

RULE 301
NONAGRICULTURAL BURNING SMOKE MANAGEMENT

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100 GENERAL

101 PURPOSE: To establish criteria for the disposal of wood waste, fire hazard reduction burning, mechanized burners; to provide for fires set or permitted by public officers; and to establish criteria to better manage non-agricultural burning to manage smoke and to reduce its affects.

102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located in Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in Regulation 3, no person shall use open fires (including the use of a burn barrel) for the purpose of disposal or to burn any material.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 General Exemptions

103.2.1 Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning shall be forwarded to the APCO stating why life and property were being threatened to the extent to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule, provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetative material which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning

is exempt from Section 307 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 307 if the denial of such burning would threaten imminent and substantial economic loss.

200 DEFINITIONS (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

201 ALLOWABLE COMBUSTIBLES: Vegetation waste originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

202 BURN BARREL: A metal container used to hold disallowed combustibles, so that they can be ignited outdoors for purpose of disposal.

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

204 CONSTRUCTION-DEMOLITION DEBRIS: Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

205 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible and non-putrescible solid, semisolid and liquid materials, wastes; tires; tar; tarpaper; non-natural 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; and fecal- and food-contaminated material.

206 FIRE HAZARD REDUCTION BURNING: The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

207 FIRE PROTECTION AGENCY: Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

208 FLAMMABLE: Capable of catching fire easily, or combustible.

209 INCINERATOR: Any device constructed of non-flammable 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.

210 NO-BURN DAY: Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

211 OPEN BURNING OR OPEN OUTDOOR FIRE: Combustion of any combustible waste of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

- 212 PERMISSIVE BURN DAY OR BURN DAY:** Any day on which agricultural burning including prescribed burning, is not prohibited by the ARB and the APCO.
- 213 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing, or railroad ties.
- 214 RECREATIONAL OR COOKING FIRE**
- 214.1 A recreational fire is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 214.2 A cooking fire is an open outdoor fire used for the cooking of food for human consumption.
- 215 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetative material, which may include standing green vegetation, and wood waste debris for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.
- 303 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires, for disposal purposes, on the property where grown, is allowed when done in compliance with local ordinances to reduce fire hazard.
- 304 BURN PERMITS**
- 304.1 A person shall not ignite, conduct, or allow open outdoor burning without first obtaining a valid burn permit from the District.
- 304.2 If required, a separate burn permit may also need to be obtained from the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 305 PERMIT VALIDITY:** No permit shall be construed to authorize open outdoor fires for any day during which:
- 305.1 Agricultural burning is prohibited by the ARB or the APCO.
- 305.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 306 BURN DAYS:** No person shall knowingly ignite, or allow ignition of allowable combustibles on days when it is prohibited by the ARB or the APCO or when burning is prohibited by a fire protection agency.
- 307 MATERIAL PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the material

being burned, (from when the vegetation was cut and is to be burned), the following are drying times for vegetation:

307.1 No material shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and then shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

307.2 Material stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

307.3 A minimum of 15 days, of drying time, for fine prunings or cuttings, less than 3" in diameter, at the cut end.

307.4 A minimum of three to six weeks, of drying time, for prunings or brush or small branches, 3 to 6 inches in diameter, at the cut end.

307.5 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end. Stumps greater than 12 inches, where cut, must be split. Stumps must be free of dirt and rocks.

307.6 Unwanted trees shall be felled and dried prior to the burn.

308 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

309 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.

310 DETERMINATION OF AMOUNT BURNED DAILY: Only that amount of material that can be reasonably expected to burn completely within the following 24 hours shall be ignited in any one day.

311 MECHANIZED BURNER: The APCO may authorize by permit, open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris, free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.

311.3 In authorizing the operation of a mechanized burner the APCO may make the permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of subsections 304.1 and 304.2 are met. Section 307, Material Preparation and Drying Times, does not apply.

312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS: Nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

312.1 The prevention of a fire hazard which cannot be abated by any other means.

- 312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
 - 312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
 - 312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.
 - 312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.
 - 312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.
 - 312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.
- 313 **RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:
- 313.1 Disallowed combustibles must be removed prior to burning.
 - 313.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

- 401.1 Type of burning;
- 401.2 Name and/or Business Name and address of the permittee;
- 401.3 Location of the proposed burn;
- 401.4 Distance to nearest residential area (in miles);
- 401.5 The type of material to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the material to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.
- 401.9 Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the permit available for inspection at the burn site during the burn.

402 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.

403 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility.

403.1 Within ten days after service of notice of revocation specified in Section 403 above, the permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

404 PERMIT FEES: Burn permits are valid only following receipt of the permit fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Public Officer Fire Hazard Burn Reporting: A fire hazardous condition report as required in subsection 103.2.1 shall be submitted if the fire hazard exemption is employed. The report shall contain location, type, and amount of material burned, and information on the determination made that there is a fire hazardous condition having an imminent effect on life or property, what is the threat to life and property and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.