

## REGULATION IV - PROHIBITIONS

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### **Rule 4.3 Non-Agricultural Burning**

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Except as otherwise provided in these rules, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies.

A. Nothing in this prohibition shall be construed as limiting the authority granted under other provisions of law to any public officer to set or permit a fire when such fire is, in his/her opinion, necessary for any of the following purposes:

1. The prevention of a fire hazard, which cannot be abated by any other means.
2. The instruction of public employees in the methods of fighting fire.
3. Set pursuant to permit on property used for industrial purposes for the instruction of employees in the methods of fighting fires.
4. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
5. The abatement of fire hazards pursuant to Section 13055.
6. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

B. Nothing in this regulation shall be construed as prohibiting:

1. Open outdoor fires used for cooking of food or for recreational purposes, provided that only paper, cardboard, vegetation, clean wood and/or commercial charcoal are used as fuel.

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- C. Open outdoor fires for the disposal of natural vegetation only on a permissive burn day shall be granted for the following:
1. Right-of-way clearing by a public entity or utility or for levee, reservoir or ditch maintenance.
  2. The disposal of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes or the disposal of brush cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, on the property where it was grown, if reasonably free of dirt, soil and surface moisture. Burning under this subdivision is subject to the conditions specified in Section 41803 and 41804 of the California Health and Safety Code and the following drying times:
    - (1) Prunings and small branches: 3 weeks
    - (2) Grass clippings: 3 weeks with turning once per week
    - (3) Large branches (6 inches and larger) and trees: 8 weeks
    - (4) Unwanted trees: 3 months.
    - (5) All unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn
  3. The disposal by a city or county of non-industrial wood waste from trees, vines, and brush at sites located above 1500 feet elevation mean sea level. Burning under this subdivision is subject to the conditions specified in Sections 41803 and 41804.5 of the California Health and Safety Code, which include:
    - a. Issuing a permit allowing burning only on burn days;
    - b. Having approval in writing from the landowner of the disposal site that such burning by the city or county is allowed there;
    - c. Having approval of the state board for each designated disposal site; and
    - d. Inspecting the material to be burned to ensure that it is allowable waste.
  4. The disposal of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the State Forester or his/her duly authorized representative, or a county agricultural commissioner, or the Control Officer.
  5. The state board, after consultation with the district in which the burning is to take place, may issue permits for experimental burning designed to develop new or improved techniques of burning to reduce emissions, except that no experimental burning may create a nuisance.

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6. The Control Officer may authorize, by permit, which shall include the appropriate drying times as specified in section C.2 of this rule, 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-hour period which is:
  - a. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision a. In authorizing the operation of a mechanized burner, the Control Officer may make the permit subject to whatever conditions he/she determines are reasonably necessary to assure conformance with the standards prescribed in this rule.

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