

TO: Air Quality Board
THROUGH: Bryce C. Bird, Executive Secretary
FROM: Joel Karmazyn, Environmental Scientist
DATE: August 5, 2020
SUBJECT: PROPOSE FOR PUBLIC COMMENT: NEW RULE: R307-240. Prescribed Burning.

The Division of Air Quality (DAQ) staff are proposing new rule R307-240, *Prescribed Burning*, to align the air quality rules with the state statute as amended by House Bill 92 (H.B. 92) in the 2020 General Legislative Session.

During the 2020 General Legislative Session, the Legislature passed H.B. 92, *Fire Amendments*. The bill requires the Director of the Division of Air Quality to, under certain conditions, approve prescribed burns that do not meet the clearing index requirement set forth in R307-204, *Emission Standards*. H.B. 92 states that the Director shall approve a prescribed burn in wildland and non-wildland areas when a land manager submits documentation specified in Section 19-2a-105, which is attached to the board memo.

R307-240 incorporates 19-2a-105 by reference and reiterates the need for Director approval prior to conducting prescribed burning or pile burning when the United States National Weather Service clearing index in the area of the burn is less than 500.

Attached to this memo is as copy of H.B. 92 which outlines the conditions.

Recommendation: Staff recommends that the Board propose new rule R307-240 for public comment.