

RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

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CONTENTS

100 GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 EXEMPTIONS

200 DEFINITIONS

- 201 AGRICULTURAL BURNING
- 202 AGRICULTURAL OPERATION
- 203 AGRICULTURAL WASTES
- 204 CANNABIS OR MARIJUANA
- 205 DISALLOWED COMBUSTIBLES
- 206 NO-BURN DAY
- 207 OPEN BURNING OR OPEN OUTDOOR FIRE
- 208 PERMISSIVE BURN DAY OR BURN DAY
- 209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING
- 210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM
- 211 SMOKE MANAGEMENT PLAN
- 212 SMOKE MANAGEMENT PROGRAM

300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING
- 302 BURN PERMITS
- 303 BURN PERMIT VALIDITY
- 304 BURN DAYS
- 305 VEGETATION PREPARATION AND DRYING TIMES
- 306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)
- 307 LIGHTING PRACTICES
- 308 APPROVED IGNITION DEVICES
- 309 WIND DIRECTION
- 310 DETERMINATION OF AMOUNT BURNED DAILY
- 311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING

400 ADMINISTRATIVE REQUIREMENTS

- 401 BURN PERMIT APPLICATION INFORMATION
- 402 REVOCATION OF A BURN PERMIT
- 403 SMOKE MANAGEMENT PROGRAM
- 404 APCO APPROVAL
- 405 BURN PERMIT FEES

500 MONITORING AND RECORDS

- 501 BURN REPORTS

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100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural 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 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT 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 NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days", if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

200 **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 **AGRICULTURAL OPERATION:** The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 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 field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

204 **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

205 **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.

- 206 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 207 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.
- 209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.
- 210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 211 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.
- 212 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.
- 300 STANDARDS**
- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The open burning of waste from cannabis grown or processed for commercial purposes is prohibited,
- 302 BURN PERMITS**
- 302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.
- 302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 303.1 It is a no-burn day.

- 303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

304 BURN DAYS

- 304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.
- 304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

305 VEGETATION PREPARATION AND DRYING TIMES

- 305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.
- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: 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.
- 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- 305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
- 305.2.3 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.
- 305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
- 305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2.6 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.
- 305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a field for moisture a composite sample of straw from under the mat in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

307 LIGHTING PRACTICES: Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

308 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.

309 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

310 DETERMINATION OF AMOUNT BURNED DAILY:

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure;

- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn 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."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

402 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 for the revocation. 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.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, 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.

403 SMOKE MANAGEMENT PROGRAM

403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

404 APCO APPROVAL: No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

405 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

- 501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.
- 501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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