

**REGULATION III
OPEN BURNING**

Rule 300 **General Definitions**

A. **Agricultural Burning**

1. Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.
2. Open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).
3. Open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is 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.

B. **Agricultural Operation**

The growing and harvesting of crops, or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution.

C. **Agricultural Wastes**

1. Unwanted or unsalable material produced wholly from agricultural operations.
2. Materials not produced wholly from agricultural operations but which are intimately related to the growing or harvesting of crops and which are used in the fields, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the fields, except as prohibited in this Regulation. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

D. **AQMD**

Northern Sierra Air Quality Management District.

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E. **APCO**

The Air Pollution Control Officer of the Northern Sierra Air Quality Management District, or designated representative.

F. **Approved Ignition Devices**

Those instruments or materials that will ignite open fires without the production of black smoke, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material or ignition device as approved by the APCO. Tires, tar paper, oil, and other similar materials are not approved.

G. **ARB**

The California State Air Resources Board, or any person authorized to act on its behalf.

H. **Designated Agency**

Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service, the California Department of Forestry and Fire Protection and the Northern Sierra Air Quality Management District are so designated within their respective areas of jurisdiction. (California Code of Regulations - Title 17, Section 80100-C)

I. **Forest Management Burning**

The use of prescribed burning to remove forest debris or for practices which include timber operations, silvacultural practices, or forest protection practices.

J. **Person**

Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.

K. **Prescribed Burning**

Means the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of such application.

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L. **Project**

A project shall consist of a parcel of land to be burned that is located in an assigned compartment number or name, unit number or name, timber harvest number or name, or a result of site conversion or rehabilitation, or as determined by the Air Pollution Control Officer.

M. **Range Improvement Burning**

The use of prescribed burning to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

N. **Residential Rubbish**

Rubbish originating from a single or two family dwelling on its premises, limited to the following material: paper, cloth, cardboard, tree trimmings, leaves, pine needles, and dry plants.

O. **Section**

As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the California Health and Safety Code.

P. **Silvicultural Practices**

The establishment, development, care, and reproduction of stands of timber.(California Code of Regulations - Title 17, Section 80100-I)

Q. **Timber Operations**

The cutting or removal of timber or other forest vegetation. (California Code of Regulations, Title 17, Section 80100-K)

R. **Wildlands Vegetation Management Burning**

Defined as the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominately covered with chaparral (as defined in the California Code of Regulations, Title 14, Section 1561.1), trees, grass, or standing brush.

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Rule 301 **Compliance**

A. **Enforcement**

These Rules and Regulations shall be enforced by the APCO under authority of Section 40001, 40702, 40752, and all officers empowered by Section 40120.

B. **Penalty**

A violation of the provisions of this regulation, or of Section 41852 or 41800 of the California Health and Safety Code is a misdemeanor, punishable by criminal or civil penalties as specified in Sections 42400 and 42402.2 and the cost of putting out the fire, as specified in 42400.5. Every day during any portion of which such violation occurs, constitutes a separate offense, as specified in 42400.2(d).

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Rule 302 Prohibited Open Burning

No person, except as otherwise authorized in Sections 41801 - 41805.6, 41807 - 41809, 41811 - 41815 of the Health and Safety Code, shall use open outdoor fires for the purpose of disposal, processing, or burning of any flammable or combustible material as defined in Section 39020 of the Health and Safety Code, including, but not limited to, treated wood, tires, tar, plastics (except polyethylene sheeting used to cover debris piles of dry forest or other wildland debris for later, wet season burning), petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals, or salvage of metal.

- A. Nothing in this rule shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption or for recreational purposes.

- B. Nothing in this rule shall be construed as prohibiting open outdoor fires used to burn residential rubbish, when conducted in compliance with all rules and regulations. Residential rubbish is defined as rubbish originating from a single- or two-family dwelling on its premises, limited to the following materials: organic paper, organic cloth, organic cardboard, leaves, needles, twigs, tree and brush trimmings, dry grass and dry plants. Organic is defined as derived from living organisms and containing carbon in a free or combined state.

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Rule 303 **Allowed Open Burning**

Subject to the prohibition of Rule 302, nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for the following purposes.

- A. Agricultural Burning conducted in compliance with Rule 304.
- B. Range Improvement Burning conducted in compliance with Rule 305.
- C. Forest Management Burning conducted in compliance with Rule 306.
- D. Wildlands Vegetation Management Burning conducted in compliance with Rule 307.
- E. Land Development Clearing conducted in compliance with Rule 308.
- F. Ditch and Road Maintenance conducted in compliance with Rule 309.
- G. Hazard Reduction conducted in compliance with Rule 310.
- H. Residential Burning conducted in compliance with Rule 311.
- I. Mechanized Burners conducted in compliance with Rule 317.
- J. Public Disposal Facility burning conducted in compliance with Section 41804.5 of the Health and Safety Code.

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Rule 304 **Agricultural Burning**

Agricultural burning, as defined in Rule 300 A, shall be allowed under the following Rules and conditions:

- A. Rule 312 - Burning Permits.
- B. Burning, except that related to the disposal of empty pesticide or toxic substance containers used in agricultural operations, shall occur **only** on those days approved pursuant to Rule 313 - Burn Day.
- C. Rule 314 - Minimum Drying Times.
- D. Rule 315 - Burning Management Requirements.
- E. Agricultural waste material shall be windrowed or piled where possible, unless good agricultural practice dictates otherwise.

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Rule 305 Range Improvement Burning

Range improvement burning, as defined in Rule 300 M shall be allowed under the following rules and conditions:

305.1 Requirements

- A. Rule 312- Burning Permits.
- B. Rule 313 - Burn Day.
- C. Rule 314 - Minimum Drying Times.
- D. Rule 315 - Burning Management Requirements.
- E. Rule 316 - Burn Plan Preparation.
- F. Under Range Improvement Burning, if economically and technically feasible, the brush shall be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn.
- G. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person who desires to conduct the burning files with the APCO a written statement from the Department of Fish and Game that certifies that the burning is desirable and proper. If the Department of Fish and Game wishes to conduct the burn itself, it shall, on its own behalf, issue and file the statement (Section 41861).
- H. Range improvement burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, shall comply with the provisions of Rule 307.

305.2 Exception

The APCO may, by permit, authorize shorter drying times, if denial of such a permit would threaten imminent and substantial economic loss.

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Rule 306 **Forest Management Burning**

Forest management burning, as defined in Rule 300 I, shall be allowed under the following Rules and conditions:

- A. Rule 312 - Burn Permits.
- B. Rule 313 - Burn Days.
- C. Rule 314 - Minimum Drying Times.
- D. Waste material shall be windrowed or piled where possible, unless good silviculture practice, as defined in Rule 300 P, dictates otherwise.
- E. Rule 315 - Burning Management Requirements.
- F. Rule 316 - Burn Plan Preparation.
- G. Forest management burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, shall comply with the provisions of Rule 307.

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Rule 307 Wildlands Vegetation Management Burning

Wildlands vegetation management burning, as defined in Rule 300 R, shall be allowed under the following Rules and conditions:

Requirements

- A. This rule applies to all burning which meets the definition as stated in Rule 300 R, regardless of whether such burning also meets another definition within this regulation.

- B. Rule 312 - Burning Permits.

- C. Rule 313 - Burn Days.

- D. All open outdoor fires shall be ignited only with approved ignition devices as defined in Rule 300 F.

- E. Rule 316 - Burn Plan Preparation.

- F. The APCO shall regulate total acreage or tonnage that may be burned each day within the District.

- G. The APCO will regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a state or federal ambient air quality standard or cause a public nuisance.

- H. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.

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Rule 308 **Land Development Clearing**

The AQMD finds it more economically desirable to dispose of wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill. This material shall be allowed for disposal by burning in compliance with the following Rules:

- A. Rule 312 - Burning Permit Requirements.
- B. Rule 313 - Burn Days.
- C. Rule 314 - Minimum Drying Times.
- D. Rule 315 - Burning Management.
- E. Rule 316 - Burn Plan Preparation.

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Rule 309 **Ditch, Road and Right-of-Way Maintenance**

The use of open outdoor fires for right-of-way clearing by a public agency, or utility, or for levee, ditch, or reservoir maintenance shall be allowed in compliance with the following Rules:

- A. Rule 312 - Burning Permit Requirements.
- B. Rule 313 - Burn Days.
- C. Rule 314 - Minimum Drying Times.
- D. Rule 315 - Burning Management.
- E. Such burning conducted by public agencies, or through a contract or agreement involving a public agency, shall be conducted as a Wildlands Vegetation Management Burn under Rule 307.

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Rule 310 **Hazard Reduction**

- A. The burning of vegetation such as, vines, bushes, and waste from trees produced by fire safe clearing will be allowed when this burning is done in compliance with State and local law or ordinance to reduce a fire hazard.

- B. The burning shall be done in compliance with the following Rules:
 - 1. Rule 312 - Burning Permit Requirements.
 - 2. Rule 313 - Burn Days
 - 3. Rule 314 - Minimum Drying Time
 - 4. Rule 315 - Burning Management

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Rule 311 **Residential Maintenance**

The burning of Residential Rubbish, as defined in Rule 300 N, shall be allowed under the following conditions:

- A. Burning shall be allowed only on the premises where the material originated.
- B. Rule 312 - Burn Permit Requirements.
- C. Rule 313 - Burn Days.
- D. Rule 314 - Minimum Drying Times.
- E. Rule 315 - Burning Management.

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Rule 312 **Burning Permits**

Requirements

- A. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency.
- B. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:
 - 1. Name and address of the applicant.
 - 2. Location of proposed burn.
 - 3. Acreage or estimated tonnage, and type of material to be burned.
 - 4. Any other information the APCO or the designated agency may deem pertinent.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import:

"THIS PERMIT IS VALID ONLY ON THOSE DAYS DURING WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE." (Section 41854).
- D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.
- E. The designated agency shall forward the permit information received from applicants to the APCO upon request.
- F. The APCO may exempt Residential Rubbish burning as defined.
- G. The permittee shall comply with all terms and conditions of a permit issued pursuant to this section.

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Rule 313 **Burn Day**

313.1 **Requirement**

No person shall knowingly set or permit open outdoor fires on days when such burning is prohibited by the ARB, the APCO, or the fire agency with appropriate jurisdiction.

313.2 **Burn Management Assistance**

To assist in the management of manpower, equipment and other resources, for large project burns, a person may wish to use the following established procedure:

To receive a permissive-burn or no-burn notice for range improvement, forest management or wildlands vegetation management burning, a permittee must submit a request for notice to the ARB at least seven days before the date of the burn. Such notice will be issued up to 48 hours before the scheduled commencement of the burn project; however, the ARB may cancel permissive-burn notices that have been issued more than 24 hours before project commencement, if such cancellation is necessary to maintain suitable air quality.

313.3 **Exception**

- A. For project burns below 6000 feet in elevation, the APCO may issue a permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss. The granting of such a permit does not exempt the applicant from any other District, or fire control regulation.

- B. For project burns above 6000 feet in elevation, the APCO may issue a permit to authorize the use of open outdoor fires on No Burn Days, if there are conditions at the unit that would allow smoke to adequately disperse and not affect a smoke sensitive area.

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Rule 314 **Minimum Drying Times**

Requirements

To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. A minimum of three days for green straw and stubble.
- B. A minimum of three weeks for agricultural waste, such as orchard prunings, small branches, vegetable tops, and seed screenings, to assure rapid and complete combustion with a minimum of smoke.
- C. A minimum of six weeks for trees, stumps, and large branches greater than six inches in diameter.
- D. Under Forest Management Burning the drying time shall be specified by the designated agency.

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Rule 315 **Burning Management Requirements**

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke.

- B. Except for large trees (diameter of six or more inches), only the amount that can reasonably be expected to completely burn within the following twenty-four hours shall be ignited in any one day.

- C. All outdoor fires shall be ignited only with approved ignition devices, as defined in Rule 300 F.

- D. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.

- E. Burning shall be curtailed, mitigated, or extinguished when smoke is drifting into a nearby populated area or creating a public nuisance.

- F. No material shall be burned unless it is free of tires, rubbish, tar paper and construction debris; is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke.

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Rule 316 **Burn Plan Preparation**

316.1 **Requirements**

The following information shall be provided to the APCO for review and approval at least 30 days in advance of the proposed burn. Burn plan preparations that are unpredictable but are critical for the upcoming burn season shall be fast-tracked by the APCO and allowed a shorter than 30 day submission, review and approval process prior to ignition. The burn plan preparer shall indicate whether such burn must be absolutely executed in the upcoming burn season or whether other burning priorities would allow the burning to take place in subsequent years. Any changes in the plan with regards to the following information, subsequent to APCO approval, must be evaluated and approved by the APCO prior to ignition.

- A. Location and specific objectives of the proposed burn.
- B. Acreage and tonnage, type and arrangement of vegetation to be burned.
- C. Directions and distance to nearby sensitive receptor areas.
- D. Fuel condition, combustion, and meteorological prescription elements, developed for the project.
- E. Projected schedule and duration of project ignition, combustion, and burn down.
- F. Specifications for monitoring and verifying critical project parameters.
- G. Specification for disseminating project information.

316.2 **Notification Requirement**

Each person planning to burn under the provisions of Rule 305, 306, or 307 shall, on or before October 1 of each year, notify the Air Pollution Control Officer of the planned burn projects for the upcoming year. Such notification shall include the following information: Project Number, Compartment/Unit Number, Project Name, Legal Description (Township, Range, Section), County, Acres, Tons/Acre, Total Tons, Type of Burning (Hand Piles, Machine Piles, Broadcast Burn) and a Priority Rating for most critical to least critical burn projects in terms of achieving the planned objectives.

316.3 **Exemptions**

- A. The APCO shall exempt a burn project which consists of ten (10) acres or less in size, unless the fuel loading rate exceeds 30 Tons/Acre average.
- B. The APCO may exempt projects located in zones as established by the District.

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Rule 317 **Mechanized Burners Requirements**

The APCO may authorize, by permit, 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 for a period or periods aggregating more than 30 minutes in any eight hour period which is:

1. As dark or darker in shade as that designated No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section. In authorizing the operation of a mechanized burner, the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this regulation (Section 41812)

Rule 318 **American Valley Burning Restrictions**

All open burning, residential and non-residential, regardless of burn type and size, of yard waste shall be banned, unless permitted by the District, in that portion of the American Valley known as Quincy and East Quincy, which is a portion of the Quincy Fire Protection District, depicted in the map attached to this resolution as Exhibit B.

In the remainder of that portion of the Quincy Fire Protection District, all burning shall be permitted according to all existing regulations. Burning shall be allowed year-round, when conducted in accordance with all existing regulations.

- A.
- B.

318.1 American Valley Definition

American Valley means all land within the boundaries of the Quincy Fire Protection District, and as amended in the Plumas County Ordinance #90-742 (amendment to Section 8-13.01 – Definitions).

318.2 Requirements

- A. Burning shall be allowed only on the premises where the material originated.
- B. Rule 312 - Burn Permit Requirements
- C. Rule 313 - Burn Days
- D. Rule 314 - Minimum drying times
- E. Rule 315 - Burning Management