

REGULATION 2

OPEN OUTDOOR BURNING REGULATIONS

MENDOCINO COUNTY

AIR QUALITY

MANAGEMENT DISTRICT

CALIFORNIA

NORTH COAST AIR BASIN

SCHEDULE OF ADOPTION

by the

MENDOCINO COUNTY

AIR QUALITY MANAGEMENT DISTRICT

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OF THE
MENDOCINDO COUNTY AIR QUALITY MANAGEMENT DISTRICT

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CHAPTER I GENERAL PROVISIONS

RULE 2-100 – AUTHORITY

These rules are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and Title 17, Division 3, Chapter 1, Subchapter 2 of the California Code of Regulations, and shall be known as the Open Outdoor Burning Regulations of the Mendocino County Air Quality Management District.

[Ref: H&SC §40001(a), §41804(e), 41850 *et. seq.*, CCR §80100, *et. seq.*]

RULE 2-105 – JURISDICTION

- (a) The boundaries of the Mendocino County Air Quality Management District are coterminous with the existing boundaries of Mendocino County and adjoining State territorial waters.
- (b) The Mendocino County Air Quality Management District lies within the North Coast Air Basin.

The North Coast Air Basin is comprised of the Counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District and State territorial waters adjoining these Counties.

[Ref: MCAQMD Regulation 1, Rule 105]

RULE 2-110 – PURPOSE

These rules are set forth to achieve and maintain such levels of air quality as will protect human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience and enjoyment of the natural attractions of the Mendocino County Air Quality Management District and the California North Coast Air Basin.

It is the intent of the Mendocino County Air Quality Management District to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain state and federal ambient air quality standards for the area under their jurisdiction and to enforce all applicable provisions of State and Federal law.

RULE 2-115 – IMPLEMENTATION

This Regulation shall become effective upon the date of adoption by the Mendocino County Air Quality Management District Board.

RULE 2-120- ADMINISTRATION

The procedures and restrictions set forth in these rules and regulations shall be administered by the Mendocino County Air Quality Management District within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code; Chapter 3, Part 3, Division 26 of said code; or by contractual agreements between districts in accordance with the provisions of Section 40701 of said code, and further described in Section 90120 of Title 17 of the California Administrative Code.

RULE 2-125 – SEVERABILITY

The provisions of this Regulation are severable, and, should any Section of this Regulation be held invalid, the remainder of this Regulation shall not be affected thereby.

RULE 2-130 - GENERAL PROVISIONS

This Regulation prohibits the use of open outdoor fires within the Mendocino County Air Quality Management District with certain exceptions as outlined in Rule 2-130(b), Exemptions.

(a) Restrictions

The following restrictions are placed on open outdoor burning in the District:

- (1) No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire other than for the disposal of vegetative matter grown on the property where the burn is to occur.
- (2) No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire that contains;
 - (A) Unapproved combustibles as defined in Rule 2-200(u1).
 - (B) Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible 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.
[Ref: H&SC §41800, MCC §9.33.050, CUFC §1102.3.3, CCR §93100 *et. seq.*]
 - (C) or material restricted by any other federal, state or local code, regulation, or law in effect within the District's jurisdiction.

(3) Any person who intends to ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire of piled fuel that contains poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) shall notify the District at least ten days in advance of ignition.

(A) The APCO may add additional specific burn permit conditions for individual fuel piles containing poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*).

(b) Exemptions

The following exemptions are noted to Rule 2-130(a), Restrictions

(1) Fires used only for the cooking of food for human consumption not for retail sale or fires used for recreational purposes or for warmth.

(2) Fires set or permitted by an authorized public officer when such fire is necessary for any of the following purposes:

(A) Fires set for the prevention of an imminent fire hazard, as defined in Rule 2-200(f1)(1).

(B) Fires set for the instruction of public employees in the methods of fighting fires.

(C) Fires set for the instruction of employees in methods of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.

[Ref: H&SC, §41801(b) and (c)]

(3) The setting of backfires necessary to save life, or valuable property pursuant to Public Resources Code, Section 4426.

(4) The abatement of fire hazards pursuant to Health & Safety Code, Section 13055 by any public agency authorized to engage in fire protection activities.

(5) Fires set for disease or pest prevention, where there is an immediate need for, and no reasonable alternative to burning as determined in writing by the Mendocino County Agricultural Commissioner.

(6) Fires set in accordance with Chapter 3 - Permitting, of this Regulation, and subject to the restrictions and limitations of Rule 2-130(a), Restrictions and Chapter 5 - Procedures, of this Regulation, and Health & Safety Code, Section 41804.5.

(7) Fires conducted in a mechanized burner subject to and under permit conditions specified by the District under Regulation 1 of the District.

RULE 2-140 - SMOKE MANAGEMENT PROGRAM

(a) Purpose

The District shall conduct a Smoke Management Program to meet the requirements of California Code of Regulations Title 17, Division 3, Chapter 1, Subchapter 2, Article 2, titled Air Quality Management District Smoke Management Program.

[Ref: CCR §80140ff]

(b) Adoption and Amendments

The Air Quality Management District Smoke Management Program shall be adopted and amended by Air Quality Management District Board resolutions.

[Ref: CCR §80145]

CHAPTER II DEFINITIONS

RULE 2-200 – DEFINITIONS

Except as otherwise specifically provided in these rules and regulations, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Federal Clean Air Act, and the Code of Federal Regulations 40 CFR 52.21. Where the federal regulations of 40 CFR 52.21 refer to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean the Air Pollution Control Officer.

(a1) Agricultural Burning

Open outdoor fires used in agricultural operations in the commercial 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.

[Ref: H&SC §39011(a)]

(a2) Agricultural Burning Multiple Site Permit

A permit issued by the District that allows burning at multiple agricultural sites under common ownership and/or management and renews annually. This permit is optional and can be used in lieu of individual site permits.

(a3) Air Quality Permit

A permit issued by an authorized agency for the open outdoor burning of vegetative matter during the winter burning season for the purpose of controlling smoke.

(a4) ARB

California Air Resources Board

(a5) APCO

Air Pollution Control Officer

(a6) Approved Combustibles

Brush, trees, and vegetation burned on the property where grown.

(b1) Black Acres

Actual acres burned.

(b2) Brush Treated

Material to be burned that has been felled, crushed, or uprooted with mechanical equipment or is dead.

(b3) Burn Permit

A permit issued by an authorized agency for the open outdoor burning of vegetative matter for the purpose of controlling fire hazard.

(c1) Cooking and Warming Fires

Cooking and warming fires are fires smaller than four feet by four feet square not containing any of the materials listed under Rule 2-130(a)(2)(b) exclusive of natural wood and commercial camp and cooking fire products.

(d1) Designated Agency

Any agency designated by the California Air Resources Board as having authority to issue agricultural burning permits.

(d2) District

The Mendocino County Air Quality Management District.

(f1) Fire Hazard

For purposes of this Regulation, there are two types of fire hazards, imminent and potential:

- (1) An *imminent* fire hazard is described as a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its imminence, not considerable for abatement by any other means.
[Ref: H&SC §41801(a)]
- (2) A *potential* fire hazard is described as one which could in time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which is not abatable by any other means.

(f2) Forest Management Burning

The use of open fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.

- (1) Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location.
- (2) Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if said operations result in a net reduction in total forest debris to be burned.

(i1) Inter-Agency Burn Permit

A permit issued by an authorized agency for the open outdoor burning of vegetative matter for the purpose of controlling both fire hazard and smoke.

(m1) Multiple Site Permit

A permit issued by an authorized agency for agricultural land managers with multiple contiguous and noncontiguous parcels under common ownership or management.

(n1) No Burn Day

Any day on which agricultural burning is prohibited by the ARB or by the District.

(n2) North Coast Air Basin

That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District, and the Northern Sonoma County Air Pollution Control District.

(o1) Open Outdoor Fire

Any combustion of combustible materials of any type, outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

(p1) Permissive Burn Day

Any day on which agricultural burning is not prohibited by the ARB or by the District.

(p2) Prescribed Burning

The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.

(p3) Property Development Burning

- (1)** The use of open outdoor burning during the process of converting land from one use to another. Property Development includes, but is not limited to, timberland conversion, the destruction of perennial crops by burning, clearing of land for residential, roads or other development.
- (2)** The removal and destruction of perennial crops by burning under a pest abatement order issued by the Agricultural Commissioner is not classified Property Development.

(r1) Range Improvement Burning

The use of open fires to remove vegetation for a wildlife, game or livestock habitat.

(s1) Silviculture

The establishment, development, care, and reproduction of stands of trees.

(s2) Smoke Management Plan

A District document specifying the conditions under which a specific prescribed burn may take place.

(t1) Timber Operations

Cutting and/or removal of timber or other forest vegetation.

(u1) Unapproved Combustibles

Any material other than vegetative matter, excepting poison oak and oleander, grown on the property where the burn occurs.

(w1) Wildland Vegetation Management Burning

The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency.

CHAPTER III PERMITTING

RULE 2-300 – CLASSIFICATIONS

(a) Open Outdoor Burning – Agriculture

With respect to the limitations of Rule 2-500 - Procedures, open outdoor fires may be allowed only for the disposal of approved combustibles only on permissive burn days in the following agricultural operations as defined in Rule 2-200:

- (1) Agricultural
- (2) Range Improvement
- (3) Forest Management
- (4) Wildlife Management
- (5) Wildland Vegetation Management

(b) Open Outdoor Burning – Non-agriculture

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations as defined in Rule 2-200 - Definitions:

- (1) Single or Two Family Dwellings yard cleaning
- (2) Property Development
- (3) Fire Hazard Reduction
- (4) Right-of-Way Clearing
- (5) Levee, Reservoir and Ditch clearing

RULE 2-310 – AIR QUALITY PERMITS FOR OPEN OUTDOOR BURNING

- (a) Air Quality Permits issued under these rules and regulations are valid only for the period stated on the permit, and in no case longer than one (1) year.
- (b) Under all conditions, permit requirements of the fire agency having jurisdiction in the area of the burn must be met in addition to any conditions required by the Air Quality Management District.
- (c) Opening burning is not authorized if it is conducted in violation of fire agency recommendations or requirements.
 - (1) Permits issued by the appropriate designated fire agency listed in Rule 2-340 are valid Air Quality permits for the purpose of this Regulation and include any of the following:

[Ref: CCR §80120]

(A) Agricultural Burning

Air Quality Permits are required from the District for the disposal of brush, prunings, and other vegetative matter on the property where grown, unless such burning is property development burning as defined in Rule 2-200 (p3)

[Ref: H&SC §41852]

(B) Single and Two-family Dwellings

Air Quality Permits may be required from the District for the disposal of brush, prunings, and other vegetative matter on the property where grown.

(C) Fire Hazard Reduction

Permits are required from the District for the disposal of standing brush, grass, brush clearance, and tree trimmings removed in compliance with local ordinances to reduce fire hazard on the property where grown.

- (2) Permits issued only by the Mendocino County Air Quality Management District include:

(A) Property Development

(B) Agricultural Burning Multiple Site Permit

- (3) Any burning authorized by the Air Quality Management District or a designated fire agency listed in Rule 2-340 to be conducted without a permit includes:

(A) Imminent Fire Hazard Preemption

The requirements for a permit under these regulations are preempted for the abatement of an imminent fire hazard as defined in Rule 2-200 (f1)(a) and pursuant to Health & Safety Code, Section 13055.

[Ref: H&SC §41802]

RULE 2-320 - AGRICULTURAL BURNING MULTIPLE SITE PERMITS

An Agricultural Burning Multiple Site Permit can be issued for agricultural land managers with multiple contiguous and noncontiguous parcels under common ownership or management.

- (a) The Agricultural Burning Multiple Site Permit is optional.
- (b) The use of an Agricultural Burning Multiple Site Permit shall not subject the applicant to a Smoke Management Plan unless one would be required under a standard permit for a given location.

- (c) The Air Pollution Control Officer may discontinue the issuance of Agricultural Burning Multiple Site Permits at any time.
- (d) Agricultural Burning Multiple Site Permits are valid from the date of issuance until the following September 30th.
- (e) Agricultural Burning Multiple Site Permits may be renewed each year.
- (f) On July 1 of each year, all holders of an Agricultural Burning Multiple Site Permit shall be notified by the District of the annual renewal fee based on the amount prescribed in Rule 2-410.
- (g) Agricultural Burning Multiple Site Permit holders shall notify the District of any changes, add or remove burn locations or cancelation of the permit at the time of renewal.
- (h) Failure to notify the District of any changes to the permit prior to renewal may result in late fees and/or penalties.
- (i) Agricultural Burning Multiple Site Permits are only valid for properties under the ownership or management of one legal entity. The Permit Holder shall notify the District of any change in ownership or management of the property during the period the permit is in effect.
- (j) Agricultural Burning Multiple Site Permits are not valid for residential burning or burning conducted by a government agency.

RULE 2-330 – SMOKE MANAGEMENT PLANS

Open outdoor burning of vegetative matter under Rules 2-300(a) and (b) may require a Smoke Management Plan be prepared by the Applicant, approved by the District, and kept on file with the District.

(a) Applicability

- (1) A Smoke Management Plan must be submitted and approved by the District 10 days prior to any open outdoor burn or series of burns conducted under Rule 2-300(a) and planned for a given season on a given parcel of land if any one of the following conditions are met:

- (A) The burn(s) is a broadcast burn and the burned area is expected to equal or exceed ten (10) acres.
- (B) The fuel loading for the burn(s) is calculated by the procedures and formulae in Appendix A, or any other method approved by the Air Pollution Control Officer, to equal or exceed fifty (50) tons.

- (C) The particulate emissions for the burn(s) is calculated by the procedures and formulae of Appendix A, or any other method approved by the Air Pollution Control Officer, to equal or exceed one (1) ton.

(b) Record Keeping and Reporting

- (1) A Smoke Management Plan Post Burn Annual Report must be completed and submitted to the District for all burning conducted between July 1st and June 30th of each year under a Smoke Management Plan meeting the conditions of Rule 2-330(a)(1).
 - (A) The District shall provide Annual Reporting Forms on or before July 1st of each year.
 - (B) The Smoke Management Plan holder shall return the Annual Reporting Form to the District in person or by mail postmarked no later than August 30th of each year.
 - (C) If no burning occurred during the reporting period the applicant shall indicate the information on the Annual Reporting Form and return it to the District no later than August 30th of each year.
 - (D) All fees due in accordance with Rule 2-410(d) shall be submitted to District with the Annual Reporting Form.
- (2) The responsible party for any wildfire ignited by human activity, or naturally ignited fires managed for multiple uses, shall be required to submit a Post Burn Annual Report to the District.
 - (A) The Air Pollution Control Officer may request additional information or a narrative statement about efforts to reduce smoke impact in the post burn report.
 - (B) The responsible party shall file the post burn report within 90 days of the conclusion of the event.

(c) Fee Requirements

- (1) A Smoke Management Plan shall not be valid until all fees as specified in Rule 2-410 - Fees, *et. seq.*, have been paid.
- (2) Annual post burn fees as specified in Rule 2-410 (d) shall be paid by August 30, of each year.

(d) Validity

- (1) Smoke Management Plans shall be valid for five (5) years from date of issuance.

RULE 2-340 – DESIGNATED AGENCIES

Burn permits meeting the requirements of Health and Safety Code, Section 41800 et seq. and issued by the following designated agencies for use within their areas of jurisdiction are valid Air Quality permits for the purpose of this Regulation:

Anderson Valley Community Services District
Brooktrails Community Services District Fire Department
California Department of Forestry and Fire Protection (CalFire)
City of Ukiah Fire Department
Fort Bragg Fire Department
Little Lake Fire Protection District
Long Valley Fire Protection District
Mendocino County Air Quality Management District
Redwood Coast Fire Department
Redwood Valley-Calpella Fire Protection District
Round Valley Fire Protection District
Ukiah Valley Fire District
United States Bureau of Indian Affairs
United States Forest Service
[Ref: H&SC §41801, 41853]

CHAPTER IV FEES

RULE 2-400 - OPEN OUTDOOR BURNING FEES

(a) Open Outdoor Burning Permit Fees

- (1) Every applicant for an air quality permit for open outdoor burning, including any federal, state or local government agency or public district, as required by the Rules and Regulations of the District or federal and state laws, shall pay a permit fee at the time of issuance in the amount prescribed in Rule 2-410.

[Ref: H&SC 40701.5(a)(3)]

- (2) Fire Agencies authorized to issue Burn Permits or Inter-Agency Burn Permits under Rule 2-340 and who chose to issue such permits, may set their own fee schedule.

- (A) Any fee requirement (or lack thereof) of a fire agency for the issuance of a Burn Permit or Inter-Agency Burn Permit by the fire agency listed under Rule 2-340 is considered to be in lieu of the corresponding District Permit Fee.

(b) Smoke Management Plan Fees

- (1) Every person filing a Smoke Management Plan, including any federal, state or local government agency or public district, as required by the Rules and Regulations of the District or federal and state laws, shall pay a Smoke Management Plan filing fee at the time of filing in the amount prescribed in Rule 2-410.

(c) Broadcast Acre and Fuel Tonnage Fees

- (1) Every person conducting a planned burn under a District approved Smoke Management Plan, including any federal, state or local government agency or public district, as required by the Rules and Regulations of the District or federal and state laws, shall pay a fee in the amount prescribed in Rule 2-410(d).
- (2) Every person, including any federal, state or local government agency or public district, conducting a planned burn originally under the *de minimus* requirements for a Smoke Management Plan as required by the Rules and Regulations of the District or federal and state laws, and whose burn escapes and whose final extent exceeds the *de minimus* requirements for a Smoke Management Plan shall pay a fee in the amount prescribed in Rule 2-410(d).
- (3) The District shall not charge a broadcast acreage fee and a fuel tonnage fee for the same fuel burned.
 - (A) The Air Pollution Control Officer, or his designated representative, shall determine which fuels shall be charged as broadcast acreage burns and which fuels shall be charged as fuel tonnage burns at the time of filing of the Smoke Management Plan.
 - (B) Escaped fires shall be charged as broadcast acreage burns for those blackened acres that extend beyond the original intended extent of the burn.

RULE 2-410 - FEE SCHEDULE

(a) Open Outdoor Burning Permit Application Fee

- (1) The Inter-Agency Burn Permit or Air Quality Permit Fee for Open Outdoor Burning shall be fifteen dollars (\$15).
- (2) No Inter-Agency Burn Permit or Air Quality Permit for Open Outdoor Burning issued by the District will be valid without an attached receipt, or stamp, or other official mark showing payment of fees.
- (3) Beginning California State Fiscal Year 2015-16 and every five years thereafter the Open Outdoor Burning Permit Fee shall be increased from the base fee set in Section (1) above by the cumulative California CPI factor since the implementation of the fee rounded up to the nearest dollar.

(b) Agricultural Burning Multiple Site Permit Application Fee

- (1) The Agricultural Burning Multiple Site Permit Fee for permits issued by the District shall be fifty (\$50.00) dollars.
- (2) No Agricultural Burning Multiple Site Permit issued by the District will be valid without an attached receipt, or stamp, or other official mark showing payment of fees.
- (3) Beginning California State Fiscal Year 2015-16 and every five (5) years thereafter the Agricultural Burning Multiple Site Permit Fee shall be increased from the base fee set in Rule 2-410(b)(1) by the cumulative California CPI factor since the implementation of the fee rounded up to the nearest dollar.

[Ref: H&SC 42311(a)]

(c) Property Development Burning Permit Application Fee

- (1) Property Development Burn Permits can only be issued by the District.
- (2) The Property Development Burn Permit Fee shall be one hundred and fifty dollars (\$150).
- (3) No Property Development Burn Permits issued by the District will be valid without an attached receipt, or stamp, or other official mark showing payment of fees.
- (4) Beginning California State Fiscal Year 2015-16 and every five years thereafter the Open Outdoor Burning Permit Fee shall be increased from the base fee set in Section (2) above by the cumulative California CPI factor since the implementation of the fee rounded up to the nearest dollar.

(d) Smoke Management Plan Filing Fee

- (1) The Smoke Management Plan Filing Fee shall be one hundred dollars (\$100).

- (2) The Smoke Management Plan Filing Fee shall be paid at the time of filing of the Plan.
- (3) Beginning California State Fiscal Year 2015-16 and every five years thereafter the Smoke Management Plan Filing Fee shall be increased from the base fee set in Section (1) above by the cumulative California CPI factor since the implementation of the fee rounded up to the nearest dollar.

[Ref: H&SC 42311(a)]

(e) Broadcast Acreage and Fuel Tonnage Emissions Fee

- (1) For each 25 acres of broadcast burning in any single burn season an additional fee of one hundred \$100 dollars shall apply.
- (2) For each 100 tons of piled woody vegetation burned in any single burn season an additional fee of one hundred \$100 dollars shall apply.
- (3) For each 10 tons of piled grasses or other non-woody vegetation burned in a single burn season an additional fee of one hundred \$100 dollars shall apply.
- (4) Beginning California State Fiscal Year 2015-16 and every five years thereafter the Broadcast Acreage and Piled Fuel Emissions Fees shall be increased from the base fee set above by the cumulative California CPI factor since the implementation of the fee rounded up to the nearest dollar.

RULE 2-420 – LATE FEE PENALTIES

- (1) Any fee imposed in accordance with Regulation 2 that is not paid by the due date on the invoice shall be increased by one and one half the amount thereof, and the District shall promptly notify the Permit Holder by mail of the increased fee.
- (2) If the increased fee is not paid within thirty (30) days of notice the permit shall be immediately suspended and the District shall so notify the Permit Holder by mail.
- (3) Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties.
- (4) No new permit shall be issued to any Permit Holder without payment of all past accrued fees and penalties.
- (5) The assessment of a late fee penalty shall not limit the District's right to pursue any other remedy provided for by law.

CHAPTER V PROCEDURES

RULE 2-500 – PROCEDURES

The following procedures, in addition to the limitations of Rule 2-130(a) apply to all burning allowed by Rule 2-300 – Permitting.

RULE 2-510 – AGRICULTURAL BURNS

- (a) The vegetative matter to be burned shall be reasonably free of dirt, soil and excess moisture and, whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- (b) All open outdoor burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, propane torches or other approved ignition devices.
- (c) The vegetative matter to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- (d) The vegetative matter shall be free of all unapproved combustibles as listed in Rule 2-130(a)(2).
- (e) The vegetative matter shall be allowed to dry for the following minimum time periods before burning:
 - (1) Trees and branches over 6 inches in diameter shall be dried 60 days.
 - (2) Brush, vines, bushes, prunings and small branches shall be dried 15 days.
 - (3) Field crops and weeds shall be dried 7 days.
- (f) The Air Pollution Control Officer shall determine drying times for other materials.
- (g) Minimum drying periods may be waived by the Air Pollution Control Officer only on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.
- (h) Burning of vegetative matter after shorter drying times may be allowed by permit from the District only on submittal of acceptable proof that the denial of such permit would threaten imminent and substantial economic loss.
- (i) Chemically treated brush shall be aged at least 60 days prior to burning.
- (j) All persons desiring to burn under the provisions of Rule 2-300(a)(4) shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper. [Ref: H&SC §41861]

RULE 2-520 - NON-AGRICULTURAL BURNS

- (a) Burning conducted under the provisions of Rule 2-310(c) and 2-310(d) in addition to any applicable restrictions of Rule 2-510 - Agricultural Burns, shall provide for the following:
- (1) All wood waste is to be free of material not grown at the site.
 - (2) Chemically treated brush shall be aged at least 60 days prior to burning.
 - (3) The vegetative matter shall be allowed to dry for the following minimum time periods before burning:
 - (A) Trees and branches over 6 inches in diameter shall be dried 60 days.
 - (B) Brush, vines, bushes, prunings and small branches shall be dried 15 days.
 - (C) Field crops and weeds shall be dried 7 days.
- (b) Burning materials shall be constantly attended by a responsible adult familiar with the permit limitations restricting open outdoor burning and with the ability to manage or extinguish the fire.
- [Ref: CUFC §1102.3.7]
- (c) The Air Pollution Control Officer may prohibit burning on permissive burn days if smoke would be transported to a nearby populated area.
- (d) The Air Pollution Control Officer may prohibit burning under the provisions of Rule 2-300 if the District determines that meteorological conditions could cause smoke to create or contribute to an exceedance of a state or federal air quality standard or cause a public nuisance.
- (e) The Air Pollution Control Officer may prohibit burning on permissive burn days if such a prohibition is requested by a responsible fire official.
- (f) The Air Pollution Control Officer may require inspection of burn piles prior to ignition.
- (g) Burning under the provisions of Rule 2-300(a)(5) shall be limited to 5000 total acres daily basin-wide.
- (h) Burning under the provisions of Rule 2-300(a)(5) shall be limited to 2000 total acres daily District-wide.

RULE 2-530 – BURN DAY DETERMINATION

(a) Method of Determination

Burn days shall be determined by the Air Resources Board. The procedures used shall be those specified for the North Coast Air Basin in the California Code of Regulations Section 80180 et seq.

[Ref: CCR §80180]

(b) Geographic Coverage

The Burn Day determination shall be made covering the entire Mendocino County Air Quality Management District. However, the Air Pollution Control Officer may impose more restrictive conditions for localized problem areas and times.

(c) Information Availability

24-hour burn day information as to whether a day is a permissive burn day or a no-burn day shall be available on a dedicated telephone line.

(d) Request for Advanced Notice

The holder of a valid Smoke Management Plan may request a permissive-burn or no-burn notice from the Air Resources Board in advance of a specific range improvement, forest management or wildland vegetation management burn.

(e) Long Range Advisories

A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns conducted under an approved Smoke Management Plan.

(f) Cancellation of Permissive Burn Notices

The ARB or the District may cancel permissive-burn notices that have been issued more than 24 hours in advance of a scheduled burn if the cancellation is necessary to maintain suitable air quality or if a cancellation is requested by an authorized Fire Official.

(g) Observed Holidays

The Air Pollution Control Officer shall designate the following days as no-burn days each year:

- New Years Day - January 1st
- Memorial Day - Last Monday in May
- Independence Day – July 4th
- Halloween Day – October 31st
- Thanksgiving Day and Day Following – 4th Thursday and Friday in November
- Christmas Day – December 25th

CHAPTER VI ENFORCEMENT

RULE 2-600 – PROHIBITIONS

(a) Prohibition from Burning on No Burn Days

No person shall set, or allow to be set, any open outdoor fire on days when prohibited by the Air Resources Board, or by the District, unless, specifically exempted by the provisions outlined in Rule 2-130(b).

[Ref: H&SC §41854(a)]

(b) Prohibition from Burning Without a Permit

No person shall set, or allow to be set, any open outdoor fire as may be allowed by Rule 2-310, Rule 2-320 and Rule 2-330 without a valid permit from a designated Fire Agency and/or the District as required in Rule 2-340.

[Ref: H&SC §41852]

(c) Prohibition from Burning Without a Smoke Management Plan

No person shall set, or allow to be set, any open outdoor fire as may exceed the *de minimus* limits as established in Rule 2-330 – Smoke Management Plans, without a valid Smoke Management Plan on file with the District.

(d) Prohibition from Conducting Property Development Burning Without a Permit

No person shall set, or allow to be set, any open outdoor fire as defined by Rule 2-200 (p3) Property Development – without a valid Property Development Open Outdoor Burn Permit from the District.

[Ref: H&SC §41863]

RULE 2-610 – PENALTIES

(a) Criminal Penalties

(1) Except as otherwise provided in Health and Safety Code, Sections 42400.1, 42400.2, 42400.3, 42400.3.5, or 42400.4, any person found in violation of this regulation is guilty of a misdemeanor and is subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for not more than six months, or both.

(2) Each day during any portion of which a violation occurs is a separate offense.

(b) Civil Penalties

(1) Except as otherwise provided in Health and Safety Code Section 42402.1, 42402.2, 42402.3, or 42402.4, any person who violates any order, permit, rule or regulation of the District or of the District's Hearing Board may be liable for civil penalties of in accordance with Health and Safety Code, Section 42402 et. seq.

(2) Each day during any portion of which a violation of subdivision (1) occurs is a separate offense.

(c) **Administrative and Investigatory Cost Recovery**

- (1) The Air Quality Management District shall retain the right to include administrative and investigatory costs incurred by the District in addition to any fine or civil penalty issued against any person found in violation of the open outdoor burning requirements stated in this Regulation.

[Ref: H&SC §42400]

(d) **Unauthorized Outdoor Fires**

- (1) In addition to any penalties imposed under Rule 2-610(a) the cost of putting out any unauthorized open outdoor fire may be imposed on any person violating Rule 2-130(a) of this Regulation.

[Ref: H&SC §42400.5]

(e) **Violation of an Order of Abatement**

- (1) Any person who intentionally or negligently violates any order of abatement issued by the District pursuant to Health & Safety, Section 42450, by the Hearing Board pursuant to Health & Safety Code, Section 42451, or by the state board pursuant to Health & Safety Code, Section 41505 shall be liable for a civil penalty in accordance with Health and Safety Code Section 42400 et. seq.
- (2) Each day during any portion of which a violation occurs is a separate offense.

[Ref: H&SC §42401]