

**CROP RESIDUE DISPOSAL ADVISORY COMMITTEE  
2006 REVIEW MINUTES TAKEN ON MARCH 08, 2007**

The annual meeting of the Idaho State Department of Agriculture (ISDA) Crop Residue Disposal (CRD) committee meeting was held at the ISDA Boise office, 2270 Old Penitentiary Road, Boise, Idaho, in conference rooms Lower 1 and 2, on March 08, 2007 for committee members and open to the public.

Acting Committee Chairman Nate Riggers called the meeting to order at 9:05 a.m. Acting Chairman Riggers asked all persons in attendance to introduce themselves and the organization they represent. Person in attendance at the meeting are as follows:

**COMMITTEE MEMBERS:**

Steve Bateman, Simplot-Jacklin Seed  
Dan Denning, Idaho County Commissioner  
Jim Little, Idaho Alfalfa seed Growers  
Nate Riggers, Nez Perce Prairie Grass Growers  
Dean Stevenson, Idaho Grower  
Sherm Takatori, ISDA  
Robert Wilkosz, Idaho Department of Environmental Quality (IDEQ)

**COMMITTEE MEMBERS ABSENT:**

Steve Burgland, North Idaho Growers  
Gary Esser, Idaho Grower  
Clay Larkin, Idaho Association of Cities  
Walt Meyer, Idaho Grower  
Dave Mosman, Idaho Grower

**GUESTS:**

Phil Bandy, ISDA  
Martin Bauer, IDEQ  
Karen Boshers, ISDA CRD  
Johna Boulafeutis, Nez Perce Tribe  
Andrea Boyer, Nez Perce Tribe  
Linda Clovis, North Idaho Farmer Association  
Doug Cole, Environmental Protection Agency  
Patricia Dailey, IWC  
Tim Dillon, IGPA  
Boom George, Coeur d'Alene Tribe  
Celia Gould, ISDA  
Toni Hardesty, DEQ  
Les Higgins, Coeur d'Alene Tribe  
Lane Jolliffe, Office of the Governor  
Bill Kenney, Congressman Sali's Office  
Lisa Kronberg, AG-DEQ  
Kent Lauer, Idaho Farm Bureau  
Mike McGown, IDEQ  
Brian Oakey, ISDA  
Dar Olberding, IGPA  
George Robinson, ISDA  
Marv Weatherstone, USDA – NRCS  
Clay Smith, A.G.

Acting Chairman Nathan Riggers welcomed everyone, opened the meeting and made introductions. Chairman Gary Esser was absent due to his father's illness. Acting Chairman Nathan Riggers introduced and welcomed Lisa Kronberg and Brian Oakey, attorneys for IDEQ and ISDA. Acting Chairman Nathan Riggers asked for approval on the minutes from the previous meeting. Motion was made for approval, seconded, and all in favor. Acting Chairman Nathan Riggers introduced George Robinson, ISDA Ag Section Manager.

### **CRD PROGRAM CHANGES**

George Robinson spoke regarding the recent CRD program changes. He gave a basic overview of 9<sup>th</sup> Circuit Court decision and sequence of events. In the court's view, agricultural field burning was conducted illegally under Idaho's SIP since 1993 when the 1986 rules were amended to grant authority to ISDA to govern agricultural field burning. George briefly covered the following areas:

- SIP did not apply to the tribes
- Investigation and enforcement in the 10 county area in north Idaho
- 800 number
- Website posting of counties that will burn
- Funding changes
- Meteorology
- Investigation and enforcement in southern Idaho

George asked if there were any questions and then introduced Celia Gould, ISDA Director. Director Gould thanked George for reviewing the changes. Director Gould stated the CRD Executive Board was a valuable and successful committee and that she did not want to lose the committee, its scope or direction.

### **SIP HISTORY & DEQ CHANGES**

Acting Chairman Nathan Riggers introduced Robert Wilkosz, IDEQ Mobile and Area Source Program Manager. Robert provided a handout describing the 9<sup>th</sup> Circuit Court decision and the sequence of events for field burning. Robert then introduced Mike McGowan, new to the IDEQ program. Mike obtained a meteorological degree from Nevada, is an SIP Specialist and an Regional Advisor for the Treasure Valley. Robert then gave the basic requirements of the Federal Clean Air Act:

- To administer the Air Quality Protection Plan
- Authority and Law
- Resources
- Abilities

Every state in the 1970's developed a plan. Initial SIPs were simple, only in condensed form at first, containing monitoring results, proving air quality standards and grandfathering. Robert continued to explain the remaining sequence of events. Robert then asked Mike McGowan to give his presentation on the SIP Demonstration.

## **SIP PROCESS**

Mike started the presentation with the 2003 SIP Submittal:

- Identified CRD as an allowable form of open burning clarifying existing rules
- Did not include a demonstration of Clean Air Act Compliance
- Approved by EPA
- Ninth Circuit Court Decision, lacks demonstration
- No CRD burning in Idaho, except Tribal Lands

Mike then spoke about the future:

- Can CRD Burning be allowed in the Future?
  - If a proper demonstration is done to show that the activity is consistent with the Federal Clean Air Act
- Is the current Smoke Management Program Clean Air Act Compliant?
  - We will not know until a technical analysis is completed.

Mike then spoke about the SIP modification that are required:

- SIP Modification Necessary
- Work to be managed by DEQ
- Must be approved by EPA
- Resource Intensive
- Up to 3 years or more before approval
- No guarantee of success even if work is done

And that the SIP must show CRD Smoke:

- Would not cause or contribute to AQ Violations (CAA section 110L)
- Would meet PSD Increment allowance (CAA section 110L)
- Would not cause an increase in emissions in a PM10 Non-attainment Area
- Would not contribute to visibility impairment in Class 1 areas

Demonstration specifics are as follows:

- Modeling and Monitoring
- Ambient air – Fenceline impacts
- Criteria Pollutants (PM10, PM2.5, NOx, CO, O3)
- 98th Percentile for PM2.5, 2nd High for CO
- 3 years of Meteorological Data
- Emissions Data (location, acreage, fuel)
- Impact from other sources
- Statewide Demonstration

Mike then gave the SIP Components:

- State Authority and Resources to operate program
- State Rules and Idaho Code governing activity including enforcement
- Clean Air Act Requirements
- Meteorological and Climatological Analysis
- Monitoring Network and Data Analysis
- Detailed, Statewide Emission Inventory

- Acres, Locations, Emission Factors
- Modeling Demonstration of Attainment
- Control Strategies
- Specifics of SMP
- Contingency Measures

Mike then spoke about the Scope of the SIP demonstration:

- Largest Demonstration Under Taken by DEQ
  - Northern Ada Plan – 2 million dollars, 3 years
  - Extensive work done to collect data used in report
  - No other states been required to make this type of demonstration
  - Guidance to ensure CAA compliance, not readily available

The timelines and cost:

- 2 years of technical work by DEQ and others
- 1 year for EPA approval
- All work conducted with Public Involvement
- Cost may approach or exceed \$2 million

The concerns were then reviewed:

- Cost
- Timeline
- Available Resources
- Data availability
- New tighter, PM2.5 standard
- Fence line impacts
- Statewide Demonstration
- All criteria pollutants
- Minimal Guidance available
- Demonstration may not be possible, cannot predict model results until the work is completed.

## **QUESTION AND ANSWER**

Steve Bateman then asked to hear from Doug Cole/EPA. Doug stated the timeline and presentation by Mike McGowan was good. He stated that there were uncertainties and challenges. He stated he hoped the DEQ and EPA would continue to work together as they had in the past.

Linda Clovis/North Idaho Farmer Association asked if we could possible use a neighboring state's SIP. It was explained that no other state has been asked to demonstrate this model and that all other states were grandfathered in. It was asked if EPA had been done an analysis for the FARR – the answer was no. It was also clarified that the SIP did not include reservations, which the FARR did.

Acting Chairman Nate Riggins asked for clarification on the petition and mandate. He said that he needed the possible remedies and course of actions.

It was then stated that both directors, Toni Hardesty and Celia Gould, would be traveling north to Lewiston and Coeur d'Alene for two meetings with the growers.

Clay Smith then shared that under the Clean Air Act there would be extensive penalties for violations. He said the 9<sup>th</sup> Circuit Court of Appeals stated that burning in Idaho was illegal and that DEQ was looking at the SIP process. Clay then explained the ISDA violation amounts (\$10,000) and then asked Lisa to explain DEQ's violation amounts (\$10,000 for DEQ, \$32,000 for Clean Air Act).

George Robinson then explained that the \$2.00 an acre fee would still be in place and so would the Safe Harbor provision for those growers on-reservation.

Clay was asked and gave some information on the "on-reservation" status and the 1863 Treaty.

It was also clarified that CSP contracts should be discussed with the issuing agency for further clarification on those lands.

It was clarified that the Clean Air Act and DEQ Enforcement would both be in effect for southern Idaho.

It was concluded that information from the past programs including Washington State and the University of Washington could be used for the DEQ SIP process.

### **2006 PROGRAM REVIEW**

Sherman Takatori then gave the ISDA year review. The significant issues throughout the season were: (1) wildfire, which limited or stopped most Ag burning, and (2) fire fighting resources. The key meteorological conditions were then discussed, primarily the "Marine Push" that led to early untraditional bad dispersion. This year the impact to Grangeville went much better primarily because of the excellent field coordination team's observations. August being a primary burning month was hampered from weather and wildfire but September proved to be a better burning month. The interagency cooperation continued to be a big advantage with field burning. Optimum burning was done this year considering the challenges.

Steve Bateman stated they had a good "safety" year with the only problem being the "wildfires."

Doug Cole then reviewed the EPA review and recommendation letter that was sent to ISDA. He stated that all comments were a repeat from previous years. He stated that improvements were acknowledged, but not all of them. Nate asked if similar letter was sent to other fire agencies and Doug stated that he did not think so – but he would ask.

Andrea Boyer stated that the Nez Perce Tribe has started their spring burning with 1,300 acres.

Director Gould then stated that she would be ready to meet with the tribes and discuss the MOUs. She said that she was looking at all avenues and that there were challenges in all of them.

### **2007 PROGRAM RECOMMENDATIONS**

- Discussions with tribes
- Review outreach, websites, hotline and investigation process
- Consider reduced registration fee to \$1.00 per acre

### **NEW BUSINESS**

Nate asked about legal remedies and the SIP. Nate asked what the State would bear? What should private industry bear? He said the north Idaho growers feel no dollar about is too large. Compared to the Snake Review Basin Water issue in South Idaho.

Tony Hardesty stated that a cost benefit would be done regarding the SIP and legalities.

Brian Oakey stated that the Director's Determination requirements were still in place and that he recommended we continue with that process.

Robert Wilcosz stated that the "Energy" document might prove to be an alternative.

Motion was made to adjourn and seconded. All were in favor. Meeting was concluded.