

MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT

REGULATION

III

OPEN BURNING

All references in this rule are to Health and Safety Code Sections 39000 thru 41864 and/or Sections 80100 thru 80310 of Title 17, Subchapter 2, Agricultural Burning Guidelines, California Code of Regulations (CCR). (Prior to January 1, 1988, the CCR was known as the California Administrative Code.)

RULE 300 - GENERAL DEFINITIONS

- A. **Agricultural Operation.** The growing and harvesting of crops, or the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation (CCR, Title 17, Sec. 80100 (F) (2) (A), or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution. Agricultural operations do not include forest management, range improvement, improvement of land for wildlife and game habitat, or disease or pest prevention or wildland vegetation management.
- B. **Agricultural Waste**
1. Unwanted or unsellable material produced wholly from agricultural operations.
 2. Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the fields, except as prohibited in this Regulation. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.
- C. **APCD.** The Air Pollution Control District of Mariposa County.
- D. **APCO.** The Air Pollution Control Officer of the Air Pollution Control District of Mariposa County, or designated representative
- E. **Approved Ignition Devices.** Those instruments or materials that will ignite open fires without the production of black smoke, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the APCO. Tires, tar, tar paper, oil and other similar materials are not approved.
- F. **ARB.** The California State Air Resources Board, or any person authorized to act on its behalf.

- G. **Designated Agency.** Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.
- H. **Forest Management Burning.** The use of open fires to remove forest debris or for practices which include timber operations, silvicultural practices, or forest protection practices.
- I. **Person.** Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- J. **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.
- K. **Residential Rubbish.** Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, ~~paper, cloth, cardboard,~~ tree trimmings, leaves, lawn clippings and dry plants.
- L. **Section.** As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the California Health and Safety Code.
- M. **Silvicultural Practices.** Means the establishment, development, care, and reproduction of stands of timber.
- N. **Timber Operations.** The cutting or removal of timber or other forest vegetation.

RULE 301 – COMPLIANCE

- A. **Enforcement.** These Rules and Regulations shall be enforced by the APCO under authority of Sections 40001, 40702, 40752, and all officers empowered by Section 40120.
- B. **Penalty.** A violation of the provisions of this Regulation, or of Section 41852 or 41800 is a misdemeanor punishable by imprisonment in the County Jail not exceeding nine (9) months or by fine not exceeding ten thousand dollars (\$10,000.00) or both, and the cost of putting out the fire. Every day during any

portion of which such violation occurs constitutes a separate offense. (Section 42400, 42400.1, and 42400.5)

RULE 302 - BURNING PERMIT

302.1 Requirements

- A. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency. (Section 41852)

- B. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:
 - 1. Name and address of the applicant.
 - 2. Location of proposed burn.
 - 3. Acreage or estimated tonnage, and type of material to be burned
 - 4. Any other information the APCO or the designated agency may deem pertinent.

- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import:

**"THIS PERMIT IS VALID ONLY ON THOSE DAYS DURING WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT, PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
(Section 41854).**

- D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.

- E. The designated agency shall forward the permit information received from applicants to the APCO upon request.

302.2 Exception The APCO may exempt Residential and Recreational Activities as defined.

RULE 303 - NO-BURN DAY

303.1 Prohibition

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

303.2 Exception

The APCO may issue a permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss.

RULE 304 - BURNING MANAGEMENT

304.1 Requirements

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke.
- B. Except for large trees (diameter of six or more inches), only the amount that can reasonably be expected to completely burn within the following twenty-four hours shall be ignited in any one day.
- C. All outdoor fires shall be ignited only with approved ignition devices.
- D. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- E. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.
- F. No material shall be burned unless it is free of tires, rubbish, tar paper, and construction debris is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner to promote drying and insure combustion with a minimum of smoke.

RULE 305 - MINIMUM DRYING TIMES

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

- A. A minimum of three days for green straw and stubble.
- B. Sufficient time for agricultural waste such as orchard prunings, small branches, vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- C. A minimum of six weeks for trees stumps, and large branches greater than six inches in diameter.
- D. Under Forest Management Burning the drying time shall be specified by the designated agency.
- E. Under Range Improvement Burning the brush shall be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn if economically and technically feasible

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

RULE 306 - AGRICULTURAL BURNING

- A. Agricultural Burning is defined in this rule as any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in Forest Management Burning, Range Improvement Burning, Wildland Vegetation Management Burning, or the improvement of land for wildlife and game habitat, or disease or pest prevention. (Section 39011)
- B. Agricultural Burning is also defined in this rule as any open outdoor fire used in the operation or maintenance of a system for the delivery of water for purposes specified in Subdivision A of this rule
- C. Permissive-Burn or No Burn Days.
 - 1. A notice as to whether the following day is a permissive-burn day, or no-burn day, or whether the decision will be announced the following day, shall be provided by the ARB Board by 3:00 p.m. daily for each of the air basins. If the decision is made the following day it shall be announced by 7:45 a.m. Such notices shall be based on the Meteorological Criteria for

Regulating Agricultural Burning, Article 3, Section 80290 of the Agricultural Burning Guidelines.

2. Agricultural burning is prohibited on no-burn days, except as specified in Section 80102, Section 80120, subdivisions (d) and (e), and as may be permitted by a provision in an implementation plan adopted pursuant to Section 89150 (c) (5).
3. Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetation management burn, at any elevation below 6,000 ft. (msl), a permissive-burn or no-burn notice will be issued by the State Board 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.
4. Notwithstanding subdivision (c) of Section 80110, the ARB may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.
5. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subdivision (c) of Section 80110.

306.1 Agricultural Burning Requirement

- A. Agricultural burning is allowed by complying with the following Rules:
 1. 302 Burning Permit Requirement
 2. 303 Burn Days
 3. 304 Burning Management
 4. 305 Minimum Drying Time
- B. Burning conducted by a Public Agency or through a cooperative agreement or contract involving a Public Agency, shall comply with Rule 307, instead of this Rule.
- C. No burning shall be conducted for the improvement of land for wildlife or game wildlife or game habitat until the person who desires to conduct the burning files with the APCO a written statement from the Department of Fish and Game that certifies that the burning is desirable and proper. If the Department of Fish and Game wishes to conduct the burn itself, it shall, on its own behalf, issue and file the statement. (Section 41861).
- D. Agricultural waste material shall be windrowed or piled where possible, unless good silviculture practice dictates otherwise.

306.2 Exemptions

- A. The burning of empty sacks or containers which contain pesticides or other toxic substances is exempt from 306.1, provided that the sacks or containers are within the definition of Agricultural Waste - Rule 300(B).

- B. Open burning of agricultural waste above 3,000 feet and agricultural burning above 6,000 feet shall be exempt from Sections A through C of this Rule.

RULE 307 - WILDLAND VEGETATION MANAGEMENT BURNING

A. Wildland Vegetation Management Burning

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

B. Prescribed Burning

Prescribed Burning is defined in this rule as the planned application of fire to vegetation on land selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011

307.1 Wildland Vegetation Management Burning Requirements

- A. This rule applies to all burning which meets the definition as stated in Rule 307, regardless of whether such burning also meets another definition within this regulation.
- B. All open outdoor fires shall be ignited only with approved ignition devices as defined in Rule 300.E.
- C. The APCO shall regulate total acreage or tonnage that may be burned each day within the district.
- D. The APCO will regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a State or Federal ambient air quality standard or cause a public nuisance.
- E. Vegetation burned under this rule shall be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil
- F. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.

307.2 Burn Plan

The following information will be provided to the APCO for review and approval at least 10 days in advance of the proposed burn:

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

307.3 Exemptions

- A. The APCO may exempt project burns smaller in area or tonnage than threshold levels established by the District.
- B. The APCO may exempt projects located in zones as established by the District
- C. To receive a permissive-burn or no-burn notice, a permittee must submit a request for notice to the ARB at least seven days before the date of the burn. Such a notice will be issued up to 48 hours before the scheduled commencement of the burn project; however the ARB may cancel permissive-burn notices that have been issued more than 24 hours before project commencement if such cancellation is necessary) to maintain suitable air quality.

RULE 308 - NONAGRICULTURAL BURNING

308.1 Prohibition

Except as otherwise provided in this Regulation, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies. section 41800)

308.2 Exemptions

A. Land Development Clearing

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

1. Rule 302 Burning Permit Requirements
2. Rule 303 Burn Days
3. Rule 304 Burning Management
4. Rule 305 Minimum Drying Time

B. Ditch and Road Maintenance

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

1. Rule 302 Burning Permit Requirements
2. Rule 303 Burn Days
3. Rule 304 Burning Management
4. Rule 305 Minimum Drying Time

C. Hazard Reduction

1. The burning of vegetation such as vines, bushes and waste from trees produced by fire safe clearing will be allowed when this burning is done in compliance with State and Local law or ordinance to reduce a fire hazard.
2. The burning shall be done in compliance with the following rules:
 - a. Rule 302 Burning Permit Requirements
 - b. Rule 303 Burn Days
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Time
3. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life, or property, or where other authorized officials determine that a health hazard exists and

that there is no alternative to burning, all other provision of this Regulation shall be waived.

D. Fire Suppression and Training

Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:

1. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees, and/or volunteer firemen, or on property used for industrial purposes, when instructing employees in the methods of fighting fires
2. Set or cause to be set backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resource Code. (Section 41801)

E. Residential Maintenance

The burning of Residential Rubbish shall be allowed under the following condition:

- a. Burning shall be allowed only on the premises where the material originated.
- b. Rule 303 Burn Days
- c. Burning shall be managed in compliance with Rules 304 and 305.

F. Recreational Activity

The use of open outdoor fires in recreational activities shall be allowed under the following conditions.

1. Material to be burned shall be limited to charcoal, untreated wood, or cooking fuels.
2. Burning shall be managed in compliance with Rule 305.
3. Only approved ignition devices will be used as stated in Rule 300.E.

G. Mechanized Burner Requirements

The APCO may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged for a period or periods aggregating more than 30 minutes in any eight hour period which is;

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

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A of these rules.

In authorizing the operation of a mechanized burner, the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this recalculation. section 41812)

H. The disposal by a City, County, State or Federal agency of non-industrial wood waste from trees, vines and brush at designated sites located above 1500 feet elevation mean sea level by open burning will be allowed. Burning under this subdivision requires a permit from the Air Pollution Control Officer, approval by the Air Resources Board, and is further subject to the conditions specified in Section 41803, 41804 and 41804.5 of the Health and Safety Code.