

**Preliminary Draft Negotiated Rule (Draft No. 1)
Docket No. 58-0101-1901, Dated July 25, 2019**

Written comment deadline for this draft – August 30, 2019

**Rules for the Control of Air Pollution in Idaho
IDAPA 58.01.01**

Discussion Section 006:

DEQ is updating some definitions for the new prescribed burning rules. Since DEQ is deleting the current Section 614, the definition for Smoke Management Plan is no longer needed. We are also modifying the definition of Smoke Management Program to reflect the protection of public health as a priority.

DEQ has added a definition for burn boss as used in these draft rules. DEQ attempted to identify different terminology for this function but was not able to. The term burn boss is used in many guidance documents that were reviewed. DEQ is seeking comment on whether this is an appropriate term to use or if there is another term.

006. GENERAL DEFINITIONS.

(BREAK IN CONTINUITY)

XX. Burn Boss. The individual who is onsite throughout the entire prescribed fire and who has the overall responsibility for the entire burn.

(BREAK IN CONTINUITY)

91. Prescribed ~~Fire Management~~ Burning. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: ~~(5-1-94)~~

- a.** Fire hazard reduction; (5-1-94)
- b.** The control of pests, insects, or diseases; (5-1-94)
- c.** The promotion of range forage improvements; (5-1-94)
- d.** The perpetuation of natural ecosystems; (5-1-94)
- e.** The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
- f.** The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
- g.** Other accepted natural resource management purposes. (5-1-94)

(BREAK IN CONTINUITY)

~~112. **Smoke Management Plan.** A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)~~

113. Smoke Management Program. A program or system whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations ~~so as~~ to minimize the impact of such burning on identified smoke sensitive ~~areas~~ populations and to ensure smoke impacts do not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS) in order to protect public health. (5-1-94)

(BREAK IN CONTINUITY)

Discussion Section 614:

DEQ is deleting the current section 614 Prescribed Burning and developing the new rules for prescribed burning starting in Section 627.

~~614. **PRESCRIBED BURNING.**~~

~~The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met. (5-1-94)~~

~~01. **Burning Permits or Prescribed Fire Plans.** (5-1-94)~~

~~a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke. (5-1-94)~~

~~b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning. (5-1-94)~~

~~02. **Smoke Management Plans for Prescribed Burning.** (5-1-94)~~

~~a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning. (5-1-94)~~

~~b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616. (5-1-94)~~

~~03. **Rights-of-Way Fires.** The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules. (5-1-94)~~

(BREAK IN CONTINUITY)

627. PRESCRIBED BURNING.

The purpose of Sections 627 through 639 is to set forth the requirements for prescribed burning.

Discussion Section 628:

This Section identifies how Major and Minor Burners are designated. These burner types are designated based on the quantity of material that is burned in a calendar year. The intent is for the Major Burner category to capture those burners that use prescribed fire as a management tool throughout the year. This definition of Major Burner captures all the current MT/ID Airshed Group members as well as those non-members burners of similar size.

Major Burner requirements are included in Sections 630 – 634 and will be applicable regardless of the size of the individual burn.

Minor Burners are those burners that may use prescribed fire as a tool periodically, burn less than a major burner throughout the year, but could potentially burn a substantial quantity of material on a given day. While drafting the requirements DEQ has focused on the quantity of material burned in a given day for the Minor Burners. Minor Burner requirements are included in Sections 636 – 638 and are dependent on the quantity of material burned in a single fire. Methods for estimating the quantity of material will be developed in coordination with experienced prescribed burners and provided in the prescribed burning operating guide.

During the development of these draft rules, DEQ struggled with determining the appropriate break points for a Minor Burner Category 2 burn. As included in this draft, Category 2 burns span a very wide range of burn amounts. DEQ is seeking comment on these break points.

628. PRESCRIBED BURNING TYPES.

01. Major Burner. Any person conducting any prescribed burning that, on a statewide basis, burns two thousand two hundred fifty (2,250) tons of material per year or more, or is a member of a recognized smoke management group.

02. Minor Burner. Any person conducting any prescribed burning that, on a statewide basis, burns less than two thousand two hundred fifty (2,250) tons of material per year, and is not a member of a recognized smoke management group.

a. Category 1 Burn. A prescribed fire that burns equal to or greater than one hundred (100) tons of material in a single day.

b. Category 2 Burn. A prescribed fire that burns less than one hundred (100) tons and greater or equal to two (2) tons of material in a single day.

c. Category 3 Burn. A prescribed fire that burns less two (2) tons of material in a single day.

Discussion Section 629:

DEQ envisions a “permit by rule” program. This should streamline compliance with requirements and limit communication delays. DEQ utilizes the permit by rule concept for several air pollution source categories effectively.

This Section identifies the General Requirements for a permit by rule for prescribed burning, as well as, identifying the process for a smoke management group to be approved as a Recognized Smoke Management Group.

Subsection 629.02: DEQ’s intent with this subsection is to allow smoke management groups, such as the MT/ID Airshed Group, to continue operating as an option for their members to meet all the requirements that DEQ is outlining in this rule. This will also aid in the overall program implementation and the smoke management practice of coordinating with other burners, as well as leverage established and effective registration and approval processes.

The intent of the smoke management training requirement is to ensure the greatest level of flexibility in burn approval determinations by the Department. The understanding that the final decision to ignite the burn ultimately resides in the field suggests that these persons should have a consistent understanding of smoke management practices.

629. PERMIT BY RULE REQUIREMENTS.

The purpose of Sections 629 through 639 is to establish the requirements for a permit by rule for prescribed burning.

01. General Requirements. All persons shall be deemed to have a permit by rule if they comply with Sections 629 through 639, as applicable. No person shall conduct a prescribed burn without obtaining the applicable permit by rule. The permit by rule does not relieve the burner from obtaining all other required permits and approvals required by other federal, state and local agencies or permitting authorities.

02. Recognized Smoke Management Group. A major burner who is a member in good standing of a recognized smoke management group shall be deemed to have a permit by rule.

a. To become a recognized smoke management group, the group must demonstrate to the Department how it meets the requirements identified in Sections 629 through 634 and Subsections 639.01 through 639.04.

b. A recognized smoke management group must certify annually that the requirements listed in Section 629.02.a. are still met.

c. A major burner is deemed to be a member in good standing with a recognized smoke management group so long as the major burner complies with the policies and procedures of the group.

03. Smoke Management Training. All burn bosses, as defined in Section 006, shall attend a prescribed burning smoke management training session provided by the Department or its Designee, as follows:

a. Major Burners. Annually attend a prescribed burning smoke management training provided by the Department or a Department approved equivalent smoke management training.

b. Minor Burners. Attend a prescribed burn prescribed burning smoke management training provided by the Department or its designee and attend a smoke management refresher training session every five (5) years.

04. Forms. The Department will provide the appropriate forms to complete online any permit by rule registration requirements. Forms will be available on the Department website <http://www.deq.idaho.gov>.

Discussion Section 630:

DEQ's intent with this section is that Airshed Group Members would be able to submit a preseason burn list through the Airshed Group's online tool rather than to the Department directly. Other actions using the airshed group processes will also be accommodated as long as the rule requirements are met by the airshed group process, procedures, policies, operating guide.

The majority of the items in Section 630.01 are already submitted to the Airshed Group through the online system. DEQ added the following information (Some Airshed Group members currently provide this information, however not consistently.):

- Mailing address and telephone number for the responsible official for the major burner.
- Number of burn units per project as well as the name of the person responsible for conducting the burn and portable form of communication: *It is important for DEQ to understand the scope of the project and understand how the burner has planned to accomplish their goals while also coordinating burning across the entire airshed. A portable form of communication is needed to provide a method for DEQ to communicate any changes to air quality or meteorological conditions that may influence how the burner proceeds.*
- Condition of the material being burned: *Knowledge about the condition of the fuel is needed to properly consider smoke generation from the project.*
- Shape file or plot plan showing the burn project in relation to communities, institutions with sensitive populations, nonattainment and maintenance areas.
- Expected duration (in days) of burn: *This also information is important for determining residual impacts and appropriate timing of burns for approval*
- Communication and public awareness plan
- Smoke management training: *Adequate smoke management training for burn bosses is essential for the implementation of smoke management practices and therefore a successful smoke management program.*
- Anticipated burn window: *This helps DEQ coordinate the airshed and highlights time of the year*

that may need extra resources.

Section 630.02: This Section allows for the initial registration submittal to be amended. This is similar to the process currently following by the Airshed Group Members. This section is also intended to capture instances when a new burner may emerge after the registration due date and need to comply with registration requirements.

630. PERMIT BY RULE REGISTRATION FOR MAJOR BURNERS.

01. Registration Process. Major burners shall annually provide the following registration information to the Department by January 15th:

a. Major burner information. Name of person, mailing address, and telephone number of the responsible official as defined in Section 006.

b. Name and location of projects. Unique names for each proposed prescribed burn project; number of burn units per unique project; location using latitude, longitude, and elevation of each project; name of burn boss conducting each proposed prescribed burn project; and the portable form of communication referenced in Section 639.

c. Acreage, fuel loading, and fuel characteristics of projects. Total project acres; fuel loading in tons per acre; and condition of material being burned, such as age of piles, estimation of fuel moisture, and whether fuels are natural or activity fuels;

d. Burn type. Type of prescribed burn to be conducted;

e. Shape file or plot plan. A plot plan showing the location of each project and individual burn units in relation to communities, institutions with sensitive populations, including schools while in session; hospitals; residential health care facilities for children, the elderly or infirm; other institutions with sensitive populations as approved by the Department; non-attainment areas; and maintenance areas;

f. Special considerations. Special considerations, such as multi-day ignitions, and nighttime ignitions;

g. Projected expected burn duration in days;

h. Communication/public awareness plan for all projects registered to the major burner;

i. Smoke management training. Date of completion, title, and author of training that meets the criteria in Section 629.03, completed by each burn boss conducting the prescribed burns;

j. Smoke monitoring plan. Plan including preferred weather conditions for smoke dispersion including wind direction and how smoke movement will be monitored throughout the burn; and

k. Anticipated burn window. Season or month for which prescribed burn is preliminarily planned.

02. Registration Amendments. Registrations may be amended at any time with written submission to the Department.

a. Details of individual prescribed burns may be amended up to one (1) week prior to planned ignition.

b. Additions of projects may be submitted up to one (1) month prior to planned ignition.

Discussion 631:

The purpose of this section is to increase the communication and coordination between DEQ and the Major Burner. Several Airshed Group members already meet with DEQ prior to the burn season. The Nez Perce-Clearwater National Forest, Idaho Panhandle National Forest, Payette National Forest, and the Salmon-Challis National Forest communicate their plans to some degree with DEQ prior to the start of the season. Arizona Department of Environmental Quality currently implements this approach.

631. PRE-SEASON COORDINATION FOR MAJOR BURNERS.

All major burners shall participate in pre-season coordination communication with the Department for each year they have registered proposed prescribed burn projects. Discussion will include scope of projects, prioritization of projects, emission reduction techniques, and long-term goals. Upon completion of pre-season coordination meeting with the Department, the major burner will receive a letter acknowledging receipt of registration and completion of coordination. The letter may include additional burn approval requirements needed to protect public health.

Discussion Section 632:

DEQ's intent is for this section to follow closely the request for approval currently used by the MT/ID Airshed Group.

As used in this rule, DEQ is defining burn approval as the part of the burn approval decision used by a smoke management program or system which, after consideration of all the factors which contribute to the management of smoke emissions from the ignition of the proposed burn through the entire burn progression while smoke is being generated, allows for ignition considerations to proceed.

Burn Approval, as referenced in this rule, is not intended to overrule or interfere with any other requirements associated with prescribed burning. Rather, DEQ's burn approval is just one step in the decision making process for prescribed burning.

Section 632 is the same concept as Montana Idaho Airshed Group – Airshed Group members must abide by the decision of the coordinator, but in 632 DEQ has replaced the Montana Idaho Airshed Group coordinator with the Department (DEQ) as the one providing the final approval. The decision process would remain a collaborative approach with the Montana Idaho Airshed Group as it is now, or with other airshed groups if formed.

632. REQUEST FOR BURN APPROVAL FOR MAJOR BURNERS.

01. Request for Burn Approval. All major burners shall submit a request for burn approval to the Department by noon local time the business day prior to the day they seek to burn. The request shall include the following information:

a. Major burner name;

b. Name and contact information of burn boss conducting the burn. ;

c. Name and location of prescribed burn. Unique name identified in the registration and location using latitude, longitude, and elevation of unit. If proposed burn spans multiple elevations, the middle elevation will be submitted;

d. Total acres requested to burn;

e. Fuel loading;

f. Type of burn; and

g. Any special considerations needed for burn approval decision, such as multi-day ignition project, nighttime ignition project, proximity to institutions with sensitive populations, and fuel conditions.

02. Burn Approval. All major burners shall obtain burn approval for the prescribed burn from the Department the business day prior to the requested burn.

03. Request for Burn Approval Modifications. Requests for burn approval modifications shall be made to the Department prior to ignition and include the rationale for the burn approval modification.

Discussion Section 633:

This Section describes the burn approval process and notification that the Department will use. The evaluation criteria listed in 633.01.a is consistent with the information that DEQ currently uses when making a recommendation to the Airshed Group for approval.

The notification processes in Subsections 633.02 and 633.03 follow the processes that are used by the Airshed Group.

633. BURN APPROVAL DETERMINATION FOR MAJOR BURNERS.

01. Burn Approval. The Department will develop a Prescribed Burning Operating Guide to use in making burn approval determination. To approve a burner's request to burn, the Department will evaluate the following:

a. Determine that the proposed burns will not cause or contribute to an exceedance of any National Ambient Air Quality Standard by evaluating the following:

i. Expected emissions from all sources proposed for the same dates in the area, including emissions from wildfires being managed for natural resource benefit; burns in progress; residual emissions from previous burns, and other non-fire related emission sources;

ii. The proximity of other burns and other potential emission sources within the area to be affected by the proposed burn;

- iii. Acreage, burn type, fuel load, and characteristics of fuel to be burned;
 - iv. Elevation of burn to be conducted. If unit spans multiple elevations, the middle elevation will be considered;
 - v. Expected ignition time. This includes nighttime ignition;
 - vi. Duration of burn to be conducted. This includes the expected duration of the flaming phase and the smoldering phase will be considered;
 - vii. Meteorological conditions; and
 - viii. Any other factors relevant to preventing exceedances of any National Ambient Air Quality Standard.
- b. The proximity of the burn to communities and institutions with sensitive populations, as defined in 630.01.e.
- c. The proximity to Mandatory Class 1 Areas. The Department will consider the probability of smoke impacts to Class 1 Areas during times when the most impaired 20% days occur.

02. Notification of Burn Approval. If the Department issues a burn approval, it will post on its website the burn approval and any specific conditions under which the burn is approved.

- a. Special conditions may include, but are not limited to:
 - i. Conditions for burning near communities or institutions with sensitive populations;
 - ii. The requirement to consult with the Department to determine actions to be taken if conditions at the burn site fail to satisfy the conditions in the burn approval; and
 - iii. The requirement to withhold additional material such that the fire burns down if the Department determines pollutant concentrations reach the levels in Subsection 633.01.
- b. Modifications to burn approval requested by major burners will be posted to the website.

03. Public Notification of Burn Approval. The Department will post daily on its website the following information:

- a. Designation of Burn Day. The Director or his designee will designate for a given area burn or no-burn days;
- b. Proposed burn projects requesting burn approval for next day;
- c. Meteorological conditions;
- d. Any real-time ambient air quality monitoring data; and
- e. Location and number of acres given burn approval on any given day.

04. Email Update Service. The Department will provide an opportunity for interested persons to sign up to receive automatic e-mail updates for information regarding prescribed burning.

Discussion Section 634:

These smoke management practices are taken from the NWCG Smoke Management Guide for Prescribed Fire, February 2018 PMS 420-2.

DEQ understands that some major burners would have limited access to a smoke dispersion forecast specific to the burn location and ignition time. Because of its value at supporting good smoke management decisions at ignition site, by identifying probable meteorological conditions, the Department is investigating ways to provide this for those major burners who currently do not have access to this type of forecast.

The intent of recordkeeping is to help with after action reports to support program feedback and improvement.

Communication and public awareness could be achieved through coordinated efforts with the airshed group and/or the Department. The Department understands some entities already incorporate public awareness into their burn planning.

Inclusion of emission reduction techniques consideration is meant to credit actions that reduce emissions and track these efforts for burners and Idaho when possible.

634. SMOKE MANAGEMENT PRACTICES FOR MAJOR BURNERS.

Burn bosses, as defined in Section 006, shall implement the following smoke management practices.

- 01. Evaluate Smoke Dispersion.** Prior to ignition do the following:
- a.** Obtain and review a smoke dispersion forecast that is specific to the burn location and ignition time;
 - b.** Record onsite weather conditions at the burn location; and
 - c.** Verify that the onsite weather measurements and the site-specific smoke dispersion forecast confirm adequate smoke dispersion for the specific burn. If adequate smoke dispersion is not confirmed, contact that Department to discuss alternatives.
- 02. Monitor Effects on Air Quality.** Monitor effects of fire on air quality such as recording where the smoke is going, using test burns, and evaluating at ignition intervals to determine if proceeding with burn is appropriate.
- 03. Recordkeeping.** Record smoke management practices, fire activity, and effects.
- a.** Within two (2) weeks after the prescribed burn, the major burner shall report to the Department the date burning was conducted, the number and location of acres burned, and other

information as required by the Department. The Department may restrict further burning by the major burner until completed burns are reported.

b. The major burner shall keep all records associated with the requirements of Section 634 for two (2) years and make them available to the Department upon request.

04. Communication and Public Awareness. The major burner should, to the extent practicable, notify all neighboring residences, applicable authorities, and communities that are reasonably expected to be affected by smoke from the proposed prescribed burn.

05. Emission Reduction Techniques. The major burner shall utilize emission reduction techniques when reasonable and appropriate including, but not limited to, fuel considerations, flaming considerations, seasonality of burn, and alternative treatment options.

06. Specific Conditions. Prescribed burning shall be conducted in accordance with any specific conditions in the major burner's permit by rule as provided by the Department.

Discussion Section 635: The intent of this section is to ensure collaboration between the land management agencies and DEQ. The current interagency smoke strategy, Smoke Avoidance Impact Strategies of 2013 (developed with USDI, USDA, MDEQ, IDEQ, MDNRC) addresses how coordination of these type fires should proceed.

635. UNPLANNED FIRE EVENT SMOKE MANAGEMENT.

All persons managing a wildfire of more than fifty (50) acres for natural resource benefit shall notify the Department within forty-eight (48) hours of the decision to manage the wildfire under a strategy other than full suppression.

01. Notification. Notification by the state or federal land managers of the intent to manage a wildfire for natural resource benefit will initiate the coordination strategy between the Department and State or Federal Land Management Agencies to ensure air quality is addressed commensurate with wildfire activity and complexity.

02. Collaboration. The Department and the agency managing the fire will collaborate on public information and outreach efforts.

03. Air Quality. The Department and the agency managing the fire will monitor air quality and prepare for possible air quality degradation and impacts on public health.

Discussion Section 636:

Since Minor category 1 burns could potentially be as large as some burns conducted by major burners, the requirements should be similar for adequate smoke management considerations including opportunities to modify plans when conditions warrant.

DEQ's intent is to provide the infrastructure for registration, approval, and reporting to occur with similar conditions of major burns due to likelihood for similar burning to occur in this category.

636. MINOR CATEGORY 1 BURN.

01. Registration for Permit by Rule. All minor burners intending to conduct a category 1 burn shall register prescribed burning projects at least ninety (90) calendar days prior to the proposed ignition date. The registration shall include the information described in Section 630 with the exception of Subsection 630.01.h.

02. Request for Burn Approval for Category 1 Burn. All minor burners intending to conduct a category 1 burn shall comply with the provisions of Subsections 632.01 through 632.04.

03. Smoke Management Practices for Category 1 Burn. All minor burners conducting a category 1 burn shall comply with the provisions of Section 634.

Discussion Section 637:

The intent of this section is to provide an opportunity to account for the impacts this group could have so that burning within their airshed can be coordinated while also reducing some of the regulatory burden for these smaller burners. During the development of these draft rules, DEQ identified a potential issue with the breakpoints for a Category 2 burn. DEQ struggled with developing requirements for a Minor Burner Category 2 burn that would be appropriate for burns at both the top in of the range as well as the bottom end of the range identified in 628.02.b. DEQ is seeking comment on these break points as well as the requirements included in Section 637.

637. MINOR CATEGORY 2 BURN.

01. Registration for Permit by Rule. All minor burners intending to conduct a category 2 burn shall register prescribed burning projects at least thirty (30) calendar days prior to the proposed ignition date. The registration shall include the information described in Subsections 630.01.a. through 630.01.d., 630.01.f., and 630.01.i.

02. Request for Burn Approval for Category 2 Burn. All minor burners shall request burn approval from the Department at least one business day prior to proposed ignition date. The request shall include information identified in 632.01.a. through 632.01.g.

03. Smoke Management Practices for Category 2 Burn. All minor burners conducting a category 2 burn shall comply with the provisions of Subsections 634.02 through 634.06.

Discussion Section 638:

DEQ's intent is to ensure these burners are not burning on a poor smoke dispersion day and provide some smoke management guidance to reduce smoke impacts. This section is very similar to the requirements for Spot and Bale burning in the Crop Residue Burning Program (IDAPA 58.01.01.624).

638. MINOR CATEGORY 3 BURN.

01. Smoke Management Training. All minor burners conducting a category 3 burn shall meet the provisions of 629.03.

02. Designated Burn Day. Burning shall only occur when the Department has designated that day a burn day.

03. Burn Window. Burning is only allowed after sunrise and prior to sunset. Burns shall not smolder and create smoke after sunset.

04. Smoke Management Practices. Minor burners conducting a category 3 burn shall utilize emission reduction techniques when reasonable and appropriate, including but not limited to burning material that is dry and free of dirt, ensuring the fire has plenty of oxygen, notifying neighbors of burn activity, and using non-burning options.

Discussion Section 639:

This section describes general provisions that apply to all persons conducting prescribed burning. The intent of this section is to capture all the remaining pieces of what makes up a good smoke management program.

An annual report and advisory committee are implemented in the Crop Residue Burning Program. They help DEQ evaluate the outcomes of the burning season, identify areas for improvement, and program successes.

639. GENERAL PROVISIONS.

01. Designated Burn Day. Prescribed burning shall not be conducted unless the Department has designated that day a burn day and the burner has received approval specifying the conditions under which the burn may be conducted, as applicable.

02. Portable Form of Communication. Except for category 3 burning, the burn boss must have on their possession an operable, portable form of communication such as a cellular phone or radio of compatible frequency with the Department in order to receive burn approval information or information that might require measures to withhold additional material such that the fire burns down.

03. Limitations on Burning. When required by the conditions of the notice of burn approval, the burner burning in proximity to institutions with sensitive populations, as defined in Subsection 630.01.e., shall withhold additional material such that the fire burns down unless the Department determines that the burn will not have an adverse impact on such institutions.

04. Air Stagnation or Degraded Air Quality. All prescribed burning shall be prohibited when the Department issues an air pollution forecast and caution, alert, warning or emergency as identified in Section 552.

05. Annual Report. The Department will develop an annual report to include, at a minimum, an analysis of the causes of each exceedance of any NAAQS, if any, and an assessment of the circumstances associated with any reported endangerment to human health associated with a burn. The report will include any recommended changes to these rules or the Prescribed Burning Smoke Management Operating Guide deemed necessary to prevent future exceedances and improve the program effectiveness and efficiencies.

06. Advisory Committee. The Department will assemble an advisory committee consisting of representatives from the general public, environmental organizations, forest and rangeland organizations, health organizations, tribal organizations, the Idaho Department of Lands, the Department, and others to discuss prescribed burning smoke management issues.

07. Surveillance. The Department will use monitoring data and observations to assist with burn approval decisions and post-burn evaluations and may use inspections and public complaint response to investigate adverse smoke impacts.

08. Public Education and Awareness. The Department will work to increase public education and awareness of prescribed burning, smoke management, and impacts to public health. The Department encourages persons conducting prescribed burning to educate the public and raise awareness of prescribed burning when reasonable and appropriate.