

RULE 6.1 AGRICULTURAL BURNING

REVISED April 10, 1996

INDEX

100 GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 110 EXEMPTIONS
- 120 PROHIBITIONS

200 DEFINITIONS

- 201 FIELD CROP STUBBLE
- 202 PERMISSIVE BURN DAY

300 STANDARDS

- 301 MINIMUM SMOKE
- 302 MATERIAL PREPARATION
- 303 TOTAL DAILY BURNING
- 304 BURNING HOURS
- 305 IGNITION
- 306 BURNING NEAR CITIES
- 307 WILDLAND VEGETATION MANAGEMENT BURNING AND OPEN BURNING FOR RANGE IMPROVEMENT

400 ADMINISTRATIVE REQUIREMENTS

- 401 PERMITS TO BURN
- 402 FORMS
- 403 STANDARDS FOR GRANTING APPLICATIONS
- 404 PERMIT FORMS
- 405 PERMISSION TO BURN ON A NO-BURN DAY
- 406 FIELD CROPS HARVESTED PRIOR TO SEPTEMBER 10
- 407 BURN AUTHORIZATION
- 408 FIRE PREVENTION
- 409 COST OF PUTTING OUT A FIRE
- 410 AGRICULTURAL BURNS USED FOR FIRE FIGHTING INSTRUCTION
- 411 RICE STRAW BURNING PHASEDOWN REGISTRATION

500 MONITORING AND RECORDS

- 501 TESTING

100 GENERAL

- 101 **PURPOSE:** The purpose of this Rule is to ensure that agricultural burning is conducted in compliance with all State, Federal, and District regulations.
- 102 **APPLICABILITY:** This Rule applies to any person who conducts or allows to be conducted on property under his control open burning for agricultural operations, range improvement, wildlife habitat improvement and/or wildland vegetation management.
- 110 **EXEMPTIONS:** The Air Pollution Control Officer may exempt from these Rules burning performed by flaming with LPG or natural gas fired burners that are used to desiccate seed crops or to kill seedling grass and weeds in orchards, field crops and ditch banks when the growth is such that combustion will not continue without open burner flame.
- 120 **PROHIBITIONS**
- 120.1 **PERMISSIVE BURN DAYS:** Agricultural burning as defined in Rule 1.1, Section 201, shall be permitted only on permissive burn days and in accordance with Sections 41508 and 41854 of the California Health and Safety Code under provisions of this regulation as authorized by the Air Pollution Control Officer pursuant to the authority granted to him by these regulations.
- 120.2 **OPEN BURNING FOR RANGE IMPROVEMENT:** During the period between January 1 and May 31, range improvement burning may be conducted by special permit of the Air Pollution Control Officer, as provided in Section 405, on a no-burn day, providing that no more than 50 percent of the land has been brush-treated and that the California Air Resources Board has not prohibited such range improvement burning in order to maintain suitable air quality.
- 120.3 **NO-BURN DAYS:** No-burn days declared by the District can be declared for specific areas within the District. A District-declared no-burn day will be based on whether there has been poor meteorological dispersion of pollutants on previous days such that visibility and federal oxidant standard might be violated and agricultural burning could exacerbate poor ambient air quality conditions for the day.
- 120.4 **OTHER MATERIAL:** Material listed in Rule 2.9 shall not be disposed of as provided for in this Rule.

120.5 **PROHIBITION OF AGRICULTURAL BURNING ON NO-BURN DAYS:** No agricultural burning permit shall be valid on a no-burn day, and no person shall knowingly set or permit agricultural burning on a no-burn day without permission granted under Section 405 of this Rule. For the purpose of this section, a person shall be deemed to have permitted agricultural burning if he permits the setting or use of such fires for the disposal of agricultural waste under his control, on land under his control, or by employees or other persons under his control.

200 DEFINITIONS: All terms used in this Rule shall retain the definitions provided under Rule 1.1, GENERAL PROVISIONS AND DEFINITIONS, unless otherwise defined in this Rule.

201 **FIELD CROP STUBBLE:** Vegetative crop residue remaining in the field after the harvest of crops including, but not limited to: wheat, corn, barley, safflower, and excluding rice.

202 **PERMISSIVE BURN DAY:** Any day not designated as a No-Burn Day by the California Air Resources Board, the Yolo-Solano Air Quality Management District or local fire agency within the boundaries of the District.

300 STANDARDS

301 **MINIMUM SMOKE:** No person shall set or allow an open outdoor fire for agricultural burning except in a manner as to produce a minimum of smoke.

302 **MATERIAL PREPARATION:** No person shall knowingly set or permit an open outdoor fire for agricultural burning unless materials have been prepared as follows:

302.1 Shall be free of material that is not produced in an agricultural operation.

302.2 Shall be reasonably free of dirt, soil and surface moisture.

302.3 To lower the moisture content of rice straw, the elapsed time between cutting and burning and the preparation of rice straw and stubble shall be:

- a. No minimum drying period for rice straw that passes the crackle test as defined in Section 501.
- b. Following rain exceeding 0.15 inches, rice straw shall not be burned until it passes the crackle test.
- c. A minimum drying period of three days for evenly spread rice straw.

- d. A minimum drying period of ten days for rice straw not evenly spread.
- 302.4 Trees shall be felled before burning. The minimum drying period shall be thirty (30) days for trees, stumps and large branches greater than approximately six (6) inches in diameter.
- 302.5 Sufficient time for other materials, such as small branches, grass and weeds, vegetable tops, seed screenings, in order to assure rapid burning and complete combustion with a minimum of smoke.
- 302.6 For open burning for range improvement, brush shall have been treated at least six (6) months prior to burning if economically and technically feasible as determined by the Air Pollution Control Officer.
- 302.7 The Air Pollution Control Officer may, by order, authorize burning in shorter drying times if the denial of such permit would threaten imminent and substantial economic loss.
- 303 **TOTAL DAILY BURNING:** Total daily burning shall be consistent with the Sacramento Valley Air Basin Agricultural Burning Plan and according to acreage allocations for the District.
- 304 **BURNING HOURS**
 - 304.1 No person shall knowingly ignite or permit to be ignited any field crop stubble from agricultural operations before 10:00 a.m. or after 5:00 p.m. of any day. From September 15 through April 1, no field crops are to be ignited before 10:00 a.m. or after 3:00 p.m. In accordance with the Sacramento Valley Air Basin Agricultural Burning Plan, the Air Pollution Control Officer shall have the authority to modify the burning hours.
 - 304.2 All other agricultural burning shall not be ignited before 8:00 a.m. or after 5:00 p.m. or one hour before sunset, whichever is earlier.
 - 304.3 The Air Pollution Control Officer may set other hours on the basis of fire protection considerations.
 - 304.4 The Air Pollution Control Officer may limit the burning hours when, in his judgement, additional burning would seriously affect the air quality over any populated area.
 - 304.5 The Air Pollution Control Officer can, upon specific authorization of the District Board, set other burning hours than given above for purposes

which are intended to improve burning practices and lessen adverse impacts of agricultural burning. These hours shall be consistent with burning hours provided for in the Sacramento Valley Air Basin Agricultural Burning Plan for agricultural burning.

305 IGNITION

305.1 Only those devices approved by the Air Pollution Control Officer may be used for ignition of agricultural burning. Approved ignition devices include but are not limited to butane, propane, LPG pressure fuel devices and other ignition devices approved by the Air Pollution Control Officer. The use of tires for the ignition of fires is prohibited.

305.2 All field crop stubble, range improvement, wildlife and game habitat improvement, and wildland vegetation management burning shall be ignited by backfiring or alternatively by strip firing into the wind except where extreme fire hazards are declared to exist or when burning for such purposes is not suitable for such ignition or where other beneficial methods have been established as approved by the Air Pollution Control Officer.

306 BURNING NEAR CITIES: Except as authorized by the Air Pollution Control Officer no person shall knowingly set or permit an open outdoor fire for agricultural burning within three miles of a populated area. The Air Pollution Control Officer and the local fire agency may set additional burning conditions which will minimize adverse effects on populated areas.

307 WILDLAND VEGETATION MANAGEMENT BURNING AND OPEN BURNING FOR RANGE IMPROVEMENT: In addition to the general requirements of this Regulation and the annual Sacramento Valley Air Basin Agricultural Burning Plan, wildland vegetation management, open burning for range improvement and wildlife and game habitat improvement burning shall be performed in compliance with the following:

307.1 Any proposed burn, regardless of size, which will occur below a mean elevation of 1,000 feet, or any proposed burn which encompasses a land area greater than 10.0 acres and which occurs at or above a mean elevation of 1,000 feet shall include the following information to be submitted to the District at least seven (7) days prior to ignition:

- a. Name, address and telephone number of the person who will conduct the burn;
- b. The acreage involved and the estimated tons per acre of material to be burned;
- c. Location of the burn site;

- d. Type and condition of fuel and objectives of the burn;
- e. Direction and distance to populated areas;
- f. Project burn schedule (ignition to completion of burn) and fuel combustion prescription elements;
- g. Meteorological prescription and forecast for the burn;
- h. Specification for monitoring and verifying project parameters;
- i. Procedures for noticing the public and other agencies of the burn; and
- j. Any other information requested by the Air Pollution Control Officer.

307.2 The waste shall be ignited as rapidly as practicable within applicable fire control restrictions.

307.3 Brush shall be treated at least six (6) months prior to the burn if economically or technically feasible.

307.4 During the period between January 1 and May 31, range improvement burning may be conducted by special permit, as provided in Section 405, on a no-burn day provided that more than 50 percent of the land has been brush treated. If the burn is to be done primarily for the improvement of wildlife or game habitat the Department of Fish and Game may specify amount of brush treatment required.

307.5 If the burn is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

307.6 No more than 640 acres of wildland vegetation or range improvement burning shall be ignited on any one day within the District.

400 ADMINISTRATIVE REQUIREMENTS

401 PERMITS TO BURN

401.1 No person shall knowingly set or permit an open outdoor fire for agricultural burning unless a valid permit has been obtained from the District.

401.2 Applications for a permit to burn shall be submitted to the District and shall provide information specified by the District for fire protection purposes and shall provide information required to determine whether

the proposed fire will be according to these regulations, including information concerning the kinds of materials and amounts burned.

402 **FORMS:** The District shall prepare forms of applications and permits to burn in accordance with these Rules and Regulations.

403 **PERMIT FORM:** Permits to burn shall contain the following:

403.1 Name, address and phone number of the permittee.

403.2 Location of the proposed burn.

403.3 Total acreage to be burned or acreage from which material was generated.

403.4 The kind of agricultural material to be burned.

403.5 Period of time for the permit.

403.6 The statement, "THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH ARE NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

403.7 Such other conditions as may be required by the local fire district.

403.8 The opening and closing hours for ignition of fires.

404 **STANDARDS FOR GRANTING APPLICATIONS**

404.1 The District shall grant a permit to burn if the applicant shows that the proposed fire will not violate these Rules and Regulations or Section 41854 of the Health and Safety Code.

404.2 Burning permits will be issued on an annual basis from January 1 through December 31. Permits may be used for burning on any land area under the control of the same permittee.

405 **PERMISSION TO BURN ON A "NO BURN DAY"**

405.1 The Air Pollution Control Officer may by special permit grant permission for burning on a "No Burn Day" in case of imminent and substantial economic loss provided such permission does not conflict with State declared no-burn days or daily acreage allocations and will not adversely

affect air quality over populated areas and the person conducting the burn has obtained a valid burn permit.

405.2 Applications for permits to conduct agricultural burning or range improvement burning on no-burn days shall, in addition to information required for regular permits, include information concerning the reason why a denial of a special permit would result in imminent and substantial economic loss.

405.3 Permission to burn on a "No Burn Day" shall be granted only when the following conditions are met:

- a. Permission to burn on a "No Burn Day" shall be granted if it is anticipated that the ozone readings within the District will remain below the Federal Standard of 0.12;
- b. If there have been three consecutive "No Burn Days" and the person requesting permission to burn has burned on the previous permissive burn day;
- c. Persons receiving permission to burn on a "No Burn Day" shall comply with all applicable District Rules and Regulations;
- d. Permission to burn on a "No Burn Day" shall be granted only when burning will not adversely affect air quality over populated areas; and
- e. The total acreage of burning on a "No Burn Day" shall be limited by the Air Pollution Control Officer.

406 **FIELD CROPS HARVESTED PRIOR TO SEPTEMBER 10:** Residue from field crops harvested prior to September 10 shall not be burned during the period of October 1 through November 15. Permission may be given by the Air Pollution Control Officer based on the following:

406.1 First priority is rice stubble.

406.2 Require a specific explanation of the cultural practices which require immediate burning.

406.3 Require the person to specify the reason the burning was not conducted prior to October 1st.

406.4 Ensure that the amount of acreage which is to be burned shall be included in the District's daily allocation.

407 BURN AUTHORIZATION

407.1 Before any person who holds an agricultural burning permit sets or permits an agricultural burn, the person must receive permission from the District on the day the burn is to be conducted. The following information must be provided to the District:

- a. Name of permittee;
- b. Permit number;
- c. Location of burning;
- d. Type of agricultural waste;
- e. Acreage or estimated amount of waste to be burned; and
- f. Contact person and telephone number.

408 **FIRE PREVENTION:** Nothing in these Rules is intended to permit an open outdoor fire for agricultural operations burning or range improvement burning on days when such burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

409 **COST OF PUTTING OUT A FIRE:** Any agricultural waste burning that is in violation of these regulations is subject to being put out by any fire control agency when, ordered by the Air Pollution Control Officer. The cost of putting out the fire may be charged to the person, persons, business, firm or corporation responsible for the fire. This provision is in addition to any other penalties that are authorized by Sections 42400 through 42404 of the California Health and Safety Code and provisions of these regulations.

410 **AGRICULTURAL BURNS USED FOR FIRE FIGHTING INSTRUCTION:** Any burning of agricultural waste for the instruction of fire fighting personnel shall comply with all requirements of Rule 2.8 Section 110.

411 **RICE STRAW BURNING PHASEDOWN REGISTRATION:** Any person who owns or operates property on which rice is planted shall register those fields with the District prior to October 15 of each year. The registration shall include, but not be limited to, the field identification number, a description of the field location, a map which may be used to locate the registered field, and the proposed method of crop waste disposal.

500 MONITORING AND RECORDS:

501 TEST METHODS

501.1 A field shall pass the crackle test if a composite sample of straw from under the mat, the center of the mat and from different areas of the field gives an audible crackle when broken.