

# **Regulation II**

## **OPEN BURNING**



*First Adopted July 18, 2003*  
*The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.*

# Regulation II – Open Burning

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# **Regulation II**

## **Rule 200 - General Provisions**



*First Adopted July 18, 2003*

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*The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.*

# Rule 200 - General Provisions

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## Rule 200 - General Provisions

- A. PURPOSE:** The purpose of Regulation II is to limit the quantities of particulate matter and toxic pollutants emitted as a result of the open burning of material. These rules are intended to provide a framework whereby approved materials may be burned in open outdoor fires in such a manner so as not to interfere with the attainment or maintenance of ambient air quality standards. These rules define both approved and prohibited materials, define a system for preparing burn day designations within specific areas or zones, and establish a Burn Permit and a Burn Authorization system.
- B. DEFINITIONS:** Unless specifically defined within this section, the terms used in Regulation II shall have the meaning as defined in Regulation I, Rule 101 - Definitions.

# **Regulation II**

## **Rule 201 – Prohibitions, General Requirements and Burn Day Determinations**



*This Rule replaced Rule 201 General Prohibitions and Exemptions for Selected Open Burning.  
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.*

# **Rule 201 – Prohibitions, General Requirements, and Burn Day Determinations**

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## Rule 201 – Prohibitions, General Requirements and Burn Day Determinations

### A. PROHIBITIONS

1. **Nuisance:** In no event shall open burning create a nuisance as determined by the APCO.
2. **Prohibited Materials:** No person may burn prohibited materials using open outdoor fires. For purposes of this Section, open outdoor burning includes the use of a burn barrel or incinerator that is not housed within a structure.
3. **Burn Permit:** No person may burn approved materials using open outdoor fires without a valid District burn permit, and in compliance with permit conditions.
4. **Burning on No Burn Days Prohibited:** No person may burn material on a calendar day that has been designated as a No Burn Day in the smoke management area where the burning is to take place. Notwithstanding this No Burn Day prohibition, burning may occur on a No Burn Day in accordance the terms and conditions of *No Burn Day Permit* issued pursuant to Rule 204.
5. **Burn Barrel:** Except as otherwise specifically authorized by Regulation II, the use of any type of burn barrel, incinerator, or similar device is prohibited except as specifically authorized in Section 2.3 of this Rule.
6. **Field Crop Ignition Methods:** Field crops, as identified by the District, shall be ignited only by strip firing or backfiring, or other burning techniques approved by the APCO.
7. **Restriction of Burning During Poor Air Quality Conditions:** The APCO may restrict burning on a permissive burn day if such burning could cause or contribute to potential adverse air quality conditions. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of any federal or State ambient air quality standard.
8. **Populated Areas and Sensitive Receptors:** As determined by the APCO, no burning may be conducted if meteorological conditions would cause an excessive amount of emissions to be transported into populated areas or sensitive receptor areas.
9. **Burning Material Not Grown Onsite:** No material may be transported to another location to be burned, except when the burning is conducted in compliance with the a *Non-Standard Burn Permit* issued for that purpose, or as otherwise approved by the APCO.
10. **Authorized Quantity, Notice of Escape, and Suppression**
  - a. **Authorized Quantity:** No person shall allow any amount of combustible materials to be burned in excess of the amount authorized by the APCO pursuant to Rule 206, or the amount identified on the burn permit, whichever is less.
  - b. **Suppression:** For all burns that exceed the amount allowed in the burn authorization, the responsible party shall immediately undertake measures to suppress and control said burn. The burn must be extinguished to the satisfaction of the APCO.
  - c. **Notification:** If any authorized burn escapes beyond what is authorized and escapes beyond their control, the responsible party shall immediately notify the local, State or federal fire protection



agency having jurisdiction over the burn. The responsible party shall notify the District within one hour of the escape, or as soon as safely possible to do so.

## B. GENERAL REQUIREMENTS

1. **Required Permits:** Prior to the burning of any Approved Material, written authorization from the District shall be obtained in the form of one of the following types of District burn permits. The Permittee shall comply with all conditions as outlined in the following Burn Permit(s) or as otherwise specified by the APCO.
  - a. **Standard Burn Permit:** A *Standard Burn Permit* issued pursuant to Rule 202 is required for the open outdoor burning of material arranged in a single pile that is no larger than four feet in diameter that is conducted at a single or two family residence.
  - b. **Non-Standard Burn Permit:** A *Non-Standard Burn Permit* issued pursuant to Rule 203 is required for the open outdoor burning performed at the locations and for the purposes identified below. Definitions for each of the types of burning can be found in Regulation I, Rule 101, and are further limited by the Sections below.
    - i. **Agricultural Burning:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or prescribed fires (prescribed burning) used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
    - ii. **Disposal Sites:** Open burning of vegetation at any site or location where solid waste is also transferred, sorted, or stored on a temporary or permanent basis.
    - iii. **Fire Hazard Reduction:** The intentional use of fire to reduce vegetative fuel loading and create a defensible space.
    - iv. **Habitat Improvement Burning:** Open burning of vegetation certified by the California Department of Fish and Game as being desirable and proper for the improvement or management of game or wildlife habitat.
    - v. **Property Development:** Open burning of vegetation that was felled or uprooted for the purpose of commercial land development that is conducted on the parcel of land where the vegetation was grown.
    - vi. **Residential Burning:** The open burning of one pile of material larger than four feet in diameter at the location of a single or two family dwelling.
    - vii. **Timber Harvest Burning:** The open burning of timer or other forest vegetation as a result of the harvest of timber products and silviculture practices.
    - viii. **Wild Land Vegetation 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, trees, grass, or standing brush.
  - c. **No Burn Day Permit:** A *No Burn Day Permit* issued pursuant to Rule 204 is required to burn on a No Burn Day.
  - d. **Fire Training Burn Permit:** A *Fire Training Burn Permit* issued pursuant to Rule 205 is required to burn combustible materials, including select prohibited materials, for the purpose of the instruction of personnel in the suppression and control of fire involving structures, vegetation, or wild land areas.
2. **Activities Exempt from Permit Requirements:** The open burning of select materials conducted in a specified manner under the limited circumstances identified in this Section are exempt from the requirement to obtain a Burn Permit.

- a. **Recreational Fire:** The use of open outdoor fires for the purpose of cooking food, recreation, or to provide warmth shall be exempt when the amount of material being burned, per parcel or campsite, is a single pile three feet in diameter and two feet high, or less. Only Approved Materials may be burned.
  - b. **Ceremonial Fires:** The use of open outdoor fires for ceremonial or religious purposes shall be exempt as follows:
    - i. When located on land parcels of less than one half acre, exempt fires shall be less three feet in diameter and two feet high, or less unless an alternate size is acceptable to the APCO.
    - ii. When located on land parcels one half acre in size or larger, pile size shall be limited to less than 15 feet in diameter, unless an alternate size is approved by the APCO.
  - c. **Ceremonial Flag Destruction:** The burning of an unserviceable United States of America or California State flag as permitted in accordance with applicable law or regulation.
  - d. **Back Fires to Protect Life and Property:** Burning operations conducted pursuant to §4426 of the Public Resources Code as back fires necessary to save life or valuable property shall be exempt from the requirements of Regulation II.
3. **Burn Barrels:**
- a. **Exempt Areas:** The District Governing Board may designate areas where the use of a burn barrel is permitted on Permissive Burn Days. Further, the Board may designate areas where the burning of dry, non-glossy paper and cardboard originating from, and being burned on the premises of a single or two family residence, may be allowed. The exemption may only be granted in areas that satisfy all of the requirements contained in this Section and meet the eligibility criteria listed below. In no event shall the exemption authorized by this Section extend beyond ten years from the date of approval by the CARB.
    - i. The residence is not in an incorporated location; and
    - ii. The residence lies within the boundaries of a census zip code or census zip code sub-area not served on a weekly basis by an organized waste disposal service; and
    - iii. The residence does not lie within the boundary of a jurisdiction that prohibits the burning of dry, non-glossy paper and cardboard as of January 1, 2014, or thereafter.
    - iv. 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 per square mile, the air district may renew the exemption for a period of ten years pursuant to §93113(e), Title 17 of the California Code of Regulations.
  - b. Open outdoor fires conducted pursuant to this Section shall comply with all applicable Sections of Regulation II.
4. **Burn Hours:** No person shall burn at times other than of the hours identified herein. The APCO may further restrict burn hours as necessary to protect the public health and safety or avoid a public nuisance.
- a. **Del Norte County**
    - i. **Standard Permit:** Burn hours are from 6:00 AM until 12:00 PM.
    - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.
  - b. **Humboldt County**
    - i. **Standard Permit:** Burn hours are from 6:00 AM until 12:00 PM.
    - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.
  - c. **Trinity County**
    - i. **Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset unless further restricted by the local fire protection agency.
    - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.

5. **Best Management Practices:** Material shall only be burned in accordance with the following Best Management Practices.
  - a. **Arrangement:** All material shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke.
  - b. **Quantity of Material:** No person shall ignite material in quantities or amounts in excess of what can reasonably be expected to completely burn within the burn period designated on the corresponding burn permit, or in amounts greater than authorized by the APCO pursuant to a Burn Authorization on any one (1) day.
    - i. **Exceptions:** When approved by the APCO, vegetation, trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within a calendar day. Burning vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the Permittee from smoke impact liability.
6. **Drying Times:** In order to lower the moisture content of material, the elapsed time between cutting, felling or uprooting, and of the ignition or burning of material shall be:
  - a. **Six Inches and Greater:** A minimum of thirty (30) days for trees, stumps and branches greater than six (6) inches in diameter.
  - b. **Smaller than Six Inches:** A minimum of fifteen (15) days for vines, bushes or branches less than or equal to six (6) inches in diameter.
  - c. **Exception:** In the event that vegetative material has been contaminated with infectious disease(s) or pest(s) and upon order by the County Agricultural Commissioner, the minimum drying times required by this Section shall not apply. A copy of the written order shall be supplied to the District prior to burning.
7. **Wind Direction:** In order to prevent the creation of a public nuisance, material authorized for burning may not be ignited when the wind direction has the potential to cause smoke from the burn to be carried into a nearby populated area or impact a Sensitive Receptor.
8. **Burning of Vines or Bushes Treated with Herbicides:** Notwithstanding the provisions of Section B.6 of this Rule, vines or bushes may be burned in place without being cut or uprooted if they are treated and desiccated with herbicides and allowed to dry at least six (6) months prior to ignition or burning.
  - a. **Exception:** The burning of vines or bushes treated with herbicides may be allowed by the APCO prior to the expiration of the six (6) month period when performed in accordance with a valid Burn Permit and where the applicant for a Burn Permit demonstrates to the satisfaction of the APCO that burning vines or bushes treated with herbicides, prior to the expiration of such six (6) month period, could be accomplished in a manner that would produce no more smoke than would be produced by the burning of the same type of vines or bushes that had been cut or uprooted and dried for fifteen (15) days.
9. **Certificates from Department of Fish and Wildlife:** Pursuant to the California Clean Air Act of 1988 (Health & Safety Code, §41800 et. seq.), the California Air Resources Board (CARB) has promulgated Agricultural Burning Control measures, including measures to reduce criteria pollutant emissions from open burning conducted for the purpose of improving land for wildlife or game habitat. For purposes of criteria pollutant emissions from agricultural open burning, the District hereby adopts CARB's Burning for Improvement of Wildlife or Game Habitat Regulation as set forth at 17 CCR Section 1561.1, and all amendments thereto, hereby incorporated by reference. A complete copy of said regulation is filed and available for use and examination by the public at the District office.

10. **Emergencies, APCO Authority to Suspend Requirements:** In the event of a natural disaster, or other emergency situation, the APCO may temporarily suspend the implementation of Regulation II. The suspension may continue until such time as the emergency has been abated as determined by the APCO.

C. **BURN DAY DETERMINATION:** The APCO shall determine whether a given calendar day is a permissive Burn Day or a No Burn Day.

1. **CARB No Burn Day:** In the event that the CARB has determined a given calendar day to be a No Burn Day in accordance with 17 CCR §80110, the APCO shall declare that day to be a No Burn Day.

2. **Fire Prevention No Burn Day Designations:** The APCO will not declare a permissive Burn Day for any area on any day where burning is prohibited, by any local, State or federal fire protection agency having jurisdiction over the site of the proposed burn.

3. **Designated Smoke Management Areas:** For the purposes of smoke management and burn day determination, the District shall designate three distinct areas within its jurisdiction as follows:

a. **Zone 1, Coastal Smoke Management Area** - all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix C), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the APCO.

b. **Zone 2, Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the APCO.

c. **Zone 3, Upper Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the APCO.

4. **PERMIT MODIFICATION, SUSPENSION, AND REVOCATION**

The APCO may evaluate and determine at any time that an existing burn permit must be modified, suspended, or revoked in order to protect the public health, or to prevent adverse environmental effects. When making such a determination, the APCO may consider the permit holder's compliance history or status, the potential for the creation of a public nuisance, requests or determinations made by fire protection, environmental health, or other law enforcement agencies, and any other information the APCO considers relevant.

# Regulation II

## Rule 202 – Standard Burn Permit



*This Rule replaced Rule 202 Burn Hours and Notice of Ignition.  
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.*

# Rule 202 – Standard Burn Permit

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**A. APPLICABILITY**

A *Standard Burn Permit* is required for all open outdoor burning conducted at a single or two family residence. Approved Materials must be arranged in single pile that is no larger than four feet in diameter.

**B. APPLICATION**

Every person seeking to obtain a *Standard Burn Permit* shall supply the District with the following information using District approved forms.

1. **Content:** For the burn site address or location;
  - a. Responsible party for the proposed burn, mailing address and phone number;
  - b. Property owner, mailing address and phone number;
  - c. Identification and description of the type of material proposed to be burned;
  - d. Acknowledgement by written signature of the responsible party that the authorized Permittee understands the prohibition against the burning of prohibited materials, the requirement for burning only on permissive Burn Days, and the other conditions set out in the Standard Burn Permit; and
  - e. Statement certifying that the information provided by the responsible party is true and correct, and that they have permission from the property owner to conduct burning.

**C. REVIEW and DECISION**

Upon receipt of an application for a *Standard Burn Permit*, the APCO will determine whether all the necessary information has been supplied. In the event of missing or incorrect information, the application will be considered incomplete and the permit will not be processed.

The APCO will deny an application for a *Standard Burn Permit* that does not meet the requirements of all applicable District Rules and Regulations. Criteria for denial by the APCO may include, but are not limited to the applicant's compliance history and/or the existence of outstanding penalties or fines. If the APCO determines that open burning described in the application cannot reasonably be conducted without creating a public nuisance, the permit will be denied.

**D. PERMIT CONTENTS, GENERAL CONDITIONS**

A *Standard Burn Permit* issued pursuant to this Rule will contain the following elements. Responsible parties shall comply with all requirements of this section.

1. **Location:** A separate *Standard Burn Permit* shall be required for each parcel of land. In the event that multiple residences exist on the same parcel, a separate permit shall be required for each residence with a unique street address.
2. **Content:** A *Standard Burn Permit* shall include the following information:
  - a. The Person(s) responsible for the burn and their contact information;
  - b. Burn site address or location;
  - c. Amount of material authorized to be burned; and
  - d. Required fire safety methods and practices which must be used.
3. **Term:** A *Standard Burn Permit* issued pursuant to this Rule shall not extend beyond the calendar year for which it is issued.
4. **Permit Possession and Display:** Permit holders must keep the original, or a copy, of the *Standard Burn Permit* at the location of the burn. The permit shall be made immediately available for inspection upon

request of the APCO, or other public health or safety official including but not limited to fire agency personnel, sheriff, police, code enforcement personnel, and environmental health personnel.

E. **FEES**

The fee for a *Standard Burn Permit* shall be paid at the time of issuance, and shall be determined in accordance with the fee schedule found in District Rule 408. Once the permit is issued, the fees will not be refunded unless approved by the APCO.

1. **Fee Waiver:** Every person seeking to obtain a waiver of the permit fees for a *Standard Burn Permit* shall supply the District with the following information using District approved forms. The decision to waive the fees shall be based upon the criteria and procedure identified in the section. Households where the total gross income does not exceed the amounts listed in the federal poverty guidelines as published annually by the Department of Health and Human Services in the Federal Register, shall be eligible for the waiver. Households where the sole source of income is Social Security retirement or disability benefits shall also be eligible for the waiver.
2. **Application Content:** The following information shall be provided on District approved forms.
  - a. The Responsible party listed on the permit;
  - b. Burn site address or location;
  - c. Submission of financial records and information; and
  - d. Written signature attesting to the accuracy and truthfulness of all information provided.
3. **Review and Decision:** Upon receipt of a fee waiver application, the APCO will review said application and determine whether all the necessary information has been supplied and meets the criteria for approval. The APCO will determine if the request for fee waiver is complete, and if the application is deemed incomplete, the APCO will notify the applicant. Once the waiver application is determined to be complete, the APCO will approve or deny the request. The decision of the APCO is final.



# Regulation II

## Rule 203 – Non-Standard Burn Permit



*This Rule replaced Rule 203 General Burn Practices, Requirements, and Conditions.*  
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.

# Rule 203 – Non-Standard Burn Permit

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## A. APPLICABILITY

A *Non-Standard Burn Permit* is required for all open outdoor burning conducted within the District unless the burn is conducted pursuant to a *Standard Burn Permit*, or if the burning is exempt from permitting requirements pursuant to Rule 201.

1. **Burning at Disposal Sites:** Persons conducting open burning of vegetation at a solid waste disposal site are eligible to receive a *Non-Standard Burn Permit* if all of the requirements of this section are completed to the satisfaction of the APCO. For purposes of this Section, a transfer station may be considered to be a disposal site.
  - a. **CARB Approval:** The CARB has approved the use of open outdoor fires to dispose of vegetative material at the designated disposal site;
  - b. **Air Quality Standards:** Conducting the open burning will not prevent the achievement and maintenance of ambient air quality standards.
  - c. **Other Approvals:** Conducting the open burning does not violate any terms, conditions, or restrictions applicable to the disposal site.
  - d. **Conformance:** The open burning will be in compliance with the requirements of this regulation.

## B. APPLICATION

Every person or entity applying for a *Non-Standard Burn Permit* shall supply the District with the following information using District approved forms.

### 1. Content:

- a. Responsible party for the proposed burn;
- b. Burn site address or location;
- c. Identification and description of the type and quantity of material proposed to be burned;
- d. Identification and description of the ignition methodology to be used and of the equipment and resources necessary for fire suppression;
- e. If exception from the material drying times is requested, provide order or statement from agricultural commissioner;
- f. Acknowledgement by written signature of the responsible party that the authorized Permittee understands the prohibition against burning of Prohibited Materials, the requirement for burning only on Permissive Burn Days, and other conditions set out in the permit; and
- g. Statement certifying that the information provided by the responsible party is true and correct and that they have permission from the property owner to conduct burning.

### 2. Smoke Management Plan: A *Smoke Management Plan* shall be prepared and submitted in accordance with Rule 206 if one or more of the following apply:

- a. The proposed burn meets the definition of "agricultural burning" as defined by Rule 101;
- b. The material to be burned is distributed over an area that exceeds 1 acre, or the material was cut, felled, uprooted, or removed from an area that exceeds 1 acre;
- c. The material was transported to a location other than where it was grown;
- d. The APCO has determined that the proposed burn has the potential to impact a sensitive receptor;
- e. The method of ignition or method of burning is either tractor or landing piles, broadcast, strip burning; or
- f. Other criteria as determined by the APCO.

### C. REVIEW and DECISION

Upon receipt of an application for a *Non-Standard Burn Permit*, the APCO will determine whether all the necessary information has been supplied. In the event of missing or incorrect information, the application will be considered incomplete and the permit will not be processed.

The APCO will deny an application for a *Non-Standard Burn Permit* that does not meet the requirements of the District Rules and Regulations. Criteria for denial by the APCO may include, but are not limited to the applicant's compliance history and/or the existence of outstanding penalties or fines. If the APCO determines that the open burning described in the application cannot reasonably be conducted without creating a nuisance, the permit will be denied.

### D. PERMIT CONTENTS, GENERAL CONDITIONS

A *Non-Standard Burn Permit* issued pursuant to this Rule will contain the following elements. Responsible Parties shall comply with all requirements of this section.

1. **Location:** A separate *Non-Standard Burn Permit* shall be required for each parcel of land. In the event that multiple residences exist on the same parcel, a separate burn permit shall be required for each residence with a unique street address. In the event that a project involves multiple parcels, the applicant may elect to obtain a *Non-Standard Burn Permit* for more than 100 acres.
2. **Content:** A *Non-Standard Burn Permit* shall include the following information:
  - a. The Person(s) responsible for the burn and their contact information;
  - b. Burn site address or location;
  - c. Amount of material authorized to be burned; and
  - d. Required fire safety methods and practices which must be used.
3. **Term:** A *Non-Standard Burn Permit* issued pursuant to this Rule shall not extend beyond the calendar year for which it is issued.
4. **Permit Possession and Display:** Permit holders must keep the original, or a copy, of the *Non-Standard Burn Permit* at the site or location of the burn. The permit shall be made immediately available for inspection upon request of the APCO, or other public health or safety official including but not limited to fire agency personnel, sheriff, police, code enforcement personnel, and environmental health personnel.

### E. BURN AUTHORIZATION and NOTICE

1. **Authorization:** If a *Smoke Management Plan* is required pursuant to Rule 206, the Permittee shall obtain a *Burn Authorization* from the APCO prior to ignition of material.
2. **Notice:** The Permittee may be required to post notices at the discretion of the APCO. Notice may include, but is not limited to, newspaper ads, television, billboards, traffic signs, etc.

### F. REPORTING

No later than January 15<sup>th</sup> of the year following the issuance of a *Non-Standard Burn Permit*, the Permittee shall report to the District the following information pertaining to activities over the calendar year.

1. **Material Quantity and Type:** The Permittee shall identify the quantity and type of material burned.
2. **Burn Location:** If the permit authorizes burning at multiple locations, the Permittee shall identify where open burning occurred.

**G. FEES**

The fee for a *Non-Standard Burn Permit* shall be paid at the time of issuance and shall be determined in accordance with District Rule 408. Once a *Non-Standard Burn Permit* is issued, fees will not be refunded unless approved by the APCO.

# Regulation II

## Rule 204 – No Burn Day Permit



*This Rule was first adopted July 18, 2003.*

*Revised: May 15, 2008.*

*The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013*

# Rule 204 – No Burn Day Permit

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- E. BURN AUTHORIZATION

## **A. APPLICABILITY**

Notwithstanding any other provision of Regulation II, the APCO may issue a *No Burn Day Permit* upon a determination that all of the following conditions exist:

1. The APCO has declared the day of the proposed burn to be a No Burn Day;
2. The Permittee has sufficiently demonstrated to the APCO that an imminent and substantial economic loss will be incurred by the Permittee if the proposed burn is not approved; and
3. The Permittee is in possession of a valid *Non-Standard Burn Permit* and a District approved *Smoke Management Plan* for the proposed burn location(s).

## **B. APPLICATION**

Every person or entity seeking to obtain a *No Burn Day Permit* shall supply the District with the following information using District approved forms.

### **1. Content**

- a. Identify Permittee's valid *Non-Standard Burn Permit* number and associated *Smoke Management Plan*;
- b. Burn site address or location;
- c. Responsible party for the proposed burn, mailing address and phone number;
- d. Property owner, mailing address and phone number;
- e. Identification and description of the type and quantity of material proposed to be burned;
- f. Identification and description of the ignition methodology to be used and of the equipment and resources necessary for fire suppression;
- g. Evidence demonstrating the threat of imminent and substantial economic loss pursuant to H&SC Section 41862; and
- h. Statement certifying that the information provided by the responsible party is true and correct and that they have permission from the property owner to conduct burning.

## **C. REVIEW and DECISION**

Upon receipt of an application for a *No Burn Day Permit*, the APCO will determine whether all the necessary information has been supplied. In the event of missing or incorrect information, the application will be considered incomplete and will not be processed.

The APCO will deny an application for a *No Burn Day Permit* that does not meet the requirements of all applicable District Rules and Regulations. Criteria for denial by the APCO may include, but are not limited to the applicant's compliance history and/or the existence of outstanding penalties or fines. If the APCO determines that the open burning described in the application cannot reasonably be conducted without creating a nuisance, the permit will be denied.



#### **D. PERMIT CONTENTS, GENERAL CONDITIONS**

A *No Burn Day Permit* issued pursuant to this Rule shall contain the following elements.

1. **Location:** A *No Burn Day Permit* shall be required for each separate location for which an approved Smoke Management Plan exists. In the event the burns will involve multiple parcels of land, at the discretion of the APCO, the projects may be combined into a single permit.
2. **Term:** A *No Burn Day Permit* issued pursuant to this Rule shall not exceed one calendar day.
3. **Smoke Management Plan:** The Responsible Party shall have a copy of the *Smoke Management Plan* available onsite. In addition, the *Burn Authorization* number and the approved *No Burn Day Permit* number shall also be available onsite for inspection upon request.

#### **E. BURN AUTHORIZATION**

The Permittee shall obtain a *No Burn Day Permit* from the APCO prior to ignition of material.

# **Regulation II**

## **Rule 205 – Fire Training Burn Permit**



*This Rule replaced Rule 205 Certificate From Department of Fish and Game.  
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013*

# Rule 205 – Fire Training Burn Permit

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## A. APPLICABILITY

A *Fire Training Burn Permit* is required for the open outdoor burning of materials, buildings, or structures if the burning is being conducted for the purpose of the instruction of personnel in the methods and safety procedures of fire suppression, as determined by the APCO. [HSC §41801]

1. **Asbestos Survey:** Applicants for a *Fire Training Burn Permit* must have a full asbestos survey of the structure(s) prepared by a certified asbestos consultant subject to APCO approval. All asbestos containing materials must be abated by a certified abatement company prior to the training burn to the satisfaction of the APCO. [40 CFR 61 Subpart M]

## B. APPLICATION

Applicants for a *Fire Training Burn Permit* shall provide the District with the following information using District approved forms.

### 1. Content:

- a. Responsible party for the proposed burn;
- b. Burn site address or location;
- c. Identification and description of the type of material, building, or structures proposed to be burned;
- d. Asbestos survey and evidence of full abatement;
- e. Statement from the sponsoring fire official identifying the training benefits of the proposed burn;
- f. Evidence that public notification, as required by the APCO, has been completed;
- g. Acknowledgement by written signature of the applicant that the information supplied on the forms is true and correct;
- h. Written authorization from the property owner to conduct the burn;
- i. Property owner name, mailing address, and phone number; and
- j. Statement certifying that the information provided by the responsible party is true and correct and that they have permission from the property owner to conduct burning.

2. **Smoke Management Plan:** The applicant shall submit to the District at the time of application, a *Smoke Management Plan* prepared in accordance with Rule 206.

- a. Notwithstanding Section 2.2 of this Rule, a *Smoke Management Plan* is not required for the burning of any structure less than 100 square feet in area, or for a quantity of material which does not exceed one ton.

## C. REVIEW and DECISION

Upon receipt of an application for a *Fire Training Burn Permit*, the APCO will determine whether all the necessary information has been supplied. In the event of missing or incomplete information, the application will be considered incomplete and the applicant will be notified and given the opportunity to resubmit.

The APCO will deny an application for a *Fire Training Burn Permit* which does not meet the requirements of applicable District Rules and Regulations. If in the judgment of the APCO, the open burning described in the application cannot reasonably be conducted without creating a hazard or nuisance, the permit will be denied.

## D. PERMIT

A separate burn permit is required for each training event. A *Fire Training Burn Permit* issued pursuant to this Rule shall have a limited term which shall be specified in the permit.

## E. BURN AUTHORIZATION and NOTICE

- 1. Authorization:** Prior to ignition of materials pursuant to a *Fire Training Burn Permit*, the Permittee performing the burning shall obtain authorization from the APCO no earlier than 48 hours before any ignition. Once authorized, burning pursuant to the *Fire Training Burn Permit* may proceed regardless of burn day status on the day of the burn unless otherwise specifically prohibited by the APCO.
- 2. Notice:** The Permittee shall provide notice to the public to the satisfaction of the APCO. Notice may include but is not limited to the following: newspaper, placards, other signage, radio, television, flyers, etc.

# **Regulation II**

## **Rule 206 – Smoke Management**



*This Rule was first adopted on July 18, 2003  
It was revised on December 16, 2004.  
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013*

# Rule 206 – Smoke Management

## RULE 206 CONTENTS

- A. APPLICABILITY
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  - 2. Burn Authorization Required
  - 3. Smoke Management Plan Contents
  
- C. BURN AUTHORIZATION
  - 1. Burn Authorization System

## A. APPLICABILITY

As determined by the APCO, a *Smoke Management Plan* is required whenever the smoke from a proposed burn has the potential to impact sensitive receptors, or if the amount of material proposed to be burned exceeds the amounts identified in this Rule.

1. **Sensitive Receptors:** For purposes of this Rule, Sensitive Receptors shall be defined as in Rule 101, and shall include but not be limited to:
  - a. Class I Areas;
  - b. Hospitals;
  - c. K-12 Schools, colleges and universities;
  - d. Population centers, residential subdivisions, and commercial areas;
  - e. Residential care facilities daycare centers, group homes;
  - f. Freeways and major roadways;
  - g. Campgrounds and recreational areas; and
  - h. Any location identified by the APCO.
2. **Quantity of Material and Burn Area:** The applicant shall use District approved weight measurement and area estimation techniques to establish the quantity of material to be burned. If the quantity of material equals or exceeds one acre of material per calendar day, a *Smoke Management Plan* is required.

## B. SMOKE MANAGEMENT PLAN

1. **Plan Submittal:** A *Smoke Management Plan* shall be submitted at least thirty (30) days prior to proposed burning.
2. **Burn Authorization Required:** No burning shall occur without prior authorization pursuant to Section C, Burn Authorization, of this Rule.
3. **Smoke Management Plan Contents:** A *Smoke Management Plan* shall include the following information. Information and data shall be submitted on District forms or other APCO approved method.
  - a. Declaration of the specific purpose of the burn;
  - b. The quantity of material to be burned estimated in accordance with Section A.2 of this Rule;
  - c. Identification of the burn location using the Public Land Survey System methodology (township, range, section).
  - d. Graphical representation of the burn site(s) including but not limited to: burn location, Sensitive Receptors, map legend and orienteering symbols, compass rose, and scale:
    - i. For burn projects less than 100 acres all Sensitive Receptors within 5 miles;
    - ii. For projects greater than 100 acres all Sensitive Receptors within 20 miles.
  - e. Type and arrangement of the material to be burned;
  - f. Sufficient information to demonstrate compliance with material drying time requirements;
  - g. Burn schedule and duration;
  - h. Statement that only Approved Materials will be burned;
  - i. Specifications for monitoring and verifying prescription criteria;
  - j. Procedures for notifying the public and other agencies of the burn;
  - k. A detailed meteorological prescription that must be met in order to proceed with the burn. At a minimum, the prescription must include acceptable wind direction. Other considerations may include wind speed, temperature profile, winds aloft, humidity, temperature, actual and predicted inversions, burn day status and forecast precipitation. The plan shall identify the sources of weather information and forecasts which will be used.



- l. Contingency actions the burner will take if smoke from the burn produces unacceptable smoke impacts, which may include: stopping further ignitions, active fire suppression, rapid mop up and other appropriate techniques that are discussed with the District.
- m. Smoke mitigation actions that will be taken to minimize smoke from the burn, which may include: minimum drying times/fuel moistures, piling and/or windrowing materials, active mop up of smoldering, pretreatment of fuels and other appropriate techniques.
- n. **Burning Alternatives:** A description of the alternatives to burning which have been considered for this burn and the basis of why the alternatives were not feasible or justified.
- o. **Sensitive Receptors.** An identification of all Sensitive Receptors located within a radius of 5 miles of the burn location if the burn is 100 acres in size or less; and within a radius of 20 miles if the burn is greater than 100 acres.
- p. **Public Notification.** A description of how the potentially affected public may be notified of the burn by one or all of the following: media announcements, phone contact lists, road signs and or other appropriate techniques.
- q. **Complaint Handling Procedures.** The procedure by which all complaints about smoke impacts received by the Permittee are promptly reported to the District.
- r. **Smoke Monitoring.** The procedures to be used to monitor and track smoke transport from the burn, which may include: a smoke spotter to check on downwind sites, ambient air monitoring, aerial monitoring or other appropriate methods.

### C. BURN AUTHORIZATION

- 1. **Burn Authorization System:** The District will operate and maintain a burn authorization system. The burn authorization system will specify the amount, timing, and conditions for the burn(s) on a daily basis within the District boundaries. The District may amend individual Burn Authorizations so to minimize impacts to the health and safety of the public. Smoke shall be managed in a manner so as to minimize impacts to the health and safety of the public.
  - a. **Procedure:**
    - i. Requests for Burn Authorizations shall be submitted in either verbal or written form prior to burning during District business hours.
  - b. **Amendment and Revocation:** Once a Burn Authorization has been granted, the APCO may amend or rescind the authorization to burn if one or more of the following circumstances exist:
    - i. If meteorological conditions have changed such that adverse air quality impacts are likely to occur or have occurred as determined by the APCO;
    - ii. If burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area;
    - iii. If any information provided is determined to be false or inaccurate;
    - iv. If a wildfire event occurs; and/or
    - v. Other conditions or events that warrant modification in order to protect the public health as determined by the APCO.

# **Regulation II**

## **Rule 207**



*This Rule was first adopted on July 18, 2003*

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# Rule 207

## RULE 207 CONTENTS

-Reserved-

# Regulation II

## Rule 208



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# Rule 208

## RULE 208 CONTENTS

-Reserved-