

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 15th 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.