

IN THE SENATE

SENATE BILL NO. 1024

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CROP RESIDUE BURNING; AMENDING SECTION 39-114, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING PAYMENT OF A FEE; AND DECLARING AN EMER-
3 GENCY.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 39-114, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-114. OPEN BURNING OF CROP RESIDUE. (1) The open burning of crop
9 residue to develop physiological conditions conducive to increase crop
10 yields, or to control diseases, insects, pests or weed infestations, shall
11 be an allowable form of open burning, such that it is expressly authorized
12 as referenced in section 52-108, Idaho Code, as long as the open burning is
13 conducted in accordance with the provisions of this section and the rules
14 promulgated pursuant to this chapter.

15 (2) Crop residue means any vegetative material remaining in the field
16 after harvest or vegetative material produced on designated conservation
17 reserve program (CRP) lands.

18 (3) The open burning of crop residue shall be conducted in the field
19 where it was generated. A burn may not take place without preapproval from
20 the department. The department shall not approve a burn if it determines
21 that ambient air quality levels:

22 (a) Are exceeding, or are expected to exceed, ninety percent (90%)
23 of the ozone national ambient air quality standard (NAAQS) and sev-
24 enty-five percent (75%) of the level of any other NAAQS on any day, and
25 these levels are projected to continue or recur over at least the next
26 twenty-four (24) hours; or

27 (b) Have reached, or are forecasted to reach and persist at, eighty per-
28 cent (80%) of the one (1) hour action criteria for particulate matter
29 pursuant to section 556 of IDAPA 58.01.01, rules for the control of air
30 pollution in Idaho.

31 The department shall make available to the public, prior to the burn, infor-
32 mation regarding the date of the burn, location, acreage and crop type to be
33 burned. If the agricultural community desires to burn more than twenty thou-
34 sand (20,000) acres annually of bluegrass within the state, that does not in-
35 clude Indian or tribal lands within the reservation boundaries as recognized
36 by the federal clean air act, then, prior to approving the burning of the ad-
37 ditional acres, the department shall complete an air quality review analysis
38 to determine that the ambient air quality levels in this section will be met.

39 (4) A fee in an amount of two dollars (\$2.00) per acre ~~to be~~ burned shall
40 be paid to the department ~~prior to burning~~. This fee shall not apply to
41 propane flaming, as defined in the rules promulgated pursuant to this chap-

1 ter. The department shall remit all fees quarterly to the state treasurer,
2 who shall deposit the moneys in the general fund.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.