

STATEMENT OF PURPOSE

RS24817

Passed in 2008, Idaho Code 39-114 requires DEQ to assess air quality conditions before approving the open burning of crop residue. DEQ must determine that air quality levels are not exceeding 75% of any National Ambient Air Quality Standard (NAAQS) and are not projected to exceed such levels over the next 24 hours prior to approving a crop residue burn. The program is difficult to manage because 75% of the current NAAQS for ozone is close to background ozone concentrations in rural Idaho. There are days when ozone concentrations are high enough to limit crop residue burns on what would otherwise be "good" burn days when burning is not predicted to cause or contribute to a violation of any NAAQS. In late 2015, EPA reduced the NAAQS for ozone which has made it even more difficult to identify burn days that meet all requirements. To address these limitations, DEQ is proposing an increase to the ozone evaluation threshold from 75% to 90%. To account for the time needed to obtain EPA approval for this change, it will be implemented in two stages. For the 2017 burn season, the ozone threshold will remain at the current level or 75% of the 2008 ozone standard. On February 28, 2018, which is the expected date of EPA approval of Idaho's state implementation plan which identifies the change, the 90% threshold of the 2015 ozone standard will become effective. The new threshold will continue to be protective of Idaho's air quality but will also preserve growers' ability to burn crop residue on good burn days when using smoke management best practices.

FISCAL NOTE

A revised threshold for ozone will not have any direct fiscal impact on the state General Fund. The change will not impact budgetary resources used by DEQ to implement the crop residue burn program as DEQ already reviews air quality data. This revision will only change the threshold data is evaluated against. The current crop residue burn fee structure outlined in 39-114(4) is not being changed.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).