STATE OF CALIFORNIA
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider Amendments to the Agricultural Burning Guidelines

Agenda Item No.: 91-6-2

Public Hearing Dates:
Scheduled: July, 11, 1991
Postpooned to: August 8, 1991
Subsequent 45-Day Period: June 12, 1991 - July 27, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Board Secretary

Date: 7/30/92

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 91-41

August 8, 1991

Agenda Item: 91-6-2

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources Board (the "Board") to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Sections 41850 through 41864 of the Health and Safety Code authorize the Board to adopt regulations and guidelines necessary for the control, but not complete prohibition of, agricultural burning as defined in Section 39011 of the Health and Safety Code;

WHEREAS, the Board has adopted Agricultural Burning Guidelines in Title 17, California Code of Regulations, Sections 80100-80330;

WHEREAS, Section 41859 of the Health and Safety Code authorizes the Board to review the Agricultural Burning Guidelines periodically, and to modify, repeal or alter such guidelines if scientific and technological data indicate that such a change is warranted;

WHEREAS, Section 80130 of the Agricultural Burning Guidelines requires each district within the Sacramento Valley and San Joaquin Valley Air Basins to submit a report to the Board on burning within 20 days of the end of each quarter of the year;

WHEREAS, Section 80130 subsection (e) of the Agricultural Burning Guidelines provides that in the future, if in the judgement of the Board, the frequency of reports required pursuant to subdivisions (a), (b), (c), and (d) of this section are no longer necessary, the Board may require reports at less frequent intervals;

WHEREAS, the current reporting requirements for districts in the Sacramento Valley and San Joaquin Valley Air Basins are not responsive to program needs;

WHEREAS, the staff proposes that the report on burning be amended to require that each district within the Sacramento Valley and San Joaquin Valley Air Basins within 30 days of the end of the calendar year report on the estimated acreage or tonnage of all waste burned during each month of the calendar year, and that the type of waste shall be identified for at least 80 percent of the total waste burned each month;

WHEREAS, the staff has proposed that in the future, if in the judgement of the Executive Officer, the frequency or contents of the reports required pursuant to the subdivisions of this section are no longer necessary, the Executive Officer may require reports at less frequent intervals or reduce the required contents of the reports;

WHEREAS, Section 80150 subsections (d) and (e), Section 80250 (b), and Section 80290 of the Agricultural Guidelines identifies the portion of Placer County below 1,500 feet msl as part of the Mountain Counties Air Basin;

WHEREAS, the Board in 1986 modified the air basin boundary between the Mountain Counties and Sacramento Valley Air Basins such that the portion of Placer County west of Range 9 East, M.D.B & M., is now in the Sacramento Valley Air Basin, thus rendering the references to the Mountain Counties Air Basin obsolete;

WHEREAS, the staff proposes that the Board delete the language in Sections 80150, 80250, and 80290 that refers to the portion of Placer County formerly in the Mountain Counties Air Basin;

WHEREAS, Sections 80250 and 80260 state that if a no-burn decision is declared in either the Sacramento Valley or the San Joaquin Valley Air Basins, and the federal ambient air quality standard for ozone, carbon monoxide, hydrocarbons, total suspended particulate, or the state standard for visibility is expected to be exceeded during the no-burn period, a note to this effect will be appended to the announcement;

WHEREAS, the California Clean Air Act places increasing importance on the state ambient air quality standards;

WHEREAS, the staff proposes that state standards rather than the federal standards be referenced in Sections 80250 and 80260;

WHEREAS, the California Environmental Quality Act and the Board's regulations require that an action not be adopted as proposed where it will have significant adverse environmental impacts and alternatives or feasible mitigation measures to the proposed action are available which would substantially reduce such impacts;

WHEREAS, the staff has conducted a workshop in Sacramento on March 19, 1991 on the proposed amendments;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with Section 11340) of the Government Code; and

WHEREAS, the Board finds that:

The amendments to Title 17, California Code of Regulations, Section 80210 proposed by staff and set forth in Attachment A hereto are warranted in light of available scientific and technological data; and

The proposed amendments will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Title 17, California Code of Regulations, Section 80130, 80150, 80250, 80260, and 80290, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to amend sections 80130, 80150, 80250, 80260, and 80290, Title 17, California Code of Regulations, as set forth in Attachment A, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 91-41, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens
Board Secretary