

SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 401 -- AGRICULTURAL AND PRESCRIBED BURNING

(Adopted 10/18/1971) (readopted 10/23/1978) (revised 10/2/1990 and 5/16/2002)

A. Applicability

This rule applies to all agricultural and prescribed burning conducted in Santa Barbara County.

The provisions of this Rule implement the Smoke Management Guidelines for Agricultural and Prescribed Burning, promulgated under Article I, Subchapter 2, Title 17, California Code of Regulations and as amended in January 2001.

B. Definitions

See Rule 102 for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

1. **“Air quality”** means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to Section 39606 of the California 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.
2. **“Ambient air”** means that portion of the atmosphere, external to buildings, to which the general public has access.
3. **“Burn Plan”** means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management component), and a description of the personnel, organization, and equipment.
4. **“Burn project”** means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefit.
5. **“Designated agency”** means any agency designated by the Air Resources Board as having authority to issue agricultural or prescribed burning permits. The District may request such a designation for an agency. The U.S. Department of Agriculture Forest Service and the California Department of Forestry and Fire Protection are so designated within their respective areas of jurisdiction.
6. **“Fire protection agency”** means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.
7. **“Forty-eight hour forecast”** means 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 shall indicate a degree of confidence.
8. **“Land manager”** means any federal, state, local, or private entity, or his or her designee, who administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.

9. **“Marginal burn day”** means a day when limited amounts of prescribed burning, for individual projects in specific areas for limited times, is not prohibited by the state board and burning is authorized by the District consistent with this rule.
10. **“Ninety-six hour trend”** means 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.
11. **“No-burn day”** means any day on which agricultural burning, including prescribed burning, is prohibited by the Air Resources Board or the District.
12. **“Permissive-burn day,” or “burn day”** means any day on which agricultural burning, including prescribed burning, is not prohibited by the state board and burning is authorized by the District consistent with this rule.
13. **“Pre-fire fuel treatment”** means any of several vegetation removal techniques that can reasonably be employed prior to prescribed burning to reduce the amount of vegetation that would otherwise be consumed in a prescribed fire.
14. **“Prescribed burning”** means the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.
15. **“Prescribed fire”** means any fire ignited by management actions to meet specific objectives, and may include naturally ignited wildland fires managed for resource benefits.
16. **“Residential burning”** means burning for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on its premises.
17. **“Seventy-two hour outlook”** means 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.
18. **“Smoke management plan”** means a document prepared for each fire by land managers or fire managers that provides the information and procedures required in Section D.
19. **“Smoke management prescription”** means 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.
20. **“Smoke Management Program”** means the program defined in the Smoke Management Guidelines for Agricultural and Prescribed Burning, promulgated under Article I, Subchapter 2, Title 17, California Administrative Code.
21. **“Smoke sensitive areas”** are populated areas and other areas where the District determines 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, and other populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
22. **“Wildfire”** means an unwanted wildland fire.

23. **“Wildland”** means 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.
24. **“Wildland fire”** means any non-structural fire, other than prescribed fire, that occurs in the wildland.
25. **“Wildland/urban interface”** means the line, area, or zone where structures and other human development meet or intermingle with the wildland.

C. General Requirements – Agricultural and Prescribed Burning

1. Burn Permits
 - a. No person shall knowingly set or allow agricultural or prescribed burning unless he or she has a valid permit from the District or designated agency.
 - b. A valid burn permit is also required from the fire protection agency that has jurisdiction in the area of the proposed burn project.
 - c. Burning conducted pursuant to permits issued by the Control Officer or a designated agency shall comply with all the conditions specified on the permits. Failure to abide by permit conditions is a violation of section 48152 of the California Health and Safety Code and District Regulation IV.
 - d. All permits issued by the Control Officer or designated agencies for agricultural and prescribed burning must contain the following words or words of similar import: “This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the Air Resources Board or by the District pursuant to section 41855 of the California Health and Safety Code, and when burning on the lands identified has been approved by the District.”
 - e. Permits issued by designated agencies and fire protection agencies shall be subject to the rules and regulations of the District.
 - f. The Control Officer may issue special permits for agricultural and prescribed burning on days designated as no-burn days if the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning, the District may limit the amount of material that can be burned in any one day such that the burning is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.
 - g. Each applicant for a permit shall provide information required by the designated agency for fire protection purposes.
 - h. Each applicant for a permit shall provide information requested by the District.
2. Registration and Reporting
 - a. All persons desiring to conduct prescribed burning in the District in any particular calendar year shall register their planned burn projects with the District by May 15th of each year. Project updates or additions to this registration process are required to be

submitted throughout the year. The burn registration shall include: the name of the permittee, including a contact person with phone number; a listing of planned projects; project location and total acreage to be burned.

- b. Designated agencies shall submit a written report to the District on agricultural and prescribed burning conducted pursuant to this rule by February 1st of each year. The report shall include the estimated tonnage or acreage burned in agricultural burning operations and the estimated tonnage burned in prescribed burning operations during the prior calendar year.
- c. Designated agencies shall issue agricultural burning permits for open burning in agricultural operations only.

3. Permissive Burn, Marginal Burn, or No-Burn Days

- a. Agricultural burning is permitted only on days designated as permissive burn days by the Air Resources Board. Such designations will be announced by 3:00 p.m. every day whether the following day is a permissive burn day, a marginal burn day, or a no-burn day, or whether the decision will be announced the following day. If conditions preclude a forecast until the next day, the decision will be announced by the Air Resources Board by 0745. Such notices are based on Meteorological Criteria for Regulating Agricultural Burning and Prescribed burning, set forth in the Air Resources Board's Smoke Management Guidelines for Agricultural and Prescribed Burning.
- b. Burning of empty sacks or containers which contained pesticides or other toxic substances is permitted on no-burn days providing the sacks or containers are within the definition in Rule 102 of Open Burning in Agricultural Operations.
- c. A marginal burn day may be declared if meteorological conditions approach criteria for permissive burn days in the Air Resources Board's Smoke Management Guidelines for Agricultural and Prescribed Burning, and smoke impacts are not expected. On marginal burn days the Control Officer may authorize limited amounts of prescribed burning for individual projects when smoke impacts to smoke sensitive areas are not expected as a result of that burning. Agricultural and residential burning is prohibited on any day during which prescribed burning is authorized and on any marginal burn day.
- d. Agricultural burning, including prescribed burning, is prohibited on no-burn days, except as specified in Section C.1 of this rule.

4. Daily Burn Authorization System

- a. A burn authorization shall be requested and obtained from the Control Officer, on a daily basis, before any prescribed burning may commence. To request a burn authorization, a burn operator shall submit a District-approved smoke management plan.
- b. Burn authorizations for prescribed burning shall be granted on a first come – first served basis. To avoid conflict in burn planning, the Control officer will authorize no more than one burn on the same day in the same general area. The Control Officer may immediately rescind a burn authorization if meteorological conditions change such that adverse air quality impacts are likely, or if burning by a fire protection agency to abate an imminent fire hazard is required suddenly and unexpectedly in the same area.
- c. Smoke management plan conditions must be met at the time of burn ignition and must be expected to be met for the duration of the burn, regardless of the issuance of a burn

authorization. The burn operator is responsible for ensuring that all conditions listed in the smoke management plan are met prior to ignition of the burn.

- d. Multi-day burns shall require District authorization on a daily basis to continue with the burn.
- e. Agricultural burning shall take place only on days permitted by public fire protection agencies having jurisdiction for purposes of fire control or prevention.
- f. Waste materials to be burned in open fires in agricultural operations, including prescribed burning, shall be free of waste not conforming to the definition of "Open Burning in Agricultural Operations" in Rule 102. The following materials are not considered agricultural waste: tires, rubbish, tar paper, plastic, treated wood, construction/demolition debris, or material containing asbestos, weeds, shrubs and trees from non-productive areas such as along roads and around buildings, and waste foreign to land being cleared for agricultural use. Weeds, shrubs and trees in pastures or crop production areas or in fences which are around pastures or crop production areas or on land being cleared for the growing of crops or animals are considered to be agricultural waste.
- g. Waste materials to be burned in agricultural operations, including prescribed burning, shall be ignited as rapidly as practicable within applicable fire control restrictions.
- h. Waste materials to be burned in open fires in agricultural operations shall be arranged so as to burn with a minimum of smoke. Materials shall be loosely stacked to allow maximum drying in preparation for burning so as to provide good combustion. The materials shall be free of dirt and soil to the extent that such dirt or soil will not hinder burning nor be carried into the air as particulate matter, and shall be reasonably free of visible surface moisture.
- i. Waste materials to be burned in open fires in agricultural operations shall have been dried for the minimum periods listed below. These periods include the period from drying or cutting to the day of burning.
 - 1) Six (6) weeks for trees and large branches;
 - 2) Three (3) weeks for prunings and small branches;
 - 3) Ten (10) days for wastes from field crops.
- j. The Control Officer may restrict the amount of agricultural burning conducted on any day to selected sequentially numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural waste is not ignited at one time during adverse conditions.
- k. Agricultural burning may commence at any time after the announcement of a burn-day, but in no case shall it commence before sunrise. No additional waste material or ignition fuel shall be ignited or added to any fire after two hours before sunset. This subsection does not apply to prescribed burning.
- l. The wind direction at the burning site shall be such that the smoke will not cause a public nuisance.

- m. The materials to be burned shall be ignited only by use of ignition devices approved by the Control Officer. Tires, tar paper, plastic, dirty oils, and similar materials shall not be used.

D. Special Requirements - Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Area

- 1. The land manager shall submit a smoke management plan to the District for all burn projects. Smoke management plans must contain, at a minimum, the following information:
 - a. Project name, location, size (acres), types, and amounts of material to be burned;
 - b. Expected duration of the fire from ignition to extinction;
 - c. Identification of responsible personnel, including telephone contacts; and
 - d. Identification and location of all smoke sensitive areas;
 - e. Particulate matter emissions and Environmental Protection-Agency approved calculation method;
 - f. When a natural ignition occurs on a no-burn day, the fire may be managed as a prescribed fire if the Control Officer determines the following:
 - i) For smoke management purposes, that the burn can be managed for resource benefit; or
 - ii) For periods of less than 24 hours, a reasonable effort has been made to contact the District, or if the District is not available, the Air Resources Board;
 - iii) After 24 hours, the District has been contacted, or if the District is not available, the Air Resources Board 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 managed as a prescribed fire;

 - g. Identification of vegetation conditions and burn limitations to minimize smoke, including requirements for materials to be piled, where possible;
 - h. If applicable, California Department of Fish and Game statement certifying that the burn is desirable and proper;
 - i. The burn project shall not occur unless all conditions and requirements stated in the Smoke Management Plan are met prior to ignition on the day of the burn event, the Air Resources Board and the District have both declared the day to be a burn day, and the Control Officer has authorized the burn on the day of the burn;
 - j. Public notification procedures, including requirement for appropriate signage at burn sites, and for reporting of public smoke complaints; and
 - k. Procedures for permittees to report public smoke complaints to the District.
- 2. For prescribed burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter, the land manager shall submit a smoke management plan that contains at a minimum, the information contained in Section D.1 and the following additional information:

- a. A smoke management plan within 72 hours of the start of any naturally ignited wildland fire managed for resource benefits that is expected to exceed 10 acres in size;
 - b. Identification of method of ignition;
3. For prescribed burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter, the land manager shall submit a smoke management plan that contains at a minimum, the information contained in Section D. 1 and D.2 and the following additional information:
 - a. Identification of meteorological conditions necessary for burning;
 - b. The smoke management criteria the land manager will use for making burn ignition decisions;
 - c. Projections, including a map, of where the smoke from burns is expected to travel, both day and night;
 - d. Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan;
 - e. 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 (NEPA) or the California Environmental Quality Act (CEQA), as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement; and
 4. If smoke may impact smoke sensitive areas, smoke management plans shall include appropriate monitoring, that may include visual monitoring, ambient particulate matter monitoring or other monitoring approved by the District, as required by the District for the following burn projects:
 - a. Projects greater than 250 acres;
 - b. Projects that will continue burning or producing smoke overnight;
 - c. Projects conducted near smoke sensitive areas; or
 - d. Where the Control Officer determines monitoring is necessary for public health and safety.
 5. The land manager shall coordinate daily with the District or the Air Resources Board for multi-day burns that may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.
 6. Alternate thresholds to those specified in Sections D.1, D.2, D.3, and D.4 may be specified by the District where the Control Officer determines such alternative thresholds are necessary to protect public health.
 7. The land manager conducting a prescribed burn shall ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.
 8. The land manager shall submit a post-burn smoke management evaluation to the District for fires greater than 250 acres within 30 days of project completion. The evaluation shall address whether

the smoke management plan objectives were met. The evaluation shall also address the following:

- a. What were the meteorological conditions (wind speed, direction, temperature, relative humidity (percent), prior to, during and following the burn?
 - b. Did the weather meet the prescription?
 - c. Were there smoke impacts? If so, where? How were the impacts monitored and documented?
 - d. Were there complaints related to smoke impacts from the burn? If so, list them. How were the complaints responded to and remedied?
 - e. What went wrong, if anything, with the weather or smoke? How can this be improved upon for future burns?
9. Vegetation to be burned shall be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.
 10. Material to be burned shall be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.
 11. Piled material to be burned shall be prepared so that it will burn with a minimum of smoke.
 12. The permit applicant shall file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

E. Enforcement Procedures

1. Designated fire protection agencies or the District shall enforce the provisions of this Rule by not allowing agricultural burning unless the person responsible for the burn has a valid agricultural burning permit.
2. Those fire protection agencies having the required authority shall issue a notice of violation or citation or shall order other corrective action when permit violation occurs.
3. Smoke complaints or other air pollution complaints not involving permit violations, or for any violation found by an agency not having authority to take enforcement action, shall be referred to the District for investigation

F. Meteorological Criteria for Regulating Agricultural and Prescribed Burning

The meteorological criteria for the South Central Coast Air Basin at Section 80210 of Title 17 of the California Code of Regulations, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning are incorporated herein by reference.

G. Compliance Date

The provisions of this Rule shall be effective on May 16, 2002.