

Rule 300 Open Burning Requirements, Prohibitions and Exemptions

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RULE 300

- 1 PURPOSE:** The purpose of this Rule is to ensure that open burning in the District is conducted in a manner that minimizes emissions and smoke and is managed consistent with State and federal law.
- 2 APPLICABILITY**
 - 2.1** The provisions of this Rule shall apply to any person or land manager conducting, allowing, or using any open burning within the District, and to any person in possession of property or who exercises possessor rights on the property on which burning is performed.
 - 2.2** The provisions of this Rule shall apply to any open burning including, but not limited to:
 - 2.2.1** Agricultural burning;
 - 2.2.2** Non-agricultural burning such as land use conversion for non-agricultural purposes; or
 - 2.2.3** Residential burning.
- 3 EFFECTIVE DATE:** The provisions of this Rule shall be effective March 1, 2011.
- 4 EXEMPTIONS:** Nothing in this Rule shall be construed to prohibit:
 - 4.1 Agricultural Burning:** Burning for the disposal of agricultural waste authorized pursuant to Section 9 of this Rule “Agricultural Burning”.
 - 4.2 Animal Husbandry Branding:** Fires used in heating branding irons as necessary in animal husbandry practices provided that the fire does not contain prohibited materials.
 - 4.3 Backfires:** Burning operations conducted following Section 4426 of the Public Resources Code (PRC) as necessary to save life or valuable property.
 - 4.4 Disposal of Contraband:** Such fire must be set and tended by official law enforcement personnel and must have been deemed not disposable by any other means by such officials. Prior to such burns, the Butte County Air Quality Management District (DISTRICT) shall be informed of the place, date and time of the burn, and type and quantity of contraband to be disposed.
 - 4.5 Disposal of an Unserviceable American Flag:** Any disposal of an unserviceable American Flag that is no longer fit for display must be conducted in a respectful and dignified manner in accordance with California Health and Safety Code (HSC) Section (§) 41806(c).
 - 4.6 Filmmaking:** Fires set as part of a commercial film or video production activity for motion pictures or television provided that the fire is set or

allowed by the public fire official having jurisdiction, in the performance of official duty, and the fire is authorized in writing by the APCO.

- 4.7 Fire Hazard Reduction:** Burning may be conducted at multi-unit dwellings, by commercial entities, and on residential lots equal to or greater than one (1) acre when done for the purpose of compliance with local fire hazard reduction ordinances.
- 4.8 Fires Set by Public Officers:** Burning operations conducted by or permitted by any public officer authorized pursuant to Section 10.3 of this Rule.
- 4.9 Industrial Site Fire Training:** Burning operations on property used for industrial purposes for the instruction of employees in methods of fire fighting.
- 4.10 Non-Agricultural Burning:** Open burning set pursuant to Section 10 of this Rule including, but not limited to, fires set by a public officer or public entity, land clearing for commercial or residential property development, and fire hazard reduction burning.
- 4.11 Pesticide Application:** Open burning for the purpose of creating a smoke column during herbicide and/or pesticide applications as required by Title III of the California Code of Regulations (CCR), Section 6464(a), provided that all DISTRICT requirements are met. HSC §41701 shall not apply to smoke generated for this purpose.
- 4.12 Recreational Fires:** Open outdoor fires used for cooking food for human consumption or for recreational purposes providing the fire does not contain prohibited materials.
- 4.13 Residential Burning:** Burning for the disposal of vegetative waste authorized pursuant to Section 11 of this Rule.
- 4.14 Right-of-Way Clearing:** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir, ditch, or drainage maintenance authorized pursuant to Section 10.7 of this Rule.

5 DEFINITIONS

- 5.1 Agricultural Burning:** Open outdoor fires used in any of the following:
 - 5.1.1** Agricultural operations in the 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 for disease or pest prevention;
 - 5.1.2** The operation or maintenance of a system for the delivery of water for the purposes specified in Section 5.1.1 above; and
 - 5.1.3** Wildland vegetative management burning or forest management

burning, including silvaculture and timber operations, or prescribed burning.

- 5.2 Agricultural Waste(s):** Unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops. Agricultural waste includes: Grass and weeds growing in or on fence rows, ditch banks, levees, in or adjacent to fields in cultivation or being prepared for cultivation; vegetation removed for range improvement, for wildlife, game, or livestock habitat, forest management debris, or for the initial establishment of an agricultural operation on previously uncultivated land; fertilizer and pesticide sacks that are burned where the sacks are emptied on that field; material produced from the operation or maintenance of waterways used in agricultural operations. Agricultural waste does not include agricultural commodities such as baled rice straw or hay, either intact or spread after baling, hulls or shells removed through processing, or agricultural waste removed from the property where grown.
- 5.3 Air Pollution Control Officer (APCO):** The person appointed by the DISTRICT Board pursuant to HSC §40750 to serve as the APCO of the DISTRICT.
- 5.4 Approved Ignition Devices:** Instruments or materials that will ignite open fires without the production of black smoke as approved by the APCO. This would include such items as liquid petroleum gas, butane, or diesel oil burners, flares, or other similar materials. This does not include waste products or fuels, tires, tar, tar paper, oil and other similar materials.
- 5.5 Backfire:** A fire started in the path of an oncoming fire in order to deprive it of fuel and thereby control or extinguish it.
- 5.6 Brush Treated:** Material to be burned that has been felled, crushed or uprooted with mechanical equipment, has been desicated with herbicides, or is dead.
- 5.7 Burn Barrel:** A container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.
- 5.8 Burn Information Recorder:** The DISTRICT burn information recording, reached by calling a toll-free or local telephone number, which provides information regarding the burn day status (burn or no-burn) and other pertinent information.
- 5.9 Burn Permit or Air Quality Burn Permit:** A permit issued by the APCO of the DISTRICT that identifies the type(s) and quantity of materials to be burned at each location where burning is authorized and specifies conditions to be followed for the purpose of improving the combustibility of such waste

in order to reduce its smoke level.

- 5.10 Burn Season Month:** The months of January through June where residential burning is only authorized in the Magalia/Upper Ridge Area for a specific geographic location.
- 5.11 California Air Resources Board (CARB):** An organization which is part of the California Environmental Protection Agency (EPA) and oversees the activities of 35 local and regional air pollution control districts and reports directly to the Governor's Office in the Executive Branch of California State Government.
- 5.12 Chico Sphere of Influence:** The geographical area within Butte County as defined by the Butte Local Agency Formation Commission which encompasses the City of Chico and immediately adjacent areas.
- 5.13 Class I Area:** A mandatory visibility protection area designated pursuant to section 169A of the federal Clean Air Act.
- 5.14 Contraband:** Goods whose importation or exportation or possession is prohibited by law.
- 5.15 Crackle Test:** A procedure to test rice straw moisture by preparing a representative, composite sample of straw from under the mat and in the center of the mat from various parts of the field. If a handful of the composite sample crackles when bent sharply, the straw is deemed dry enough to burn.
- 5.16 Daily Acreage Allocation:** The maximum number of acres of agricultural waste, in rice equivalent acres, that may be burned per day in the Butte County Air Quality Management District as determined by the Smoke Management Program Coordinator (SMPC) by using the daily basinwide acreage allocation equation contained in the approved Agricultural Burning Plan per Title 17 CCR. Agricultural burning conducted above 2,000 feet is not included in the Daily Acreage Allocation.
- 5.17 Disposal:** Destruction or transformation of garbage or rubbish.
- 5.18 DISTRICT:** The Butte County Air Quality Management District having jurisdiction over Butte County.
- 5.19 Fire Agency Burn Permit:** A burn permit issued by a fire protection agency which includes conditions to be followed to protect people, property and the environment from fires, and for the prevention of high-intensity fires through reduction of the volume and continuity of fuels, or for disposal of vegetative waste.
- 5.20 Fire Hazard Reduction Burning:** Open burning conducted at multi-unit

dwellings, by commercial entities, and on residential lots equal to or greater than one (1) acre when done for the purpose of compliance with local fire hazard reduction ordinances.

- 5.21 Fire Protection Agency:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.
- 5.22 Forest Management Burning:** The use of open fires to remove forest debris as part of a forest management practice. Forest management practices include timber operations, silvicultural practices and forest production practices.
- 5.23 Garbage:** Discarded or useless material except vegetative wastes and agricultural wastes.
- 5.24 Incinerator:** Any device constructed of nonflammable materials, including containers commonly known as burn barrels, used for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.
- 5.25 Land Clearing:** The removal of vegetation from any site, parcel or lot for purposes of real estate development.
- 5.26 Land Manager:** Any federal, State, local, or private entity or person that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.
- 5.27 Magalia/Upper Ridge Area:** That portion of Butte County which is located within the Town of Paradise Sphere and is north of the Town of Paradise limits.
- 5.28 National Emissions Standards for Hazardous Air Pollutants (NESHAPs):** The emissions standards set by the federal government for an air pollutant that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness.
- 5.29 No-Burn Day:** Any day, or portion thereof, designated by the APCO, CARB, or a local, State or federal fire protection agency having jurisdiction over the burn location, during which no fires may be ignited and no material may be added to an approved existing fire except as authorized in Section 9 of this Rule.
- 5.30 Non-Agricultural Burning:** As regulated under HSC §41800, et. seq., all open burning set pursuant to Section 10 of this Rule including, but not limited to, fires set by a public officer or public entity, land clearing for commercial or residential property development, and fire hazard reduction burning.

- 5.31 Open Burning:** Combustion of any material of any type, outdoors in the open air, where the products of combustion are not directed through a flue, stack or chimney.
- 5.32 Paper Containers of Agricultural Chemicals:** Sacks or other receptacles that are predominately of paper and manufactured to contain pesticides, fertilizer, or toxic chemicals, and emptied and used in the field for purposes intimately associated with the growing and harvesting of crops.
- 5.33 Permissive Burn Day or Burn Day:** Any day, or portion thereof, on which allowable burning is not prohibited by the DISTRICT, CARB or any local, State or federal fire protection agency having jurisdiction over the proposed burn location and is authorized by the DISTRICT in accordance with the Smoke Management Program for Agricultural and Prescribed Burning, as set forth in Title 17 CCR.
- 5.34 Person:** Any person, firm, association, organization, partnership, business trust, corporation, limited liability company, company, State or local government agency, public district, or any officer or employee thereof, and the United States or its agencies, to the extent authorized by federal law.
- 5.35 Prescribed Burning:** The planned application and confinement of fire to wildland fuels on lands selected in advance of that application to achieve any of the objectives listed in HSC §39011. The planned application of fire may also include natural or accidental ignition.
- 5.36 Prescribed Fire Incident Reporting System (PFIRS):** The CARB web-based database which allows Districts and land managers the opportunity to submit Smoke Management Plans electronically and identify and schedule the burning activities planned in a geographical area in order to reduce smoke impacts to the public.
- 5.37 Prohibited Materials:** Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition wastes; tar paper; roofing material; wiring; flooring material; insulation; plywood; coated wire; disposable diapers and putrescible wastes; tires; tar; non-natural wood waste; processed, painted or treated wood products; metals; motor vehicle bodies or parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; swill; ashes; glass; industrial wastes; equipment; appliances; furniture; instruments; utensils; mattresses; shoes; cloth; rags; paper and paper products; cardboard; boxes; crates; excelsior and other packaging materials; offal, including the carcass of any dead animal; human or animal parts or wastes, including blood and fecal matter; food contaminated material; or any other non-vegetative material that when burned may discharge air contaminants that may cause a health risk to any person.

- 5.38 Prunings-Only Burn Day:** In accordance with the Sacramento Valley Smoke Management Program, any day, or portion thereof, designated by CARB or the DISTRICT as a day, or portion thereof, during which small fires for the purpose of disposing orchard prunings may be ignited.
- 5.39 Range Improvement Burning:** The use of open fires to remove vegetation for wildlife, game, or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.
- 5.40 Residential Burning:** An open outdoor fire for the disposal of natural vegetation from a single- or two-family dwelling on lots less than one (1) acre. Residential burning conducted on lots less than one (1) acre in size is not considered to be fire hazard reduction burning.
- 5.41 Residential Burn Day:** Any day which has been determined by the DISTRICT to be a Permissive Burn Day for residential burning.
- 5.42 Rice Equivalent Acres:** The quantity of particulate matter generated from the open burning of one (1) acre of rice straw after harvest, quantified as 6.3 pounds of PM10 (particulate matter which is measured at ten (10) microns in size) per ton of rice straw burned, with a fuel load of three (3) tons per acre.
- 5.43 Rubbish:** Useless waste or rejected matter; garbage.
- 5.44 Sacramento Valley Air Basin:** The geographical area including the following counties: Butte; Colusa; Glenn; Placer; Sacramento; Shasta; Tehama; Yolo Solano; and Yuba and Sutter (collectively "Feather River").
- 5.45 Sacramento Valley Air Basin Smoke Management Program:** The program which describes the policies and procedures used with hourly and daily measurements of air quality and meteorology to determine how much biomass burning can be allowed in the Sacramento Valley Air Basin, developed and approved pursuant to Title 17, CCR, Section 80140 et seq.
- 5.46 Silviculture or Timber Practices:** The establishment, development, care and reproduction of stands of timber.
- 5.47 Smoke Impact Liability:** Any person or land manager conducting, allowing, or using any open burning shall be held legally responsible for any injury, detriment, nuisance, or annoyance to a considerable number of persons or the public from the smoke generated by the open burning, including, but not limited to, a public nuisance as defined in HSC §41700.
- 5.48 Smoke Management Plan:** An operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The document shall be prepared for each fire by land managers to provide information and procedures required by the DISTRICT, in accordance with

the Sacramento Valley Air Basin Smoke Management Program, to minimize smoke impacts of the proposed burn project.

- 5.49 Smoke Management Program Coordinator (SMPC):** The Sacramento Valley Air Basin Smoke Management Program Coordinator who centralizes and computerizes burn data storage and communications. Daily, during the fall burn season, the SMPC collects and transmits information to the local air districts and CARB.
- 5.50 Smoke Sensitive Area:** Populated areas and other areas where the DISTRICT determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
- 5.51 State Responsibility Areas (SRAs):** Areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily the responsibility of the State.
- 5.52 Town of Paradise Sphere:** The geographical area within Butte County as defined by the Butte Local Agency Formation Commission which encompasses the Town of Paradise and adjacent areas, including the Magalia/Upper Ridge Area.
- 5.53 Variance:** Temporary exemption from DISTRICT rules or regulations granted to sources by the DISTRICT Hearing Board.
- 5.54 Wildland:** Any area where development is generally limited to roads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in ten (10) years), is not fallow, and is not in the United States Department of Agriculture Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.
- 5.54.1** For SRAs only, “Wildland” as specified in PRC Section 4464(f) means any land that is classified as an SRA pursuant to Article 3 (commencing with PRC Section 4125) of Chapter 1, Part 2 of Division 4 and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage; and,
- 5.54.2** “Wildland” also means any lands that are contiguous to lands classified as an SRA if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent SRA.

- 5.55 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, to burn land predominantly covered with chaparral, trees, grass, or standing brush as defined in Title 14, California Administrative Code, Section 1561.1.

6 GENERAL PROHIBITIONS

- 6.1** Except as provided in this Rule, no person or land manager shall conduct, allow, or use open fires for the purpose of disposal of any waste or other material.
- 6.2** All open fires shall be free of prohibited materials.
- 6.3** All vegetative material to be burned must be burned on the property where the material was grown. Material shall not be transported to another location to be burned.
- 6.4** A burn permit shall not be valid on a No-Burn Day. No person shall knowingly set or permit burning on a No-Burn Day except as provided in Sections 9.8 and 9.9 of this Rule. A person shall be deemed to have permitted burning if they allow the setting or use of a fire for disposal under their control, on land under their control, or by employees or other persons under their control.
- 6.5** It is unlawful to burn rubbish or garbage at dumps, landfills, or refuse disposal areas, or at any solid waste dump, whether public or private, or to burn garbage anywhere else in the County of Butte, except under a variance.
- 6.6** Open fires in orchards or citrus groves for the purposes of frost protection are prohibited.

7 BURN PERMIT REQUIREMENTS

- 7.1 General Requirements:** Except as provided in Section 7.4 below, a person shall obtain a valid burn permit issued by the APCO and follow the conditions specified on the permit to ensure adherence to this Rule prior to:
- 7.1.1** Igniting any open fire;
 - 7.1.2** Conducting, performing or participating in any open burning activity; or,
 - 7.1.3** Allowing open burning on any property under the person's possession.
- 7.2 Required Information:** Each permit applicant shall provide such information as is required by the DISTRICT and/or the designated fire protection agency for fire protection purposes.

- 7.3 Fees:** Fees for permitting shall be assessed in accordance with DISTRICT Regulation V-*Fees*.
- 7.4 Exemptions to Burn Permit Requirements:** The following are exempt from a DISTRICT burn permit (although other permitting requirements from fire protection agencies may be required):
- 7.4.1** Open outdoor fires used for cooking food for human consumption or for recreational purposes;
 - 7.4.2** Open burning of vegetation at one- or two-family residences on lots less than one (1) acre in size, provided that DISTRICT requirements and the requirements of fire protection agencies are both met;
 - 7.4.3** Open burning for the disposal of an unserviceable American Flag that is no longer fit for display in accordance with HSC §41806(c).
 - 7.4.4** Liquid Petroleum Gas and Natural Gas-Fired Burners designed and used to kill seedling grass and weeds in orchards and field crops, where the growth is such that combustion will not continue without the use of the burner;
 - 7.4.5** Fires Set by public officers, as allowed in Sections 10.3 and 10.4 of this Rule.
 - 7.4.6** Open burning for Fire Hazard Reduction, when conducted in accordance with a local fire agency permit, when required.

8 GENERAL BURN REQUIREMENTS, CONDITIONS AND PRACTICES

- 8.1 Designated Burn Period:** Only that amount of waste which can reasonably be expected to completely burn within the designated burn hours shall be ignited on any one (1) day, except:
- 8.1.1** Dry trees, uprooted stumps, and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within the burn hours; and,
 - 8.1.2** Vegetation greater than six (6) inches in diameter that continues to burn beyond the designated burn hours does not relieve the permittee from smoke impact liability.
- 8.2 Drying Time Requirement:** The elapsed time between cutting, felling or uprooting and ignition or burning shall be:
- 8.2.1** A minimum of thirty (30) days for trees, stumps and branches greater than six (6) inches in diameter;
 - 8.2.2** A minimum of fifteen (15) days for vines, bushes or branches less than or equal to six (6) inches in diameter.
 - 8.2.3** The drying time requirements stated in Sections 8.2.1 and 8.2.2 above do not apply to the following:
 - 8.2.3.1** Open burning of Manzanita or Scotch Broom; and,
 - 8.2.3.2** Open burning for control of pests as authorized by the Butte County Agricultural Commissioner.
 - 8.2.4** The drying time requirements stated in Sections 8.2.1 and 8.2.2 may be waived by the APCO for good cause at the discretion of the

APCO. The adequacy of cause to waive the drying time requirements shall be decided on a case-by-case basis by the APCO.

- 8.3 Fire Control:** All fires shall be reasonably controlled and contained so that the fire does not escape.
- 8.4 Fire Protection Agencies:** Local fire-protection agencies may have additional burning requirements for fire safety. At all times the local fire protection agency having jurisdiction over the respective burn site must provide authorization for burning. Nothing in these regulations shall be construed as limiting the power of the fire protection agencies from requiring or enforcing stricter standards.
- 8.5 Fire Suppression:** Any open burning that is in violation of this Rule may be subject to being extinguished by any fire control agency when so requested by the APCO. The cost of fire suppression may be charged to the person, persons, business, firm, or corporation responsible for the fire. This provision is in addition to any other penalties that are authorized by HSC §42400 through §42404 and the provisions of this Rule.
- 8.6 Ignition Devices:** All open fires shall be ignited with an approved ignition device.
- 8.7 Required Conduct:** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, nor shall allow the open burning activity on any property under the person or land manager's control that is in violation of any State law, Statute, or DISTRICT Rule or Regulation.
- 8.8 Restriction Of Burning During Poor Air Quality Conditions:** The APCO may restrict burning on burn days if such burning could cause or contribute to extreme adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of an Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the APCO or by the permittee.
- 8.9 Smoke Minimization:** All vegetative wastes to be burned shall be reasonably free of dirt, soil, visible surface moisture, and moisture content in order to minimize smoke production. Vegetation shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum amount of smoke.
- 8.10 Strict Liability:** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of this Rule is strictly liable for any violation of this Rule. A

contractor or agent acting on behalf of the person in possession of the property is also strictly liable for any violation. In addition, a parent or legal guardian of any minor violating this Rule shall be strictly liable for the minor's conduct and violation(s).

8.11 Suspension of Burning Privilege: The APCO may suspend all burn privileges for any person or location for any violation of this Rule. Burning privileges may be reinstated after resolution of the violation(s) with the DISTRICT.

8.12 Wind Direction: Burning shall not be ignited when the wind direction is such that smoke from the burning of such waste would be blown or carried into a nearby populated area and could create a public nuisance.

9 AGRICULTURAL BURNING

9.1 General Conditions: Unless specifically exempted in Section 7.4 of this Rule, agricultural burning shall be subject to permitting requirements and are also subject to the General Burn Requirements, Conditions, and Practices described in Section 8 of this Rule.

9.2 Burn Hours: A person shall not commence any open burning before or after the burn hours, as follows:

9.2.1 For orchard prunings, brush and land clearing waste, burn hours are between 8:45 a.m. and one (1) hour before sunset;

9.2.2 Between March 1 and August 31, for all field crops, including rice, ditchbanks, weeds, and levees, burn hours are between 10:00 a.m. and 5:00 p.m.;

9.2.3 Between September 1 and February 28, for all field crops, including rice, ditchbanks, weeds, and levees burn hours are between 10:00 a.m. and 3:00 p.m. All fires shall be completely out by 4:00 p.m.; and,

9.2.4 CARB may restrict or relax the burn hours due to air quality factors. Any restriction or relaxation of burn hours shall only be enforceable on the day that the burn restrictions or relaxations are in effect.

9.3 Daily Acreage Allocation: No person shall cause an exceedance of the DISTRICT daily acreage allocation.

9.4 Field Crop Burn Limitation: No field crop acreage which was harvested prior to September 10 shall be burned during the period of October 1 through November 15 of each year unless written authority is given by the APCO.

9.5 Notice of Intent to Ignite: Prior to ignition of waste pursuant to a permit issued in accordance with this Rule, the permittee shall give notice of intent to ignite:

9.5.1 The permittee must contact the DISTRICT and receive verbal

authorization prior to burning any of the following:

- 9.5.1.1 Rice and other field crops;
- 9.5.1.2 Weeds and ditch banks;
- 9.5.1.3 Orchard removal;
- 9.5.1.4 Stumps;
- 9.5.1.5 Wildland vegetation management;
- 9.5.1.6 Forest management;
- 9.5.1.7 Range improvement;
- 9.5.1.8 Flood debris, pursuant to Section 9.7 below; or,
- 9.5.1.9 When restriction of burning during poor air quality conditions are in effect, pursuant to Section 8.8 of this Rule.

9.5.2 For burning brush or orchard waste, or for land clearing of less than five (5) acres, the permittee must call the agricultural burn information recorder and provide the following information:

- 9.5.2.1 Burn permit number;
- 9.5.2.2 Type of Crop;
- 9.5.2.3 Acreage to be burned; and,
- 9.5.2.4 Location of the burn.

9.6 **Paper Containers of Agricultural Chemicals:** The open burning of paper containers of agricultural chemicals must be conducted in accordance with EPA's Department of Pesticide Regulations Guidelines for Emptying and Burning of Pesticide Bags, Chapter 13, General Policy Guidelines, Bag Disposal. Burning shall be conducted at the site of application under the conditions of a burn permit issued to the grower or applicator, in accordance with proper disposal guidelines specified on the packaging and downwind from any person or susceptible crops. In addition, only one (1) day's accumulation of empty bags can be burned in any one (1) day. Only paper bags, inner bags, and paper outer containers may be burned. A commercial applicator, either ground or aerial, can burn properly emptied pesticide sacks where the bags are opened and emptied at the application site and under the agricultural burn permit issued to the grower or applicator.

9.7 **Flood Debris:** Agricultural fires set for the purpose of removing wood and vegetation debris deposited by floodwaters on agricultural lands may be authorized by the APCO provided that the person setting the fire maintains an active burn permit with the DISTRICT and provided that the person conducting the burn provides notice of intent to ignite prior to ignition of the waste. The fire must be set or allowed by the fire agency having jurisdiction and must be necessary for the continuing or maintaining of an agriculture operation as a gainful occupation.

9.8 **Permit to Burn on a No-Burn Day:** The APCO may authorize agricultural burning by special permit on days designated by CARB as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss or would cause a public health hazard. The granting of such a

special permit does not exempt the applicant from any other DISTRICT or fire control regulation. The applicant shall submit to the APCO in writing on a DISTRICT-provided form, the reason(s) why denial of the permit would cause imminent and substantial economic loss or a public health hazard. The daily acreage burned under this Rule shall conform with the Sacramento Valley Air Basin Guidelines and may be issued only when downwind metropolitan areas are forecasted to achieve ambient air quality standards.

- 9.9 Range Improvement Burning on a No-Burn Day:** The APCO may designate a period or a portion of such period from January 1st through May 31st each year, during which time range improvement burning may be conducted by permit on a No-Burn Day, provided that more than fifty (50) percent of the land has been brush treated. If the burn is performed primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.

CARB may prohibit range improvement burning under this Rule if such prohibition is required in order to prevent a violation of an Ambient Air Quality Standard.

- 9.10 Acreage Limitation on No-Burn Days:** The APCO shall limit the amount of acreage that can be burned with a special permit to burn on a No-Burn Day to 200 acres per day in rice acreage equivalents.

- 9.11 Rice Straw Burning:** In addition to the general agricultural burning requirements of this Rule, rice straw burning shall be performed in compliance with HSC §41865, the Sacramento Valley Smoke Management Program, and all of the following:

9.11.1 All rice harvesters shall employ a mechanical straw spreader to ensure even distribution of the straw. Rice straw may be left in rows provided that the straw meets the following drying time criteria. Drying times begin only after the entire field has been harvested.

9.11.1.1 Rice straw may be burned prior to the drying period specified if the straw passes the crackle test as described in Section 5.15 of this Rule, prior to burning;

9.11.1.2 For spread rice straw - three (3) day drying time;

9.11.1.3 For rowed rice straw - ten (10) day drying time;

9.11.1.4 For rice straw harvested with the “stripper header” - three (3) days after the first frost found on the field; or three (3) days after mowing and spreading or chopping straw; and

9.11.1.5 After a rain exceeding 0.15 inch (fifteen hundredths of an inch), rice straw shall not be burned unless the straw passes the crackle test.

9.11.2 When testing the straw for moisture using the crackle test, the person responsible for the fire shall test a composite sample in accordance with the Sacramento Valley Air Basin Smoke

Management Program;

9.11.3 Rice stubble is to be ignited only by strip firing into the wind or by backfiring except where and when extreme fire hazards are declared to exist by the appropriate fire control agency.

9.11.3.1 The APCO may authorize other lighting techniques if safety reasons exist or if the crop does not lend itself to the approved techniques.

9.12 Wildland Vegetation Management Burning:

9.12.1 A Smoke Management Plan shall be required for any proposed range improvement burn, forest management burn, or wildland vegetation management burn, regardless of size, which:

9.12.1.1 Will occur below a mean sea level (MSL) elevation of 1000 feet;

9.12.1.2 Encompasses a land area greater than ten (10) acres; or,

9.12.1.3 Is estimated to produce more than one (1) ton of particulate matter and which occurs at or above an MSL elevation of 1000 feet.

9.12.2 A Smoke Management Plan shall be submitted to the DISTRICT for review and approval at least 14 days prior to ignition and shall include the following information:

9.12.2.1 Amounts of material to be covered by the Smoke Management Plan;

9.12.2.2 Location and specific objectives of the burn project;

9.12.2.3 Type and condition of fuel and arrangement of the vegetation to be burned;

9.12.2.4 Direction and distances to populated or smoke sensitive areas;

9.12.2.5 Expected duration of the fire from ignition to extinction; and,

9.12.2.6 Identification of responsible personnel, including telephone contacts.

9.12.3 Projects which encompass a land area greater than 100 acres, are estimated to produce more than ten (10) tons of particulate matter, and/or will be conducted near smoke sensitive areas shall submit a Smoke Management Plan which includes information required in Section 9.12.2 above and shall also include the following additional information:

9.12.3.1 Meteorological prescription necessary for burning (i.e. temperature, humidity, wind speed, and wind direction);

9.12.3.2 Fuel prescription necessary for burning;

9.12.3.3 Smoke management criteria that the permittee or their designee will employ to make burn ignition decisions;

9.12.3.4 Map projection showing expected direction of smoke travel throughout the smoke dispersion period;

9.12.3.5 Specific contingency actions, including, but not limited

- to, fire suppression or containment techniques that will be used if smoke impacts occur or if metrological conditions deviate from those specified in the Smoke Management Plan;
- 9.12.3.6** Alternatives to burning shall be evaluated. When the analysis has been prepared pursuant to the National Environmental Policy Act or the California Environmental Quality Act, as applicable, the analysis shall be attached to the Smoke Management Plan;
- 9.12.3.7** Procedures for notifying the public and other agencies of the burn (i.e. fire agencies, local fire safe councils, neighboring air districts) shall be specified;
- 9.12.3.8** Appropriate signs shall be posted at burn sites; and,
- 9.12.3.9** Procedures for reporting public smoke complaints shall be specified.
- 9.12.4** Projects which encompass a land area greater than 250 acres or that continue to burn or produce smoke overnight (multi-day burns), or will be conducted near smoke sensitive areas shall submit a Smoke Management Plan that includes information required in Sections 9.12.2 and 9.12.3 of this Rule and also shall include the following additional requirements:
- 9.12.4.1** Specific monitoring procedures for the project which use visual monitoring or ambient particulate matter monitoring as approved by the DISTRICT;
- 9.12.4.2** Daily coordination between the permittee or their designee and the DISTRICT or CARB to assure prescription parameters set forth in the Smoke Management Plan are being met; and,
- 9.12.4.3** Submission of a post-burn smoke management evaluation to the DISTRICT.
- 9.12.5** **Natural Ignition:** When natural ignition occurs on a No-Burn Day, the decision to “go/no-go” for resource benefit shall be determined through consultation between the land manager or their designee and the DISTRICT to determine if the burn will satisfy smoke management requirements. The land manager or their designee shall submit a Smoke Management Plan consistent with this Rule within 72 hours of natural ignition.
- 9.12.6** **Acreage Limitation:** No more than 6,000 acres of wildland vegetation shall be ignited on any one (1) day within Butte County.
- 9.12.7** **Certificate From The CA Department of Fish and Game:** No range improvement burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the CA Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the APCO. As for burning conducted by the CA Department of Fish and Game, the department shall, on its

own behalf, issue and file such statements.

10 NON-AGRICULTURAL BURNING

- 10.1 General Conditions:** Unless specifically exempted in Section 7.4 of this Rule, non-agricultural burning shall be subject to Burn Permit Requirements and are also subject to the General Burn Requirements, Conditions, and Practices described in Section 8 of this Rule.
- 10.2 Burn Hours:** Non-Agricultural burn hours are between 8:45 a.m. and one hour before sunset. No material shall be added to the fire after 3:00 p.m.
- 10.2.1** Alternate burn hours may be set for SRAs under the jurisdiction of the California Department of Forestry and Fire Protection, the U.S. Forest Service or local municipality;
- 10.2.2** When a fire agency burn permit is required, persons conducting burning shall comply with the burn hours established by the fire protection agency having jurisdiction over the burn site; and,
- 10.2.3** All persons conducting burning shall contact the local fire protection agency for seasonal and specific burn hour requirements prior to burning.
- 10.3 Fires Set By Public Officers:** Under HSC §41801, any public officer is authorized to set or permit a fire when such fire is, in his or her opinion, necessary for any of the following purposes:
- 10.3.1** The prevention of a fire hazard which cannot be abated by other means;
- 10.3.2** The instruction of public employees in the methods of fighting fire;
- 10.3.2.1** Burning of any structure shall be conducted in accordance with NESHAPs requirements and CARB guidelines. The structure to be burned shall be certified free of asbestos. Laboratory results of the asbestos testing shall be submitted to the APCO at least ten (10) days before burning; and,
- 10.3.2.2** The public officer shall notify the DISTRICT 48 hours before any burn conducted for the purposes of training.
- 10.3.3** The setting of backfires necessary to save life or valuable property pursuant to Section 4426 PRC;
- 10.3.4** The abatement of fire hazards pursuant to HSC §13055;
- 10.3.5** Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning as determined by the Public Health Officer or the Butte County Agricultural Commissioner and authorized by the APCO in writing;
- 10.3.6** The remediation of an oil spill pursuant to Section 8670.7 of the Government Code; and,
- 10.3.7** Disposal of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the Director of Forestry and Fire Protection

or duly authorized representative, the Butte County Agricultural Commissioner, or the APCO.

- 10.4 Disposal of Contraband:** Open outdoor fires may be used to dispose of contraband as required by official law enforcement personnel and as approved by the APCO. Prior to such burns, the DISTRICT shall be informed of the place, date and time of the burn, the type and quantity of contraband to be disposed, and the method of disposal.
- 10.5 Industrial Site Fire Training:** Open burning may be conducted for industrial site employee instruction in fire fighting methods and are subject to the following conditions:
- 10.5.1** Burning of any structure shall be conducted in accordance with NESHAPs requirements and CARB guidelines. The structure to be burned shall be certified as free of asbestos. Laboratory results of the asbestos testing shall be submitted to the APCO at least ten (10) days before burning.
- 10.5.2** The responsible party shall notify the DISTRICT not less than 48 hours before the commencement of any burn conducted for the purposes of training.
- 10.6 Land Clearing:** Open burning of natural vegetation on land being developed for real estate development purposes may be conducted pursuant to HSC §41802 through §41805 and are subject to the following conditions:
- 10.6.1** Prior to ignition of waste pursuant to a permit issued in accordance with this Rule, the permittee shall give notice of intent to ignite by contacting the DISTRICT and must receive verbal authorization prior to burn;
- 10.6.2** Before DISTRICT authorization shall be granted for the burning of wood waste from trees, vines, or bushes on property encompassing five (5) or more acres which is being developed for commercial or residential purposes, a DISTRICT inspection is required; and,
- 10.6.3** The local fire protection agency having jurisdiction over the respective burn site must also provide authorization for burning.
- 10.7 Right of Way, Levee, Reservoir, and Ditch Clearing:** Right of Way, Levee, Reservoir, and Ditch Clearing may be conducted by a public entity or utility pursuant to HSC §41807 and are subject to the following conditions:
- 10.7.1** Material growing in or on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted, or treated;
- 10.7.2** Prior to ignition of waste pursuant to a permit issued in accordance with this Rule, the permittee shall give notice of intent to ignite by contacting the DISTRICT and must receive verbal authorization prior to burn; and,
- 10.7.3** The local fire protection agency having jurisdiction over the respective burn site must also provide authorization for burning.

- 10.8 Fire Hazard Reduction:** Burning may be conducted at multi-unit dwellings, by commercial entities, and on residential lots equal to or greater than one (1) acre when done for the purpose of compliance with local fire hazard reduction ordinances.

11 RESIDENTIAL BURNING

- 11.1 General Conditions:** Residential burning is permitted under the authority of a permit issued by the designated fire protection agency when a fire agency permit is required. Such burning is also subject to the General Prohibitions described in Section 6 and General Burn Requirements, Conditions, and Practices described in Section 8 of this Rule as well as the following:
- 11.1.1** Residential burning shall only occur on declared permissive Residential Burn Days;
 - 11.1.2** Fire agency permits shall not be valid on Residential No-Burn Days. No person shall knowingly set or permit residential open burning on a Residential No-Burn Day;
- 11.2 Burn Hours:** Residential burn hours are between 8:45 a.m. and one hour before sunset. No material shall be added to the fire after 3:00 p.m. Alternate burn hours may be set for SRAs under the jurisdiction of the California Department of Forestry and Fire Protection, the U.S. Forest Service or local municipality.
- 11.2.1** When a fire agency burn permit is required, persons conducting residential burning shall comply with the burn hours established by the Fire Protection Agency having jurisdiction over the burn site;
 - 11.2.2** All persons conducting residential burning shall contact the local fire protection agency for seasonal and specific burn hour requirements prior to burning.
- 11.3 Performance Standards:**
- 11.3.1** No person shall dispose of any material from any property by burning outdoors in a burn barrel or incinerator unless exempted by Section 93113, Title 17 of the CCR.
 - 11.3.2** To minimize smoke impacts to nearby occupied dwellings, open fires shall be located more than 25 feet from any occupied dwelling located on an adjacent parcel.
 - 11.3.3** The maximum pile size shall not exceed four (4) feet in diameter.
 - 11.3.4** To minimize accidental ignition of prohibited materials, all areas within ten (10) feet of the outer edge of the burn pile shall be maintained to be free and clear of all flammable material and vegetation.
 - 11.3.5** A responsible adult shall be in attendance with a shovel at all times until the fire is dead out.
 - 11.3.6** A water hose or other water source that can readily apply adequate amounts of water to all parts of the burn site must be available.
 - 11.3.7** No burning shall be conducted unless site specific weather

conditions (particularly wind) are such that the burning can be considered safe.

11.3.8 The burning of Poison Oak is prohibited.

11.4 Additional Requirements for the Magalia/Upper Ridge Area: During the months of January through June, residential burning shall only be authorized for those areas north of Wycliff Way/Perry Road from the 1st through the 15th of each burn season month, and south of Wycliff Way/Perry Road from the 16th through the last day of each burn season month.

11.5 Additional Requirements for the Chico Sphere of Influence: Residential burning is prohibited on lots less than 0.90 acre in size in the unincorporated areas of Butte County which are within the Chico Sphere of Influence.

12 SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.