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**IDAPA 02
TITLE 06
Chapter 16**

02.06.16 - CROP RESIDUE DISPOSAL RULES

000. LEGAL AUTHORITY.

This Chapter is adopted under the legal authority of Section 22-4801, Idaho Code. (7-1-01)T

001. TITLE AND SCOPE.

- 01. Title.** The title of this chapter is IDAPA 02.06.16, "Crop Residue Disposal Rules". (7-1-01)T
- 02. Scope.** These rules provide procedures for: (7-1-01)T
 - a.** Disposing of crop residue through burning; (7-1-01)T
 - b.** Determination of burn or no burn days; (7-1-01)T
 - c.** The registration of fields to be burned; (7-1-01)T
 - d.** Crop residue burning time frame; and (7-1-01)T
 - e.** Authority for the director to declare additional burn days. (7-1-01)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (7-1-01)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (7-1-01)T

004. INCORPORATION BY REFERENCE.

IDAPA 02.06.16 does not incorporate any material by reference. (7-1-01)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-01)T

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (7-1-01)T

03. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (7-1-01)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (7-1-01)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-4802, Idaho Code. In addition as used in this chapter: (7-1-01)T

01. Airshed. An area covered by a volume of air that has similar meteorological and air quality characteristics is separated from other volumes of air by weather patterns and topography. (7-10-01)T

02. Burn Day. A period of time when meteorological conditions are conducive to adequate smoke dispersion and when the burning of crop residue would not likely violate ambient air quality standards established by the USEPA, the IDEQ, or an Indian tribe authorized by federal law to establish air quality standards. (7-1-01)T

011. ABBREVIATIONS.

- 01. IASGA.** Idaho Alfalfa Seed Growers Association. (7-1-01)T
- 02. IDEQ.** Idaho Department of Environmental Quality. (7-1-01)T
- 03. IEOSA.** Idaho Eastern Oregon Seed Association. (7-1-01)T
- 04. IGP.** Idaho Grain Producers. (7-1-01)T
- 05. IMGGA.** Idaho Mint Growers Association. (7-1-01)T
- 06. ISDA.** Idaho State Department of Agriculture. (7-1-01)T
- 07. NIFA.** North Idaho Farmers' Association. (7-1-01)T
- 08. NPGGA.** Nez Perce Prairie Grass Growers Association. (7-1-01)T
- 09. USEPA.** United States Environmental Protection Agency. (7-1-01)T

012. FINDINGS.

NIFA, NPGGA, IGP, IMGGA, IEOSA and IASGA have asked the ISDA and IDEQ to address the issue of crop residue disposal and smoke management. Idaho growers may lose fire as an essential tool in their best management practices if these rules are not adopted. The adoption of IDAPA 02.06.16, "Crop Residue Disposal Rules," will allow Idaho farmers to maintain the essential tool of fire, while minimizing the impact on the citizens of Idaho of smoke generated by crop residue burning. (7-1-01)T

013. -- 099. (RESERVED).

100. REGISTRATION OF FIELDS TO BE BURNED.

01. Fields Larger Than Five Acres. All persons in Idaho except in Benewah and Kootenai Counties shall register each field larger than five (5) acres with ISDA each year field burning is conducted. (7-1-01)T

02. Registration Forms. Approved forms for registering fields may be obtained from offices of ISDA, IDEQ, County Extension Educators or Soil Conservation District offices. A single form is required for each person, however, more than one (1) field may be listed on a single form. (7-1-01)T

101. -- 199. (RESERVED).

200. DETERMINATION OF BURN OR NO BURN DAYS.

01. Recommendation Of IDEQ. The director or his designee shall designate for a given airshed burn or no burn days, the hours that burning shall be permitted, and the number of acres to be burned based on the recommendation of IDEQ. (7-1-01)T

02. Daily Postings On Website. The department shall post daily on their website whether a given day is a burn or no burn day, the hours that burning shall be permitted and the number of acres persons can burn in a given airshed. (7-1-01)T

03. Toll Free Number. (7-1-01)T

a. The department shall make available a toll free number to receive incoming complaints, requests

for information, and will include an updated message designating a burn or no burn day. (7-1-01)T

b. All persons in Idaho except in Benewah and Kootenai Counties shall report to ISDA via the toll free number the date of burning and acres burned. (7-1-01)T

201. -- 499. (RESERVED).

500. GENERAL PROVISIONS.

All persons in Idaho except those in Benewah and Kootenai Counties disposing of crop residue through burning shall abide by the following provisions: (7-1-01)T

01. Violation Of Ambient Air Quality. Burning of crop residue shall not be conducted if it would result in a violation of ambient air quality standards as established by USEPA and IDEQ. (7-1-01)T

02. Burning Prohibitions. Burning of crop residue shall not be conducted on weekends or federal or state holidays. (7-1-01)T

03. Designated Burn Day. Burning of crop residue shall not be conducted unless the department has designated that day a burn day. (7-1-01)T

04. Location Of Field Burning. Disposal of crop residue through burning shall be conducted in the field where it was generated. (7-1-01)T

05. Training Session. All persons intending to burn crop residue shall attend a crop residue burning training session provided by ISDA. (7-1-01)T

06. Air Stagnation Advisory. All field burning shall be prohibited during an IDEQ air stagnation advisory. (7-1-01)T

07. Airsheds. ISDA shall designate for each airshed the names of persons and the number of acres to burn. (7-1-01)T

501. – 799. (RESERVED).

800. ADDITIONAL BURN DAYS.

The director may declare additional burn days under special situations provided the burning of crop residue would not result in a violation of ambient air quality standards established by USEPA and IDEQ. (7-1-01)T

801. -- 999. (RESERVED).

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