

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

TABLE OF CONTENTS

- A. APPLICABILITY
- B. APPLICATION
 - 1. Content
- C. REVIEW and DECISION
- D. PERMIT CONTENTS, GENERAL CONDITIONS
 - 1. Eligible Locations
 - 2. Content
 - 3. Term
 - 4. Permit Possession and Display
- 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.