

Rule 200 Effective Date

(Adopted July 18, 2003, Revised December 16, 2004)

- 1.0 EFFECTIVE DATE:** Regulation II, including Rules 200, 201, 202, 203, 204, 205, 206, 207 and 208, shall become effective on January 1, 2004. On or before those dates set forth by law or otherwise required, the District shall prepare and submit those findings and reports as needed to ensure the continued effectiveness of this Regulation. Following adoption of Regulation II, the Interagency Smoke Management Council shall meet no less than annually to review the effectiveness of Regulation II, and provide recommendations as appropriate to the District Board to improve implementation of the District open burning regulations.
- 2.0 DEFINITIONS:** The following definitions shall apply to the rules in this Regulation.
- 2.1 Agricultural Burning:** Open outdoor fires 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.
- 2.2 Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.
- 2.3 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits:** A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).
- 2.4 Approved Combustibles:** Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by this Regulation or State Law. For the purposes of this Regulation, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of this Regulation, approved combustibles include untreated hand split rails burned as part of a valid agricultural burn.
- 2.5 Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used. Approved ignition devices include, but are not necessarily limited to liquid petroleum, gas, butane, propane torches, drip torches, and flares.
- 2.6 Treated Brush:** Material to be burned that has been felled, crushed or uprooted with mechanical equipment or has been desiccated with herbicides or is dead.
- 2.7 Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non glossy paper, and cardboard), so that

they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with nonflammable material with holes not larger than ¼ inch.

- 2.8 California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.
- 2.9 Census ZIP Code:** A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 2.10 Chief Fire Official:** The ranking officer in authority, having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his/her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance of Coordinated Burn Authorization Permits, conditions and designation of fire hazards.
- 2.11 Combustible:** Any substance capable of burning or any substance that will readily burn.
- 2.12 Coordinated Burn Authorization Permit (CBA Permit):** A permit to burn issued pursuant to Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.
- 2.13 Designated Agency:** Any agency designated by the California Air Resources Board as having authority to issue agricultural burning, including prescribed burning permits. The North Coast Unified Air Quality Management District, US Department of Agricultural Forest Service, and the California Department of Forestry and Fire Protection are so designated within their jurisdictions of the North Coast Unified Air Quality Management District.
- 2.14 Designated No-Burn Day:** Any day or portion thereof on which agricultural burning, including prescribed burning, is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 2.15 Designated Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn day status, the Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by the CARB daily determinations.

- 2.16 Designated Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:
- 2.16.1 Coastal Smoke Management Area** including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean Coast and identified by the Air Pollution Control Officer.
- 2.16.2 Lower Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
- 2.16.3 Upper Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
- 2.17 District:** The Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2.18 Economic Hardship:** Possessing an annual income below the poverty level, as defined by the Bureau of Census, US Department of Commerce, or as defined in Section 39026.5 of the California Health and Safety Code.
- 2.19 Fire Hazard:** Either an imminent fire hazard or a potential fire hazard, as follows:
- 2.19.1 An imminent fire hazard** is a hazard which presents imminent danger to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H&S 41801 (a)}.
- 2.19.2 A potential fire hazard** is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons, but which does not impose imminent fire danger, and which cannot be abated by other means.
- 2.20 Forest Management Burning:** The use of open fires, as part as a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.
- 2.20.1** Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area.
- 2.20.2** Forest debris created from culling or salvaging operations within the forested area

may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.

- 2.21 Incinerator:** Any device constructed of nonflammable materials, including metal containers commonly known as burn barrels for the purpose of burning dried vegetation, non-glossy paper and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerator containing primary and secondary burners.
- 2.22 Interagency Smoke Management Council:** A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industries from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.
- 2.23 Minimum Fire Safety Requirements:** Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10 foot clearance area around the burn, requirement that all burning be conducted by a person at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.
- 2.24 Natural Vegetation:** All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetation that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.
- 2.25 Non-approved Combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: petroleum products, petroleum waste, coated wire, putrescent waste, tires, tar, tar paper, non-natural wood waste, processed or treated wood and wood products, metals, motor vehicle bodies and parts, rubber, synthetics, plastic, including plastic film, twine and pipe, fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial waste, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or waste (including blood and fecal material and food containing material), asbestos shingles, floor tiles, and other similar smoke producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance are not prohibited burn materials if reasonably free from dirt, soil and surface moisture.

- 2.26 Non-residential Waste Burning:** The disposal of the combustible flammable waste from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning by a commercial business or entity and which is not agricultural burning, range improvement burning, forest management burning, wild land vegetation burning, or cooking fires.
- 2.27 North Coast Air Basin:** That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.
- 2.28 North Coast Fuels Management Cooperative:** A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.
- 2.29 North Coast Unified Air Quality Management District (AQMD):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq., and the jurisdiction of the District including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.
- 2.30 Open Outdoor Fire:** Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.
- 2.31 Prescribed Burning:** 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.
- 2.32 Processed or Treated Wood and Wood Products:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. For the purpose of this regulation, dimensional lumber that has been air-dried or kiln dried and which is proven or documented to contain no preservatives, insecticides, lacquers, pesticides, fungicides, creosote, rot or decay retardants, sealants, finishes, or any man made chemicals added, is not considered processed or treated wood.
- 2.33 Prohibited Ignition Devices:** Include but are not limited to: tires, tar, tar paper, oil and other high smoke-producing material(s).
- 2.34 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; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 2.35 Residence:** A single or two family dwelling and the land and ancillary structures surrounding it.

- 2.36 Residential Waste Burning:** The disposal of the combustible or flammable waste from a single or two family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.
- 2.37 Single and Two Family Dwelling:** A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one or two family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).
- 2.38 Silviculture:** The establishment, development, care and reproduction of stands of timber.
- 2.39 Sunset:** The event or time of the daily disappearance of the sun below the western horizon.
- 2.40 Timber Operations:** Cutting or removal of timber or other forest vegetation.
- 2.41 Treated Brush:** Vegetative material to be burned that has been felled, cut, uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.
- 2.42 Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to: petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastic including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts (including blood, fecal material and food containing material, asbestos shingles, floor tiles and other similar smoke producing materials.
- 2.43 Wild land 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, trees, grass, or standing brush.
- 2.44 Local Responsibility Area (LRA):** That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility Areas.
- 2.45 State Responsibility Area (SRA):** That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

