

## **REGULATION 3.8**

### **AIRBORNE TOXIC CONTROL MEASURE FOR RESIDENTIAL BURNING**

#### **RULE 3.8-100 - AUTHORITY**

This regulation is adopted pursuant to the provisions of California Code of Regulations, (CCR) Section 93113, Titles 17 and 2.

The boundaries of the Mendocino County Air Quality Management District are coterminous with the existing boundaries of Mendocino County.

#### **RULE 3.8-110 - PURPOSE**

The purpose of this regulation is to reduce public exposure to air toxics generated by the burning of residential waste in the open and in burn barrels or incinerators.

#### **RULE 3.8-120 - APPLICABILITY**

- (a) Notwithstanding Section 41806(a) of the California Health and Safety Code, this regulation shall apply to persons conducting outdoor burning of combustible or flammable waste generated from inside residences and from outdoor activities associated with a residence, for the purposes of disposing of the waste within the boundaries of the Air Quality Management District.
- (b) This regulation shall apply to persons lighting fires that burn combustible or flammable waste, as defined, outdoors in enclosed or partially enclosed vessels, such as incinerators or burn barrels, or in an open outdoor fire, such as in pits or in piles on the ground. This regulation shall not apply to persons lighting fires at the direction of a public officer in an emergency situation for public health or fire safety reasons, in accordance with Section 41801 of the California Health and Safety Code, Regulation 2, Open Outdoor Burning Procedures of the Mendocino County Air Quality Management District, or other provisions of law.
- (c) Except as provided in (a) and (b) above, nothing in this regulation shall affect the applicability of the provisions of Article 2 and Article 3, respectively, of Chapter 3, Part 4, Division 26, of the California Health and Safety Code.
- (d) Except as provided in (a) and (b) above, nothing in this regulation shall affect the applicability of the provisions of District Regulation 2, Open Outdoor Burning Procedures.

#### **RULE 3.8-130 – SEVERABILITY**

The provisions of this regulation are severable. Should any section of this regulation be held invalid, the remainder of this regulation shall not be affected thereby.

## **RULE 3.8-140 – DEFINITIONS**

Terms used shall have the same definitions as in Health and Safety Code, Section 39010 *et. seq.*, unless otherwise indicated. For purposes of this regulation, the following additional definitions shall apply:

**(a1) Air Quality Management District**

The Mendocino County Air Quality Management District.

**(a2) Air Pollution Control Officer (APCO):**

The Air Pollution Control Officer or the Chief Executive Officer of the Mendocino County Air Quality Management District.

**(a3) Approved Combustibles**

Brush, trees, and vegetation burned on the property where grown.

**(a4) Approved ignition device**

An instrument or material that will ignite open fires without the production of black smoke by the ignition device, as approved by the Air Pollution Control Officer.

**(b1) Burn Barrel**

A metal container used to hold combustible or flammable waste materials so that material can be ignited outdoors for the purpose of disposal.

**(c1) Combustible**

Any substance capable of burning or any substance that will readily burn.

**(f1) Flammable**

Capable of catching fire easily, or combustible.

**(i1) Incinerator**

Any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.

**(n1) Natural vegetation**

All plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to lumber, wood products or paper products.

**(r1) Residence**

A single - or two-family dwelling unit and the land and ancillary structures surrounding it.

**(r2) Residential waste burning**

The disposal of the combustible or flammable waste from a single - or two-family dwelling unit or residence by outdoor burning. Residential waste burning is not agricultural burning, including prescribed burning.

**(u1) Unapproved Combustibles**

Any material, other than vegetative matter grown on the property where the burn occurs.

**(w1) Waste**

All discarded putrescible and non-putrescible solid, semisolid, and liquid materials, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; tires; tar; tarpaper; wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; fecal- and food-contaminated material; felled trees; tree stumps; brush; plant cuttings and prunings; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.

**RULE 3.8-200 – PROHIBITIONS**

- (a) No person shall burn unapproved combustibles from any property for the purpose of disposing of waste material outdoors at a residence.
- (b) No person shall dispose of approved combustibles from any property by burning them in a burn barrel or incinerator.
- (c) No person shall ignite, or allow to become ignited, any approved combustibles unless using an approved ignition method.

**RULE 3.8-300 – EXEMPTIONS**

Burning done under the provisions of District Regulation 2, Rule 2-300(a) (Agricultural burning) is exempt from this Air Toxic Control Measure.

NOTE: Authority cited: California Health and Safety Code, Sections 39600, 39601, 39659 and 39666. Reference: California Health and Safety Code, Sections 39020, 39044, 39650 through 39669, 39701, 41700 and 41806.