

# **RULE 304 LAND DEVELOPMENT BURNING SMOKE MANAGEMENT**

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## 100 GENERAL

**101 PURPOSE:** To establish standards and administrative requirements under which land development burning, 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.

**102 APPLICABILITY:** The provisions of this rule shall apply to all residential or commercial land development 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 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED 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 NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

**200 DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201 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.

**202 LAND DEVELOPMENT BURNING:** The use of open outdoor fires for the disposal of vegetation material (wood waste) grown on property being developed for commercial or residential purposes.

## 300 STANDARDS

**301 AUTHORIZATION TO BURN:** Pursuant to Section 41802 of the California Health and Safety Code, this Rule authorizes land development burning.

**302 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.

**303 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.

**304 BURN PERMITS**

- 304.1 A person shall not ignite, conduct, or allow open outdoor burning, pursuant to this Rule, 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 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 it 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 Wood waste should be windrowed if economically and technically feasible.
- 307.3 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.
- 307.4 Unwanted trees shall be felled and dried prior to the burn.
- 307.5 A minimum of 15 days, of drying time, for fine prunings or cuttings less than 3 inches in diameter at the cut end.
- 307.6 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.
- 307.7 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 307.8 Wood waste, greater than 12 inches in diameter, with the exception of stumps, shall not be included in the burn.
- 307.9 Stumps, greater than 12 inches in diameter, at the cut shall not be included in the burn unless they are split in half and free of dirt.

**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:** 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.

**400 ADMINISTRATIVE REQUIREMENTS**

- 401 PERMIT REVIEW:** The APCO or staff shall review and sign all permits prior to authorizing burning.

**402 BURN PERMIT APPLICATION INFORMATION**

- 402.1 Type of burning;
- 402.2 Name and/or Business Name and address of the permittee;
- 402.3 Location of the proposed burn;
- 402.4 Distance to nearest residential area (in miles);
- 402.5 The type of material to be burned;
- 402.6 Acreage or estimated tonnage or size of pile of the material to be burned;
- 402.7 Reason for burning;
- 402.8 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.
- 402.9 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."
- 402.10 The applicant or representative shall have the permit available for inspection at the burn site during the burn.

- 403 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.

- 404 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.

- 404.1 Within ten days after service of notice of revocation specified in Section 404 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.

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

**500 MONITORING AND RECORDS** (None)