

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

**RULE 309 - WILDLAND VEGETATION MANAGEMENT BURNING**

*(Adopted September 18, 1990; Recodified and Amended August 20, 1998; Recodified August 22, 2002; Amended May 22, 2003)*

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## **RULE 309**

- 1 PURPOSE:** The purpose of this Rule is to provide requirements and standards regarding the use of wildland vegetation management burning, range improvement burning, and forest management burning, within the boundaries of the Butte County Air Quality Management District. (DISTRICT).
- 2 APPLICABILITY:** The provisions of this Rule shall apply to all persons who set or maintain fires within the boundaries of the DISTRICT, which meet the definition of wildland vegetation management burning, range improvement burning, and forest management burning, regardless of whether such burning also meets another definition in the DISTRICT Rules and Regulations.
- 3 EXEMPTIONS:** Requirements of this rule shall not apply to;
  - 3.1** Residential Burning; and,
  - 3.2** Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals.
- 4 DEFINITIONS:** Notwithstanding DISTRICT Rule 101 Definitions, the following definitions apply to the terms used in this rule.
  - 4.1 Agricultural Burning** means open outdoor fires used in agricultural operations in the 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 or wildland vegetation management burning or forest management burning, including silviculture and timber operations, or prescribed burning.
  - 4.2 Class I Area** means a mandatory visibility protection area designated pursuant to section 169A of the federal Clean Air Act.
  - 4.3 Forest Management Burning** means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silviculture practices or forest production practices.
  - 4.4 Forty-Eight Hour Forecast** means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of prediction. The prediction shall indicate a degree of confidence.

- 4.5 Ninety-Six Hour Trend** means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of prediction.
- 4.6 No-Burn Day** means any day on which agricultural burning, including prescribed burning, is prohibited by the state board or the air district in which the burning will occur.
- 4.7 Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals** means the burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.
- 4.8 Permissive Burn Day** means any day, or portion thereof, designated by the APCO as a day, or portion thereof during which fires may be ignited and burning activity for the disposal of approved fuel(s) and waste(s) is authorized, and, which is not prohibited by either CARB, or, and local, State or federal fire protection agency having jurisdiction over the proposed burn location.
- 4.9 Prescribed Burning** means the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in HSC Section 39011.
- 4.10 Range Improvement Burning** means the use of open fires to remove vegetation for a wildlife, game or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.
- 4.11 Residential Burning** means an open outdoor fire for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.
- 4.12 Seventy-Two Hour Outlook** means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 72 hours from the day of prediction.
- 4.13 Smoke Management Plan** means a document prepared for each fire by land managers that provides the information and procedures specified in this rule.
- 4.14 Smoke Sensitive Area** means populated areas and other areas where the DISTRICT determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals,

nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

- 4.15 Wildland** means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture (USDA) Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.
- 4.16 Wildland Vegetation Management Burning** means the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass or standing brush as defined in Title 14, California Administrative Code, Section 1561.1.

## **5 REQUIREMENTS:**

- 5.1** Any proposed range improvement burn, forest management burn, or wildland vegetation management burn, regardless of size, which will occur below a mean sea level (MSL) elevation of 1000 feet, or any proposed range improvement burn, forest management burn, or wildland vegetation management burn which encompasses a land area greater than ten (10) acres or is estimated to produce more than one (1) ton of particulate matter and which occurs at or above an MSL elevation of 1000 feet shall submit a Smoke Management Plan to the DISTRICT for review and approval at least 14 days prior to ignition and shall include the following information:
- 5.1.1** Amounts of material to be covered by the Smoke Management Plan;
  - 5.1.2** Location and specific objectives of the burn project;
  - 5.1.3** Type and condition of fuel and arrangement of the vegetation to be burned;
  - 5.1.4** Direction and distances to populated or smoke sensitive areas;
  - 5.1.5** Expected duration of the fire from ignition to extinction; and
  - 5.1.6** Identification of responsible personnel, including telephone contacts.
- 5.2** Projects which encompass a land area greater than 100 acres or are estimated to produce more than ten (10) tons of particulate matter or projects conducted near smoke sensitive areas shall submit a Smoke Management Plan that includes the following additional information:
- 5.2.1** Meteorological prescription necessary for burning (i.e. temperature, humidity, wind speed, and wind direction);
  - 5.2.2** Fuel prescription necessary for burning;

- 5.2.3 Smoke management criteria the permittee or his/her designee will employ to make burn ignition decisions;
  - 5.2.4 Map projection showing expected direction of smoke travel throughout the smoke dispersion period;
  - 5.2.5 Specific contingency actions including, but not limited to, fire suppression or containment that will be used if smoke impacts occur or metrological conditions deviate from those specified in the Smoke Management Plan;
  - 5.2.6 Alternatives to burning shall be evaluated. When analysis has been prepared pursuant to the National Environmental Policy Act or the California Environmental Quality Act, as applicable, the analysis shall be attached to the Smoke Management Plan;
  - 5.2.7 Procedures for notifying the public and other agencies of the burn (i.e. fire agencies, local fire safe councils, neighboring air districts);
  - 5.2.8 Appropriate signs shall be posted at burn sites; and
  - 5.2.9 Procedures for reporting public smoke complaints.
- 5.3 Projects which encompass a land area greater than 250 acres or that continue burning or producing smoke overnight (multi-day burns) or projects conducted near smoke sensitive areas shall submit a Smoke Management Plan that includes the following additional requirements:
- 5.3.1 Specific monitoring procedures for the project which use visual monitoring or ambient particulate matter monitoring as approved by the DISTRICT;
  - 5.3.2 Daily coordination between the permittee or his/her designee and the DISTRICT or the California Air Resources Board (CARB) to assure prescription parameters set forth in the Smoke Management Plan are being met; and
  - 5.3.3 Submission of a post-burn smoke management evaluation to the DISTRICT.
- 5.4 **Burn Permit Eligibility:** Upon DISTRICT approval of a Smoke Management Plan the project shall be eligible for placement on a DISTRICT Air Quality Burn Permit.
- 5.5 **Natural Ignition:** When natural-ignition occurs on a No-Burn Day the decision to “go/no-go” for resource benefit shall be determined through consultation between the land manager or his/her designee and the DISTRICT to determine if the burn will satisfy smoke management requirements and the land manager or his/her designee shall submit a Smoke Management Plan consistent with this Rule within 72-hours of natural-ignition.
- 5.6 **Acreage Limitation:** No more than 6,000 acres of wildland vegetation as defined in these Rules and Regulations shall be ignited on any one (1) day within Butte County.

**5.7 District Advance Permissive-Burn Notice:** Upon submittal of a Control Burn Notice form (CB-3) by a permittee to the DISTRICT, at least three (3) days in advance of a specific range improvement burn, forest management burn, or wildland vegetation management burn, a daily forecast from CARB including the 96-hour trend, 72-hour outlook and 48-hour forecast will be issued to the DISTRICT and a 24-hour burn decision will be made by the DISTRICT and issued to the permittee on a daily basis without further request until a permissive-burn notice is issued and the burn is either completed or postponed by the permittee according to the requirements of an approved Smoke Management Plan.

**5.7.1** Notwithstanding Section 5.7 of this Rule, CARB or the DISTRICT may cancel any 24-hour permissive-burn notice that has been issued if the cancellation is necessary to maintain suitable air quality.

**5.8 Desirable and Proper:** Permit applicants shall file with the DISTRICT a statement from the California Department of Fish & Game certifying the burn is desirable and proper if the burn is to be performed primarily for improvement of land for wildlife and game habitat. The Fish & Game statement may include brush treatment percentages and other conditions deemed appropriate.