

Regulation II

Rule 201 – Prohibitions, General Requirements and Burn Day Determinations



*This Rule replaced Rule 201 General Prohibitions and Exemptions for Selected Open Burning.
The current version was adopted by the Governing Board via Resolution 2013-9 on December 11, 2013.*

Rule 201 – Prohibitions, General Requirements, and Burn Day Determinations

TABLE OF CONTENTS

- A. PROHIBITIONS**
 - 1. Nuisance
 - 2. Prohibited Materials
 - 3. Burn Permit
 - 4. Burning on No Burn Days Prohibited
 - 5. Burn Barrel
 - 6. Field Crop Ignition Methods
 - 7. Restriction of Burning During Poor Air Quality Conditions
 - 8. Populated Areas and Sensitive Receptors
 - 9. Burning Materials Not Grown Onsite
 - 10. Authorized Quantity, Notice of Escape, and Suppression

- B. GENERAL REQUIREMENTS**
 - 1. Required Permits
 - 2. Activities Exempt from Permit Requirements
 - 3. Burn Barrels
 - 4. Burn Hours
 - 5. Best Management Practices
 - 6. Drying Times
 - 7. Wind Direction
 - 8. Burning of Vines or Bushes Treated with Herbicides
 - 9. Certificates from Department of Fish and Wildlife
 - 10. Reporting
 - 11. Emergencies, APCO Authority to Suspend Requirements

- C. BURN DAY DETERMINATION**
 - 1. CARB No Burn Day
 - 2. Fire Prevention No Burn Day Designation
 - 3. Designated Smoke Management Areas

- D. PERMIT MODIFICATION, SUSPENSION, AND REVOCATION**

Rule 201 – Prohibitions, General Requirements and Burn Day Determinations

A. PROHIBITIONS

1. **Nuisance:** In no event shall open burning create a nuisance as determined by the APCO.
2. **Prohibited Materials:** No person may burn prohibited materials using open outdoor fires. For purposes of this Section, open outdoor burning includes the use of a burn barrel or incinerator that is not housed within a structure.
3. **Burn Permit:** No person may burn approved materials using open outdoor fires without a valid District burn permit, and in compliance with permit conditions.
4. **Burning on No Burn Days Prohibited:** No person may burn material on a calendar day that has been designated as a No Burn Day in the smoke management area where the burning is to take place. Notwithstanding this No Burn Day prohibition, burning may occur on a No Burn Day in accordance the terms and conditions of *No Burn Day Permit* issued pursuant to Rule 204.
5. **Burn Barrel:** Except as otherwise specifically authorized by Regulation II, the use of any type of burn barrel, incinerator, or similar device is prohibited except as specifically authorized in Section 2.3 of this Rule.
6. **Field Crop Ignition Methods:** Field crops, as identified by the District, shall be ignited only by strip firing or backfiring, or other burning techniques approved by the APCO.
7. **Restriction of Burning During Poor Air Quality Conditions:** The APCO may restrict burning on a permissive burn day if such burning could cause or contribute to potential adverse air quality conditions. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of any federal or State ambient air quality standard.
8. **Populated Areas and Sensitive Receptors:** As determined by the APCO, no burning may be conducted if meteorological conditions would cause an excessive amount of emissions to be transported into populated areas or sensitive receptor areas.
9. **Burning Material Not Grown Onsite:** No material may be transported to another location to be burned, except when the burning is conducted in compliance with a *Non-Standard Burn Permit* issued for that purpose, or as otherwise approved by the APCO.
10. **Authorized Quantity, Notice of Escape, and Suppression**
 - a. **Authorized Quantity:** No person shall allow any amount of combustible materials to be burned in excess of the amount authorized by the APCO pursuant to Rule 206, or the amount identified on the burn permit, whichever is less.
 - b. **Suppression:** For all burns that exceed the amount allowed in the burn authorization, the responsible party shall immediately undertake measures to suppress and control said burn. The burn must be extinguished to the satisfaction of the APCO.

- c. **Notification:** If any authorized burn escapes beyond what is authorized and escapes beyond their control, the responsible party shall immediately notify the local, State or federal fire protection agency having jurisdiction over the burn. The responsible party shall notify the District within one hour of the escape, or as soon as safely possible to do so.

B. GENERAL REQUIREMENTS

1. **Required Permits:** Prior to the burning of any Approved Material, written authorization from the District shall be obtained in the form of one of the following types of District burn permits. The Permittee shall comply with all conditions as outlined in the following Burn Permit(s) or as otherwise specified by the APCO.
 - a. **Standard Burn Permit:** A *Standard Burn Permit* issued pursuant to Rule 202 is required for the open outdoor burning of material arranged in a single pile that is no larger than four feet in diameter that is conducted at a single or two family residence.
 - b. **Non-Standard Burn Permit:** A *Non-Standard Burn Permit* issued pursuant to Rule 203 is required for the open outdoor burning performed at the locations and for the purposes identified below. Definitions for each of the types of burning can be found in Regulation I, Rule 101, and are further limited by the Sections below.
 - i. **Agricultural Burning:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or prescribed fires (prescribed burning) used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
 - ii. **Disposal Sites:** Open burning of vegetation at any site or location where solid waste is also transferred, sorted, or stored on a temporary or permanent basis.
 - iii. **Fire Hazard Reduction:** The intentional use of fire to reduce vegetative fuel loading and create a defensible space.
 - iv. **Habitat Improvement Burning:** Open burning of vegetation certified by the California Department of Fish and Game as being desirable and proper for the improvement or management of game or wildlife habitat.
 - v. **Property Development:** Open burning of vegetation that was felled or uprooted for the purpose of commercial land development that is conducted on the parcel of land where the vegetation was grown.
 - vi. **Residential Burning:** The open burning of one pile of material larger than four feet in diameter at the location of a single or two family dwelling.
 - vii. **Timber Harvest Burning:** The open burning of timer or other forest vegetation as a result of the harvest of timber products and silviculture practices.
 - viii. **Wild Land Vegetation 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.
 - c. **No Burn Day Permit:** A *No Burn Day Permit* issued pursuant to Rule 204 is required to burn on a No Burn Day.
 - d. **Fire Training Burn Permit:** A *Fire Training Burn Permit* issued pursuant to Rule 205 is required to burn combustible materials, including select prohibited materials, for the purpose of the instruction of personnel in the suppression and control of fire involving structures, vegetation, or wild land areas.
2. **Activities Exempt from Permit Requirements:** The open burning of select materials conducted in a specified manner under the limited circumstances identified in this Section are exempt from the requirement to obtain a Burn Permit.

- a. **Recreational Fire:** The use of open outdoor fires for the purpose of cooking food, recreation, or to provide warmth shall be exempt when the amount of material being burned, per parcel or campsite, is a single pile three feet in diameter and two feet high, or less. Only Approved Materials may be burned.
 - b. **Ceremonial Fires:** The use of open outdoor fires for ceremonial or religious purposes shall be exempt as follows:
 - i. When located on land parcels of less than one half acre, exempt fires shall be less three feet in diameter and two feet high, or less unless an alternate size is acceptable to the APCO.
 - ii. When located on land parcels one half acre in size or larger, pile size shall be limited to less than 15 feet in diameter, unless an alternate size is approved by the APCO.
 - c. **Ceremonial Flag Destruction:** The burning of an unserviceable United States of America or California State flag as permitted in accordance with applicable law or regulation.
 - d. **Back Fires to Protect Life and Property:** Burning operations conducted pursuant to §4426 of the Public Resources Code as back fires necessary to save life or valuable property shall be exempt from the requirements of Regulation II.
3. **Burn Barrels:**
- a. **Exempt Areas:** The District Governing Board may designate areas where the use of a burn barrel is permitted on Permissive Burn Days. Further, the Board may designate areas where the burning of dry, non-glossy paper and cardboard originating from, and being burned on the premises of a single or two family residence, may be allowed. The exemption may only be granted in areas that satisfy all of the requirements contained in this Section and meet the eligibility criteria listed below. In no event shall the exemption authorized by this Section extend beyond ten years from the date of approval by the CARB.
 - i. The residence is not in an incorporated location; and
 - ii. The residence lies within the boundaries of a census zip code or census zip code sub-area not served on a weekly basis by an organized waste disposal service; and
 - iii. The residence does not lie within the boundary of a jurisdiction that prohibits the burning of dry, non-glossy paper and cardboard as of January 1, 2014, or thereafter.
 - iv. Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons per square mile, the air district may renew the exemption for a period of ten years pursuant to §93113(e), Title 17 of the California Code of Regulations.
 - b. Open outdoor fires conducted pursuant to this Section shall comply with all applicable Sections of Regulation II.
4. **Burn Hours:** No person shall burn at times other than of the hours identified herein. The APCO may further restrict burn hours as necessary to protect the public health and safety or avoid a public nuisance.
- a. **Del Norte County**
 - i. **Standard Permit:** Burn hours are from 6:00 AM until 12:00 PM.
 - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.
 - b. **Humboldt County**
 - i. **Standard Permit:** Burn hours are from 6:00 AM until 12:00 PM.
 - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.
 - c. **Trinity County**
 - i. **Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset unless further restricted by the local fire protection agency.
 - ii. **Non-Standard Permit:** Burn hours are from 6:00 AM until one hour before sunset.

5. **Best Management Practices:** Material shall only be burned in accordance with the following Best Management Practices.
 - a. **Arrangement:** All material shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke.
 - b. **Quantity of Material:** No person shall ignite material in quantities or amounts in excess of what can reasonably be expected to completely burn within the burn period designated on the corresponding burn permit, or in amounts greater than authorized by the APCO pursuant to a Burn Authorization on any one (1) day.
 - i. **Exceptions:** When approved by the APCO, vegetation, trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within a calendar day. Burning vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the Permittee from smoke impact liability.
6. **Drying Times:** In order to lower the moisture content of material, the elapsed time between cutting, felling or uprooting, and of the ignition or burning of material shall be:
 - a. **Six Inches and Greater:** A minimum of thirty (30) days for trees, stumps and branches greater than six (6) inches in diameter.
 - b. **Smaller than Six Inches:** A minimum of fifteen (15) days for vines, bushes or branches less than or equal to six (6) inches in diameter.
 - c. **Exception:** In the event that vegetative material has been contaminated with infectious disease(s) or pest(s) and upon order by the County Agricultural Commissioner, the minimum drying times required by this Section shall not apply. A copy of the written order shall be supplied to the District prior to burning.
7. **Wind Direction:** In order to prevent the creation of a public nuisance, material authorized for burning may not be ignited when the wind direction has the potential to cause smoke from the burn to be carried into a nearby populated area or impact a Sensitive Receptor.
8. **Burning of Vines or Bushes Treated with Herbicides:** Notwithstanding the provisions of Section B.6 of this Rule, vines or bushes may be burned in place without being cut or uprooted if they are treated and desiccated with herbicides and allowed to dry at least six (6) months prior to ignition or burning.
 - a. **Exception:** The burning of vines or bushes treated with herbicides may be allowed by the APCO prior to the expiration of the six (6) month period when performed in accordance with a valid Burn Permit and where the applicant for a Burn Permit demonstrates to the satisfaction of the APCO that burning vines or bushes treated with herbicides, prior to the expiration of such six (6) month period, could be accomplished in a manner that would produce no more smoke than would be produced by the burning of the same type of vines or bushes that had been cut or uprooted and dried for fifteen (15) days.
9. **Certificates from Department of Fish and Wildlife:** Pursuant to the California Clean Air Act of 1988 (Health & Safety Code, §41800 et. seq.), the California Air Resources Board (CARB) has promulgated Agricultural Burning Control measures, including measures to reduce criteria pollutant emissions from open burning conducted for the purpose of improving land for wildlife or game habitat. For purposes of criteria pollutant emissions from agricultural open burning, the District hereby adopts CARB's Burning for Improvement of Wildlife or Game Habitat Regulation as set forth at 17 CCR Section 1561.1, and all amendments thereto, hereby incorporated by reference. A complete copy of said regulation is filed and available for use and examination by the public at the District office.

10. **Emergencies, APCO Authority to Suspend Requirements:** In the event of a natural disaster, or other emergency situation, the APCO may temporarily suspend the implementation of Regulation II. The suspension may continue until such time as the emergency has been abated as determined by the APCO.

C. **BURN DAY DETERMINATION:** The APCO shall determine whether a given calendar day is a permissive Burn Day or a No Burn Day.

1. **CARB No Burn Day:** In the event that the CARB has determined a given calendar day to be a No Burn Day in accordance with 17 CCR §80110, the APCO shall declare that day to be a No Burn Day.
2. **Fire Prevention No Burn Day Designations:** The APCO will not declare a permissive Burn Day for any area on any day where burning is prohibited, by any local, State or federal fire protection agency having jurisdiction over the site of the proposed burn.
3. **Designated Smoke Management Areas:** For the purposes of smoke management and burn day determination, the District shall designate three distinct areas within its jurisdiction as follows:
 - a. **Zone 1, Coastal Smoke Management Area** - all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix C), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the APCO.
 - b. **Zone 2, Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the APCO.
 - c. **Zone 3, Upper Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the APCO.

D. **PERMIT MODIFICATION, SUSPENSION, AND REVOCATION**

The APCO may evaluate and determine at any time that an existing burn permit must be modified, suspended, or revoked in order to protect the public health, or to prevent adverse environmental effects. When making such a determination, the APCO may consider the permit holder's compliance history or status, the potential for the creation of a public nuisance, requests or determinations made by fire protection, environmental health, or other law enforcement agencies, and any other information the APCO considers relevant.