RULE 304 LAND DEVELOPMENT BURNING SMOKE MANAGEMENT

Adopted 02-10-11 (Amended 02-09-12)

CONTENTS

100	GENERAL	
	101 102 103	
200	DEFINITIONS	
	201 202 203 204 205	LAND DEVELOPMENT BURNING
300	STANDARDS	
	301 302 303 304 305 306 307 308 309 310 311	
400	ADMINISTRATIVE REQUIREMENTS	
	401 402 403 404	BURN PERMIT REVIEW BURN PERMIT APPLICATION INFORMATION REVOCATION OF A BURN PERMIT BURN PERMIT FEES
500	MONITORING AND RECORDS (None)	

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100 GENERAL

- **PURPOSE:** To establish standards and administrative requirements under which land development burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminates from such burning.
- **APPLICABILITY:** The provisions of this rule shall apply to all residential or commercial land development burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)
 - **201 CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.
 - DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.
 - **203 LAND DEVELOPMENT BURNING:** The use of open outdoor fires for the disposal of vegetation grown on property being developed for commercial or residential purposes.
 - **NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

SEASONAL OUTDOOR BURN SUSPENSION: A suspension by fire agencies of open burning activities typically begins on July 1st of each year (or sooner) and extending through the fire season until lifted by those fire agencies in the fall.

300 STANDARDS

- **301 AUTHORIZATION TO BURN:** Pursuant to Section 41802 of the California Health and Safety Code, this Rule authorizes land development burning.
- **PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- **ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) may be subject to additional permit conditions under Section 304.

304 BURN PERMITS

- 304.1 A person shall not ignite or allow open outdoor burning, pursuant to this Rule, without first obtaining a valid burn permit from the District.
- 304.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 304.3 No permit shall be issued for land development burning, except for vegetation removed for residential development purposes from the property of a single or two family dwelling or when the burn permit applicant has provided a demonstration in Section 400 that there is no practical alternative to burning and the APCO has determined that the demonstration has been made. The APCO may weigh the relative impacts of burning on air quality in requiring a more persuasive demonstration for more densely populated regions for a large proposed burn versus a smaller one.
- 304.4 The APCO may add additional specific burn permit conditions for the burning of poison oak (toxicodendron diversilobum) or oleander (nerium oleander).
- **305 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
 - 305.1 It is a no-burn day.
 - 305.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- **306 BURN DAYS:** No person shall knowingly ignite, or allow ignition of allowable combustibles on days when it is:
 - 306.1 A no burn day, or
 - 306.2 When it is prohibited by a fire protection agency including, during the seasonal outdoor burn suspension, or
 - 306.3 Those days during the ozone season (May October) when there is a potential for a violation of the National Ambient Air Quality Standards (NAAQS).

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- **VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
 - 307.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
 - 307.2 Vegetation should be windrowed if economically and technically feasible.
 - 307.3 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
 - 307.4 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.
 - 307.5 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
 - 307.6 A minimum of six weeks of drying time for trees, stumps and large branches greater than 6 inches in diameter, at the cut end.
 - 307.7 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- **APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- **WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.
- **DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 311 INSPECTION REQUIRED PRIOR TO BURNING: Prior to burning pursuant to an issued burn permit an inspection is required to assess compliance with Section 300 Standards and Section 400 Administrative Requirements, and any non-compliance shall be remedied, including the removal of all disallowed combustibles, and the corrections verified, before burning can proceed.

400 ADMINISTRATIVE REQUIREMENTS

BURN PERMIT REVIEW: The APCO or staff shall review and sign all burn permits prior to the authorization of burning.

402 BURN PERMIT APPLICATION INFORMATION

402.1 A demonstration that there is no practical alternative that can be used in lieu of burning to dispose of the vegetation. In addition to other information provided in the application, the demonstration shall include a discussion of the availability and feasibility of the alternatives to open burning, including implementation costs; efforts made to reduce the quantity of material to be burned; the impact of burning upon air quality conditions; and such other factors that warrant inclusion such as weather considerations, topography, and hazardous fire conditions.

- 402.2 Type of burning;
- 402.3 Name and/or Business Name and address of the permittee;
- 402.4 Location of the proposed burn;
- 402.5 Distance from the proposed burn to the nearest neighboring home or structure;
- 402.6 The type of vegetation to be burned;
- 402.7 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 402.8 Reason for burning;
- 402.9 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.
- 402.10 Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 402.11 When burning the applicant or representative shall have the burn permit available for inspection at the burn site.
- 403 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.
 - 403.1 Within ten days after service of notice of revocation specified in Section 403 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.
- **BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.
- 500 MONITORING AND RECORDS (None)