

# REGULATION 2

## OPEN OUTDOOR BURNING PROCEDURES

### MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

#### TABLE OF CONTENTS

#### CHAPTER 1

<a href="#"><u>RULE 2-100 - TITLE</u></a> .....	PAGE	1-1
<a href="#"><u>RULE 2-110 – PURPOSE</u></a> .....	PAGE	1-1
<a href="#"><u>RULE 2-120 – ADMINISTRATION</u></a> .....	PAGE	1-1
<a href="#"><u>RULE 2-121 – SEVERABILITY</u></a> .....	PAGE	1-1
<a href="#"><u>RULE 2-130 – GENERAL PROVISIONS</u></a> .....	PAGE	1-2
<a href="#"><u>RULE 2-130(a) - Restrictions</u></a> .....	PAGE	1-2
<a href="#"><u>RULE 2-130(b) – Exemptions</u></a> .....	PAGE	1-3
<a href="#"><u>RULE 2-140 – SMOKE MANAGEMENT PROGRAM</u></a> .....	PAGE	1-3
RULE 2-140(a) – Purpose.....	PAGE	1-3
RULE 2-140(b) – Adoption and Amendments.....	PAGE	1-3

#### CHAPTER 2

<a href="#"><u>RULE 2-200 - DEFINITIONS</u></a> .....	PAGE	2-1
RULE 2-200(a1) - Agricultural Burning.....	PAGE	2-1
RULE 2-200(a2) – Air Quality Permit.....	PAGE	2-1
RULE 2-200(A3) - ARB.....	PAGE	2-1
RULE 2-200(a3) - Approved Combustibles.....	PAGE	2-1
RULE 2-200(b1)- Black Acres.....	PAGE	2-1
RULE 2-200(b2) - Brush Treated.....	PAGE	2-1
RULE 2-200(b2) – Burn Permit.....	PAGE	2-1
RULE 2-200(c1) - Cooking and Warming Fires.....	PAGE	2-2
RULE 2-200(d1) - Designated Agency.....	PAGE	2-2
RULE 2-206(d2) - District.....	PAGE	2-2
RULE 2-200(f1) - Fire Hazard.....	PAGE	2-2
(1) – imminent.....	PAGE	2-2
(2) – potential.....	PAGE	2-2
RULE 2-200(f2) - Forest Management Burning.....	PAGE	2-2
RULE 2-200(i1) – Inter-Agency Burn Permit.....	PAGE	2-2
RULE 2-200(n1) - No Burn Day.....	PAGE	2-2
RULE 2-200(n2) - North Coast Air Basin.....	PAGE	2-3
RULE 2-200(o1) - Open Outdoor Fire.....	PAGE	2-3
RULE 2-200(p1) - Permissive Burn Day.....	PAGE	2-3
RULE 2-200(p2) - Prescribed Burning.....	PAGE	2-3
RULE 2-200(r1) - Range Improvement Burning.....	PAGE	2-3
RULE 2-200(s1) - Silviculture.....	PAGE	2-3
RULE 2-200(s2) – Smoke Management Plan.....	PAGE	2-3
RULE 2-200(t1) - Timber Operations.....	PAGE	2-3
RULE 2-200(w1) - Wildland Vegetation Management Burning.....	PAGE	2-3

## TABLE OF CONTENTS (continued)

### CHAPTER 3

<b><u>RULE 2-300 - PROCEDURES</u></b> .....	PAGE 3-1
<b>RULE 2-300(a) – Open Outdoor Burning - Agricultural</b> .....	PAGE 3-1
<b>RULE 2-300(b) - Open Outdoor Burning - Non Agricultural</b> .....	PAGE 3-1
<b><u>RULE 2-301 – AIR QUALITY PERMITS OPEN OUTDOOR BURNING</u></b> .....	PAGE 3-1
<b>RULE 2-301(a) – Agricultural Burning</b> .....	PAGE 3-1
<b>RULE 2-301(b) – Single and Two family Dwellings</b> .....	PAGE 3-1
<b>RULE 2-301(c) – Property Development</b> .....	PAGE 3-2
<b>RULE 2-301(d) – Fire Hazard Reduction</b> .....	PAGE 3-2
<b>RULE 2-301(e) – Imminent Fire Hazard Preemption</b> .....	PAGE 3-2
<b><u>RULE 2-302 – SMOKE MANAGEMENT PLANS</u></b> .....	PAGE 3-2
<b>RULE 2-302(a) – Applicability</b> .....	PAGE 3-2
<b>RULE 2-302(b) – Schedule</b> .....	PAGE 3-3
<b>RULE 2-302(c) – Fees</b> .....	PAGE 3-3
<b><u>RULE 2-303 - BURN DAY DETERMINATION</u></b> .....	PAGE 3-3
<b>RULE 2-302(a) – Method of Determination</b> .....	PAGE 3-3
<b>RULE 2-302(b) – Geographic Coverage</b> .....	PAGE 3-3
<b>RULE 2-302(c) – Information Availability</b> .....	PAGE 3-3
<b>RULE 2-302(d) – Request for Advanced Notice</b> .....	PAGE 3-4
<b>RULE 2-302(e) – Long Range Advisories</b> .....	PAGE 3-4
<b>RULE 2-302(f) – Cancellation of Permissive Burn Notices</b> .....	PAGE 3-4
<b><u>RULE 2-304 – DESIGNATED AGENCIES</u></b> .....	PAGE 3-4

### CHAPTER 4

<b><u>RULE 2-400 - LIMITATIONS</u></b> .....	PAGE 4-1
<b><u>RULE 2-401 – AGRICULTURAL BURNS</u></b> .....	PAGE 4-1
<b><u>RULE 2-402 – NON-AGRICULTURAL BURNS</u></b> .....	PAGE 4-2

### CHAPTER 5

<b><u>RULE 2-500 - PROHIBITIONS</u></b> .....	PAGE 5-1
<b>RULE 2-500(a) – Prohibition from Burning on No Burn Days</b> .....	PAGE 5-1
<b>RULE 2-500(b) – Prohibition from Burning without a Permit</b> .....	PAGE 5-1
<b>RULE 2-500(c) – Prohibition from Burning without a Smoke         Management Plan</b> .....	PAGE 5-1
<b><u>RULE 2-501 - PENALTIES</u></b> .....	PAGE 5-1
<b>RULE 2-501(a) – Violation of Regulations or Permit Conditions</b> .....	PAGE 5-1
<b>RULE 2-501(b) – Unauthorized Outdoor Fires</b> .....	PAGE 5-1
<b>RULE 2-501(c) – Violation of an Order of Abatement</b> .....	PAGE 5-1

**TABLE OF CONTENTS (concluded)**

**CHAPTER 6**

**RULE 2-600 – OPEN OUTDOOR BURNING FEES**

**RULE 2-600(a) – Open Outdoor Burning Permit Fees..... PAGE 6-1**

**RULE 2-600(b) – Smoke Management Plan Fees..... PAGE 6-1**

**RULE 2-600(c) – Broadcast Acre and Fuel Tonnage Fees..... PAGE 6-1**

**RULE 2-610 – FEE SCHEDULE**

**RULE 2-610(a) – Open Outdoor Burning Permit Application Fee..... PAGE 6-2**

**RULE 2-610(b) – Smoke Management Plan Filing Fee..... PAGE 6-2**

**RULE 2-610(c) – Broadcast Acre and Fuel Tonnage Emissions Fee..... PAGE 6-2**

**RULE 2-620 – LATE FEE PENALTIES..... PAGE 6-3**

**APPENDIX A – PARTICULATE EMISSIONS CALCULATIONS..... Page A-1**

**PM-10 EMISSIONS CALCULATIONS FOR PILES..... Page A-1**

**PM-10 EMISSIONS CALCULATIONS FOR PRESCRIBED**

**BURNING OF VARIOUS FUEL TYPES..... Page A-2**

**EMISSION FACTORS FOR PRESCRIBED BURNING**

**OF VARIOUS VEGETATION TYPES..... Page A-3**

# **CHAPTER 1**

## **GENERAL PROVISIONS**

### **RULE 2-100 – TITLE**

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 Regulation of the Mendocino County Air Quality Management District.

The boundaries of the Mendocino County Air Quality Management District are coterminous with the existing boundaries of Mendocino County.

### **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 all air pollution control districts and air quality management districts in the California North Coast Air Basin 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 law.

### **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 2-121 – 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 Rule2-130(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.
  - (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 any 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.
- (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 by the Mendocino County Agricultural Commissioner.
- (6) Fires set in accordance with Chapter 3 - Procedures, of this Regulation, and subject to the restrictions and limitations of Rule 2-130(a) and Chapter 4 - Limitations, 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.

**(b) Adoption**

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

## **CHAPTER 2 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 Clean Air Act of 1977, and the Code of Federal Regulations 40 CFR 52.21 (August 7, 1980). 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.

**(a2) 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.

**(a3) ARB**

California Air Resources Board

**(a4) APCO**

Air Pollution Control Officer

**(a5) 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 ARB 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.
- (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.

**(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.

**(r1) Range Improvement Burning**

The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.

**(s1) Silviculture**

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

**(s2) Smoke Management Plan**

A District form specifying the conditions under which a 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 3 PROCEDURES**

### **RULE 2-300 – PROCEDURES**

#### **(a) Open Outdoor Burning – Agriculture**

With respect to the limitations of Rule 2-400, 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:

- (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 2-301 – AIR QUALITY PERMITS FOR OPEN OUTDOOR BURNING**

Air Quality Permits may be required under any of the conditions (a)-(d) listed below. However, under all conditions permit requirements of the fire agency having jurisdiction in the area of the burn must be met. Permits that may be required and/or issued by the appropriate designated fire agency listed in Rule 2-304 acts as an Air Quality Permit. Air Quality Permits issued under these regulations are valid only for the period stated on the permit, but in no case longer than one (1) year.

#### **(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.

#### **(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) Property Development**

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

**(d) 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.

**(e) 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.

**RULE 2-302 – 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 Permittee, approved by the District, and on file with the District.

**(a) Applicability**

- (1)** A Smoke Management Plan must be prepared on approved District forms and submitted to the District for 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 APCO, 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 APCO, to equal or exceed one (1) ton.
- (2)** A District “after burn” report must be filled out and submitted to the District for all burning conducted under a Smoke Management Plan meeting the conditions of Rule 2-302(a)(1) above by May 30 following each winter burn season.

(3) The responsible party for any wildfire ignited by human activity shall be notified by the District to file the “after burn” report required by the Smoke Management Program.

(a) The responsible party shall file the “after burn” report within 30 days of Notification by the District.

(b) Should the responsible party not be located, or fail to file the report within the allotted time the District shall gather the requisite information, and complete the report.

(c) When the responsible party is known, the District may bill the responsible party for District costs associated with completing the after burn report.

**(b) Schedule**

(1) The Permittee shall file the Smoke Management Plan required under Rule 2-302(a)(1) with the District at least thirty (30) days prior to the scheduled burn.

(2) The Permittee shall file that portion of the Smoke Management Plan required under Rule 2-302(a)(2) with the District within thirty (30) days after the scheduled burn.

**(c) Fees**

A Smoke Management Plan shall not be valid until all fees as specified in Rule 2-600 - Fees, *et. seq.*, have been paid.

**RULE 2-303 – BURN DAY DETERMINATION**

**(a) Method of Determination**

Burn days will be determined by the ARB Meteorological staff. The procedures used will be those specified for the North Coast Air Basin in the [California Code of Regulations §80180](#).

**(b) Geographic Coverage**

The Burn Day determination will 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**

Upon request from a permit holder through a designated agency in advance of a specific range improvement, forest management or wildland vegetation management burn a permissive-burn or no-burn notice may be issued by the ARB up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.

**(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.

**RULE 2-304 – 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  
California Department of Forestry  
Covelo Fire Protection District  
Fort Bragg Fire Department  
Little Lake Fire Protection District  
Long Valley Fire Protection District  
Mendocino County Air Quality Management District  
Potter Valley Community Services District  
Redwood Coast Fire Department  
Redwood Valley-Calpella Fire Protection District  
Ukiah Fire Department  
Ukiah Valley Fire District  
United States Bureau of Indian Affairs  
United States Forest Service

## **CHAPTER 4 LIMITATIONS**

### **RULE 2-400 – LIMITATIONS**

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

### **RULE 2-401 – 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, 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 APCO will determine drying times for other materials.
- (g) Minimum drying periods may be waived by the APCO 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) With respect to range improvement burning, 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.

## **RULE 2-402 - NON-AGRICULTURAL BURNS**

Burning conducted under the provisions of Rule 2-301(c) and 2-301(d) in addition to any applicable restrictions of Rule 2-401 - Agricultural Burns, shall provide for the following:

- (a) All wood waste is to be free of material not grown at the site.
- (b) **Chemically treated** brush shall be aged at least 60 days prior to burning. .
- (c) 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.
- (d) Burning materials shall be constantly attended by a person familiar with the permit limitations restricting open outdoor burning.
- (e) The APCO may prohibit burning on permissive burn days if smoke would be transported to a nearby populated area.
- (f) The APCO 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.
- (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.

## **CHAPTER 5 ENFORCEMENT**

### **RULE 2-500 – 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 ARB, or by the District, unless, specifically exempted by the provisions outlined in Rule 2-130(b).

#### **(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 2-301 and Rule 2-302 without a valid permit from a designated Fire Agency and/or the District as required in Rule 2-304.

#### **(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 2-302 – Smoke Management Plans, without a valid Smoke Management Plan on file with the District.

### **RULE 2-501 – PENALTIES**

#### **(a) Violation of Regulations or Permit Conditions**

Any violation of the open outdoor burning requirements stated in this regulation is a misdemeanor and is punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding one-thousand dollars (\$1,000.00) or both. Every day, during any portion of which such violation occurs, constitutes a separate offense.

#### **(b) Unauthorized Outdoor Fires**

In addition to any penalties imposed under Rule 2-501(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.

#### **(c) Violation of an Order of Abatement**

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 not to exceed twenty-five thousand dollars (\$25,000.00) for each day in which such violation occurs.

## CHAPTER 6 FEES

### RULE 2-600 - OPEN OUTDOOR BURNING FEES

The District shall implement the following annual fees associated with open outdoor burning:

**(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 2-610.
- (2) Fire Agencies authorized to issue Burn Permits or Inter-Agency Burn Permits under Rule 2-304 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 2-600(a)(2) is considered to be in lieu of the corresponding District Permit Fee.

**(b) Smoke Management Plan Fees**

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 2-610.

**(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 2-610(c).
- (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 2-610(c).
- (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 2-610 - 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 ten dollars (\$10).
- (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 2005-06 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 to the nearest dollar.

### **(b) Smoke Management Plan Filing Fee**

- (1) The Smoke Management Plan Filing Fee shall be fifty dollars (\$50).
- (2) The Smoke Management Plan Filing Fee shall be paid at the time of filing of the Plan.
- (3) Beginning California State Fiscal Year 2005-06 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 to the nearest dollar.

### **(c) Broadcast Acreage and Fuel Tonnage Emissions Fee**

- (1) The Broadcast Acreage Burn Fee for a given Smoke Management Plan shall be fifty cents (\$0.50) per black acre, not to exceed two hundred fifty dollars (\$250) per year.
- (2) The Fuel Tonnage Burn Fee shall be three cents (\$0.03) per ton of fuel burned not to exceed two hundred fifty dollars (\$250) per year.
- (3) Broadcast Acreage and Fuel Tonnage Burn Fees are due and payable with the filing of Part D – Post Burn Evaluation, of the Smoke Management Plan.
- (4) Beginning California State Fiscal Year 2005-06 and every five years thereafter the Broadcast Acre and Fuel Tonnage Burn 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 to the nearest five cents (\$0.05).
- (5) Beginning California State Fiscal Year 2005-06 and every five years thereafter the upper limits specified in sections (1) and (2) above shall be increased by the cumulative California CPI factor since the implementation of the fee rounded to the nearest twenty-five dollars (\$25) per year.

## **RULE 2-620 – LATE FEE PENALTIES**

- (1) Any fee imposed under Regulation 2 that is not paid within fifteen (15) days of billing shall be increased by one and one half the amount thereof, and the District shall promptly notify the Permittee 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 Permittee 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 permittee 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.

**APPENDIX A**  
**PARTICULATE EMISSIONS CALCULATIONS**  
**FOR SMOKE MANAGEMENT PLANS**

**Table 1**  
**PM-10 EMISSIONS CALCULATIONS FOR PILES**

1. Choose the pile size most representative of the piles on your burn site.
2. Multiply the number of piles in your project with the corresponding “Tons of PM10/Pile” value to get the total PM-10 tonnage.

<b>PM10 EMISSIONS FOR SPECIFIED PILE SIZES</b>		
<b>PILE SIZE (in feet)</b>	<b>PILE TONNAGE</b>	<b>TONS OF PM10/PILE</b>
4' diameter x 3' height	0.056	0.0005
5' diameter x 4' height	0.12	0.001
6' diameter x 5' height	0.21	0.002
8' diameter x 6' height	0.45	0.004
10' diameter x 6' height	0.71	0.007
12' diameter x 8' height	1.3	0.01
15' diameter x 8' height	2.1	0.02
20' diameter x 10' height	4.7	0.04
25' diameter x 10' height	7.4	0.07
50' diameter x 10' height	29	0.3
Pile Tonnage calculated using paraboloid volume formula multiplied by 30 lbs/cu.ft, multiplied by 0.2 packing ratio <sup>b</sup> U.S. Forest Service's Conformity Handbook, Table 6 -- PM10 Emissions Factor of 19.0 pounds/ton of fuel burned - average pile and burn slash <b>Revised 2/13/2001</b>		

- a. Formula used for Paraboloid Volume (cu. ft.) =  $3.1416 \times [\text{height} \times (\text{diameter})^2] / 8$  (see Reference b. below).
- b. USDA (2/1996). Forest Service General Technical Report. Report Number: PNW-GTR-364.

**Table 2**

**PM 10 EMISSION CALCULATION**

**FOR PRESCRIBED BURNING OF VARIOUS FUEL TYPES<sup>1,2</sup>**

Section 80160 (b) of Subchapter 2 Smoke Management Guidelines for Agricultural and Prescribe Burning, Title 17, California Administrative Code states, “requires the submittal of smoke management plans for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter”. To determine what the particulate matter (PM 10) amount is of your burn project please use the equation below and review the following examples.

**Information needed for PM 10 Calculations:**

- a. VT = Vegetation type
- b. ACRES VT = Estimated number of acres for VT
- c. FL est. = Estimated fuel loading in VT TONS per ACRE
- d. EV = PM10 emission/ton of fuel

Calculating PM10 Emissions from Prescribed Burning of multiple vegetation types:

$$\begin{aligned}
 \text{PM10 ton(s) emissions per VT} &= (\text{number of acres VT}) (\text{FL tons per acre}) (\text{Emission Value (EV)}) = \frac{\text{_____ ton(s)/VT}}{\text{_____ ton(s)/VT}} \\
 \text{PM10 ton(s) emissions per VT} &= (\text{number of acres VT}) (\text{FL tons per acre}) (\text{Emission Value (EV)}) = \frac{\text{_____ ton(s)/VT}}{\text{_____ ton(s)/VT}} \\
 \text{Sum Total is the Estimated PM 10 for the project} &= \text{_____ ton(s)/project}
 \end{aligned}$$

VEGETATION TYPE(S)	ACRES (VT) x	FL est. x	EV <sup>1</sup> PM10 EMISSIONS (ton(s))
Basing Sage/Low Sage	( ) x	( ) x	(0.010) = _____
Ceanothus	( ) x	( ) x	(0.010) = _____
Chamise	( ) x	( ) x	(0.009) = _____
Giant Sequoia	( ) x	( ) x	(0.007) = _____
Grass/Forb	( ) x	( ) x	(0.007) = _____
Hackberry Oak	( ) x	( ) x	(0.005) = _____
Hardwood (Stocked)	( ) x	( ) x	(0.003) = _____
Hardwood (Non-stocked)	( ) x	( ) x	(0.003) = _____
Jeffrey Pine/Knobcone	( ) x	( ) x	(0.007) = _____
Live Oak (Canyon)	( ) x	( ) x	(0.007) = _____
Live Oak (Interior)	( ) x	( ) x	(0.007) = _____
Lodgepole Pine	( ) x	( ) x	(0.007) = _____
Manzanita (Productive Brush)	( ) x	( ) x	(0.009) = _____
Mixed Chaparral/Montane	( ) x	( ) x	(0.008) = _____
Mixed Conifer	( ) x	( ) x	(0.006) = _____
Oak (Black)	( ) x	( ) x	(0.005) = _____
Oak (Blue)	( ) x	( ) x	(0.003) = _____
Oak (White)	( ) x	( ) x	(0.003) = _____
Pinyon Pine	( ) x	( ) x	(0.007) = _____
Ponderosa Pine, Gray Pine	( ) x	( ) x	(0.007) = _____
Red Fir	( ) x	( ) x	(0.007) = _____
Wet Meadow	( ) x	( ) x	(0.004) = _____
Willow	( ) x	( ) x	(0.007) = _____
Sum Total of the Estimated PM10 for the project in <u>tons/project</u>			= _____

- 1. See Table 3 on next page for values used to calculate EVs.
- 2. For vegetation types not listed, contact Air District for assistance with determining appropriate emission factors.

**Table 3**  
**EMISSION VALUES (EV) FOR PRESCRIBED BURNS**  
**OF VARIOUS VEGETATION TYPES\***

Estimated PM10 emission values for various vegetation types = (% combustion) x (PM10 emission lbs/ton) x (1 ton/2000 lbs)\*

VEGETATION	PM Emissions		PM10 EMISSION VALUE		
	%Combustion	(lbs/ton fuel)	Coverision Factor	(PM10 lbs emissions/ton fuel)	
Basing Sage/Low Sage	= (1.0)	x (20.17 lbs/ton)	x (1 ton/2000 lbs)	=	0.010
Ceanothus	= (1.0)	x (20.17 lbs/ton)	x (1 ton/2000 lbs)	=	0.010
Chamise	= (0.9)	x (20.17 lbs/ton)	x (1 ton/2000 lbs)	=	0.009
Giant Sequoia	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Grass/Forb	= (1.0)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Hackberry Oak	= (0.4)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.005
Hardwood (Stocked)	= (0.4)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.003
Hardwood (Non-stocked)	= (0.4)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.003
Jeffrey Pine/Knobcone	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Live Oak (Canyon)	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Live Oak (Interior)	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Lodgepole Pine	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Manzanita (Productive Brush)	= (0.9)	x (20.17 lbs/ton)	x (1 ton/2000 lbs)	=	0.009
Mixed Chaparral/Montane	= (0.8)	x (20.17 lbs/ton)	x (1 ton/2000 lbs)	=	0.008
Mixed Conifer	= (0.6)	x (20.5 lbs/ton)	x (1 ton/2000 lbs)	=	0.006
Oak (Black)	= (0.4)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.005
Oak (Blue)	= (0.4)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.003
Oak (White)	= (0.4)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.003
Pinyon Pine	= (0.6)	x (22 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Ponderosa Pine, Gray Pine	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Red Fir	= (0.6)	x (23.1 lbs/ton)	x (1 ton/2000 lbs)	=	0.007
Wet Meadow	= (0.6)	x (15 lbs/ton)	x (1 ton/2000 lbs)	=	0.004
Willow	= (0.6)	x (25 lbs/ton)	x (1 ton/2000 lbs)	=	0.007

\* Percent combustion and PM10 emission factors for various fuel types derived from Table 8, Section 6, "Air Quality Conformity Handbook" from the USDA-Forest Service Air Resources / Fire Management Pacific Southwest Region dated November 1995.

\*\* These are the vegetation's estimated emissions values(EV) from the vegetation type as determined above to be use when the burn operator provides the vegetation's fuel loading estimate per acre.

\*\*\* For additional information on emissions factors, see EPA document AP-42: "Compilation of Air Pollutant Emission Factors. Volume 1: Stationary Point and Area Sources," Fifth Edition, AP-42, January 1995, U.S. EPA. Table 2.5-5.