

RULE 303 PRESCRIBED BURNING SMOKE MANAGEMENT

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100 GENERAL

101 PURPOSE: To establish standards and administrative requirements under which agricultural burning, including prescribed burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning. This rule regulates the use of open outdoor fires used in forest management, range improvement, improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

102 APPLICABILITY: The provisions of this Rule apply to all prescribed burning conducted in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS:

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE 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 NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exemptions From Section 304, Burn Days

103.2.1 Empty Sacks or Containers: The APCO may, by special permit, authorize burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, providing the sacks or containers are within the definition of agricultural wastes.

103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and will only authorize burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

- 200 DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)
- 201 AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.
- 202 AIR QUALITY:** The characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the ARB pursuant to Section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and Section 169A of the federal Clean Air Act pertaining to visibility.
- 203 AMBIENT AIR:** That portion of the atmosphere, external to buildings, to which the general public has access.
- 204 BURN PROJECT:** An active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.
- 205 BRUSH TREATMENT:** Material to be burned that has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.
- 206 CLASS I AREA:** A mandatory visibility protection area designated pursuant to Section 169A of the federal Clean Air Act.
- 207 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.
- 208 FOREST MANAGEMENT BURNING:** The use of open outdoor fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices, and forest protection practices.
- 209 FORTY-EIGHT (48) HOUR FORECAST:** A prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of the prediction. The prediction should indicate a degree of confidence.
- 210 LAND MANAGER:** Any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.
- 211 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards promulgated by the United States Environmental Protection Agency that specify the maximum acceptable concentrations of pollutants in the ambient air to protect public health with an adequate margin of safety, and to protect public welfare from any known or anticipated adverse effects of such pollutants (e.g., visibility impairment, soiling, harm to wildlife or vegetation, materials damage, etc.) in the ambient air.
- 212 NINETY-SIX (96) HOUR TREND:** A prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of the prediction.

- 213 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 214 OPEN BURNING OR OUTDOOR FIRE:** Any combustion of allowed combustibles of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- 215 PARTICULATE MATTER (PM):** Any material, except uncombined water, which can exist in a finely divided form as a liquid or solid.
- 216 PERMISSIVE BURN DAY OR BURN DAY:** Any day on which agricultural burning including prescribed burning, is not prohibited by the ARB and the APCO.
- 217 PRESCRIBED BURNING:** The planned application and confinement of fire to wildland fuels on lands selected in advance of that application, to achieve any of the following objectives:
- 217.1 Prevention of high-intensity wildland fires through the reduction of the volume and continuity of wildland fuels;
 - 217.2 Watershed management;
 - 217.3 Range improvement;
 - 217.4 Vegetation management;
 - 217.5 Forest improvement and/or forest management;
 - 217.6 Wildlife habitat improvement;
 - 217.7 Air quality maintenance.
- The term “prescribed burn” which is used throughout this Rule includes Forest Management, Range Improvement, Wildland Vegetation Management, Wildland/Urban Interface, and naturally-ignited burns for resource benefits.
- 218 RANGE IMPROVEMENT BURNING:** The use of open outdoor fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- 219 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program outlined under a plan prepared by the Sacramento Valley Basinwide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of the elected district board member and APCO, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 220 SEVENTY-TWO (72) HOUR OUTLOOK:** A prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn, in a specific area, 72 hours from the day of the prediction.
- 221 SHEETING:** Polyethylene, kraft paper or other products commercially manufactured for covering piles of vegetation prior to burning for the purpose of keeping vegetation dry. Covers on piles have been shown to reduce emissions, by keeping some of the pile dry, which allows more rapid ignition of the piles with a minimum need for ignition accelerants.

- 222 SILVICULTURAL PRACTICES:** The establishment, development, care, maintenance, or reproduction of stands of timber.
- 223 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations.
- 224 SMOKE MANAGEMENT PRESCRIPTION:** Measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code Section 41700, public nuisance statute.
- 225 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the California Air Resources Board as required under Title 17, Chapter 1, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning of the California Code of Regulations. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.
- 226 SMOKE SENSITIVE AREAS:** Populated areas and other areas where the District has determined that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
- 227 STATE AMBIENT AIR QUALITY STANDARDS:** Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects, as established by the state board pursuant to Health and Safety Code Section 39606.
- 228 TIMBER OPERATIONS:** The cutting or removal of timber or other forest vegetation.
- 229 WILDFIRE:** An unwanted wildland fire.
- 230 WILDLAND:** An area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover. For CAL FIRE only, "Wildland" as specified in California Public Resources Code (PRC) Section 4464(a) means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1, Part 2 of Division 4 and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage.
- Any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.
- 231 WILDLAND FIRE:** Any nonstructural fire, other than prescribed fire, that occurs in the wildland.
- 232 WILDLAND/URBAN INTERFACE:** The line, area, or zone where structures and other human development meet or intermingle with the wildland.

- 233 WILDLIFE OR GAME HABITAT:** Any area used or planned to be used for conservation or management of wild plants or animals.
- 234 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 California Code of Regulations, Title 14, Division 1.5, Chapter 9.8, Article 1, Section 1561.1), trees, grass or standing brush. The planned application of fire may include naturally ignited burns.

300 STANDARDS

These requirements constitute the provisions of the Smoke Management Program, pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

302 BURN PERMITS

302.1 A person shall not ignite, conduct, or allow agricultural burning or prescribed burning without first obtaining a valid burn permit from the District.

302.2 If required, a separate burn permit may also need to be obtained from the fire protection agency that has jurisdiction in the area of the proposed burn project.

- 303 PERMIT VALIDITY:** No permit shall be construed to authorize open outdoor fires for any day during which:

303.1 Agricultural burning is prohibited by the ARB or the APCO.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

- 304 BURN DAYS:** No person shall knowingly permit agricultural burning or prescribed burning on days when it is prohibited by the ARB or the APCO, or when burning is prohibited by a fire protection agency.

305 REGISTRATION OF PRESCRIBED BURNS

305.1 All persons who want to conduct prescribed burning in the District in any particular calendar year must register their planned burn projects with the District. Burn projects shall be registered semi-annually prior to the spring and fall burn season. Updates and late additions to this registration process are accepted.

305.1.1 The burn registration shall include the name and address of the permittee, including a contact person with phone number.

305.1.2 A listing of all projects planned, with legal descriptions of their locations (township, range, section number).

305.1.3 An estimate of the total acreage and/or tons of material to be burned.

305.1.4 The scheduled month for each listed burn project.

305.1.5 A meteorological prescription addressing smoke management concerns, if applicable.

305.2 Burn registrations are not required to be in a specific format but shall contain all the required information.

306 SMOKE MANAGEMENT PLANS

Smoke management plans may be required for the following types of burns: planned wildland, wildland vegetation management, forest management, and range improvement burn projects.

306.1 Submittal and District approval of a smoke management plan, unless otherwise indicated.

306.1.1 Submittal of a smoke management plan shall occur 14 days in advance of the burn. District approval of the smoke management plan shall be obtained at least 72 hours prior to the burn.

306.2 Burn projects less than 10 acres in size and/or that will emit less than one ton of particulate matter, the applicant must obtain a District burn permit.

306.3 Burn projects between ten and 100 acres and/or that will emit between one ton and ten tons of particulate matter, in addition to a District burn permit, the following information is required for the smoke management plan:

306.3.1 Location, types and amounts of material to be burned;

306.3.2 Expected duration of the fire from ignition to extinction;

306.3.3 Identification of responsible personnel, including telephone contacts; and

306.3.4 Identification and location of all smoke sensitive areas

306.4 Burn projects greater than 100 acres or estimated to produce more than ten tons of particulate matter, in addition to a District burn permit and the information in Section 306.3, the following information is required for the smoke management plan:

306.4.1 Identification of meteorological conditions necessary for burning;

306.4.2 The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions;

306.4.3 Projections, including a map, of where the smoke is expected to travel, both day and night;

306.4.4 Specific contingency actions, including fire suppression or containment plans, that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; and

306.4.5 An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act or the California Environmental Quality Act as applicable, the analysis shall be attached to the smoke

management plan in satisfaction of this requirement or the location of where such information may be found can be referred to in the smoke management plan.

306.5 Burn projects which may fall under Section 306.5.1 to 306.5.5 shall contain, at a minimum, all requirements in Section 306.4 along with visual monitoring, ambient particulate matter monitoring or other monitoring as approved by the APCO.

306.5.1 Large projects are any of the following:

306.5.2 Projects greater than 250 acres;

306.5.3 Projects that will continue burning or producing smoke overnight;

306.5.4 Projects conducted near smoke sensitive areas; or

306.5.5 Projects as determined by the APCO or his designee.

306.6 The land manager shall coordinate daily with the District or the ARB, for multi-day burns that may impact smoke sensitive areas, to affirm that the burn project complies with the conditions specified in the smoke management plan, and/or whether contingency actions are necessary. If the land manager or District staff observes unacceptable smoke impacts occurring to a smoke sensitive area from an authorized burn, then the burner shall promptly take such contingency actions as necessary.

306.7 Naturally-Ignited Burns for Resource Benefits: When a natural ignition occurs on a no burn day, the initial "go/no-go" decision to manage the fire for resource benefit shall be a "no-go" unless:

306.7.1 After consultation with the appropriate land manager, the District determines, for smoke management purposes, that the burn can be managed for resource benefit; or

306.7.2 For periods of less than 24 hours, the land manager made a reasonable effort to contact the District, or if the District is not available, the ARB.

306.7.3 After 24 hours, the land manager made a reasonable effort to contact the District, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A "no-go" decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

Smoke management plans shall be submitted within 72 hours of the start of the fire for naturally ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size.

306.8 Adherence with Approved Smoke Management Plans: The land manager or his/her designee conducting a prescribed burn shall ensure that all conditions and requirements stated in the approved smoke management plan are met on the day of the burn event, prior to ignition.

306.9 Post-Burn Evaluation Requirements: The land manager shall submit a post-burn smoke management evaluation for fires greater than 250 acres or fires with adverse smoke impacts as determined by the APCO within thirty (30) days of project completion.

306.10 Fish and Game Certification: For burns done primarily for improvement of land for wildlife and game habit, the permit applicant shall file with the District a statement from the California Department of Fish and Game (CDFG) certifying that the burn is desirable and proper. The CDFG may specify the amount of brush treatment required, along with any other conditions it deems appropriate. Alternatively, the APCO may accept a wildlife biologist opinion contained in a land management plan approved by the appropriate state or federal authority or certifications by the United States Fish and Wildlife Service.

307 MATERIAL PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the material being burned, (from when the vegetation was cut until it is to be burned), the following are recommended drying times for vegetation:

307.1 No material shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and then shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

307.2 For pile burning, the material shall be burned in place or stacked loosely, dried and be free of dirt and surface moisture when possible. Piled material shall be prepared so that it will burn with a minimum of smoke.

307.3 Drying times for vegetation to be included in a range improvement burn shall be at least 6 months, if economically and technically feasible.

307.4 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, is suggested for prescribed burning.

307.5 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end, is suggested for prescribed burning. Stumps should be free of dirt and rocks.

307.6 Unwanted trees shall be felled and dried prior to the burn.

307.7 The vegetation to be burned must have originated within the boundaries of the prescribed burning project.

307.8 Material should be windrowed or piled if technically feasible.

307.9 Burn Pile Sheeting: Sheeting may be burned with the vegetation provided that:

307.9.1 The sheeting has been covering piled vegetation for at least one month prior to burning;

307.9.2 The amount of sheeting burned is no more than the minimum necessary to cover the pile;

307.9.3 Removal of the sheeting before burning is impractical; and

307.9.4 The land manager is able to provide evidence, such as purchase records or package labeling, that the sheeting is manufactured for this purpose.

308 BURN AUTHORIZATION: The burn authorization specifies the amount, timing, and location for the burn projects on a daily basis.

- 308.1 Burn authorizations shall be given on a first come - first served basis. Burn authorization may be rescinded if meteorological conditions change such that adverse air quality impacts, including complaints, are likely, or if burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area. Authorization requests to the district can be made by phone, fax, email or in person, prior to ignition.
- 308.2 Burning shall only be conducted on a burn day except as allowed under Section 103.2.
- 308.3 Prior to requesting a burn authorization from the District, land managers may obtain a 48-hour forecast, 72-hour outlook, and a 96-hour trend for specific burns from the California Air Resources Board duty meteorologist. These forecasts are not a substitute for a burn authorization, and contain no guarantee that a favorable forecast will necessarily lead to a burn authorization approval from the District.
- 308.4 For multi-day burns the burner shall obtain daily authorization from the District prior to continuing with the burn.
- 309 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 310 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.
- 311 DETERMINATION OF AMOUNT BURNED DAILY:** A prescribed burn conducted under a Smoke Management Plan, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burning acreage allocation that was burned on a given day.

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 to nearest residential area (in miles);
- 401.5 The type of material to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the material to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.
- 401.9 Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS 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 permit available for inspection at the burn site during the burn.

402 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.

403 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the 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 permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be 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.

403.1 Within ten days after service of notice of revocation specified in Section 403 above, the 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.

404 SMOKE MANAGEMENT PROGRAM

404.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management program apply throughout the year unless otherwise specified in the program.

404.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

405 APCO APPROVAL: No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. The APCO shall distribute the daily allocated acreage throughout the district for the purposes of minimizing the density of emissions and protecting downwind urban areas.

406 PERMIT FEES: Burn permits are valid only following receipt of the permit fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

- 501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage of waste from prescribed burning, and where the burning was performed.
- 501.2 Special Permits Issuance Report: A report of permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, and an estimate of the amount of vegetation burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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