

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 701 - AGRICULTURAL BURNING**

*(Adopted prior to 10/15/79; revised 6/1/77, 9/14/99; 08/13/2002)*

A. Prohibitions

- A.1 No person knowingly shall set or permit Agricultural Burning unless he has a valid permit from the Air Pollution Control Officer. The Air Pollution Control Officer shall issue Agricultural Burning permits subject to the rules and regulations of the Imperial County Air Pollution Control District, and the California Health and Safety Code and implementing regulations.
- A.2 Each applicant for a permit shall provide information as required by the Air Pollution Control Officer.
- A.3 Prior to the burn, notice of intent shall be given by the permittee to the Air Pollution Control Officer.
- A.4 No permit shall be valid for any day during a period in Which Agricultural Burning is prohibited by the California Air Resources Board or the Air Pollution Control District.
- A.5 No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.
- A.6 All agricultural wastes to be burned must be free of tires, rubbish, tar paper, construction debris, and all other material that is not produced in an agricultural operation.
- A.7 All agricultural wastes to be burned shall be arranged in such manner as to promote drying and insure combustion with a minimum of smoke production. All agricultural wastes to be burned shall be free of excessive dirt, soil, and visible surface moisture.
- A.8 All agricultural wastes to be burned shall be ignited only by an approved ignition device as defined in Rule 101.
- A.9 The following types of agricultural waste materials to be burned must be dried for the following minimum time periods or equivalent:
  - A.9.a Green field stubble: 4 days following harvest
  - A.9.b Dry cereals: 0 days
  - A.9.c Prunings and small branches: 2 weeks
  - A.9.d Large branches and trees: 6 weeks

- A.10 Materials to be burned shall be ignited between 10:00 a.m. and 3:00 p.m., and all burning shall be terminated by sunset of each day.
- A.11 No burning of agricultural waste materials shall be permitted which will create a nuisance as defined in Section 41700 of the California State Health and Safety Code.
- A.12 The Air Pollution Control Officer may restrict Agricultural Burning to selected permittees on designated Burn Days if the total tonnage to be ignited would total more than 5% of the total annual tonnage burned in Imperial County if visibility is less than 10 miles for two observations one (1) hour apart, when the relative humidity is less than 70%.
- A.13 The Air Pollution Control Officer may declare a No-Burn Day for the District when the visibility is below 5 miles. (Amended 6-1-77)
- A.14 In addition to the provisions of this rule, burning within one and one half miles of a residential area (three or more contiguous, inhabited dwellings), rural school, or adjacent to heavily traveled roads, is subject to the following conditions:
  - A.14.a An Air Pollution Control District inspector must be present prior to, and at the time of ignition, and must give approval before the burn may be started.
  - A.14.b The inspector may require backfiring, strip lighting, or use of needed fire breaks.
  - A.14.c The inspector may withhold approval if meteorological conditions are not appropriate. Such conditions may be strong or gusty winds, smoke drift toward residential or sensitive areas or across traveled roads, low inversion layer, or excessive moisture, and low visibility.
  - A.14.d A responsible person shall remain at the fire until it is out.
  - A.14.e A sufficient number of competent persons shall be available to caution or direct traffic in the event smoke may obscure vision on roads adjacent to the burn.
  - A.14.f Fields must be disced within 48 hours after the burn for wheat and barley, and for other crops as may be required by the inspector.
  - A.14.g The permittee or responsible agent must make an appointment to meet an inspector. A requested schedule for burning may be denied or delayed if an inspector is not available, or if an excessive amount of burning is being requested for the same local area and time.
  - A.14.h Levee, ditch, right-of-way, and spot burns need not have an inspector present to burn, and shall comply with A.14.a and A.14.b above.

A.15 The Air Pollution Control Officer may restrict Agricultural Burning to selected permittees on designated Burn Days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions. (Amended 6-1-77)

B. Exceptions to Prohibitions

B.1 The Air Pollution Control Officer may grant an exception to Section A.4. allowing burning on a No-Burn Day so designated by the Air Resources Board or the Imperial County APCD when there is a threat of imminent and substantial economic loss. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources. Said exception shall be provided pursuant to the following provisions:

B.1.a the Air Pollution Control Officer may only authorize such burning when downwind populated areas are forecast by the Imperial County APCD to achieve the ambient air quality standards.

B.1.b the Air Pollution Control Officer shall limit the amount of acreage that can be burned on any one no-burn day.

B.1.c the granting of an exemption does not exempt the applicant from any other Imperial County APCD or fire control regulations.

B.1.d The applicant shall submit in writing on the form provided, his reasons for the exception.

B.2 The burning of empty sacks or combustible containers which contained pesticides is permitted on No-Burn Days, providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowls or Animal" in Rule 101.