

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 382

Introduced by Senator Florez
(Coauthor: Senator Pavley)

February 26, 2009

An act to add Section 41854.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Florez. Agricultural burning: consistency with no burn days.

Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

Existing law prohibits agricultural burning, as defined, unless a valid permit has been issued from an agency designated by the state board. Existing law allows the state board to determine days when agricultural burning will be prohibited in any particular air basin. Even when issued, existing law provides that agricultural burn permits are not valid on days during which agricultural burning has been prohibited by the state board.

Existing law requires the state board, in consultation with the districts, to identify, develop, and adopt a list of the most cost-effective measures that could be employed by the state board and the districts to reduce

emissions of particulate matter from area sources, including emissions from woodstoves and fireplaces. Currently, the San Joaquin Valley Unified Air Pollution Control District has adopted a rule implementing episodic wood burning curtailment which prohibits the operation of wood burning fireplaces and heaters on certain days.

This bill would provide that an agricultural burn permit for burning within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District is invalid on days in which the district prohibition on the operation of wood burning devices is in effect. This bill would require all permits issued within the district to contain a warning regarding this provision.

This bill would prohibit the San Joaquin Valley Unified Air Pollution Control District from making any rules that would enable any ~~entity or~~ person to burn agricultural waste on any day during which any program operated by the district has prohibited the operation of a wood burning device.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The central valley of California has consistently ranked
- 4 among the worst regions in the country for air quality.
- 5 (b) Increased asthma rates for citizens in the central valley,
- 6 especially children, have been well documented.
- 7 (c) To improve air quality, residents of the central valley have
- 8 been asked not to use residential fireplaces on certain days.
- 9 (d) Unfortunately, there have been times in which agricultural
- 10 burning has been allowed on days that residential users could not
- 11 use their fireplaces.
- 12 (e) In response, the San Joaquin Valley Unified Air Pollution
- 13 Control District established a policy that would create parity
- 14 between agricultural burning and residential wood burning on days
- 15 designated by the district as “no burn” days.
- 16 SEC. 2. Section 41854.5 is added to the Health and Safety
- 17 Code, to read:
- 18 41854.5. (a) Notwithstanding any other provision of law, a
- 19 permit issued pursuant to Section 41853 to a person to burn

1 agricultural waste within the jurisdiction of the San Joaquin Valley
2 Unified Air Pollution Control District is not valid for any day
3 during which a program prohibiting the operation of a wood
4 burning fireplace, wood burning heater, or outdoor wood burning
5 device has been put in effect by the San Joaquin Valley Unified
6 Air Pollution Control District.

7 (b) Each permit issued within the jurisdiction of the San Joaquin
8 Valley Unified Air Pollution Control District shall, in addition to
9 the warning required by Section 41854, contain a warning with
10 the following words or words of like or similar import:

11 “This permit is valid only on those days during which the
12 operation of wood burning fireplaces, wood burning heaters, or
13 outdoor wood burning devices is not prohibited by the San Joaquin
14 Valley Unified Air Pollution Control District.”

15 (c) The San Joaquin Valley Unified Air Pollution Control
16 District shall not make any rules or promulgate any regulations
17 that would enable any ~~entity or~~ person to burn agricultural waste
18 pursuant to Section 41853 on any day during which any program
19 operated by the San Joaquin Valley Unified Air Pollution Control
20 District has prohibited the operation of a wood burning fireplace,
21 wood burning heater, or outdoor wood burning device within the
22 jurisdiction of the San Joaquin Valley Unified Air Pollution Control
23 District.