

EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT

**RULE 300 - OPEN BURNING**

*(Adopted: June 17, 1997) (Amended June 3, 2008)*

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## **RULE 300 - OPEN BURNING**

### **300.1 GENERAL**

- A. **FINDINGS AND DECLARATIONS:** Open burning of non-vegetative matter releases into the atmosphere unacceptable levels of pollutants, toxics, and other regulated substances which can include: respirable particulates, carbon monoxide, heavy metals, acids, oxides of nitrogen and sulphur, cyanide, and many organics including PCBs, hydrocarbons, furans, dioxins, and aldehydes. This burning produces ash frequently laden with toxics including heavy metals. The smoke and ash created by such fires expose County residents to airborne contaminants because of the County's topography and frequent inversions. Significant potential for soil and water contamination result from the inappropriate and illegal disposal of ash from such fires. Open burning of paper contributes to the County's air pollution problem because paper contains a complex collection of chemicals. Additionally, burning of household wastes, construction wastes, commercial operations and other wastes, such as tires and petroleum products, are polluting the County's air.
- B. **EXEMPTION, AGRICULTURAL BURNING:**
1. The burning of empty sacks or containers which contained pesticides or other toxic substances is exempt from Section 300.3 A.2. of this Rule, provided that the sacks or containers are within the definition of **Agricultural Waste** - Section 300.2 C. of this Rule.
  2. Agricultural burning above 6,000 feet shall be exempt, providing emissions have no effect upon Lake Tahoe Air Basin air quality.
  3. Residential Maintenance on agriculture property is exempt from Section 300.3 A.2. of this Rule, providing material is free of tires, tar paper, and construction debris, reasonably free of dirt, soil, and moisture.
- C. **EXEMPTION, BURNING PERMIT:**
1. Recreational Activities as stated in Section 300.1 E.6. of this Rule.
  2. Residential Maintenance as stated in Section 300.1 E.5. of this Rule.
- D. **EXEMPTION, MINIMUM DRYING TIMES:**
1. Disease or pest prevention burning is exempted from drying times.
  2. The APCO may, by permit, authorize shorter drying times if the denial of such a permit would threaten imminent and substantial economic loss.
- E. **EXEMPTION, NONAGRICULTURAL BURNING:**
1. Land Development Clearing. The AQMD finds it more economically desirable to dispose of unsalable wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill. This material shall be allowed for disposal by burning in compliance with the following Sections of this Rule:
    - a. Section 300.3 C. Minimum Drying Time.
    - b. Section 300.3 D. No-Burn Day.
    - c. Section 300.3 F. Smoke Management.
    - d. Section 300.4 B. Burning Permit.

2. Ditch and Road Maintenance. The use of open outdoor fires for right-of-way clearing by a public entity, or utility, or for levee, ditch, or reservoir maintenance shall be allowed in compliance with the following Sections of this Rule:
  - a. Section 300.3 C. Minimum Drying Time.
  - b. Section 300.3 D. No-Burn Day.
  - c. Section 300.3 F. Smoke Management.
  - d. Section 300.4 B. Burning Permit.
  
3. Hazard Reduction.
  - a. The burning of vegetation such as vines, bushes and waste from trees produced by fire safe clearing will be allowed when this burning is done in compliance with State and local law or ordinance to reduce a fire hazard.
  - b. A burn permit can only be issued by the fire agency with legal control.
  - c. The burning shall be in compliance with the following Sections of this Rule:
    1. Section 300.3 C. Minimum Drying Time.
    2. Section 300.3 D. No-Burn Day.
    3. Section 300.3 F. Smoke Management.
    4. Section 300.4 B. Burning Permit.
  - d. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life, or property, or where other authorized officials determine that a health hazard exists and that there is no alternative to burning, certain provisions of this Rule may be waived.
  
4. Fire Suppression and Training (Section 41801). Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:
  - a. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees, and/or volunteer firefighters, or on property used for industrial purposes, when instructing employees in the methods of fighting fires.
  - b. A Burning Permit from the AQMD must be issued as stated in Section 300.4 B. of this Rule.
  - c. Set or cause to be set backfires necessary to save life or valuable property pursuant to PRC Section 4426 (Section 41801).
  
5. Residential Maintenance.
  - a. Burning shall be allowed only if:
    1. the material originated from within 100 feet of a single or two family dwelling
    2. the material is burned on the premises it originated from,
    3. the material is limited to the following material: waste from trees, vines, brush, leaves, lawn clippings and dry plants.
  - b. Burning shall be managed in compliance with the following Sections of this Rule:
    1. Section 300.3 C. Minimum Drying Time.
    2. Section 300.3 D. No-Burn Day.
    3. Section 300.3 F. Smoke Management.
    4. Burn Permit - A burn permit from the designated fire agency may be required.
  - c. Prohibited Materials for Outdoor fires:
    1. No colored inks/dyes or glossy magazine products.

2. The burning of Household Rubbish such as items defined in Section 300.2 of this Rule. Treated wood, plastic, clothing, furniture, man-made by-products or domestic belongings common to a household, including garbage from such a dwelling.
  - d. The maintenance of 4 ft x 4 ft piles shall be in compliance with all other fire agencies and are governed by those agencies.
6. Recreational Activity. Nothing in these Rules and Regulations should be construed as limiting the use of open outdoor fires for recreational purposes, such as the cooking of food for human consumption.
- a. Material to be burned shall be limited to charcoal briquettes, untreated wood, or cooking fuels.
  - b. Burning shall be managed in compliance with Section 300.3 F. Smoke Management of this Rule.
  - c. Any other required permit as issued by other agencies shall be obtained and shall be valid.

**F. OPERATION OF MECHANIZED BURNERS (Section 41812).**

1. 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 for a period or periods aggregating more than 30 minutes in any eight hour period which is;
  - a. As dark or darker in shade than the designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection F.1.a. above.

In authorizing the operation of a mechanized burner the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in F.1.

**G. EXEMPTION, WILDLAND VEGETATION MANAGEMENT:**

1. The APCO may exempt project burns smaller in area or tonnage than threshold levels established by the AQMD.

**300.2 DEFINITIONS**

**A. AGRICULTURAL BURNING -**

1. Any open outdoor fire used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in **Forest Management, Range Improvement**, or the improvement of land for wildlife and game habitat, or disease or pest prevention (Section 39011).
2. Any open outdoor fire used in the operation or maintenance of a system for the delivery of water for purposes specified in subdivision (1).
3. Any open outdoor fires used in wildland vegetation management burning (Section 39011).

- B. AGRICULTURAL OPERATION -** The growing and harvesting of crops, or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution.

**C. AGRICULTURAL WASTE -**

1. Unwanted or unsalable material produced wholly from agricultural operations directly related to the growing of crops or the raising of animals for the primary purpose of making a profit or for a livelihood.
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, 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 paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard wastes removed for land use conversion to nonagricultural purposes.

**D. AQMD -** The Air Quality Management District of El Dorado County.

**E. APCO -** The Air Pollution Control Officer of the Air Quality Management District of El Dorado County, or designated representative.

**F. APPROVED IGNITION DEVICES -** Those instruments or materials that will ignite open fires without the production of black smoke by the ignition device, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the APCO. Tires, tar, tar paper, oil and other similar materials are not approved ignition devices.

**G. ARB -** The California State Air Resources Board, or any person authorized to act on its behalf.

**H. ATMOSPHERE -** The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.

**I. BURNING PERMIT -** Air Quality Management District Burning Permit is a permit issued by the AQMD during the non-fire season. Burn Permit is a permit issued by a designated fire agency and contains the requirements of Section 300.4 B. of this Rule. For any open burning, an appropriate permit is always required, unless exempted.

**J. DESIGNATED AGENCY -** Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry and Fire Protection are so designated within their respective areas of jurisdiction. Fire Agencies with jurisdiction for a local responsibility area (LRA) may be a designated agency for the purpose of regulating burning in the LRA only.

**K. FOREST MANAGEMENT BURNING -** The use of open fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices, or forest protection practices.

**L. HOUSEHOLD RUBBISH -** Those items such as treated wood, plastic, clothing, furniture, man-made products or domestic belongings common to a household, including garbage from such a dwelling.

- M. **LAKE TAHOE AIR BASIN** - That portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.
- N. **LANDFILL DISPOSAL COST** - Means a given volume or specific items of waste charged to the public. The cost charged to the public for disposal of a given volume or specific items of waste had the material been disposed of at the landfill.
- O. **NO-BURN DAY** - Any day on which agricultural burning is prohibited by the ARB, the AQMD or the cognizant fire agency.
- P. **NUISANCE** - Health and Safety Code (Section 41700) shall apply.
- Q. **OUTDOOR FIRES** – The combustion of combustible material of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.. .
- R. **PERSON** - Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- S. **PRC** - The Public Resources Code.
- T. **PRESCRIBED BURNING** - The planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition (Section 39011).
- U. **RANGE IMPROVEMENT BURNING** - 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.
- V. **SECTION** - As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the California Health and Safety Code.
- W. **SILVICULTURAL PRACTICES** - Means the establishment, development, care, and reproduction of stands of timber.
- X. **TIMBER OPERATIONS** - Is the cutting or removal of timber or other forest vegetation.
- Y. **WILDLAND VEGETATION MANAGEMENT BURNING** - Is 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 (Section 39011. c.).

### 300.3 STANDARDS

- A. **AGRICULTURAL BURNING:**
  - 1. Permissive-Burn or No Burn Days.
    - a. A permissive burn or no-burn advisory outlook will be determined as specified in subdivision (c) of Section 80110 and Title 17 of the California Code of Regulations, which are adopted by reference.

- b. To obtain this information please call the Air Quality Management District.
- c. The APCO may regulate total acreage or tonnage that may be burned each day within the district.

2. Agricultural Burning Requirements.

- a. Burning conducted by a Public Agency or through a cooperative agreement or contract involving a public agency, shall comply with Section 300.3 G. Wildland Vegetation Management Burning of this Rule.
- b. Agricultural burning is allowed by complying with the following Sections of this Rule:
  - 1. Section 300.3 C. Minimum Drying Time.
  - 2. Section 300.3 D. No-Burn Day.
  - 3. Section 300.3 F. Smoke Management.
  - 4. Section 300.4 B. Burning Permit.
- c. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the air pollution control officer having jurisdiction in the area in which the burning is to take place. As to burning conducted by the Department of Fish and Game, the department shall, on its own behalf, issue and file such statements (Section 41861).

**B. FOREST MANAGEMENT/RANGE IMPROVEMENT BURNING:**

- 1. Forest management and range improvement burning are allowed by complying with the following Sections of this Rule:
  - a. Section 300.3 C. Minimum Drying Time.
  - b. Section 300.3 D. No-Burn Day.
  - c. Section 300.3 F. Smoke Management.
  - d. Section 300.4 B. Burning Permit
  - e. Section 300.4 C. Burn Plan.
  - f. Section 300.4 D. Burning Report.
  - g. Section 300.4 E. 72-Hour/48-Hour Forecast.
  - h. Section 300.4 F. 7-Day Notice.
- 2. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with air pollution control officer having jurisdiction in the area in which the burning is to take place. As to burning conducted by the Department of Fish and Game, the department shall, on its own behalf, issue and file such statements (Section 41861). As to burning conducted by the U.S. Forest Service, the service shall, on it's own behalf issue and file such statements (36CFR241.2).
- 3. All open outdoor fires shall be ignited only with approved ignition devices as defined in Section 300.2 of this Rule.

**C. MINIMUM DRYING TIMES:**

- 1. Requirements. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:



- a. A minimum of three days for green straw and stubble.
- b. Vegetation such as orchard prunings, small branches, vegetable tops, and seed screenings, shall be in a dry condition to facilitate combustion and minimize the amount of smoke emitted.
- c. A minimum of six weeks for trees, stumps, and large branches greater than six inches in diameter or as otherwise determined by the Air Pollution Control Officer.
- d. Under **Forest Management Burning** the drying time shall be specified by the designated agency.
- e. Under **Range Improvement Burning** the brush may be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn if economically and technically feasible.
- f. Under **Wildland Vegetation Management Burning**, drying time will be stated in the Burn Plan, Section 300.4 C. of this Rule.

**D. NO-BURN DAY**

1. Prohibitions:

- a. No person shall knowingly permit open outdoor fires on days when such burning is prohibited by ARB, the APCO, or the fire agency with appropriate jurisdiction.
- b. Designated fire agencies have authority to prohibit any burning due to high fire hazard or limitation of available fire fighting or control equipment.

2. Exceptions:

- a. The APCO may issue a permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss.
- b. The APCO may exempt non-agricultural burning on No-Burn Days when air quality and state or federal standards would not be violated as a result of such burning.

**E. NONAGRICULTURAL BURNING:**

1. Prohibition: Except as otherwise provided in this Regulation, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, household rubbish, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies (Section 41800).

**F. SMOKE MANAGEMENT:**

1. Requirements.

- a. Material to be burned shall be arranged so that it will burn with a minimum of smoke.
- b. Only the amount that can reasonably be expected to completely burn within the following twenty-four hours should be ignited in any one day, except for large trees (diameter of six or more inches). Does not include prescribed burning.
- c. All outdoor fires shall be ignited only with approved ignition devices as defined in Section 300.2 of this Rule.
- d. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- e. Burning shall be curtailed when smoke drifting into a nearby populated area becomes a public nuisance.
- f. No material shall be burned unless it is free of tires, household rubbish, tar paper, and construction debris; is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner to promote drying and insure combustion with a minimum of smoke.

**G. WILDLAND VEGETATION MANAGEMENT BURNING:**

1. Wildland vegetation management burning is allowed by complying with the following Sections of this Rule:
  - a. Section 300.3 C. Minimum Drying Time.
  - b. Section 300.3 D. No-Burn Day.
  - c. Section 300.3 F. Smoke Management.
  - d. Section 300.4 B. Burning Permit
  - e. Section 300.4 C. Burn Plan.
  - f. Section 300.4 D. Burning Report.
  - g. Section 300.4 E. 72-Hour/48-Hour Forecast.
  - h. Section 300.4 F. 7-Day Notice.
2. This Section of this rule applies to all burning which meets the definition as stated in Section 300.2 of this Rule, regardless of whether such burning also meets another definition within this regulation.
3. All open outdoor fires shall be ignited only with approved ignition devices as defined in Section 300.2 of this Rule.
4. The APCO will regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a state or federal ambient air quality standard or cause a public nuisance.
5. Vegetation burned shall be free of tires, household rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
6. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.

**300.4 ADMINISTRATIVE REQUIREMENTS**

**A. COMPLIANCE:**

1. Enforcement. These Rules and Regulations shall be enforced by the APCO under authority of Section 40001, 40702, 40752, and all officers empowered by Section 40120.
2. Penalty. Penalties will be assessed as stated in Section 42400, 42400.1 and 42400.5, for any violation; 41852 and 41800 is a misdemeanor as stated in the Health and Safety Code.
3. In lieu of any other civil and criminal penalties, administrative civil penalties are as follows:
  - a. Administrative Civil Penalties:
    1. 1st Violation: \$100.00 to \$250.00 per violation per day.
    2. 2nd Violation: \$250.00 to \$500.00 per violation per day.
    3. 3rd Violation: Maximum penalty, \$1000.00 per violation per day. All burning privileges suspended.
  - b. Land Development Burning:
    1. 1st Violation: \$250.00 to \$500.00 per violation per day.
    2. 2nd Violation: \$1000.00 minimum, plus 50% of disposal costs.

3. 3rd Violation: Maximum penalty, \$1000.00 per violation per day of Rule 300, plus disposal costs. All burning privileges are suspended.

The AQMD may recover any fire suppression costs attributed to extinguishing fire to be in violation of these rules and reimburse the Fire District or Fire Agency involved.

**B. BURNING PERMIT:**

1. Requirements.

- a. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency (Section 41852 and PRC Section 4423).
- b. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:
  1. Name and address of the applicant.
  2. Location of proposed burn.
  3. Acreage or estimated tonnage, and type of material to be burned.
- c. Each permit issued shall bear a statement of warning containing the following words or words of like or similar language:

*“This permit is valid only on those days during which agricultural burning is not prohibited by the California Air Resources Board or the El Dorado County Air Quality Management District pursuant to section 41855 of California Health and Safety Code Section 41854”.*

- d. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.
- e. The designated agency shall forward the permit information received from applicants to the APCO upon request.
- f. Such person, or his representative, shall have the permit available for inspection at the burn site during the burn.

**C. BURN PLAN: The following information will be provided to the APCO for review and approval at least thirty (30) days in advance of the proposed burn.**

1. Location and specific objectives of proposed burns.
2. Acreage or tonnage, type, and arrangement of vegetation to be burned.
3. Directions and distance to nearby sensitive receptor areas.
4. Fuel condition, combustion, and meteorological prescription elements, developed for the project.
5. Projected schedule and duration of project ignition, combustion and burn down.
6. Specifications for monitoring and verifying critical project parameters.
7. Specifications for disseminating project information.
8. Statement from U.S. Forest Service of the intent to use of prescribed fire as the primary objective for wildlife habitat improvement.

- D. **BURNING REPORT** A report of burning during each calendar year shall be submitted to the AQMD within 15 days of the end of the calendar year. The report shall include the estimated tonnage or acreage of each type of waste burned during the calendar year.
- E. **72-HOUR OUTLOOK/48-HOUR NOTICE** To receive a permissive burn or no-burn notice, a permittee must submit a request for notice to the ARB at least seven days before the date of the burn. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of the burn date. A notice will be issued up to 48 hours before the scheduled commencement of the burn project; however, the ARB may cancel permissive burn notices that have been issued more than 24 hours before project commencement if such cancellation is necessary to maintain suitable air quality.
- F. **7-DAY NOTICE**
1. Notification of the AQMD office shall be made at least 7 days in advance of the planned projects. If the target burn day is not met in the month of the notification, a new 7 days notice shall be required.
  2. Exception to the 7 day notice are permissible when weather and prescription elements, as specified in the burn plan, will meet project objectives in less time. Notifications to the AQMD office should not be less than 48 hours when these situations occur.

### **300.5 RECORDS**

- A. **RECORDKEEPING:** The following records shall be maintained for three (3) years and shall be provided to the Air Pollution Control Officer upon request:
1. Burn Plans - Three (3) years from date of burn plan approval.
  2. Burning Reports - Three (3) years from the date of the report.