Valley Air Basin (Basin) have been participating in a reduction of rice straw burning. This reduction in burning was established by the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991. Beginning in 2001, growers will be allowed to burn up to the lesser of 25 percent of each grower's planted acreage or 125,000 total acres in the Basin. However, allocations up to this amount will be allowed for disease control purposes only, in accordance with specified statutory criteria.

Description of the Proposed Regulatory Action

Section 41865 of the Health and Safety Code requires the Air Resources Board (ARB or Board) to adopt regulations for the issuance of conditional rice straw burning permits in the Basin. Beginning in September 2001, county air pollution control officers may grant conditional rice straw burning permits only if the county agricultural commissioner and the applicant have met specified conditions to verify that the applicant's field is significantly impacted by a rice disease. These ARB regulations establish a framework for disease verification and permit issuance. The Basinwide Council has already acted in good faith to develop and submit a draft program for approval by the ARB in compliance with the requirements of this regulation. The local program must contain the following elements:

- The Basinwide Air Pollution Control Council must develop an overall program for permit issuance subject to the review and approval of the Executive Officer of the ARB. Field inspections are required and may be conducted by growers, Pest Control Advisers, and other qualified individuals;
- Inspectors must be trained through an established training program;
- Inspectors and growers must follow specific inspection and reporting protocols and are subject to penalties for preparing or filing false documents;
- The agricultural commissioner must randomly verify the accuracy of at least five percent of all inspection reports by conducting oversight inspections in the field;
- The agricultural commissioner must make written findings on the likelihood of quantifiable and significant impacts on rice yield resulting from levels of disease identified in each field proposed for burning;

- The air pollution control officer may not issue a burn permit until the agricultural commissioner certifies that sufficient disease is present to require burning; and
- The Basinwide Air Pollution Control Council must submit annual reports to the ARB containing specified information.

In addition, the ARB's regulation authorizes the Basinwide Council to modify certain program elements related to field inspection procedures after May 31, 2003. Such program amendments are subject to ARB approval and shall not become operative until June 1, 2003.

Comparable Federal Regulations

None.