

RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

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100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL 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.

103.1.6 The use of orchard or citrus heaters used for the prevention of frost damage are provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

103.2 Exemptions from Section 304, Burn Days

103.2.1 Empty Sacks or Containers: The APCO may, by special permit, authorize burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, providing the sacks or containers are within the definition of agricultural wastes.

103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and will only authorize burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetative material associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 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 305 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 or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 **AGRICULTURAL OPERATION:** The growing and harvesting of crops, raising of fowl or animals, for the primary purpose of making a profit or providing a livelihood, or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the fields. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pesticide plastic containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard wastes removed for land use conversion to nonagricultural purposes.

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

205 **OPEN BURNING OR OPEN OUTDOOR FIRE:** Combustion of any disallowed combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

206 **PERMISSIVE BURN DAY OR BURN DAY:** Any day on which agricultural burning including prescribed burning, is not prohibited by the ARB and the APCO.

207 **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.

208 **SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program outlined under a plan prepared by the Sacramento Valley Basinwide Air Pollution Control

Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of the elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.

209 SMOKE MANAGEMENT PLAN: A document prepared for each fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations.

210 SMOKE MANAGEMENT PROGRAM: A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning of the California Code of Regulations. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

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 BURN PERMITS

302.1 A person shall not ignite, conduct, or allow agricultural burning, including the burning of agricultural waste, without first obtaining a valid burn permit from the District.

302.2 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.

303 PERMIT VALIDITY: No permit shall be construed to authorize open outdoor fires for any day during which:

303.1 Agricultural burning is prohibited by the ARB or the APCO.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

304 BURN DAYS

304.1 No person shall knowingly ignite or allow ignition of agricultural burning on days when it is prohibited by the ARB or the APCO, or when burning is prohibited by fire protection agency.

304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

305 MATERIAL PREPARATION AND DRYING TIMES

305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.

- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: 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:
 - 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
 - 305.2.2 A minimum of 15 days, of drying time, for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
 - 305.2.3 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.
 - 305.2.4 A minimum of six weeks, of drying time, for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
 - 305.2.5 No material shall be burned unless it is reasonably free of 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.
 - 305.2.6 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.
 - 305.2.7 Unwanted trees shall be felled and dried prior to the burn.
 - 305.2.8 The material to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)

- 306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, above notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in Section 306.2 and 306.3.
- 306.2 Straw: When checking a field for moisture, a composite sample of straw from under the mat, in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1, above notwithstanding, rice straw shall only be deemed dry enough to burn if a handful of straw selected as described in subsection 306.2 above crackles audibly when it is bent sharply.

- 307 LIGHTING PRACTICES:** Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring, except when and where an extreme fire hazard is declared by a fire protection agency, or where crops are determined not to lend themselves to these techniques.

308 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation 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: The daily acreage allotment on permissive burn days, of open outdoor burning in agricultural operations in the growing of crops and the raising of fowl or animals, shall be no more than that amount determined by the ARB from the daily basinwide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1 A prescribed burn conducted under a Smoke Management Plan, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burn acreage allocation that was burned on a given day.

311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 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 an agricultural 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 SMOKE MANAGEMENT PROGRAM

404.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

404.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

405 APCO APPROVAL: No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. The APCO shall distribute the daily allocated acreage throughout the District for the purposes of minimizing the density of emissions and protecting downwind urban areas.

406 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 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each waste type burned from open outdoor burning in agricultural operations and where the burning was performed.

501.2 Special Permits Issuance Report: A report of permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, and an estimate of the amount of agricultural wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.