

**Sacramento Valley Basinwide Air Pollution Control Council  
Report on the  
Conditional Rice Straw Burning Permit Program**

**Submitted to:**

**Michael Kenny, Executive Officer  
California Air Resources Board**

**and**

**William J. Lyons, Jr., Secretary  
California Department of Food and Agriculture**

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## **BACKGROUND**

The Conditional Rice Straw Burning Permit Program is a requirement of Health and Safety Code Section 41865 the Connelly-Areias-Chandler Rice Straw Burn Act of 1991.

The Permit Program was developed by the California Air Resources Board (CARB) in consultation with the California Department of Food and Agriculture (CDFA) and the Sacramento Valley Basinwide Air Pollution Control Council (BCC).

Section 41865 (e) of the Act required the California Air Resources Board to adopt regulations to govern the Conditional Rice Straw Burning Permit Program (Program). CARB adopted this regulation on September 28, 2000.

The regulations required the BCC to adopt a Program that contains specific elements, including confirmation of disease by the local Agricultural Commissioner, significance thresholds for disease for the first two years of the program, field inspection procedures, annual reporting, and certification of rice disease inspectors. The BCC adopted and submitted the final Program to CARB on April 13, 2001 for review and approval.

The Program took effect on September 1, 2001. The BCC incorporated the Conditional Rice Straw Burning Permit Program into the Smoke Management Program document as an appendix.

The purpose of the Program is to implement the last stage of the Act by providing a uniform, scientifically based mechanism for rice growers in the Sacramento Valley Air Basin to obtain Conditional Rice Straw Burn Permits within the annual acreage limits allowed under the Act. This program is intended to have the flexibility to adapt to changing disease conditions and scientific findings and to provide a reasonable and low-cost procedure for verifying disease in the fields.

## **REPORTING REQUIREMENTS**

As required by the Program, beginning July 1, 2001 and continuously thereafter, the BCC shall collect and compile annual data including, but not limited to:

1. The total rice acreage planted in the Basin for the current year.
2. Total acres requested to be burned.
3. Total acres determined by county agricultural commissioners to meet the terms and conditions for burning.

4. Total acres approved for burning by the Air Pollution Control Officers (APCOs).
5. Total acres burned.
6. Total amount of planted acreage in the previous year.
7. Number of enforcement actions initiated for fraudulent inspections, and resolution of each.
8. Total amount of fees charged by each county agricultural commissioner.

The annual data collected shall be that data which pertains to each burn year from September 1 through August 31 of the following year. Data shall be grouped by county.

Beginning in 2002 and annually thereafter, the BCC shall submit to the CARB and CDFA, by July 15, a report on program implementation. The report shall include, but shall not be limited to, the following information:

1. General assessment of program operation.
2. The annual data statistics that were compiled.

## **DATA COLLECTION AND REQUEST FOR COMMENTS**

The collection of Program data commenced in November of 2001 and a preliminary report of the data was presented to the BCC at their December 2001 meeting. The report included the eight data requirements noted in the section above and data were grouped by county.

In early May the Sacramento Valley air districts, county agriculture departments and the California Rice Commission were requested to provide comments on the general program operations. Air districts were also requested to update, as necessary, their annual data regarding the number of diseased rice acres, acres requested to be burned, acres permitted and burned. A meeting was held with the Environmental Affairs Manager of the Commission to discuss program issues and the report.

Comments were solicited on all aspects of the Program such as:

**APPLICANT RESPONSIBILITIES**  
**AGRICULTURAL COMMISSIONER RESPONSIBILITIES**

INSPECTION METHODS AND PROCEDURES  
DISEASE INSPECTION TRAINING AND CERTIFICATION PROGRAM  
APCO RESPONSIBILITIES, and  
ENFORCEMENT PROVISIONS

**PROGRAM ASSESSMENT AND COUNTY DATA**

All air districts updated their acreage numbers to reflect the current tally for rice acres burned. Some districts also amended other numbers which were presented in the December 2001 preliminary report to the BCC.

Only a few comments and questions were received on a general assessment of program operations. Those comments are:

1) For the section on Applicant Responsibilities a suggestion was made to change the language from

“The applicant should first determine the Maximum Annual Acreage Percent for individual growers for the current year. This information is published by the BCC as early as practical in August of each year and is made available to the local APCO and Agricultural Commissioner.” to

“The applicant should first determine the Maximum Annual Acreage Percent for property planted ~~individual growers~~ for the current year. This information is published by the BCC as early as practical in August of each year ~~and is made available to~~ through the local APCO and Agricultural Commissioner.”

2) For the section on Agricultural Commissioner Responsibilities comments included:

A high incidence of disease was confirmed (all fields inspected qualified under program requirements).

Overall reduction in rice straw burning in Butte County.

Certification/Permitting procedure requirements are labor intensive and require significant resources for both the AQMD and Agricultural Commissioner’s Office.

Provide confirmation that a disease certification is valid for two years as long as the field is not burned.

Will the BCC have the ability to change criteria in 2003 based on the ubiquitous presence of disease?

Program worked well enough.

Allow disease verification in the spring (stripper headed straw) for new tenants on a field wherein the previous tenant did not do any inspections.

Another suggested language change was: "These disease significance thresholds shall be compared against inspection results averaged over the applicant's field that is proposed for burning, in accordance with the section on inspections below."

Does the 5% inspections mean 5% for each inspector ?

3) For the Inspection Methods and Procedures section a comment was received that the vast majority, if not all, of the disease verification was by visual inspection. Soil sampling was rarely conducted to check for disease.

4) For the Disease Inspection Training and Certification Program the comment was made that this program should continue, although at a reduced level, in future years. New growers or changes in county staff should have the opportunity to receive training and certification.

5) For the section on APCO Responsibilities the following comment was received:

The second paragraph states that the agricultural burn permit application can be used but must be clearly marked as a conditional permit. We use our standard agricultural permit for all burning. We only allow rice straw to be burned if we have received the required documentation from the agricultural commissioner. All of our burn permits are "conditional" and District approval must be received before any burning can occur.

## **DATA TABLE**

The Sacramento Valley Air Basin data on planted rice acreage and the county data on diseased, requested, permitted and burned acres are presented in the following table.

No enforcement actions were reported in any county for fraudulent disease inspections.

## Conditional Rice Straw Burning Permit Program Data

<b>Sacramento Valley Air Basin - Crop Year 2001</b>						
LOCATION	RICE ACRES		PLANTED		2000	2001
Sacramento Valley					570,811	501,648
COUNTY	DISEASED ACRES	REQUESTED ACRES	PERMITTED ACRES	BURNED ACRES	INSPECTION ACTIONS	AGRICULTURAL DEPT FEES
Butte	39,045	19,793	19,793	15,490	0	\$21,475
Colusa	82,569	52,564	52,564	22,905	0	\$21,453
Glenn	44,660	16,924	16,924	14,943	0	\$0
Placer	3,693	1,503	1,503	1,503	0	\$0
Sacramento	2,099	2,099	2,099	2,008	0	\$0
Shasta	0	0	0	0	0	\$0
Solano	0	0	0	0	0	\$0
Sutter	31,234	14,022	14,022	12,720	0	\$0
Tehama	0	0	0	0	0	\$0
Yolo	7,079	2,511	2,511	2,245	0	\$0
Yuba	20,747	6,528	6,528	4,983	0	\$0
<b>TOTALS</b>	231,126	115,944	115,944	76,797	0	\$42,928.00

### OVERVIEW AND FREQUENTLY ASKED QUESTIONS

Appendix A of the Conditional Rice Straw Burning Permit Program contains a list of questions and answers that help explain the Program. The Technical Advisory Committee (TAC) has compiled a list of additional questions raised by growers regarding Program implementation in this first year. The TAC developed responses to the questions. The supplemental list of questions and answers is presented below.

1. Once I have been issued a conditional rice straw burn permit, if I cannot burn a permitted field, can I substitute another field provided that it was inspected and met the criteria for the presence of significant disease?

The local agricultural commissioner and air pollution control officer must approve any requests. The approval may include a verification inspection by the agricultural commissioner. Requests will be approved on a case-by-case basis.

2. I may not have time to deal with this program until after harvest. Can I still get a conditional rice straw burn permit?

The inspection methods dictate that the inspections are performed prior to harvest. This includes the verification inspections by the agricultural commissioner, if required. If a grower waits until after harvest the agricultural commissioner may not approve the Application for Determination of Terms and Conditions for Rice Straw Burning and the grower will not be issued a burn permit.

3. Can I harvest my fields immediately after conducting the inspections?

The agricultural commissioner may need to perform a verification inspection. This may not be possible if the field has been harvested. Consequently, the Application for Determination of Terms and Conditions may not be approved. The fields would not be eligible for a burning permit. Growers are encouraged to verify that their Application for Determination of Terms and Conditions is approved prior to harvest.

4. Can my neighbor and I go together and get one conditional rice straw burn permit?

Growers who are not otherwise partners in the growing of rice cannot apply for a single burning permit as this constitutes the trading of burn acres, which is not allowed under state law.

5. I grow rice in several counties. Can I specify which county I want to burn my 25% eligible burn acreage?

The local agricultural commissioner and air pollution control officer must approve any requests. The approval may include a verification inspection by the agricultural commissioner. Requests will be approved on a case-by-case basis.

6. I grow 300 acres in Butte County and 300 acres in Colusa County. Can I burn all 600 acres as part of the 400-acre exemption if they are all inspected and found to have significant disease present?

Although each county administers the program separately, the grower is eligible to burn all acreage only when planted acreage *basinwide* is below 400 acres.

7. I own 600 acres but I'm only farming 400 acres this year. Can I burn all 400 acres if they are inspected and found to have significant disease present?

Yes.

8. I have a fallow field I did not plant this year. Can I burn the weeds?

Yes. The local district can issue a standard burn permit for this purpose. Inspections are not required.

9. I am a tenant farmer and I may not farm the same fields from year to year. Does the 400-acre allowance apply to the grower or to the fields after they are burned? For example, will I be eligible to burn acreage that was burned in entirety under the 400-acre allowance by the previous tenant?

No. Once acreage is burned under the 400-acre allowance it may not be certified for disease and permitted for burning until after the fourth growing season following the entire acreage disease certification and subsequent burning regardless of ownership.

10. If I grow 400 acres this year and get to burn it all, and next year I grow 600 acres, what will I be eligible to burn next year?

The initial 400 acres of rice fields are not eligible to be burned until after the fourth growing season following burning. The additional 200 acres will be eligible for certification of disease presence and issuance of a burn permit for not more than 25 percent of the 'new acreage.' The 'new acreage' will not be eligible for the 400-acre allowance because the grower farms 600 acres. The "new acreage" eligible would be  $(0.25)(600-400) = 50$  acres.

11. If I grow 400 acres and get a conditional rice straw burning permit for all of it, but don't get to burn it all this year, will the acreage I didn't get to burn be eligible to burn next year?

Yes.

12. If I bale straw on my fields will I still be able to 'discount' the acres used because of a reduction in rice straw fuel on the field?

The Smoke Management Program allows for the 'discounting' of acres when a field has been baled. The grower will need to place a request to the agricultural commissioner to certify the appropriate planted acreage if they intend on baling their fields to receive an acreage discount and burn more baled fields.

13. If my acres are discounted 75 percent for each field baled and burned then I should be able to burn 100 percent of my planted acreage assuming I have proven disease in all planted acreage.

Yes.

14. I certified my field for disease and was able to burn the field this year. Can I use that inspection report to obtain a Conditional Rice Straw Burning Permit next year or do I have to re-inspect and certify the field before next year's harvest?

Once a field has been burned, a new Application for Determination of Terms and Conditions must be filed along with an inspection report quantifying the level of disease in the current year's planting.

15. I am a new tenant farmer and want to burn in this spring. The previous tenant obtained a Conditional Rice Straw Burning Permit but was not able to burn. What do I have to do to burn this spring?

- A. Complete an Application for Determination of Terms and Conditions and attach the previous inspection reports for the fields to be certified (note: the inspections must have been conducted within the last two years, or, if the field(s) were burned the previous year, the inspection reports must document the level of disease in the current year's planting);
- B. Forward the application to the local agricultural commissioner for approval;
- C. If approved, forward the application and other required forms to the local air pollution control officer and obtain a Conditional Rice Straw Burning Permit; and,
- D. Obtain a burn authorization from the local District prior to burning.

Note: A Conditional Rice Straw Burning Permit will be issued provided that burning the acreage complies with the phasedown requirements (e.g. the total acreage to be burned does not exceed 25% of the growers planted acreage).