

RULE 305 RESIDENTIAL ALLOWABLE BURNING

Adopted 02-10-11
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400 ADMINISTRATIVE REQUIREMENTS (None)

500 MONITORING AND RECORDS (None)

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100 GENERAL

101 PURPOSE: To reduce emissions of toxic air contaminants from smoke from allowed outdoor burning at a residence, of allowable combustibles originating, on the premises where burned.

102 APPLICABILITY

102.1 This rule shall apply to persons conducting outdoor burning of residential allowable combustibles.

102.2 Title 17 of the California Code of Regulations for the Airborne Toxic Control Measure (ATCM) to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning.

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 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

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

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

103.2 Exempt Areas: Effective January 1, 2004, the burning of dry, non-glossy paper and cardboard, or the use of a burn barrels, or both, may be allowed if an exemption has been approved by the District Board of Directors that meets all the following subsections 103.2.1 through 103.2.6.

103.2.1 Burning is only conducted on burn days, and

103.2.2 The dry, non-glossy paper and cardboard to be burned originates from, and will be burned on, the premises of a residence, and

103.2.3 The residence is not in an incorporated place; and

103.2.4 The residence lies within the boundaries of a census zip code or census zip code sub-area, within the district where the population density is equal to or less than 10.0 persons, as calculated from the last decennial United States Census Data; and

103.2.5 The residence is in an area not served on a weekly basis by an organized waste disposal service; and

103.2.6 The residence does not lie within the boundary of a jurisdiction which prohibits the burning of dry, non-glossy paper and cardboard as of January 4, 2002, or thereafter.

103.2.57 Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons the air district may renew the exemption every ten years for a census zip code and every five years for census zip code sub-area pursuant to Section 93113(e), Title 17 of the California Code of Regulations.

- 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 ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises of a residence, limited to the following: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. Lawn clippings, oleander (*nerium oleander*), cannabis, and poison oak (*toxicodendron diversilobum*) are excluded. Vegetation that is not reasonably free of dirt, soil, and visible surface moisture, is not an allowed combustible.
- 202 BURN BARREL:** A metal container used to hold combustible or flammable waste materials, so that they can be ignited outdoors for purpose of disposal.
- 203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean 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 also 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 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.
- 206 NO-BURN DAY:** Any day on which agricultural burning, including residential burning, is prohibited by the ARB or the APCO.
- 207 OPEN BURNING OR OPEN OUTDOOR:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including residential burning, is not prohibited by the ARB and/or the APCO.
- 209 RESIDENCE:** A single or two-family dwelling unit and the land and ancillary surrounding (nonresidential) structures.

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 RESIDENTIAL ALLOWABLE BURNING:** Only allowable combustibles, originating at a residence, and free of disallowed combustibles, and reasonably free from dirt, soil, and visible surface moisture, may be burned in an open outdoor burn pile. Burning in a burn barrel is prohibited.
- 303 BURN PERMITS**
- 303.1 A District burn permit is not required for residential allowable burning.
- 303.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the residential allowable burning.
- 304 BURN DAYS:** No person shall knowingly ignite, or allow ignition of allowable combustibles on no-burn days or when it is prohibited by a fire protection agency.
- 305 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.
- 305.1 No vegetation shall be burned unless it is 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.
- 305.2 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.
- 305.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.
- 305.4 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.
- 305.5 A minimum of six weeks of drying time for trees, stumps and large branches greater than 6 inches in diameter, at the cut end.
- 305.6 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.
- 306 APPROVED IGNITION DEVICES:** All open fires as authorized by this regulation 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.
- 307 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.
- 308 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition unless the burn hours are further restricted.

400 ADMINISTRATIVE REQUIREMENTS (None)

500 MONITORING AND RECORDS (None)