

**RULE 301**  
**NONAGRICULTURAL BURNING SMOKE MANAGEMENT**

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**CONTENTS**

**100 GENERAL**

- 101 PURPOSE
- 102 APPLICABILITY
- 103 EXEMPTIONS

**200 DEFINITIONS**

- 201 ALLOWABLE COMBUSTIBLES
- 202 BURN BARREL
- 203 CANNABIS OR MARIJUANA
- 204 COMBUSTIBLE
- 205 CONSTRUCTION-DEMOLITION DEBRIS
- 206 DISALLOWED COMBUSTIBLES
- 207 FIRE HAZARD REDUCTION BURNING
- 208 FIRE PROTECTION AGENCY
- 209 FLAMMABLE
- 210 INCINERATOR
- 211 NO-BURN DAY
- 212 OPEN BURNING OR OPEN OUTDOOR FIRE
- 213 PERMISSIVE BURN DAY OR BURN DAY
- 214 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS
- 215 RECREATIONAL OR COOKING FIRE
- 216 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING

**300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING
- 302 ALLOWABLE COMBUSTIBLES
- 303 BURN PERMITS
- 304 BURN PERMIT VALIDITY
- 305 BURN DAYS
- 306 VEGETATION PREPARATION AND DRYING TIMES
- 307 APPROVED IGNITION DEVICES
- 308 WIND DIRECTION
- 309 DETERMINATION OF AMOUNT BURNED DAILY
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE
- 311 MECHANIZED BURNER
- 312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS
- 313 RIGHT OF WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING

**400 ADMINISTRATIVE REQUIREMENTS**

- 401 BURN PERMIT APPLICATION INFORMATION
- 402 REVOCATION OF A BURN PERMIT
- 403 BURN PERMIT FEES

**500 MONITORING AND RECORDS**

- 501 BURN REPORTS

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## 100 GENERAL

**101 PURPOSE:** To establish criteria for the disposal of vegetation from fire hazard reduction burning, mechanized burners, fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, to better manage smoke in order to reduce its effects.

### 102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any combustible.

### 103 EXEMPTIONS

#### 103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

#### 103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning is forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

**201** **ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

**202** **BURN BARREL:** A metal container used outdoors for the purpose of disposal.

**203** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204** **COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

**205** **CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure including but not limited to; lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

**206** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, 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 a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**207** **FIRE HAZARD REDUCTION BURNING:** The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

**208** **FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

**209** **FLAMMABLE:** Capable of catching fire easily, or combustible.

- 210 INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.
- 211 NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 212 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 213 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 214 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.
- 215 RECREATIONAL OR COOKING FIRE**
- 215.1 A fire that is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 215.2 An open outdoor fire used for the cooking of food for human consumption.
- 216 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fire for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

### **300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of cannabis for disposal purposes is prohibited. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- 303 BURN PERMITS**
- 303.1 A person shall not ignite or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:
- 303.1.1 Fire Hazard Reduction  
 303.1.2 Mechanized Burner  
 303.1.3 Open Burning Conducted by Public Officers  
 303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance
- 303.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

- 303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.
- 304 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 304.1 It is a no-burn day.
- 304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 305 BURN DAYS:** No person shall knowingly ignite or allow ignition of allowable combustibles on no burn days or when burning is prohibited by a fire protection agency.
- 306 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3" in diameter, at the cut end.
- 306.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 306.5 A minimum of six weeks of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 306.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 307 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 308 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.
- 309 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.
- 311 MECHANIZED BURNER:** The APCO may authorize by burn 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 into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- 311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- 311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.
- 311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of Sections 303 are met. Section 306, Vegetation Preparation and Drying Times, does not apply.

**312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS:** Except as provided for under subsection 103.2.4, nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

- 312.1 The prevention of a fire hazard which cannot be abated by any other means.
- 312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- 312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- 312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.
- 312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.
- 312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service may use fire to abate a fire hazard.
- 312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

**313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

- 313.1 Disallowed combustibles must be removed prior to burning.
- 313.2 Vegetation has been prepared by stacking, drying or other methods that promote combustion as specified by the District.

#### **400 ADMINISTRATIVE REQUIREMENTS**

##### **401 BURN PERMIT APPLICATION INFORMATION**

- 401.1 Type of burning;
- 401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of notice of revocation specified in Section 402 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

**403 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

## **500 MONITORING AND RECORDS**

### **501 BURN REPORTS**

- 501.1 Public Officer Fire Hazard Reduction Burning Report: A fire hazard reduction burning report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation burned and information on the determination made that there is a fire or health hazard condition having an imminent effect on life or property, what the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.