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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. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.16, "Crop Residue Disposal Rules." (5-3-03)

02. Scope. These rules provide procedures for: (5-3-03)

a. Disposing of crop residue through burning; (5-3-03)

b. Determination of burn or no burn days; (5-3-03)

c. The registration of fields to be burned; (5-3-03)

d. Crop residue burning time frame; and (5-3-03)

e. Authority for the director to declare additional burn days. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

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. (5-3-03)

004. INCORPORATION BY REFERENCE.

IDAPA 02.06.16 does not incorporate any material by reference. (5-3-03)

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. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

03. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (5-3-03)

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 a burn day will be defined as a period of time when meteorological conditions are conducive to adequate smoke dispersion and when the burning of crop residue would not likely exceed National Ambient Air Quality Standards. (5-3-03)

011. ABBREVIATIONS.

- 01. IACSGA. Idaho Alfalfa and Clover Seed Growers Association. (5-3-03)
- 02. IDEQ. Idaho Department of Environmental Quality. (5-3-03)
- 03. IEOSA. Idaho Eastern Oregon Seed Association. (5-3-03)
- 04. IGP. Idaho Grain Producers. (5-3-03)
- 05. IMGGA. Idaho Mint Growers Association. (5-3-03)
- 06. ISDA. Idaho State Department of Agriculture. (5-3-03)
- 07. NAAQS. National Ambient Air Quality Standards. (5-3-03)
- 08. NIFA. North Idaho Farmers' Association. (5-3-03)
- 09. NPGGA. Nez Perce Prairie Grass Growers Association. (5-3-03)
- 10. USEPA. United States Environmental Protection Agency. (5-3-03)

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. (5-3-03)

013. -- 099. (RESERVED).

100. REGISTRATION OF FIELDS TO BE BURNED.

01. Field Registration. All persons in Idaho shall register each field to be burned with ISDA on an annual basis prior to burning crop residue. (3-16-04)

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. County, township, range, and section for each field registered must be included on the registration form. Completed forms shall be submitted to ISDA and shall include permit numbers for any burning permits issued by county, state, or federal agencies, or local fire protection authorities. (3-16-04)

03. Registration Fees. All registration forms for fields located in Idaho, Lewis, Nez Perce, Clearwater, Latah, Shoshone, Benewah, Kootenai, Bonner, and Boundary counties shall be forwarded to ISDA and must be accompanied by payment of a two dollars (\$2) per acre fee. (3-24-05)

101. -- 199. (RESERVED).

200. DETERMINATION OF BURN OR NO BURN DAYS.

01. Designation of Burn Days. The director or his designee shall designate for a given county burn or no burn days. (5-3-03)

02. Daily Postings on Website. The department shall post daily on their website whether a given day is a burn or no burn day. (5-3-03)

03. Time and Acres to Burn. The hours that burning shall be permitted, and the number of acres to be

burned for a given county shall be based on local meteorological conditions and/or a test burn. (5-3-03)

04. Toll Free Number. The department shall make available a toll free number to receive requests for information, requests for approval to burn crop residue, and will include an updated message designating a burn or no burn day in a given county. (5-3-03)

201. -- 499. (RESERVED).

500. GENERAL PROVISIONS.

All persons in Idaho intending to dispose of crop residue through burning shall abide by the following provisions: (5-3-03)

01. Exceedence of NAAQS. All persons planning to burn crop residue in Idaho shall not burn if the NAAQS have been reached, are predicted to reach, and persist at a level that would result in an exceedence of NAAQS. (5-3-03)

02. Cessation of Burning. In conjunction with IDEQ rules, IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho," Section 556, no new fires shall be ignited when particulate matter levels reach eighty percent (80%) of the one (1) hour action criteria for particulate matter of two and one-half (2.5) microns or less, and are predicted to remain above those levels. (5-3-03)

03. Burning Prohibitions. Burning of crop residue shall not be conducted on weekends or federal or state holidays. (5-3-03)

04. Designated Burn Day. Burning of crop residue shall not be conducted unless the department has designated that day a burn day. (5-3-03)

05. Location of Field Burning. Disposal of crop residue through burning shall be conducted in the field where it was generated. (5-3-03)

06. Training Session. All persons intending to burn crop residue shall attend a crop residue burning training session provided by ISDA, and shall attend a crop residue disposal refresher training session every five (5) years. (5-3-03)

07. Air Stagnation Advisory. All field burning shall be prohibited during an IDEQ air stagnation advisory. (5-3-03)

08. Reporting to ISDA. All persons burning crop residue in Idaho shall first obtain approval to burn prior to field ignition. All persons burning crop residue shall also report to ISDA the date burning was conducted and the number of acres burned. (5-3-03)

09. Burning of Fields Adjacent to Roads. Burning of fields adjacent to roads and highways shall be approved on a case-by-case basis taking into account the time of day, field size and wind direction. (5-3-03)

10. Additional Burning Permits. All persons intending to burn crop residue shall obtain any additional applicable permits from federal, state or local fire control authorities prior to receiving ISDA approval to burn crop residue. (5-3-03)

501. VIOLATIONS.

Any person violating any provisions of these rules shall be subject to the provisions of Section 22-4803A, Idaho Code. (3-16-04)

502. -- 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 an exceedence of NAAQS. (5-3-03)

801. -- 999. (RESERVED).

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