

January 3, 2021

Samir Sheikh  
Executive Director/Air Pollution Control Officer  
San Joaquin Valley Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno, CA 93726  
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Dear Mr. Sheikh:

Agricultural burning is prohibited in the San Joaquin Valley under Senate Bill (SB) 705 (Florez 2003, codified at California Health and Safety Code 41855.5 et seq.). The San Joaquin Valley Air Pollution Control District (District) can, however, under SB 705, postpone the burn ban for some crop categories and materials if the District determines a postponement is economically necessary and the California Air Resources Board (CARB or Board) concurs with the District's determinations. Since SB 705 was enacted, the District has progressively phased out agricultural burning for many categories (e.g., field crops, prunings, orchard removals in exceedance of acreage thresholds). However, burning has persisted in certain categories where alternatives to burning have been more challenging (e.g., vineyards). We firmly support the phase-out of burning as envisioned under SB 705 and believe there is now a path to deliver on that vision that the CARB Board will consider at its February 25, 2021 hearing.

As you know, the District approved the 2020 Staff Report and Recommendations on Agricultural Burning (2020 Report) at its December 17, 2020 meeting. The 2020 Report includes recommendations for new agricultural burn prohibitions as well as requests for postponement of burn prohibitions for certain crop categories and materials. Given the timing of our respective December hearings, the next meeting where the CARB Board will consider its concurrence will be at its February 25, 2021 hearing. Since CARB's previous concurrence with the District's 2015 determinations expired on December 31, 2020, the SB 705 prohibitions on open burning are now in effect.

I understand that the District has pending burn requests that have been in the queue for several months including those where investments have been made (e.g., purchase of trees) to initiate replanting. In light of these factors, I am providing limited concurrence with the 2020 Report providing additional requirements, as described below, are satisfied.

CARB concurs, for the limited period through February 24, 2021, with the postponement of the prohibition of agricultural burning where issues such as disease pose obstacles to implementing alternatives. The impact from allowing these postponements to continue is small, with these crop categories or materials accounting for less than one percent of total tons burned in 2019. CARB's concurrence covers:

- Burning of weeds and vegetative materials on rice field levees and banks;
- Weed abatement burning affecting ponding and levee banks;
- Burning of apple, pear, and quince crop prunings and orchard removals; and
- Burning of diseased beehives.

CARB also concurs, for the limited period (through February 24, 2021), with the postponement of the prohibition of agricultural burning where the District and permit applicant can document that there is an immediate imperative to clear a field for planting, and consistent with the District's more stringent prohibitions approved in the 2020 Report. The applicant must demonstrate that the clearing and planting cannot be delayed until after February 25, 2020 without economic loss. Given the significant preparatory work and lead time associated with planting, sufficient documentation would include invoices/contracts for the purchase of trees, vines, or other crops to be received and planted in early 2021. Further, approval for burning is conditioned on:

- Consistent with the District's Smoke Management System (SMS), the District will ensure that any authorized burning does not cause or contribute to exceedances of ambient air quality standards, cause a public nuisance, or impact nearby smoke-sensitive areas.
- Burning authorizations will not be provided on days where residential wood burning is curtailed in counties under the District's residential wood burning regulation.
- District will provide weekly reports to CARB on authorizations provided, forecast summary (prior and upcoming week), acres authorized and burning conducted by zone and crop type.
- District and CARB will have weekly leadership calls to discuss potential upcoming meteorological and air quality conditions that may be conducive to burning allocations.
- Based on ongoing monitoring and consultation with the District and stakeholders, CARB will consider potential adjustments to the limited concurrence that may be necessary.

CARB staff is continuing its review of the District's 2020 Report and is developing recommendations for the CARB Board to consider at the February 25, 2021 hearing. We anticipate recommending additional enhancements to the District's 2020 Report recommendations to further support the phase out of agriculture burning in the valley.

If you have any questions, please contact me at (916) 322-7077 or via email at [richard.corey@arb.ca.gov](mailto:richard.corey@arb.ca.gov), or contact Ms. Edie Chang, Deputy Executive Officer, at (916) 445-4383 or via email at [edie.chang@arb.ca.gov](mailto:edie.chang@arb.ca.gov).

Sincerely,



Richard W. Corey, Executive Officer

cc: Edie Chang, Deputy Executive Officer