

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

**RULE 300 - GENERAL PROHIBITIONS AND EXEMPTIONS ON OPEN BURNING**

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### **RULE 300**

- 1 **GENERAL PROHIBITIONS:** Except as provided in these Rules and Regulations, no person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste or other combustible or flammable solid or liquid waste or for metal salvage or burning of automobile bodies. For purposes of this Section, a person shall be deemed to have permitted the setting or use of such fires if he permits the setting or use of such fires for the disposal of such wastes under his control, on land under his control or by employees or other persons under his control.
  
- 2 **EXEMPTIONS TO GENERAL PROHIBITIONS:** Nothing in these Regulations shall be construed to prohibit:
  - 2.1 **Single and Two-Family Dwelling Exemption:** Burning for the disposal of natural vegetation on the property where it was grown of a single or two-family dwelling on its premises. Burning of garbage; paper, unless exempted by Section 93113, Title 17 of the California Code of Regulations; demolition debris, including the burning of painted, stained or otherwise treated lumber; petroleum waste; tires; tar; plastics; cloth or other similar smoke producing materials on said premises is prohibited.
  
  - 2.2 **Agricultural Burning Exemption:** Burning for the disposal of agricultural waste authorized pursuant to Section 3.1 "Required Permits" of this Rule.
  
  - 2.3 **Right of Way, Levee, Reservoir, and Ditch Clearing Exemption:** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir, ditch or drainage maintenance. No material may be burned pursuant to this Section unless the burning is done on a permissive burn day and the material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke. Such material shall be cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 302 Section 3 "Drying Periods", and Section 5 "Burning of Vines or Bushes Treated with Herbicides", of these Rules and Regulations; provided, however, that material growing in or on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted, or treated.

- 2.4 **Land Clearing Exemption:** Burning of wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, may be disposed of by open outdoor fires on the property where it was grown, pursuant to the provisions of Section 41802-41805 of the California Health and Safety Code and in compliance with the conditions of the Butte County Air Quality Management District (DISTRICT) Regulation III, and, if authorized by the local fire protection agency having jurisdiction over the respective burn site.
- 2.5 **Public Officer Exemption:** Burning operations conducted by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of an officer is necessary:
  - 2.5.1 For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
  - 2.5.2 For the instruction of public employees in the methods of fire fighting, or
  - 2.5.3 For the growing of crops or raising of fowls or animals, or
  - 2.5.4 For the purpose of disease or pest control and prevention.
- 2.6 **Employee Instruction:** Burning operations on property used for industrial purposes for the purposes of instruction of employees in methods of fire fighting.
- 2.7 **Back Fires to Protect Life and Property:** Burning operations conducted pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.
- 2.8 **Wildland Vegetation Management Burning:** Burning operations conducted for the purpose of wildland vegetation management burning pursuant to Rule 309, and as defined in Rule 101 of these Rules and Regulations.
- 2.9 **Multi-Unit Dwellings and Commercial Entities:** At multi-unit dwellings and commercial entities, burning for the purpose of fire hazard reduction when done for the purpose of compliance with local fire hazard reduction ordinances.
- 2.10 **Residential Cooking and Recreational Fires:** Open outdoor fires used for cooking food for human beings or for recreational purposes.

### 3 REQUIRED BURN PERMITS

- 3.1 **Required Permits:** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or allow the open burning activity on any property under the persons possession without first obtaining a valid burn permit, issued by the Air Pollution Control Officer (APCO) pursuant to State

law and DISTRICT Regulations III and V.

Notwithstanding this requirement, the APCO authorizes open burning pursuant to the permit issued by the responsible fire agency under the following:

**3.1.1** Non-agricultural, Residential and Dooryard Waste Burning - Upon issuance of a fire agency burn permit for burning allowed pursuant to Sections 2.1 and 2.9 of this Rule.

**3.1.2** Other Non-agricultural Burning consisting of burning allowed pursuant to Sections 2.4 (non-commercial only), 2.5 and 2.6 of this Rule.

**3.2 Required Conduct:** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or, allow the open burning activity on any property under the person's possession, in violation of any State law, statute, DISTRICT Rule or Regulation, or a burn permit issued by the APCO pursuant to these Rules and Regulations. Any open burning which is not in full and complete compliance with the provisions of these Rules and Regulations, is in violation of these Rules and Regulations.

**3.3 Parent or Guardian Liability:** The parent or legal guardian of any minor violating these Rules and Regulations shall be strictly liable for the minor's conduct and violation.

**3.4 Strict Liability:** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of these Rules and Regulations is strictly liable for any violation of these open burning Rules and Regulations. A contractor or agent acting on behalf of the person in possession of the property is also strictly liable for any violation.

**3.5 Required Burn Permit Information:** Each applicant for a burn permit shall provide such information as is required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the APCO.

**4 PERMISSIVE AND NO-BURN DAYS:** A permissive burn day shall be any day, or portion thereof, meeting the requirements of Rule 101 of these Rules and Regulations. A No-Burn Day shall be any day, or portion thereof, meeting the requirements of Rule 101. For the purposes of determining burn day status, the APCO shall utilize smoke management zones, considering local meteorological and air quality-related factors.

**4.1 Permit Invalidation on No-Burn Days:** A burning permit shall not be valid on a No-Burn Day and a person shall not knowingly set or permit burning on

a No-Burn Day. For the purpose of Regulation III of these Rules and Regulations, a person shall be deemed to have permitted burning if he permits the setting or use of such fires for the disposal of allowable burnable waste under his control, on land under his control, or by employees or other persons under his control.

- 4.2 Fire Prevention No-Burn Day Designations:** A burning permit shall not be valid for any day on which burning is prohibited, for the purposes of fire control or prevention, by the designated fire control agency having jurisdiction over the site of the burn.
- 4.3 Restriction Of Burning During Poor Air Quality Conditions:** The APCO may restrict burning on burn days if such burning could cause or contribute to extreme adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of an Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the APCO or by the permittee.
- 4.4 Permit to Burn on a No-Burn Day:** Notwithstanding any other provision of this Regulation, the APCO may, by special permit, authorize burning on days designated by the California Air Resources Board (CARB) as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss or would cause a public health hazard. The granting of such a special permit does not exempt the applicant from any other DISTRICT or fire control regulation. The applicant shall submit to the APCO in writing on the form provided, his reasons why denial of the permit would cause imminent and substantial economic loss or a public health hazard. The daily acreage burned under this Rule shall conform with the Sacramento Valley Air Basin Guidelines and may be issued only when downwind metropolitan areas are forecasted to achieve ambient air quality standards.
- 4.5 Range Improvement Burning on a No-Burn Day:** The APCO may annually designate a period, or a portion of such period, from January 1 through May 31, during which time range improvement burning may be conducted by permit, as specified in Section 3.1 of this Rule, on a No-Burn Day, provided more than fifty (50) percent of the land has been brush treated. If the burn is performed primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.

CARB may prohibit range improvement burning under this Rule if, in the opinion of CARB, such prohibition is required for the maintenance of suitable

air quality.

## 5 EXEMPTIONS TO PERMIT REQUIREMENTS

### 5.1 Elevation

**5.1.1** A burning permit is not required for the open burning in agricultural operations in the growing of crops or raising of fowl or animals, or the open burning for disease and pest prevention, at altitudes above 3,000 feet mean sea level (MSL).

**5.1.2** Notwithstanding Section 3.1 of this Rule, a burning permit is not required for the open burning at altitudes above 6,000 feet MSL for the purposes of wildland burning, forest management, silviculture, range management, timber operations, or prescribed burning.

**5.2 LPG (Liquid Petroleum Gas) and Natural Gas-Fired Burners for Agricultural Burning:** A burning permit is not required for agricultural burning performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds in orchards and field crops, and the growth is such that combustion will not continue without the burner.

**5.3 Pesticide Sacks:** A burning permit is not required for burning agricultural pesticide sacks, provided the burning is conducted at the site of application and downwind from any person or susceptible crops.

**5.4 Residential Cooking and Recreational Fires:** DISTRICT burning permits are not required for burning conducted for open outdoor fires used for cooking food for human beings or for recreational purposes. However, local fire protection control agencies may require such permits.

## 6 FEES

**6.1 General Fees:** Burn permit fees shall be assessed by the DISTRICT pursuant to Regulation V of these Rules and Regulations for burning permits.

**6.2 Burn Permits Issued Pursuant to Sections 2.1, 2.4, 2.5 or 2.9 of this Rule:** Notwithstanding any other provision in Section 6.1 above, a permit fee shall not be assessed for burning conducted pursuant to a responsible fire agency permit.

**6.3 Economic Hardship:** Permit fees may be waived by the APCO upon a showing of economic hardship or during circumstances deemed by the APCO as an emergency. Economic hardship considerations shall apply to any person whose annual income is below the poverty level, as defined by the Bureau of Census, U.S. Department of Commerce, or as defined in Section 39026.5 of the California Health & Safety Code.

**6.4 Public Officer Training of Public Employees:** Burn permits issued pursuant to Section 2.5.2 of this Rule shall be exempt from payment of fees, provided that training burns are not used to circumvent required permits for non-public entities or persons.