

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 444 - OPEN OUTDOOR FIRES

(Adopted: 10/08/76; CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77; Amended: 11/25/96, Amended 09/25/06)

(A) General

(1) Purpose

- (a) The purpose of this Rule is to ensure that the ambient air quality is not significantly degraded due to Open Outdoor Fires; and,
- (b) To apply the District Smoke Management Program to specified applications while minimizing smoke impacts to the public.

(2) Applicability

- (a) The requirements of this Rule shall apply to persons that set and/or permit Open Outdoor Fires, including, but not limited to Tumbleweed burning, Agricultural Burning, field crop burning, Range Improvement Burning, Forest Management Burning, and Wildland Vegetation Management Burning.

(B) Definitions

For the purposes of this Rule, the following definitions shall apply:

- (1) “Agricultural Burning” – Open Outdoor Fires used in Agricultural Operations, including the burning of Agricultural Wastes, or Open Outdoor Fires used in disease and pest prevention. Agricultural Burning also includes Open Outdoor Fires used in the operation or maintenance of a system for the delivery of water in Agricultural Operations.
- (2) “Agricultural Operations” – Any operation occurring on a ranch or farm directly related to the growing of crops or raising of fowls or animals for the primary purpose of making a profit, for a livelihood, or for conducting agricultural research or instruction by an educational institution.
- (3) “Agricultural Wastes” – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations. Agricultural Wastes do not include pesticide and fertilizer containers, except sacks, burned in the field where they were emptied. Agricultural Wastes do not include broken boxes, pallets, sweat boxes, packaging material, packing boxes, or any other materials produced in the packing or processing of agricultural products. Agricultural Wastes do not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by Open Outdoor Fire is ordered by the County Agricultural Commissioner or the Secretary of California Department of Food and Agriculture upon his

determination that the waste is infested with infectious transmittable or contagious plant disease or pest which is an immediate hazard to Agricultural Operations conducted on adjoining or nearby property.

- (4) “Air Pollution Control Officer” (APCO) – The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health & Safety Code §40750, and his or her designee.
- (5) “Approved Ignition Devices” – Those instruments or materials that will ignite combustible material without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, and flares where the device produces a flame and the flame is then used for ignition. For the purposes of igniting Prescribed Burns, heli-torch, terra-torch, drip-torch, and the equivalent ignition devices and methods will be considered approved ignition devices.
- (6) “California Air Resources Board (CARB)” – The California State Air Resources Board, the powers and duties of which are described in Part 2 of Division 26 of the California Health and Safety Code (commencing with §39500).
- (7) “Forest Management Burning” – The use of Prescribed Burning, as part of a forest management practice, to remove forest debris. Forest management practices include Timber Operations, Silvicultural practices, and forest protection practices.
- (8) “Imminent and Substantial Economic Loss” – The loss of a planting season or the irreparable harm of a crop.
- (9) “Open Outdoor Fire” – Any combustion (including detonation) 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, except: any outdoor fire burned according to an existing District permit, blasting operations permitted by the California Occupational Safety and Health Administration, and detonation associated with military operations.
- (10) “Prescribed Burning” – The planned application of fire, including natural or accidental ignition, to vegetation to achieve any specific objective on lands selected in advance of that application.
- (11) “Range Improvement Burning” – The use of Prescribed Burning to remove vegetation for a wildlife, game or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.
- (12) “Silviculture” – The establishment, development, care, and reproduction of stands of timber.
- (13) “Smoke Management Plan” – A document prepared for each fire in accordance with the Smoke Management Program.

- (14) “Smoke Management Program” – The most recent version of the program required by Title 17 of the California Code of Regulations §§80100-80330 and adopted by the APCO.
- (15) “Timber Operations” – The cutting or removal of timber or other forest vegetation for the purpose of producing commercial forest products.
- (16) “Tumbleweeds” – Russian thistle (*Salsola kali*).
- (17) “Wildland Vegetation Management Burning” – 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 (as defined in Title 14, CCR, §1561.1), trees, grass, or standing brush.

(C) Requirements

- (1) All burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter shall be conducted in accordance with the provisions of the Smoke Management Program.
- (2) Except as otherwise provided for in this Rule, no person shall set, permit, or use an Open Outdoor Fire for the purpose of disposal or burning of petroleum wastes; asbestos; treated wood; demolition or construction debris; residential rubbish; garbage or vegetation; tires; tar; trees; wood waste; or other combustible or flammable solid, liquid or gaseous waste; or for metal salvage or burning of motor vehicle bodies.
- (3) A person shall not set or permit an Open Outdoor Fire when prohibited by District Rule 708 or in any geographic area when CARB or the APCO (or the local fire protection agency, in the case of an existing burn permit) prohibits burning in that area due to adverse meteorological conditions, unless such burning is required to alleviate an Imminent and Substantial Economic Loss and the total area burned within the District on that day does not exceed 200 acres. Any such burning must be authorized in a special burn permit issued by the District and not by the designated fire agency.
- (4) Upon request from a permittee through a designated agency, seven days in advance of a specific Prescribed Burn, a permissive-burn, marginal-burn, or no-burn forecast will be issued by CARB up to 48 hours prior to the date scheduled for the burn. Without further request, a daily forecast will continue to be issued until a permissive-burn or marginal-burn forecast is issued.
- (5) The local fire protection agency, CARB or the APCO shall, for each geographic area, determine meteorological conditions which will cause Open Outdoor Fires to have an adverse effect on the ambient air quality in that area. A list of the geographic areas and specific meteorological conditions for each area shall be maintained at the District offices and shall be made available to the public.

- (6) A person shall not burn or permit the burning of combustible material in an Open Outdoor Fire, except for Prescribed Burns done in accordance with an approved Smoke Management Plan, unless such combustible material:
- (a) Is ignited as rapidly as practicable using Approved Ignition Devices within applicable fire control restrictions;
 - (i) Field crops shall be ignited only by strip firing into the wind or by backfiring, except where crops are determined not to lend themselves to such ignition;
 - (b) Has been stacked or piled in such a manner as to promote drying and insure combustion with a minimum of smoke production, and has dried sufficiently to ensure rapid combustion (unless agricultural or Silvicultural practices dictate otherwise). Minimum drying times are:
 - (i) Three weeks for prunings and small branches (less than two inches in diameter);
 - (ii) Six weeks for large branches and stumps (greater than two inches in diameter);
 - (iii) One week for wastes from field crops that are cut in green condition;
 - (iv) Zero days for dry cereals; or
 - (v) One week for other materials.
 - (c) Is free of tires, oil filters, rubber, tar paper, plastics, shop wastes, asbestos, treated wood, demolition debris, construction debris and other rubbish, and is reasonably free of dirt, soil and visible surface moisture; and,
 - (d) Is burned during daylight hours, with no ignition prior to 6 a.m. and with all combustion extinguished within one hour of sunset. In addition, within San Bernardino County there shall be no ignition after 12 noon, and no combustible material shall be added to an existing fire after 3 p.m.
- (7) A person shall not set or permit an Open Outdoor Fire without first obtaining a written permit for such burning from the local fire protection agency, and such burning shall be conducted in accordance with that agency's fire laws and regulations. Such permit shall have form and content approved by the APCO, as required by District Rule 208. Such permit may be granted only for any of the following reasons:
- (a) Where a fire hazard, to life or property, is declared by the local fire protection agency and such fire hazard cannot be abated by any other means;
 - (b) For Agricultural Burning;
 - (c) For disposal of Tumbleweeds;
 - (d) For the burning of infectious waste other than hospital waste upon order of the County Health Officer to abate a public health hazard;

- (e) For the burning of empty boxes and paper and fiber packing materials which have previously contained high explosives used in blasting operations permitted by the California Occupational Safety and Health Administration, as long as such burn occurs at least 670 feet from the nearest property line.
 - (f) For right-of-way clearance by a public entity or utility.
- (8) An approved burn permit must be obtained from the MDAQMD in advance of any burning for the burning of the following materials. It is required that the approved burning occur on the property where the Wood Waste and/or Brush Cuttings originated.
- (a) Wood waste from trees, vines, or brush on commercial or residential property; and
 - (b) Brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard.
- (9) Notwithstanding the provisions of section (C)(7), a person may burn or permit an Open Outdoor Fire for any of the following purposes, provided such fire is set by, or under the jurisdiction of, a designated fire agency having jurisdiction over the proposed burn location(s), the total area burned with Prescribed Burns within the District does not exceed 1,000 acres in any one day, and a valid burn permit has been issued, or a Smoke Management Plan has been approved, by the District.
- (a) For the instruction of employees in the methods of fighting fires;
 - (b) For Forest Management, Range Improvement or Wildland Vegetation Management Burning, provided the fire is a Prescribed Burn performed in accordance with an approved Smoke Management Plan; and
 - (c) For research or filming purposes.

(D) Exemptions

- (1) The requirements of this Rule shall not apply to:
 - (a) Backfires necessary to save life or valuable property pursuant to the Public Resources Code (§4426) set by, or under the jurisdiction of a fire protection agency, and the ignition devices used to set such backfires;
 - (b) Recreational fires, ceremonial fires, and cooking fires, where the combustible material is clean, dry wood or charcoal;
- (2) The notification requirement given in Section (E)(2) shall not apply to instructional fires solely involving the combustion of propane or natural gas.
- (3) The area limit in Section (C)(9) shall not apply if the following information is provided to the APCO for review and approval thirty (30) days in advance of the proposed Prescribed Burning:

- (a) Location and specific objectives of the burning;
- (b) Acreage, type, and arrangement of vegetation to be burned;
- (c) Directions and distances to nearby sensitive receptor areas;
- (d) Fuel condition, combustion, and meteorological prescription elements developed for the project;
- (e) Projected schedule and duration of project ignition, combustion, and burn down;
- (f) Specifications for monitoring and verifying of critical parameters;
- (g) Specifications for disseminating project information; and
- (h) Contingent suppression measures in case of public nuisance or exceedance of state or federal ambient air quality standard.

(E) Monitoring, Recordkeeping and Reporting

- (1) The APCO shall receive a copy of any permit granted under Section (C)(7) within ninety (90) days of the issuance of such permit.
- (2) The APCO shall be notified prior to burning conducted under the provisions of Section (C)(8) and (C)(9), by written means or a phone call received prior to the start of the burn.

[SIP: Submitted as amended 11/25/96 on 3/3/97; Disapproved prior Rule 57 retained 12/21/78, 43 FR 59488, 40 CFR 52.220(c)(42)(xiii)(A) and 40 CFR 52.273(6)(12)(i)]