



Air Pollution Control Board

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

DATE: September 25, 2002

TO: San Diego County Air Pollution Control Board

SUBJECT: PROPOSED REPEAL OF SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT RULES 101 THROUGH 112, AND ADOPTION OF NEW RULE 101, BURNING CONTROL (District: All)

SUMMARY:

Overview

The Air Pollution Control District is proposing to amend Regulation VI, Burning Control, by repealing existing burning control Rules 101 through 112 and replacing them with a single, new Rule 101, Burning Control. New Rule 101 will continue to require that open burning in San Diego County be conducted in a manner that minimizes emissions and smoke. It incorporates many of the requirements of existing Rules 101 through 112 and reflects current practices of the California Department of Forestry and Fire Protection, including those associated with burning vegetation for fire hazard reduction purposes. It also incorporates changes to the state Smoke Management Guidelines for Agricultural and Prescribed Burning contained in the California Code of Regulations (Title 17) adopted by the California Air Resources Board on March 23, 2000. It will strengthen oversight and planning for prescribed burning activities greater than ten acres in size or estimated to produce more than one ton of fine particulate matter by requiring a Smoke Management Plan be developed, approved and followed. It also incorporates existing practices of local fire protection agencies in regulatory open burning activities.

State law also requires air districts to develop and implement a Smoke Management Program to ensure smoke impacts on the public from open burning activities are minimized. The Smoke Management Program requires land managers to submit a Smoke Management Plan to the District showing how smoke impacts on smoke sensitive areas will be minimized. The District's Smoke Management Program is contained in Attachment E. The portion of the Smoke Management Program applicable to land managers who conduct open burning activities is included in Section (e) of new Rule 101. It is recommended that the Board also adopt the District's Smoke Management Program.

New Rule 101 was developed in close cooperation with federal, state, and local fire officials.

Pursuant to the California Environmental Quality Act, an Initial Study was prepared evaluating potential environmental consequences resulting from the proposed repeal

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and adoption. No significant adverse environmental effects were identified. Accordingly, a proposed Negative Declaration has been prepared. Pursuant to the California Environmental Quality Act, the Board must certify that the Negative Declaration reflects the Board's independent judgment of potential environmental consequences resulting from the proposed amendments.

A public workshop was held on May 9, 2002. A workshop report is provided as Attachment F.

Recommendation(s)

AIR POLLUTION CONTROL OFFICER

1. Consider the Initial Study and proposed Negative Declaration and adopt the Resolution adopting the Negative Declaration, making appropriate findings that: (a) the Initial Study and Negative Declaration reflect the Board's independent judgment and analysis; (b) considering the entire record before the Board, there is no substantial evidence that the proposed rule repeal and rule adoption may have a significant adverse environmental effect; (c) the Negative Declaration is adopted as a true and complete statement of potential environmental consequences resulting from proposed repeal of Rules 101-112 and adoption of proposed new Rule 101; and (d) there is no evidence in the entire record that proposed repeal of Rules 101-112 and adoption of proposed new Rule 101 will have an adverse effect on wildlife resources and, on the basis of substantial evidence, the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(d) has been rebutted.
2. After adopting the Negative Declaration, adopt the resolution repealing Rules 101-112, adopting new Rule 101, and approving the Smoke Management Program, and make appropriate findings:
 - (i) of necessity, authority, clarity, consistency, non-duplication, and reference as required by Section 40727 of the State Health and Safety Code;
 - (ii) that repealing Rules 101-112 and adopting new Rule 101 will alleviate a problem and will not interfere with the attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code); and
 - (iii) that an assessment of the socioeconomic impact of repealing Rules 101-112 and adopting new Rule 101 is not required by Section 40728.5 of the State Health and Safety Code because repealing Rules 101-112 and adopting new Rule 101 will not significantly affect air quality or emission limitations.
3. Approve the Certificate of Fee Exemption for De Minimis Impact Finding exempting the Air Pollution Control District from payment of fees to the California Department of Fish and Game.

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Fiscal Impact

There are no expected increased costs to the Air Pollution Control District. There will be minimal increased costs to public agencies required to prepare Smoke Management Plans because the information needed is readily available to them.

Business Impact Statement

The proposed revisions are consistent with state requirements on open burning activities. There will be little impact on businesses unless a land manager hires a business to prepare a Smoke Management Plan and conduct burning operations. No businesses attended the workshop, and no objections to the proposed changes have been raised.

Advisory Board Statement

There was no quorum at the Air Pollution Control Advisory Committee meeting. The members present recommended repealing Rules 101 through 112 and adopting new Rule 101 at its August 14, 2002, meeting.

BACKGROUND:

Rules 101 through 112 specify requirements for open burning activities in San Diego County. They are required to be consistent with state requirements regulating open burning. On March 23, 2000, the California Air Resources Board adopted amendments to state Smoke Management Guidelines for Agricultural and Prescribed Burning contained in the California Code of Regulations, Title 17, Sections 80100 – 80330. As a result, the Air Pollution Control District (District) is required to amend its open burning rules to be consistent with these amendments.

Because the format of Rules 101 – 112 is not consistent with other District rules and customers have found using multiple rules to be inefficient, it was decided to repeal Rules 101 – 112 and adopt new Rule 101.

Proposed new Rule 101 applies to burning operations, including burning of agricultural wastes remaining from harvesting of crops in agricultural areas, fire hazard reduction burning, residential waste burning, and fires set to train people in firefighting methods, including aviation firefighting methods. It continues to require that burn permits be obtained from designated fire agencies prior to burning. The purpose of the rule is to require open burning be conducted in a manner that minimizes emissions and smoke. The specific changes new Rule 101 makes to the open burning program are listed in Attachment A.

State law also requires air districts to develop and implement a Smoke Management Program to ensure smoke impacts on the public from open burning activities are minimized. The Smoke Management Program requires land managers to submit a Smoke Management Plan to the District showing how smoke impacts on smoke sensitive areas will be minimized. It also specifies the communications that must occur between land managers and the District concerning open burning activities, enforcement procedures, and other program implementation details. Program elements and requirements that districts must follow in developing Smoke Management Programs are specified in the law. District boards are required to formally approve district Smoke Management Programs either by board resolution or by adopting the plan as a rule or regulation. The District's Smoke Management Program is contained in Attachment E. It

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includes all requirements of state law. The portion of the Smoke Management Program applicable to persons who conduct open burning activities is included in Section (e) of new Rule 101. It is recommended that the Board also adopt the District's Smoke Management Program by resolution (Attachment D). Once the Smoke Management Program is approved by the Board, any necessary future changes can be made by the District without Board action unless the changes are substantial.

New Rule 101 was developed in close cooperation with federal, state, and local fire officials.

Socioeconomic Impact Assessment

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Repealing Rules 101-112 and adopting new Rule 101 will not significantly affect air quality or emission limitations, but rather enhance existing burn control oversight. Therefore, a socioeconomic impact assessment is not required.

California Environmental Quality Act

The District prepared an Initial Study pursuant to the California Environmental Quality Act (CEQA) to determine whether there is evidence that repeal of existing Rules 101-112 and adoption of new Rule 101 may have a significant environmental impact. The Initial Study revealed no substantial evidence that the proposed amendments may have a significant environmental impact.

Based on the Initial Study findings, a proposed Negative Declaration was prepared. The District published a Notice of Intent to adopt the proposed Negative Declaration and solicited comments during a 30-day review period. No public comments were received.

CEQA requires the Board to review the Initial Study, Negative Declaration, and any comments received. The Board must certify that the Negative Declaration reflects the Board's independent judgment of potential environmental consequences resulting from the proposed action.

Additionally, the District has prepared a Certificate of Fee Exemption for De Minimis Impact Finding pursuant to California Code of Regulations, Title 14, Section 753.5(c). This will exempt the District from payment of fees to the California Department of Fish and Game for reviewing the Negative Declaration if the Board finds, after considering the Initial Study and the record as a whole, there is no evidence that the proposed Rule 101 will have a potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, and the Board finds, on the basis of substantial evidence, that the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(d) has been rebutted. The District is recommending the Board make these findings.

Comparison with Existing Requirements

Health and Safety Code Section 40727.2(a) requires that whenever the District proposes adopting, amending, or repealing a rule or regulation, an analysis be prepared to identify and compare the air pollution control elements of the proposal with corresponding elements of existing or proposed federal or District requirements. Pursuant to Section 40727.2 (g), however, this analysis is not necessary if it is demonstrated that the proposed rule does not make an

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existing emission limit or standard more stringent, nor imposes new or more stringent monitoring, reporting, or recordkeeping requirements.

While some agencies will be required to submit and comply with a Smoke Management Plan, repealing Rules 101-112 and adopting new Rule 101 will not otherwise impose more stringent emission limits or standards or monitoring, recordkeeping, or reporting requirements. Additionally, there are no parallel existing or proposed federal burn control requirements. Therefore, the analysis described in Health and Safety Code Section 40727.2 (a) is not required.

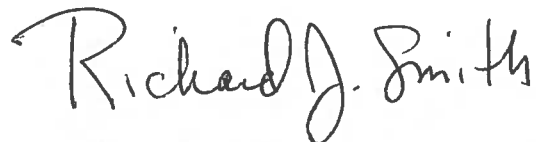
Compliance with Board Policy on Adopting New Rules

On February 2, 1993 (APCB #2), the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. A socioeconomic impact assessment is not required for the adoption of proposed Rule 101. The proposed rule codifies existing state law and existing practices. The proposed rule is, therefore, consistent with the Board directive.

Strategic Initiative

The proposed rule changes are in alignment with the environmental initiative of the county's Strategic Plan because they reduce harmful pollutants emitted from open burning activities, directly protecting the health of children, who are especially vulnerable to air pollution, and improving the quality of life for all county residents.

Respectfully submitted,



ROBERT R. COPPER
Deputy Chief Administrative Officer

RICHARD J. SMITH
Air Pollution Control Officer (Acting)

Attachments

- A. Changes Made By New Rule 101
- B. Initial Study and Negative Declaration
- C. Resolution Adopting the Negative Declaration to Repeal Rules 101-112 and Adopt New Rule 101
- D. Resolution Repealing Rules 101 through 112, adding new Rule 101 into Regulation VI of the Air Pollution Control District's Rules and Regulations, and approving the Air Pollution Control District's Smoke Management Program
- E. Smoke Management Program
- F. Workshop Report for new Rule 101

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AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written disclosure per County Charter
Section 1000.1 required

☒ Yes

9/5/02

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☒ N/A

☐ Yes

☒ No

**GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR**

☐ Yes

☒ N/A

CHIEF TECHNOLOGY OFFICER

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Air Pollution Control District County of San Diego

CONTACT PERSON(S):

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AUTHORIZED REPRESENTATIVE:

Richard J. Smith

Richard J. Smith, Air Pollution Control Officer (Acting)

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AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

April 24, 2001 (Regular #1), Directed APCD to streamline brush removal burning permits;
February 2, 1993 (APCB #2), the Board directed that no new or revised regulation shall be
implemented unless specifically required by federal or state law; March 27, 1990 (APCB #3),
Approved adoption of amended Regulation VI; May 27, 1981 (APCB #3), Approved
adoption of amended Regulation VI; January 17, 1973 (APCB #11), Approved adoption of
Regulation VI.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

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ATTACHMENT A

CHANGES MADE BY NEW RULE 101

The specific changes to the open burning program made by new Rule 101 are as follows:

- New exemptions from the rule are added for fireworks displays, special effects pyrotechnics, and oil spill remediation fires. The exemption for fireworks clarifies existing practices. The exemption for special effects pyrotechnics addresses the pyrotechnics used by the Marine Corps during air shows. The exemption for oil spills is a requirement of state law.
- New exemptions are added from the restrictions on the daily hours of allowable burning (e.g., restriction that all fires be extinguished at sunset) for burning under an approved Smoke Management Plan and general firefighting training, including aviation firefighting training. The California Department of Forestry and Fire Protection requested the exemption for burning under an approved Smoke Management Plan. The exemption for general firefighting training is needed to allow firefighting training to occur during evening hours when necessary. The exemption for aviation firefighting training was requested by the Marine Corps to allow periodic firefighting training operations at night. Nighttime training operations are necessary and have been previously authorized under variance granted by the Air Pollution Control Hearing Board.
- The existing exemption allowing open burning at solid waste dumps has been deleted. Currently, no open burning takes place at dump sites and it is not recommended that such burning be allowed.
- Definitions have been added and revised consistent with the new requirements of state law. In addition, definitions of Air Basin and Agricultural Burning have been added. The Agricultural Burning definition consolidates the three definitions of Agricultural Burning in existing Rules 101 – 112. The definition of Prescribed Burning has been revised to incorporate elements of one of the Agricultural Burning definitions in Rules 101 – 112.
- The requirement that crops must have a value of greater than \$500 before burning vegetative waste will be considered agricultural burning has been deleted. Instead, burning vegetative waste from crops planted for the primary purpose of making a profit or livelihood is considered agricultural burning. This change is required by state law.
- Language has been added to prohibit open burning of pesticide, fertilizer or chemical containers; drugs and illegal contraband; metal salvaging materials; and other specified waste (e.g., hospital or infectious waste, dead animals, manure, oil filters, etc.). Toxic air contaminants and excessive smoke are often associated with burning these materials, and alternative methods of disposing of these materials are available.

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- Language has been added to remove the restriction on burning vegetative material that is accessible by light-duty truck for fire hazard abatement purposes. The current burn control rules are unclear when burning can be conducted for fire hazard abatement purposes where there is reasonable access by light-duty truck to the bulk of material constituting the hazard. As a result, there has been inconsistent application of the restriction by fire agencies. New Rule 101 will allow the designated fire agency to authorize fire hazard reduction burns if specified conditions are met. This new language reflects current fire abatement practices of the California Department of Forestry and Fire Protection and local fire officials.
- Language has been added clarifying the types of open burning activities for which permits are required from a designated fire agency. The changes reflect current practices.
- A new requirement is added that land managers must submit a Smoke Management Plan to the District annually for prescribed burns greater than ten acres in size or that will produce more than one ton of fine particulate matter emissions. The information to be included in a Smoke Management Plan is also specified. This is a new requirement of state law.
- A clarification has been added requiring notification of designated fire agencies prior to ignition of residential waste on the day of the burn. This reflects current practices and is a necessary requirement to ensure burning only occurs on permissive burn days and when the designated fire agency specifies it is safe to do so.
- A change has been made to the allowable start time for open burning during the summer months from 8:00 a.m. to 7:00 a.m. This change was made at the request of the California Department of Forestry and Fire Protection and local fire officials to allow more time to complete burns before the onset of daytime winds, which could create a fire hazard. Rule 101 will prohibit burning before 8:00 a.m. in winter and 7:00 a.m. in summer and after sunset when vertical atmospheric mixing for smoke dispersion is minimal. There are specified exemptions from these restrictions.
- A clarification has been added specifying that the determination of material drying times start when material to be burned was first felled or cut. This relates to the minimum drying times listed in the rule before specified types of agricultural waste can be burned.
- The existing requirement that at least 90% of forest-burning material must be felled or dead before it can be burned has been deleted. The California Department of Forestry and Fire Protection advised the District that the 90% requirement is not achievable for prescribed burns and, therefore, this requirement has not been followed in practice.
- A requirement has been added that land managers must submit a post-burn evaluation to the District for prescribed burns greater than 250 acres in size. This is a requirement of state law.

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- A requirement has been added that more comprehensive Smoke Management Plans must be submitted to the District for burns greater than 100 acres or producing more than 10 tons of particulate matter. This is a requirement of state law.
- A requirement has been added that land managers comply with approved Smoke Management Plans and ensure all specified conditions are met on the day of the burn. They must also contact the District 24 hours prior to burning to obtain final authorization to proceed. Land managers must also register annually with the District all planned burns identified in their Smoke Management Plans. This includes areas where any naturally-ignited fires (lightning strikes) will be allowed to continue for long-term resource management purposes. This is a requirement of state law.
- A requirement has been added that land managers coordinate with designated fire agencies and the District for multi-day burns that may impact smoke-sensitive areas and affirm that burns comply with approved Smoke Management Plan specifications. This is a requirement of state law.
- The existing requirement that forest management waste be windrowed or piled where possible before burning has been deleted. The California Department of Forestry and Fire Protection advised the District that windrowing and piling are not practical and are not done in actual practice.
- The existing requirement for range-management burning that brush be treated six months prior to burning and that unwanted trees over six inches in diameter be felled and dried prior to burning has been deleted. The California Department of Forestry and Fire Protection advised the District that felling and drying all trees prior to burning are not practical and this is not done in actual practice.
- The criteria used by the District to declare a permissive-burn day have been included in the rule. The criteria reflect current practices. Burning is generally authorized on days with good vertical atmospheric mixing, which helps smoke rise and dissipate, minimizing ground-level impacts. Burning is generally prohibited on more stagnant days or when there is little or limited vertical mixing. Burning is also prohibited on days when the District anticipates exceeding an air quality standard. The criteria were added at the request of the federal Environmental Protection Agency.
- Additional, minor changes were made for clarification and consistency with state law and District policy and practices.

**Air Pollution Control Board**

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July 10, 2002

CEQA Initial Study - Environmental Checklist Form
(Based on the State CEQA Guidelines, Appendix G Rev. 10/98)

1. PROJECT TITLE:

Proposed Repeal of San Diego County Air Pollution Control District Rules 101 through 112, and Adoption of New Rule 101, Burning Control

2. LEAD AGENCY NAME AND ADDRESS:

San Diego County Air Pollution Control District
 9150 Chesapeake Drive
 San Diego, California 92123-1096

3. LEAD AGENCY CONTACT:

Robert Reider
 Supervising Air Resources Specialist, APCD
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 E-mail: Robert.Reider@sdcounty.ca.gov

4. PARTICIPANTS IN THE PREPARATION OF THIS INITIAL STUDY:

San Diego County Air Pollution Control District
 Robert Reider, Supervising Air Resources Specialist
 Robert Mross, Associate Air Resources Specialist
 Teresa Morris, Chief, Air Pollution Control
 James Cooksey, Air Quality Inspector III
 William Brick, Senior Meteorologist

San Diego County Office of County Counsel
 Terence Dutton, Sr. Deputy County Counsel

INITIAL STUDY:

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5. PROJECT LOCATION:

The project applies within the jurisdiction of the San Diego County Air Pollution Control District (APCD or District), which covers the entire area within the incorporated and unincorporated portions of San Diego County, the southwestern-most county in the State of California (Figure 1). San Diego County encompasses approximately 4,260 square miles and is bounded on the north by Orange and Riverside Counties, on the east by Imperial County, on the west by the Pacific Ocean, and on the south by the State of Baja, California Norte, Mexico.

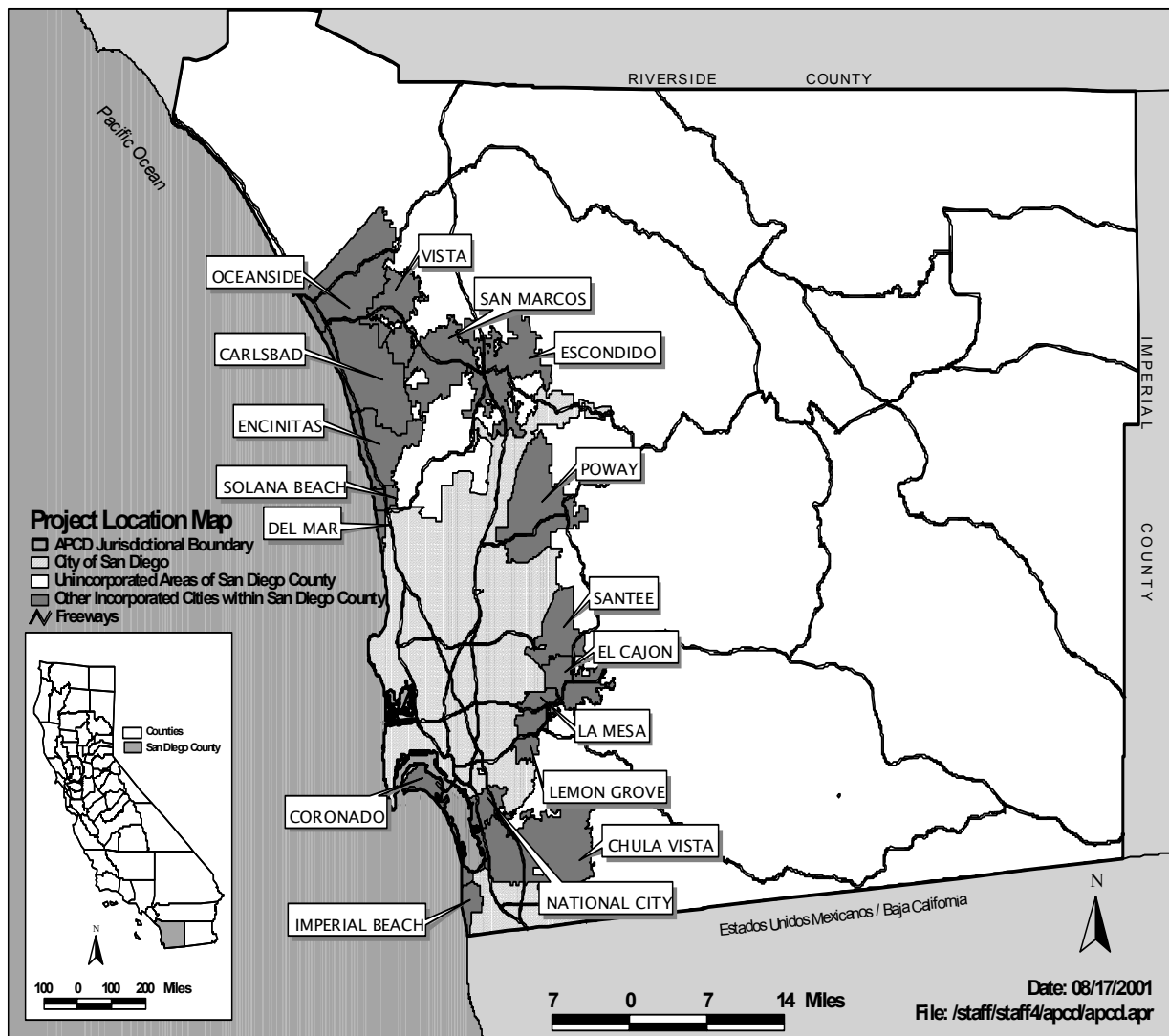


Figure 1. Project Location San Diego County

INITIAL STUDY:

Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

6. PROJECT SPONSOR'S NAME AND ADDRESS:

San Diego County Air Pollution Control District
9150 Chesapeake Drive
San Diego, CA 92123-1095

7. PROJECT DESCRIPTION:

The District is proposing to amend Regulation VI, Burning Control, by repealing existing burning-control Rules 101 through 112 and replacing them with a single, new Rule 101, Burning Control. The purpose of proposed Rule 101 is to require that open burning in San Diego County be conducted in a manner that minimizes emissions and smoke. Proposed Rule 101 incorporates state-mandated Smoke Management Guidelines (Guidelines) for Agricultural and Prescribed Burning, set forth in the California Code of Regulations, Title 17, Sections 80100–80330. The Guidelines were adopted by the California Air Resources Board (ARB) on March 23, 2000.

The District's existing burning control program is considered generally successful at alleviating smoke impacts on the public from planned burning activities. However, consistent with the Guidelines, the proposed amendments to Regulation VI increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health.

The proposed amendments to Regulation VI are presented in their entirety in Attachment 1. A side-by-side listing of the proposed provisions versus existing provisions is presented in Attachment 2. Following is an overview.

Applicability. Consistent with existing burning-control rules, proposed new Rule 101 primarily applies to, and requires a burn permit for:

- Prescribed burning operations, which is the planned use of fire on wildlands to reduce biomass fuel loads (tree and shrub branches, leaves, and other decaying organic matter accumulating on the forest floor) and the threat of large-scale, uncontrolled wildfires, and to restore ecological systems in forests or other natural land;
- Agricultural burning operations, which is the intentional burning of crop wastes to prepare fields for future crops and prevent crop infestation from pests and weeds;
- Fire hazard-reduction burning operations, which is clearing away flammable vegetation near structures to reduce fire hazard potential;
- Aviation firefighting training operations, for training firefighters on proper response and extinguishment techniques for fires involving hazards unique to aviation; and
- Fires set for firefighting methods training.

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The regulatory definitions of applicable burning activities and the relevant standards and reporting requirements are detailed in proposed Rule 101. Consistent with the existing burning-control rules, permits for permissible burning are issued by the District or other designated agency, such as the U.S. Forest Service and the California Department of Forestry and Fire Protection (CDF). The District or designated agency may suspend a burn permit if there is declaration of a “no-burn day” (described below); if the burn is prohibited for purposes of fire control or prevention; if the burn would result in excessive smoke drifting into a sensitive area; or if the District declares a smog alert or health advisory due to unhealthy air quality.

Retains Permissive-Burn/No-Burn Designations. Consistent with the existing burning-control rules, proposed Rule 101 requires burners to obtain District or ARB authorization to burn on a particular day. Permissive-burn days and no-burn days are determined daily by the District for burning within the western (non-desert) portion of San Diego County, and by ARB for the eastern (desert) portion, based on meteorological conditions and ambient air pollution levels on that day.

In general, burning is authorized on days with good vertical mixing of air, which is favorable to smoke rising and dissipating without causing substantial ground level impacts. Burning is generally prohibited on more stagnant days with little or no vertical mixing, which is unfavorable for smoke dispersion. Prohibiting burning on these days avoids exacerbating potential ambient air quality problems near the site of the burning. A no-burn day may also be declared if windy conditions could create a potential fire hazard.

Excludes Marginal Day Designation. Although not incorporated in proposed Rule 101, new state regulations authorized the District to establish a “marginal burn day” designation. A marginal day would be one in which the smoke dispersion conditions are not considered to be appropriate for a “permissive-burn day” designation throughout the entire region, but are anticipated to have proper smoke dispersion conditions in one or more subareas, which will avoid air quality impacts in those subareas. Accordingly, a “marginal burn day” designation would have allowed limited burning in specified subareas, to increase burn opportunities.

However, the District has determined that permissive-burn day designations are sufficient to accommodate the relatively modest demand for open burning in San Diego County. Therefore, proposed Rule 101 limits burning to designated permissive-burn days only, consistent with the existing burning-control rules. A “marginal burn day” designation is not part of the proposal.

Requires Smoke Management Plans. A key new proposal to further protect air quality and public health is the inclusion of state-mandated smoke management requirements. Proposed Rule 101 requires a Smoke Management Plan be submitted to and approved by the District for prescribed burns greater than 10 acres or estimated by the land manager to produce more than one ton of particulate matter.

Smoke Management Plans must identify the location, types, and amount of material to be burned; expected duration of the fire; responsible personnel and telephone contacts; and the location of smoke sensitive areas where smoke and air pollutants can adversely affect

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public health or welfare. More comprehensive Smoke Management Plans are required for the largest prescribed burns (greater than 100 acres or estimated by the land manager to produce more than 10 tons of particulate matter). In these cases, Smoke Management Plans must also identify public notification procedures, meteorological conditions desired for burning, contingency actions such as fire suppression or containment to be taken if weather changes or unanticipated smoke impacts occur, and discussion and consideration of alternatives to burning. In assessing alternatives, anticipated considerations include safety, cost of treatment, public health protection, and land management goals. (Typical alternative fuel management methods currently used in California include chipping, crushing, disking, mowing, selective logging, chemical treatment and livestock grazing.)

Further, appropriate smoke monitoring is required for burn projects that impact a smoke sensitive area and that are greater than 250 acres or expected to continue burning or producing smoke overnight. Additionally, a post-burn smoke management evaluation must be submitted to the District for fires greater than 250 acres.

Requires Plan Compliance. Proposed Rule 101 requires prescribed burners to be accountable for their actions. The proposal explicitly requires prescribed burners to comply with their Smoke Management Plan, ensuring that all specified conditions are met on the day of the burn. Further, all burners must contact the District 24 hours prior to ignition to obtain authorization to proceed.

Requires Annual Registration of Burns. Another key proposal is the requirement for land managers to annually register with the District all planned burn projects identified in their Smoke Management Plan. This would include events where naturally ignited fires (for example, those occurring as a result of lightning strikes) are managed for resource benefits and therefore allowed to continue.

Modifies Burning Hour Restrictions During Summer. Proposed Rule 101 retains the burning hour restrictions specified in the District's existing burning-control rules for winter months, but allows initiating a burn one hour earlier during summer months. Sunset restrictions have been retained. These slightly modified burning hour restrictions address the potential for atmospheric dispersion of smoke as defined by the extent of vertical mixing. Daylight burns allow the sun to evaporate the dew and warm the ground, lifting the temperature inversion so the smoke will rise.¹ Smoke hugs the ground as the sun goes down and ambient temperatures and the inversion lid drop.

Specifically, burning cannot occur before 8:00 a.m. (winter) or 7:00 a.m. (summer) or after sunset, when vertical mixing of the atmosphere occurs the least. However, as authorized both in the existing burning-control rules and in proposed Rule 101, a permitted fire may be allowed to burn beyond sunset, provided it is impractical to extinguish at sunset and burning beyond sunset will not result in a nuisance as defined in District Rule 51 (Nuisance).

¹ A temperature inversion is warm air lying over cold, denser air. The rather sharp boundary – or “lid” – prevents mixing between the layers, trapping smoke in the bottom layer.

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Adds Exemptions to Burning Hour Restrictions. Proposed Rule 101 adds two exemptions to the burning hour restrictions. The first exemption responds to a formal request from the Marine Corps Base, Camp Pendleton to permit firefighting-training operations at night. Nighttime training operations have previously occurred under variance granted by the Air Pollution Control District Hearing Board. Aircraft Rescue Firefighting (ARFF) teams provide an essential public service, and occasional nighttime training is necessary to maintain proficiency and ensure personnel are prepared for the unique risk factors encountered while fighting fires during darkness.

The second exemption responds to a CDF request to allow starting a prescribed burn before 8:00 a.m. (winter) or 7:00 a.m. (summer), provided meteorology and ambient air quality are favorable. This would allow CDF more time to complete the burn event before the onset of daytime winds, which could create a potential fire hazard. To accommodate this request while ensuring no air quality impacts, proposed Rule 101 allows prescribed burning identified in an approved Smoke Management Plan to occur outside the burning hour restrictions, provided there is daily consultation with, and approval by, the District. Approval would be granted only if meteorology and ambient air quality data indicate burning outside the 7:00/8:00 a.m.-to-sunset window would not cause or exacerbate potential ambient air quality problems near the burning site.

Removes Restrictions for Material Accessible by Light-Duty Truck. The District's existing burning-control rules do not authorize burning conducted for fire prevention purposes where reasonable access by light-duty truck to the bulk of material constituting the hazard is available. In practice, biomass removal by light-duty truck has not been consistently conducted, resulting in accumulation of flammable vegetation near structures. Apparent reasons for biomass accumulation are lack of reasonable availability to a light-duty truck for hauling the biomass, and relative scarcity of local landfills or disposal services (particularly in the eastern, rural areas of San Diego County). Accordingly, CDF has permitted limited fire-prevention burning, on permissive-burn days only, to reduce vegetative fuel loadings near structures and reduce the potential for large-scale, uncontrolled wildfires. The permits issued by CDF are for fire reduction in small areas. District meteorologists have found no evidence, nor received any communication indicating these limited fires have resulted in harmful concentrations of emissions, or exacerbation of or new violations of state or federal ambient air quality standards. In addition, allowing limited fire-prevention burning in lieu of light-duty truck hauling to distant dump areas avoids the toxic emissions associated with light-duty trucks, and especially diesel-fueled trucks.

Consistent with this practice, proposed Rule 101 permits fire hazard-reduction burning, on permissive-burn days only, within areas that are reasonably accessible by light-duty truck. This new provision expands fire hazard abatement options to reduce the threat of uncontrolled wildfire and associated high-impact smoke episodes.

Removes "90% Treated" Requirement for Prescribed Burns. The District's existing burning-control rules require that at least 90 percent of all materials in "forest burning" must be "treated" (i.e., felled or dead). CDF reports that the 90 percent requirement is unachievable in prescribed burns. The requirement has not been followed in practice, and is excluded from the proposed rule. The permit, notice, and Smoke Management

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Program and plan requirements applicable to prescribed burning render the “90 percent treated” requirement superfluous.

Other. Additional, minor changes are proposed for clarification and consistency with the California Code of Regulations, California Health and Safety Code, and District policy and practices.

8. REGULATORY AND ENVIRONMENTAL ISSUES:

Open burning has been regulated in San Diego County since 1973 because of its contribution to air pollution. Smoke from open burning typically contains more than 200 chemicals and compounds, including carbon monoxide, oxides of nitrogen, and a variety of hydrocarbons and other compounds, condensed into inhalable airborne particles or particulate matter.²

Regulation VI, Burning Control, was most recently amended in 1990 to incorporate 1987 changes in state regulation, adding provisions to regulate prescribed burning. The current proposal responds to additional, recent changes in state regulation. Specifically, proposed Rule 101 incorporates state-mandated Smoke Management Guidelines for Agricultural and Prescribed Burning, as set forth in the California Code of Regulations, Title 17, Sections 80100–80330. The Guidelines were adopted by ARB on March 23, 2000.

The District’s existing burning control program is considered generally successful at alleviating smoke impacts on the public from planned burning activities. However, consistent with the ARB Guidelines, proposed Rule 101 increases coordination among affected federal, state, and local agencies and enhances management of burning activities (as discussed above in Section 7) to further protect air quality and public health. A discussion of potential environmental impacts of the proposal is presented in the Environmental Impact Checklist and accompanying Discussion of Environmental Impacts.

Increased Wildfire Potential. Fire agencies’ long-standing fire suppression policy has led to negative consequences for forest health, dangerous buildup of flammable undergrowth, reduced biological diversity, and increased incidence of insect and disease activity.³ The over-accumulation of vegetative materials on forest lands, coupled with pervasive drought conditions, has led to more frequent occurrence of large-scale, uncontrolled wildfires in Southern California (and associated high-impact smoke episodes). Recent examples in San Diego County include the Viejas fire,⁴ Potrero fire,⁵ and Gavilan fire,⁶ which all occurred outside the typical fire season (April to October). According to the U.S. Forest Service, wildfire potential in the United States is currently

² Proposed Amendments to California’s Agricultural Burning Guidelines – Staff Report,” California Air Resources Board, February 2000.

³ “Review and Update of the 1995 Federal Wildland Fire Management Policy,” U.S. Forest Service, January 2001.

⁴ Wildfire in Alpine, January 2001; 10,353 acres, 15 dwellings, 15 trailers, and 65 outbuildings burned.

⁵ Wildfire in Potrero, December 2001; 1,200 acres and 8 dwellings burned.

⁶ Wildfire in Fallbrook, February 2002; 5,763 acres, 45 residences, and 37 outbuildings burned.

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greatest in Southern California (including San Diego County), and the fire danger is at record levels, setting the stage for a potentially very active fire season.⁷

Increased Prescribed Burning. In response to the growing threat of large-scale, uncontrolled wildfires and to restore ecological systems in forests or other natural land, the U.S. Forest Service is planning to increase prescribed burning on federal wildlands to reduce biomass fuel loads.⁸ Consistent with the ARB Guidelines, proposed Rule 101 ensures that public health and air quality standards are taken into full account in the face of the expected increases in prescribed burning in San Diego County.

The planned increases in prescribed burning are not part of this proposed project (i.e., increases may occur without adoption of the proposed amendments to Regulation VI). Consequently, the specific environmental impacts of increased prescribed burning are not the focus of the analysis herein. Rather, the analysis herein properly focuses on the potential environmental impacts of proposed amendments to Regulation VI.

Nevertheless, it should be noted that reducing fuel loads through prescribed burning is anticipated to reduce the impacts of wildfires on communities, natural resources, and cultural resources, according to the U.S. Forest Service. Specifically, “Prescribed fire not only reduces the build-up of dead and downed fuel, it performs many other critical ecosystem functions. Fire can recycle nutrients that might otherwise be trapped for long periods of time in the dead organic matter that exists in many environments with slow rates of decay. It can also stimulate the production of nutrients and provide the specific conditions, including seed release, soil, light, and nutrients, that are critical for the reproduction of fire-dependent species resources.”⁹ Further, wildfire emissions are typically more concentrated in space and time relative to more controlled and dispersed smoke from prescribed burning.¹⁰ Consequently, it is reasonable to conclude that planned increases in prescribed burning will result in reduced environmental impacts relative to the wildfires that prescribed burning is intended to avoid.

Flammable Vegetation Accumulation. There is growing concern regarding the accumulation of flammable vegetation near structures, particularly in the more rural areas of San Diego County. Vegetative fuel loadings near structures heighten the risk of uncontrolled wildfires and associated high-impact smoke episodes.

The proposed Regulation VI amendments address these concerns by increasing options for reducing flammable vegetation near structures. Specifically, consistent with existing CDF practice (see discussion above under “Removes Restrictions for Material Accessible by Light-Duty Truck”), proposed Rule 101 permits fire hazard-reduction burning, on permissive-burn days only, within areas that are reasonably accessible by light-duty truck.

⁷“Fire Season Outlook – Summer 2002,” National Interagency Coordination Center, Intelligence/Predictive Services, March 2002.

⁸ Fire Management Policy, U.S. Forest Service, January 2001.

⁹ Federal Wildland Fire Policy, U.S. Forest Service, December 1995.

¹⁰ “Potential Impacts of Fire Emissions on Public Health,” Karlyn Black, California Air Resources Board, undated.

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The District is not aware of any evidence that fire hazard-reduction burning on permissive-burn days has caused significant adverse environmental impacts, nor has the District received any citizen complaints regarding impacts of such burning. (The District operates a citizen complaint program, responding to complaints on air quality matters.)

Removing the “90% Treated” Requirement for Prescribed Burns. Lastly, the District’s existing burning-control rules require that at least 90 percent of all materials in “forest burning” must be “treated” (i.e., felled or dead). CDF reports that the 90 percent requirement is unachievable in prescribed burns. The requirement has not been followed in practice, and is excluded from the proposed rule. The permit, notice, and Smoke Management Program and plan requirements applicable to prescribed burning render the “90 percent treated” requirement superfluous.

9. ENVIRONMENTAL SETTING:

Topography. San Diego County is divided by the Laguna Mountain Range, which runs approximately parallel to the coast about 45 miles inland and separates the coastal area from the desert portion of the County. The Laguna Mountains reach peaks of over 6,000 feet with Hot Springs Mountain peak rising to 6,533 feet, the highest point in the county. The coastal region is made up of coastal terraces that rise from the ocean into wide mesas which then, moving farther east, transition into the Laguna Foothills. Farther east, the topography gradually rises to the rugged mountains. On the east side, the mountains drop off rapidly to the Anza-Borrego Desert, which is characterized by several broken mountain ranges with desert valleys in between. To the north of the County are the Santa Ana Mountains which run along the coast of Orange County, turning east to join with the Laguna Mountains near the San Diego-Orange County border.

Climatology. The climate of the San Diego County, as with all of Southern California, is largely dominated by the strength and position of the semi-permanent high-pressure system over the Pacific Ocean (known as the Pacific High). This high-pressure ridge over the West Coast often creates a pattern of late-night and early-morning low clouds, hazy afternoon sunshine, daytime onshore breezes, and little temperature variation year-round. The climatic classification for San Diego is a Mediterranean climate, with warm, dry summers and mild, wet winters. Average annual precipitation ranges from approximately 10 inches on the coast to over 30 inches in the mountains to the east (the desert regions of San Diego County generally receive between 4 and 6 inches per year).

The favorable climate of San Diego works to create air pollution problems. Sinking, or subsiding air from the Pacific High creates a temperature inversion (known as a subsidence inversion), which acts as a lid to vertical dispersion of pollutants. Weak summertime pressure gradients further limit horizontal dispersion of pollutants in the mixed layer below the subsidence inversion. Poorly dispersed anthropogenic (man made) emissions, combined with strong sunshine lead to photochemical reactions, which create ozone in this surface layer.

Daytime onshore flow (i.e., sea breeze) and nighttime offshore flow (i.e., land breeze) are quite common in Southern California. The sea breeze helps to moderate daytime temperatures in the western portion of San Diego County, which greatly adds to the

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climatic draw of the region. This also leads to emissions being blown out to sea at night and returning to land the following day. Under certain conditions, this atmospheric oscillation results in the offshore transport of air from the Los Angeles region to San Diego County, which often results in high ozone concentrations being measured at San Diego County air pollution monitoring stations. Transport of air pollutants from Los Angeles to San Diego has also been shown to occur aloft within the stable layer of the elevated subsidence inversion. In this layer, removed from fresh emissions of oxides of nitrogen, which would scavenge and reduce ozone concentrations, high levels of ozone are transported into San Diego County.

Ambient Air Quality Standards. National and state air quality standards are set for criteria pollutants, which are widespread, common pollutants known to be harmful to human health and welfare. Federal standards are set by the U. S. Environmental Protection Agency and state standards are set by ARB, at a level below which adverse health effects are not expected to occur. The standards are required to include a reasonable margin of safety to protect against potential hazards which research has not yet identified.

The District operates an ambient air monitoring network throughout San Diego County, using the resulting data to define the nature and severity of air pollution in the region and identify pollution trends. San Diego County has generally experienced substantial improvement in ambient air quality over the past several years, demonstrating pollution controls are working. Of the six criteria air pollutants regulated by the U.S. Environmental Protection Agency, and eight regulated by ARB, only ozone (smog) and inhalable particulate matter occur in concentrations sufficient to violate either federal or state standards in San Diego County.

Toxic Air Contaminants. Two of the District's air monitoring stations, in Chula Vista and El Cajon, also measure toxic air contaminants. (These are pollutants believed to be carcinogenic with no identified threshold level below which no adverse health effects occur.) The monitoring results indicate a 50% reduction in the ambient incremental cancer risk measured at these stations since 1990.

10. OTHER PUBLIC AGENCY INVOLVEMENT. Public agencies whose approval is, or may be, required (*e.g., permits, financing approval, or participation agreement.*):

None.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Haz. Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |
| <input checked="" type="checkbox"/> No Potentially Significant Impacts | | |

DETERMINATION: On the basis of this initial evaluation:

- ☒ I find the proposed project, in accordance with those findings made pursuant to CEQA Guideline §15252, COULD NOT have a significant effect on the environment, and that an NEGATIVE DECLARATION revealing no significant impacts has been prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION revealing no significant impacts will be prepared.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) will be prepared.
- ☐ I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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- ☐ On the basis of this Initial Study, I believe the following: there are no new significant environmental effects and no substantial increase in severity of effects identified in an earlier NEGATIVE DECLARATION or ENVIRONMENTAL IMPACT REPORT for the proposed project or property are present as the result of either 1) changes in the project; 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the previous Negative Declaration was adopted or Environmental Impact Report was certified. Therefore, the previously adopted NEGATIVE DECLARATION or certified ENVIRONMENTAL IMPACT REPORT will be considered adequate upon completion of an ADDENDUM to reflect minor technical changes.
- ☐ On the basis of this Initial Study, I believe the following: there are no new significant environmental effects and no substantial increase in severity of effects identified in an earlier NEGATIVE DECLARATION or ENVIRONMENTAL IMPACT REPORT for the proposed project or property are present as the result of either 1) changes in the project; 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the previous Negative Declaration was adopted or Environmental Impact Report was certified. Therefore, the previously adopted NEGATIVE DECLARATION or certified ENVIRONMENTAL IMPACT REPORT will be considered adequate upon completion of an addendum to reflect minor technical changes.
- ☐ On the basis of this Initial Study, I believe the following: new significant environmental effects or an substantial increase in severity of effects identified in an earlier Negative Declaration or Environmental Impact Report for the proposed project or property are present as the result of either 1) changes in the project; 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the original earlier Negative Declaration or Environmental Impact Report was adopted. Therefore, a SUBSEQUENT/SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT is required.

Signature

Robert Reider
Printed Name

Date

Supervising Air Resources Specialist
Title

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INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

(The environmental checklist identifies and evaluates potential adverse environmental impacts that may be created by the proposed project.)

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
6. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:			
a) Have a substantial adverse effect on a scenic vista?			X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X
2. AGRICULTURAL RESOURCES -- Would the project:			
a) Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non- agricultural use?			X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non- agricultural use?			X
3. AIR QUALITY -- Would the project:			
a) Conflict with or obstruct implementation of applicable air quality plan?			X
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X
d) Expose sensitive receptors to substantial pollutant concentrations?			X
e) Create objectionable odors affecting a substantial number of people?			X
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutants?			X
4. BIOLOGICAL RESOURCES -- Would the project:			
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X

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	Potentially Significant <u>Impact</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
c) Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X
e) Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X
f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X

5. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?			X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X
d) Disturb any human remains, including those interred outside a formal cemetery?			X

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? • Strong seismic ground shaking? • Seismic-related ground failure, including liquefaction? • Landslides? 			X
b) Result in substantial soil erosion or the loss of topsoil?			X
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:			
a) Create a significant hazard to the public or the environment through routine transport, use, and disposal of hazardous materials?			X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X
c) Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment?			X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?			X
i) Significantly increase fire hazard in areas with flammable materials?			X
8. HYDROLOGY AND WATER QUALITY -- Would the project:			
a) Violate any water quality standards or waste discharge requirements?			X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X
c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?			X
d) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X
f) Otherwise substantially degrade water quality?			X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation Map?			X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X
j) Inundation by seiche, tsunami, or mudflow?			X
k) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X
l) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?			X
m) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X
n) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X
o) Require in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X
<u>9. LAND USE PLANNING</u> -- Would the project:			
a) Physically divide an established community?			X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X
c) Conflict with any applicable habitat conservation or natural community conservation plan?			X
<u>10. MINERAL RESOURCES</u> -- Would the project:			
a) Result in the loss of availability of known mineral resource that would be of value to the region and the residents of the state?			X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?			X

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
11. NOISE -- Would the project:			
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X
12. POPULATION AND HOUSING -- Would the project:			
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?			X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X
13. PUBLIC SERVICES -- Would the project:			
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times, or other performance objectives for any of the following public services:			
i. Fire protection?			X
ii. Police protection?			X
iii. Schools?			X
iv. Parks?			X
v. Other public facilities?			X
14. RECREATION -- Would the project:			
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			X

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
15. TRANSPORTATION/TRAFFIC -- Would the project:			
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X
e) Result in inadequate emergency access or?			X
f) Result in inadequate parking capacity?			X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?			X
16. UTILITIES / SERVICE SYSTEMS -- Would the project:			
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X
g) Comply with federal, state, and local statutes and regulations related to solid waste			X

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	Potentially Significant <u>Impact</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
17. MANDATORY FINDINGS OF SIGNIFICANCE -- Does the project:			
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X

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DISCUSSION OF ENVIRONMENTAL IMPACTS

This section of the Initial Study explains the reasons for checking the particular items in the Environmental Impact Checklist. The evaluation criteria were developed based on Appendix G of the Guidelines for Implementation of the California Environmental Quality Act (14 CCR, Section 15000 et seq.).

1. Aesthetics

Open burning has the potential to impact aesthetics. However, as discussed below, the proposed amendments to Regulation VI are not expected to cause increases in the total amount or types of open burning that are presently occurring or expected to occur in the County. The proposal primarily increases coordination among affected federal, state, and local agencies and enhances management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”).

Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project, and therefore potential aesthetic impacts of increased burning are not relevant to the evaluation herein. Nevertheless, planned increases in prescribed burning are expected to result in reduced environmental impacts relative to the wildfires that prescribed burning is intended to avoid (see discussion above under “Regulatory and Environmental Issues.”)

Although the proposed amendments add an exemption to the burning hour restrictions to allow nighttime firefighter training, such training has previously occurred under variance granted by the Air Pollution Control District Hearing Board, and would reasonably be expected to occur in the future under variance if the proposed amendments to Regulation VI were not adopted. (Firefighting is an essential public service, and nighttime training is considered necessary to maintain proficiency and ensure firefighting personnel are prepared for the unique risk factors encountered while fighting fires during darkness.) In this regard, the proposed exemption is not a change in present conditions and therefore is not expected to impact the existing environment. Moreover, occasional, limited nighttime firefighting is not expected to significantly impact aesthetics.

Although the proposed amendments allow prescribed burning identified in an approved Smoke Management Plan to occur outside the 7:00/8:00 a.m.-to-sunset window, such burning is only authorized if there is daily consultation with, and approval by, the District. Approval would be granted only if meteorology and ambient air quality data indicate burning outside the 7:00/8:00 a.m.-to-sunset

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window would not cause or exacerbate potential ambient air quality problems near the burning site. Under these conditions, shifting a burn time to outside the 7:00/8:00 a.m.-to-sunset window is not expected to significantly impact aesthetics.

In conclusion, proposed amendments to Regulation VI would not have a substantial adverse effect on a scenic vista; would not substantially damage scenic resources; would not substantially degrade the existing visual character or quality of the surroundings; and would not create a new source of light or glare adversely affecting day or nighttime views. For these reasons, the project would not have a significant adverse impact on aesthetics.

2. Agricultural Resources

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The proposal does not alter existing requirements for agricultural burning in a substantive way.

Specifically, proposed amendments to Regulation VI would not convert prime or unique farmland or farmland of statewide importance to non-agricultural use; would not conflict with existing zoning for agricultural use, or a Williamson contract; and would not involve other changes that might ultimately result in the conversion of farmland to non-agricultural use. For these reasons, the project would not have a significant adverse impact on agricultural resources.

3. Air Quality

Open burning impacts air quality (see discussion above under “Regulatory and Environmental Issues”). However, as discussed below, the proposed amendments to Regulation VI are not expected to cause increases in the total amount or types of open burning that are presently occurring or expected to occur in the County. Rather, the project primarily increases coordination among affected federal, state, and local agencies and enhances management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”).

Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project and therefore potential air quality impacts of increased burning are not relevant to the evaluation herein. Nevertheless, as discussed above

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under “Regulatory and Environmental Issues,” planned increases in prescribed burning are expected to result in reduced environmental impacts relative to the wildfires that prescribed burning is intended to avoid.

Although the proposed amendments add an exemption to the burning hour restrictions to allow nighttime firefighter training, such training has previously occurred under variance granted by the District Hearing Board, and would reasonably be expected to occur in the future under variance if the proposed amendments to Regulation VI were not adopted. (Firefighting is considered an essential public service, and nighttime training is necessary to maintain proficiency and ensure firefighting personnel are prepared for the unique risk factors encountered while fighting fires during darkness.) In this regard, the proposed exemption is not a change in present conditions and therefore is not expected to impact the existing environment. Moreover, short-term air contaminant emissions from occasional, limited nighttime firefighting training are not expected to be significant.¹

Although the proposed amendments allow prescribed burning identified in an approved Smoke Management Plan to occur outside the 7:00/8:00 a.m.-to-sunset window, such burning is only authorized if there is daily consultation with, and approval by, the District. Approval would be granted only if meteorology and ambient air quality data indicate burning outside the 7:00/8:00 a.m.-to-sunset window would not cause or exacerbate potential ambient air quality problems near the burning site.

Although the proposed amendments allow fire-prevention burning within areas that are reasonably accessible by light-duty truck, such burning is already occurring under CDF permit (on permissive-burn days only) to reduce dangerous buildup of vegetative fuel near structures and reduce the potential for large-scale, uncontrolled wildfires (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). In light of growing threat of wildfire (see discussion above under “Regulatory and Environmental Issues”), such fire-prevention burning would reasonably be expected to occur in the future under CDF permit if the proposed amendments to Regulation VI were not adopted. In this regard, the proposal is not a change in present conditions and therefore is not expected to impact the existing environment. Moreover, insofar as expanding fire hazard abatement options reduces the threat of uncontrolled wildfire, air quality could be improved by the project because wildfire emissions are typically more concentrated in space and time relative to more controlled and dispersed smoke from prescribed burning (as discussed above under “Regulatory and Environmental Issues”).

¹ "Variance No. 3681, "County of San Diego Air Pollution Control District Hearing Board, June 7, 2000.

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The District's existing burning-control rules require that at least 90 percent of all materials in "forest burning" must be "treated" (i.e., felled or dead). CDF reports that the 90 percent requirement is unachievable in prescribed burns. The requirement has not been followed in practice, and is excluded from the proposed rule. The permit, notice, and Smoke Management Program and plan requirements applicable to prescribed burning render the "90 percent treated" requirement superfluous. Therefore, no air quality impact from this change is anticipated.

In conclusion, the proposed amendments to Regulation VI would not conflict with or obstruct implementation of the applicable air quality plan; would not violate any air quality standard or contribute to an existing or projected air quality violation; would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; would not expose sensitive receptors to substantial pollutant concentrations; would not create objectionable odors affecting a substantial number of people; and would not diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutants. For these reasons, the project would not have a significant adverse impact on air quality.

4. Biological Resources

Open burning has the potential to impact biology. However, as discussed below, the proposed amendments to Regulation VI are not expected to cause increases in the total amount or types of open burning that are presently occurring or expected to occur in the County. The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under "Project Description" and "Regulatory and Environmental Issues").

Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project and therefore potential impacts of increased burning on biological resources are not relevant to the evaluation herein. (Nevertheless, as discussed above under "Regulatory and Environmental Issues," planned increases in prescribed burning are expected to improve ecological systems in forests or other natural land.)

Although the proposed amendments add an exemption to the burning hour restrictions to allow nighttime firefighter training, such training has previously occurred under variance granted by the District Hearing Board, and would reasonably be expected to occur in the future under variance if the proposed

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amendments to Regulation VI were not adopted. (Firefighting is considered an essential public service, and nighttime training is necessary to maintain proficiency and ensure firefighting personnel are prepared for the unique risk factors encountered while fighting fires during darkness.) In this regard, the proposed exemption is not a change in present conditions and therefore is not expected to impact the existing environment. Moreover, any potential impacts on biological resources from occasional, limited nighttime firefighting training are not expected to be significant.

Although the proposed amendments allow prescribed burning identified in an approved Smoke Management Plan to occur outside the 7:00/8:00 a.m.-to-sunset window, such burning is only authorized if there is daily consultation with, and approval by, the District. Approval would be granted only if meteorology and ambient air quality data indicate burning outside the 7:00/8:00 a.m.-to-sunset window would not cause or exacerbate potential ambient air quality problems near the burning site. Under these conditions, shifting a burn time to outside the 7:00/8:00 a.m.-to-sunset window is not expected to significantly impact biological resources.

Although the proposed amendments add permission for fire-prevention burning within areas that are reasonably accessible by light-duty truck, such burning is already occurring under CDF permit, particularly in the more rural areas of San Diego County, to reduce dangerous buildup of vegetative fuel near structures and reduce the potential for large-scale, uncontrolled wildfires (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Such fire-prevention burning would reasonably be expected to occur in the future under CDF permit if the proposed amendments to Regulation VI were not adopted. In this regard, the proposal is not a change in present conditions and therefore is not expected to impact the existing environment. Moreover, prescribed fire helps to restore ecological systems in forests or other natural land (see discussion above under “Increased Prescribed Burning”).

In conclusion, the proposed amendments to Regulation VI would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; would not have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means; would not Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; would not conflict with any local policies or

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ordinances protecting biological resources, such as a tree preservation policy or ordinance; and would not conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. For these reasons, the project would not have a significant adverse impact on biological resources.

5. Cultural Resources

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not cause a substantial adverse change in the significance of an historical or archaeological resource pursuant to CEQA Guidelines Section 15064.5; would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and would not disturb any human remains, including those interred outside of formal cemeteries. For these reasons, the project would not have a significant adverse impact on cultural resources.

6. Geology and Soils

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI and are not part of the proposed project, as previously noted (see discussion above under “Increased Prescribed Burning”). Nevertheless, prescribed fire stimulates the production of nutrients and provides the specific conditions, including seed release, soil, light, and nutrients, that are critical for the reproduction of fire-dependent species resources.² Accordingly, because of the faster vegetative re-growth associated with prescribed burns in comparison to wildfires, soil erosion is expected to be reduced.

Specifically, the proposed amendments to Regulation VI would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist or based on other substantial evidence of a know fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including

² Federal Wildland Fire Policy, U.S. Forest Service, December 1995.

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liquefaction; or (iv) landslides; would not result in substantial soil erosion or the loss of topsoil; would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; would not be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code; and would not involve soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. For these reasons, the project would not have a significant adverse impact on geology and soils.

7. Hazards and Hazardous Materials

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI and are not part of the proposed project, as previously noted (see discussion above under “Increased Prescribed Burning”). Nevertheless, as discussed above under “Regulatory and Environmental Issues,” planned increases in prescribed burning are expected to reduce the incidence and intensity of high-intensity wildfires (thus reducing impacts from hazards).

Specifically, proposed amendments to Regulation VI would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; would not be located within an airport land use plan or within two miles of a public airport or public use airport; would not be located within the vicinity of a private airstrip; would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; would not expose people or structures to a significant risk of loss, injury or death involving wildfires; and would not significantly increase fire hazard in areas with flammable materials. For these reasons, the project would not have a significant adverse impact associated with hazards and hazardous materials.

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8. Hydrology and Water Quality

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project and therefore potential impacts of increased burning on hydrology and water quality are not relevant to the evaluation herein. Nevertheless, as discussed above under “Regulatory and Environmental Issues,” planned increases in prescribed burning are expected to reduce the incidence and intensity of wildfires. Because suppressing wildfires has the potential to consume significant quantities of surface and ground water, increased prescribed burning is anticipated to benefit the conservation and preservation of water supplies.

Specifically, the proposed amendments to Regulation VI would not violate any water quality standards or waste discharge requirements; would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge; would not alter existing drainage patterns; would not create or contribute runoff water or provide substantial additional sources of polluted runoff, or otherwise degrade water quality; would not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; would not place within a 100-year flood hazard area structures that would impede or redirect flood flows; and would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam or inundation by seiche, tsunami or mudflow. For these reasons, the project would not have a significant adverse impact on hydrology and water quality.

9. Land Use Planning

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project and therefore potential impacts of increased burning on land use planning are not relevant to the evaluation herein. Nevertheless, as discussed above under “Regulatory and Environmental Issues,”

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planned increases in prescribed burning are expected to reduce the incidence and intensity of devastating wildfires (thus indirectly benefiting land use planning).

Specifically, the proposed amendments to Regulation VI would not physically divide an established community; would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; and would not conflict with any applicable habitat conservation or natural community conservation plan. For these reasons, the project would not have a significant adverse impact on land use planning.

10. Mineral Resources

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not result in the loss of availability of known mineral resource that would be of value to the region and the residents of the state; and would not result in a loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. For these reasons, the project would not have a significant adverse impact on mineral resources.

11. Noise

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; would not expose persons to or generation of excessive ground borne vibration or ground borne noise levels; would not result in a substantial permanent, temporary, or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; is not located within an airport land use plan or within two miles of a public airport or public use airport; and is not within the vicinity of a private airstrip. For these reasons, the project would not have a significant adverse noise impact.

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12. Population and Housing

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Although fire agencies plan increases in the amount of prescribed burning, such increases may occur without adoption of the proposed amendments to Regulation VI. Consequently, increased prescribed burning is not part of the proposed project and therefore potential impacts of increased prescribed burning on population and housing are not relevant to the evaluation herein. Nevertheless, as discussed above under “Regulatory and Environmental Issues,” planned increases in prescribed burning are expected to reduce the incidence and intensity of wildfires. Because wildfire has the potential to destroy residences, prescribed burning could provide an indirect benefit to population and housing.

Specifically, the proposed amendments to Regulation VI would not induce substantial population growth in an area, and would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. For these reasons, the project would not have a significant adverse impact on population and housing.

13. Public Services

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Public agencies affected by the project may require increased coordination with burners; however, the level of effort is not expected to be significantly greater than that currently expended in similar activities.

Specifically, the proposed amendments to Regulation VI would not result in substantial adverse physical impacts to governmental facilities or require new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times or other performance objectives as they relate to fire protection, police protection, schools, parks, or other public services or facilities. For these reasons, the project would not have a significant adverse impact on public services.

14. Recreation

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of

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prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. For these reasons, the project would not have a significant adverse impact on recreation.

15. Transportation and Traffic

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; would not exceed, either individually or cumulatively, a level of standard established by the Regional congestion management agency for any road or highway; would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; would not substantially increase hazards due to a design feature or incompatible uses; would not result in inadequate emergency access or parking capacity; and would not conflict with adopted policies, plans, or programs supporting alternative transportation. For these reasons, the project would not have a significant adverse impact on transportation/traffic.

16. Utilities and Service Systems

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). The project would not exceed wastewater treatment requirements of the regional water quality control board; would not require or result in the construction of new water, wastewater treatment, or storm water drainage facilities, or expansion of existing facilities; would not require water supplies in excess of existing entitlements and resources or require new or expanded entitlements; would not require additional wastewater treatment capacity or landfill capacity; and would comply with federal, state, and local statutes and regulations related to solid waste. For these reasons, the project would not have a significant adverse impact on utilities and service systems.

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17. Mandatory Findings of Significance

The proposed amendments to Regulation VI primarily increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health (see discussion above under “Project Description” and “Regulatory and Environmental Issues”). Based on the analyses presented herein, it is concluded that the project would not: (1) have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; (2) would not have impacts that are individually limited, but cumulatively considerable; and (3) would not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. For these reasons, the project would not have a significant adverse impact with respect to the mandatory findings of significance

ATTACHMENT II**INITIAL STUDY:**Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control**PROPOSED NEW RULE 101****EXISTING RULES 101 THROUGH 112****EXEMPTIONS**

Provision	Description	Provision	Description
101(b)(1)(i)	Backfires set by fire agency or backfires set to save life or property.	104(a)	Backfires set by fire agency or backfires set to save life or property.
101(b)(1)(ii)	Recreational, ceremonial, cooking activities using clean fuels and not creating a Rule 51 nuisance.	104(b)	Recreational, ceremonial, cooking activities using clean dry fuels and not creating a Rule 51 nuisance.
101(b)(1)(iii)	Fireworks displays.		
101(b)(1)(iv)	Pyrotechnics for special effects.		
101(b)(1)(v)	Remediation of oil spills.		
101(b)(2)	Eastern County residential burning—exempted from a 15 day limitation and notification prior to burn.		
101(b)(3)	Firefighter training and aviation firefighter training—exempted from burning hour restrictions.		
101(b)(4)	Prescribed burning under approved Smoke Management Plan—exempted from burning hour restrictions.		
		104(c)	ARB-permitted open burning at solid waste dumps.

DEFINITIONS

Provision	Description	Provision	Description
101(c)	Definitions, as modified (see Attachment 1).	101	Definitions.

STANDARDS (PROHIBITIONS)

Provision	Description	Provision	Description
101(d)(1)(i)	Residential burning in Western Section of the County.	102	Open burning prohibited generally.
101(d)(1)(ii)	Disposal of material generated from land use conversion for non-agricultural purposes.	102, 103	Open burning prohibited generally.
101(d)(1)(iii)	Detonation of military ordnance, propellants, or pyrotechnic devices unless on permissive burn days, with approved burn permit, and local fire agency determines detonation is only safe means of disposal.	102, 103	Open burning prohibited generally.

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101(d)(1)(iv)	Backfires—except those set by fire agencies or to save life or property.	102, 103; 104	Open burning prohibited generally; except backfires set by fire agencies or to save life or property.
101(d)(1)(v)	Disposal of containers used for pesticides, fertilizers, or other chemicals and similar materials.	102, 103	Open burning prohibited generally.
101(d)(1)(vi)	Disposal of drugs and illegal contraband.	102, 103	Open burning prohibited generally.
101(d)(1)(vii)	Salvage of metal or motor vehicle parts or bodies.	102, 103	Open burning prohibited generally.
101(d)(1)(viii)	Disposal of waste, including hospital waste, diseased or dead animals, animal fur, feathers, manure, rubber, ornamental or landscape vegetation, shop waste, oil filters, discarded home and industrial appliances, tires, tar paper, broken boxes, paint cans, plastics, pallets, sweat boxes, construction or demolition debris, paper, oily waste materials, flammable solid or liquid waste, and noncombustible containers.	102, 103	Open burning prohibited generally.

STANDARDS (BURN PERMIT REQUIRED)

Provision	Description	Provision	Description
101(d)(2)(i)	Agricultural burning.	102(c), 103(c); 105	Burning of vegetative waste material from agricultural operations with an annual wholesale value greater than \$500, or diseased crops; permit required.
101(d)(2)(ii)	Prescribed burning.	102(d), 103(d); 105	Wildland vegetation management, forest management, range improvement burning, or disease or pest prevention; permit required.
101(d)(2)(iii)	Disposal of Russian Thistle (<i>Salsola kali</i>).		
101(d)(2)(iv)	Fire hazard reduction of vegetative material not abatable by economic, ecological, or logistical option when: <ul style="list-style-type: none"> Only vegetation is burned. Material is cleared from property, cut and piled; Material is burned on property where grown (not moved offsite). 	102(b), 103(b); 105	Prevention of fire hazards inaccessible by light-duty trucks; permit required.
101(d)(2)(v)	Disposal of waste infected with agricultural pest or disease hazardous to agricultural operations.	102(c), 103(c); 105	Disposal of diseased crops when no other disposal practicable; permit required.
101(d)(2)(vi)	Fires set to train public or industrial employees in firefighting methods.	102(a) 103(a); 105	Public or industrial employees firefighting methods training; permit required.

ATTACHMENT II

INITIAL STUDY: Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

101(d)(2)(vii)	Firefighting training for existing structures conducted in compliance with Rule 361.145, Asbestos NESHAP.	102(a) 103(a); 105	Public or industrial employees firefighting methods training; permit required.
101(d)(2)(viii)	Aviation firefighting training.	102, 103	Firefighting methods training.
101(d)(2)(ix)	Residential burning in Eastern Section of the County.	103(e); 105	Residential combustible solid waste on dwelling premises—East County; permit required.
101(d)(2)(x)	Right-of-way clearing by public entity or utility or for levee and ditch bank maintenance.	103(f); 105	Burning for right-of-way clearing by public entity or utility or for levee and ditch maintenance—East County; permit required.
101(d)(2)(xi)	Fires set for research and testing fire retardant properties of materials (or enclosures) or efficacy of fire suppression techniques or devices.		

BURN PERMITS and BURNING CONDITIONS

Provision	Description	Provision	Description
101(d)(3)(i)	<p>Burning allowed when “permissive-burn day” declared and burning not prohibited by fire protection agency.</p> <p>A. Permissive burn day will be declared if:</p> <ol style="list-style-type: none"> 1. Above 3,000 feet mean sea level (msl): <ul style="list-style-type: none"> • Inversion top less than 3,000 feet msl or temperature difference through inversion less than 7° F (near 4:00 a.m.), and expected daytime resultant wind speed between 3,000 and 6,000 feet msl at least five miles per hour. 2. Below 3,000 feet msl: <ul style="list-style-type: none"> • Maximum mixing depth expected at least 1,500 feet msl. • Expected daytime resultant wind direction in marine layer has westerly component. • Expected daytime resultant wind speed in marine layer at least five miles per hour. <p>B. Burning control notices may be issued up to 48 hours in advance pursuant to ARB rule. Criteria to consider specific site and location, amount of material burned, and expected impact on air quality.</p>	109	Permits suspended on “no-burn days.” Waiver of suspension requirement allowed.

ATTACHMENT II

INITIAL STUDY: Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

101(d)(3)(ii)	Open burning permit from Air Pollution Control Officer (APCO) or designated agency required.	105	Requires burn permits from a “designated agency” for open burning allowed by Rules 102 and 103.
101(d)(3)(iii)	Requires compliance with Smoke Management Program requirements for prescribed burning.		
101(d)(4)	Burn permits valid for maximum 15 consecutive days.	106	Burn permits not valid for more than 15 days.
101(d)(5)	Designated agency notified on day of burn prior to ignition of fire.	111	Requires notification prior to ignition of fire, except for residential burning of combustible solid waste.
101(d)(6)	Burning allowed in winter from 8:00 AM, PST; and in summer from 7:00 AM, PDT. No additional burning of material allowed beyond sunset. Fires extinguished at sunset, unless impractical and not resulting in a Rule 51 nuisance.	107	Allows open burning during daylight hours, between 8:00 a.m. and sunset. No additional burning of material allowed beyond sunset. Fires extinguished at sunset, unless impractical and not resulting in a Rule 51 nuisance.
101(d)(7)	Rapid ignition of material within applicable fire control regulations using approved ignition devices.	108(a)(4)	Rapid ignition of material per fire control regulation using approved ignition devices.
101(d)(8)(i)	Agricultural burn material sufficiently dry to allow for maximum combustion efficiency.		
101(d)(8)(ii)	Open burning of agricultural waste to be dried for following minimum times: <ul style="list-style-type: none"> • 60 days—trees and large branches with 4” or larger diameter. • 30 days—pruning and branches with less than 4” diameter. • 15 days—field crop and agricultural waste. • 10 days—all other material. Exception may be granted to drying time limits if vegetation pest-infested. 	108(a)(3)	Material to be burned must be dried for following minimum times: <ul style="list-style-type: none"> • 60 days—trees and large branches with 4” or larger diameter. • 30 days—pruning and branches with less than 4” diameter. • 15 days—field crop and agricultural waste. • 10 days—material other than trees and large branches, pruning, and field crop and agricultural waste.
		108(a)(3)	At least 90% of forest burning material must be felled or dead.
101(d)(8)(iii)	Agricultural waste burned reasonably free of dirt, soil, and visible moisture and arranged to burn with minimum of smoke.	108(a)(1) 108(a)(2)	Material burned free of tires, tarpaper, paint cans, etc. and reasonably free of dirt, soil, and visible moisture. Material arranged to burn with minimum smoke.
101(d)(9)	Open burning prohibited when meteorological conditions cause or contribute to exceedance of state or national ambient air quality standard or cause a public nuisance.	108(b)	Open burning prohibited when meteorological conditions may cause smoke to cause a public nuisance or contribute to exceeding state or federal ambient air quality standard.

ATTACHMENT II

INITIAL STUDY: Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

101(d)(10)	Suspends burn permits for following reasons: <ul style="list-style-type: none"> • “No-burn day” declared. • Burn prohibited for purposes of fire control or prevention. • Fire results in excessive smoke drifting into a sensitive area. • Smog alerts or health advisories announced. 	109	Burning permit suspended for any day when: <ul style="list-style-type: none"> • “No-burn day” declared by ARB, or burning prohibited by fire control agency. • Fire results in excessive smoke drifting into populated area. • Alerts or school health warnings announced.
101(d)(11)	Agricultural waste burned reasonably free of dirt, soil, and visible moisture and arranged to burn with minimum of smoke.	108(a)(1) 108(a)(2)	Material burned free of tires, tarpaper, paint cans, etc. and reasonably free of dirt, soil, and visible moisture. Material arranged to burn with minimum smoke.
101(e)(8)	Requires post-burn evaluation for prescribed burns greater than 250 acres.	112	Requires report within 10 days of burn permit termination.

PRESCRIBED BURNING

Provision	Description	Provision	Description
101(e)	Smoke Management Program (SMP) sets forth procedures and requirements required by 17 CCR Section 80145. SMP may be revised to reflect changes in required forms, daily forecast procedures and dissemination protocol, and other requirements between land managers and the District.		
101(e)(1)	Land manager annually registers SMP burn projects, maintains forecasted burn / annual summary records, and obtains certification from DFG for range improvement of land for wildlife and game habitat.		
101(e)(2)	Land manager conducting prescribed burn ensures Smoke Mgt. Plan conditions and requirements met on day of burn event and prior to ignition, and contacts APCD for authorization 24 hours prior to ignition.		
101(e)(3)	Land manager conducts prescribed burning per requirements of the fire protection agency.	108(a)	Designated agency may stipulate other requirements for fire control and prevention.
101(e)(4)	Plan required for prescribed burn projects greater than 10 acres or estimated to produce more than 1 ton particulate matter. Plan requires: <ul style="list-style-type: none"> • Location, type, and amount of materials burned. • Expected duration of fire. • Responsible personnel and telephone contacts. • Smoke sensitive areas identification and location. 	108(e)	Wildland vegetation management burning requires project burn plan, including: <ul style="list-style-type: none"> • Location and objectives. • Total acreage or tonnage, type and arrangement of vegetation. • Direction and distances of nearby sensitive receptors.

ATTACHMENT II

INITIAL STUDY: Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

101(e)(5)	<p>Plan for prescribed burn projects greater than 100 acres or estimated producing more than 10 tons particulate matter requires:</p> <ul style="list-style-type: none"> • Location, type, amount of material burned. • Expected duration of fire. • Responsible personnel and telephone contacts. • Smoke sensitive areas identification and location. • Meteorological conditions allowing burning. • Criteria used for making burn ignition decisions. • Projections, including map, of where smoke from burns expected to travel, both day and night. • Contingency actions taken if smoke impacts occur or meteorological conditions deviate from Plan. • Alternatives to burning. • Discussion of public notification procedures. 		<ul style="list-style-type: none"> • Fuel condition, combustion, and meteorological prescription. • Projected schedule and duration of ignition, combustion and burn down. • Monitoring and project parameter specs. • Project information dissemination specs.
101(e)(6)	<p>Plan to specify smoke monitoring, including visual, ambient particulate matter, or other monitoring, if prescribed burn as follows may impact a smoke sensitive area:</p> <ul style="list-style-type: none"> • Projects greater than 250 acres. • Projects that will continue burning or produce smoke overnight. • Projects as otherwise required by the APCO. 		
101(e)(7)	Land manager coordinates daily with designated agency and APCO for multi-day burns which may impact smoke sensitive areas to affirm that burn project complies with Plan specifications.		
101(e)(8)	Land manager submits post-burn smoke management evaluation to APCO for fires greater than 250 acres.	112	Report within 10 days of permit termination may be required.
101(e)(9)	Prescribed burn permits prioritized for projects by APCO if necessary to maintain suitable air quality.	108(f), 110	APCO may limit amount burned on permissive burn days if necessary to maintain air quality.
		108(c)	Forest management burning requires waste windrowed or piled where possible and good practice.
		108(d)	Range management burning requires brush treated 6 months prior to burn, and felling and drying of unwanted trees over 6" diameter.

**Air Pollution Control Board**

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

July 11, 2002

NEGATIVE DECLARATION

PROPOSED Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

11. PROJECT TITLE:

Proposed Repeal of San Diego County Air Pollution Control District Rules 101 through 112, and Adoption of New Rule 101, Burning Control

12. PROJECT APPLICANT:

San Diego County Air Pollution Control District
9150 Chesapeake Drive
San Diego, California 92123-1096

13. PROJECT LOCATION:

The project applies within the jurisdiction of the San Diego County Air Pollution Control District, which covers the entire area within the incorporated and unincorporated portions of San Diego County, the southwestern-most county in the State of California. San Diego County encompasses approximately 4,260 square miles and is bounded on the north by Orange and Riverside Counties, on the east by Imperial County, on the west by the Pacific Ocean, and on the south by the State of Baja, California Norte, Mexico.

14. PROJECT DESCRIPTION:

The San Diego County Air Pollution Control District is proposing to amend Regulation VI, Burning Control, by repealing existing burning-control Rules 101 through 112 and replacing them with a single, new Rule 101, Burning Control. The purpose of proposed Rule 101 is to require that open burning in San Diego County be conducted in a manner that minimizes emissions and smoke. Proposed Rule 101 incorporates state-mandated Smoke Management Guidelines (Guidelines) for Agricultural and Prescribed Burning, set forth in the California Code of Regulations, Title 17, Sections 80100—80330. The Guidelines were adopted by the California Air Resources Board on March 23, 2000.

NEGATIVE DECLARATION:

Repeal of Rules 101 through 112, and Adoption of New Rule 101, Burning Control

Consistent with the Guidelines, the proposed amendments to Regulation VI increase coordination among affected federal, state, and local agencies and enhance management of prescribed burning activities to further protect air quality and public health. Consistent with existing burning-control rules, proposed new Rule 101 primarily applies to, and requires a burn permit for:

- Prescribed burning operations, which is the planned use of fire on wildlands to reduce biomass fuel loads (tree and shrub branches, leaves, and other decaying organic matter accumulating on the forest floor) and the threat of large-scale, uncontrolled wildfires, and to restore ecological systems in forests or other natural land;
- Agricultural burning operations, which is the intentional burning of crop wastes to prepare fields for future crops and prevent crop infestation from pests and weeds;
- Fire hazard-reduction burning operations, which is clearing away flammable vegetation near structures to reduce fire hazard potential;
- Aviation firefighting training operations, for training firefighters on proper response and extinguishment techniques for fires involving hazards unique to aviation; and
- Fires set for firefighting methods training.

15. FINDING:

The San Diego County Air Pollution Control District, acting as lead agency, has completed an Initial Study for the project pursuant to the California Environmental Quality Act. The Initial Study shows that proposed amended Regulation VI will not conflict with or obstruct air quality plan implementation; violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation; expose sensitive receptors to substantial criteria pollutant concentrations; create objectionable odors affecting a substantial number of people; or result in a cumulative adverse air quality impact. Based on the Initial Study and the entire record before the District, there is no substantial evidence that the project may have a significant adverse effect on the environment and the adoption of proposed amended Regulation VI, Burning Control, does not require preparation of an Environmental Impact Report.

This Negative Declaration reflects the independent judgment of the decision-making authority.

16. REQUIRED MITIGATION MEASURES:

No mitigation measures are required.

17. CRITICAL PROJECT DESIGN ELEMENTS THAT MUST BECOME CONDITIONS OF APPROVAL:

None required.

Note: This Negative Declaration becomes final upon approval by the Air Pollution Control Board.

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION ADOPTING
THE NEGATIVE DECLARATION
FOR PROPOSED REPEAL OF RULES 101 THROUGH 112
AND ADOPTION OF NEW RULE 101, BURNING CONTROL**

On motion of Member Slater, Seconded by Member Jacob, the following Resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District has proposed to repeal Rules 101 through 112, Burning Control in their entirety, and adopt new Rule 101;

WHEREAS, the proposed repeal of Rules 101 through 112 and adoption of new Rule 101, are based on state Smoke Management Guidelines for Agricultural and Prescribed Burning, set forth in the California Code of Regulations, Title 17, Sections 80100-80330, adopted by the California Air Resources Board on March 23, 2000;

WHEREAS, pursuant to the California Environmental Quality Act, repeal of Rules 101 through 112, and adoption of new Rule 101 is a project with potential significant environmental impacts,

WHEREAS, the San Diego Air Pollution Control District has the principal responsibility for repealing Rules 101 through 112, and adoption of new Rule 101 and therefore, pursuant to the California Environmental Quality Act, is the lead agency for the requisite environmental review;

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared evaluating potential environmental consequences resulting from the repeal of Rules 101 through 112, and adoption of new Rule 101;

WHEREAS, the Initial Study revealed no substantial evidence that the repeal of Rules 101 through 112, and adoption of new Rule 101 may have a significant adverse environmental effect;

WHEREAS, based on the Initial Study findings, a proposed Negative Declaration was prepared pursuant to the California Environmental Quality Act;

WHEREAS, the proposed Negative Declaration was circulated for a 30-day public comment period and no comments were received;

WHEREAS, the final Negative Declaration concludes there is no substantial evidence indicating the repeal of Rules 101 through 112, and adoption of new Rule 101 will have a significant adverse impact on the environment;

Resolution Adopting Negative Declaration

WHEREAS, the San Diego County Air Pollution Control Board reviewed and considered the information contained in the Initial Study and final Negative Declaration; and

WHEREAS, the documents and other materials on which the decision to adopt the Negative Declaration is based are located at the San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, California 92123-1096; the custodian is Richard Smith, Acting Director.

NOW THEREFORE, IT IS RESOLVED AND ORDERED that the Initial Study and Negative Declaration reflect the Board's independent judgment and analysis of potential environmental consequences resulting from the repeal of Rules 101 through 112, and adoption of new Rule 101;

IT IS FURTHER RESOLVED AND ORDERED that, considering the entire record before the Board, there is no substantial evidence that the repeal of Rules 101 through 112, and adoption of new Rule 101 will have a significant adverse effect upon the environment;

IT IS FURTHER RESOLVED AND ORDERED that the Negative Declaration is hereby adopted as a true and complete statement of potential environmental consequences resulting from the repeal of Rules 101 through 112, and adoption of new Rule 101;

IT IS FURTHER RESOLVED AND ORDERED that there is no evidence in the entire record that the repeal of Rules 101 through 112, and adoption of new Rule 101 will have an adverse effect on wildlife resources, and on the basis of substantial evidence, the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(d) has been rebutted.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 25th day of September, 2002, by the following votes:

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

L. Outton

SENIOR DEPUTY

AYES: Cox, Jacob, Slater
ABSENT: Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)^{ss}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Air Pollution Control Board.

THOMAS J. PASTUSZKA
Clerk of the Air Pollution Control Board

By: *Denise McClendon*
Denise McClendon, Deputy



No. 02-332
9/25/02 (APCD 5)

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION REPEALING RULES 101 THROUGH 112
AND ADDING NEW RULE 101 TO REGULATION VI
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member Jacob, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code; and

WHEREAS, said Board now desires to adopt a new Smoke Management Program;

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Smoke Management Program dated September 2002 is hereby adopted; and:

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

1. Rules 101 through 112 are repealed in their entirety.
2. Proposed new Rule 101 is to read as follows:

REGULATION VI. BURNING CONTROL (Effective 1/17/73; Rev. (date of adoption))

RULE 101. BURNING CONTROL Adopted and effective (date of adoption)

The purpose of this rule is to require that open burning in San Diego County be conducted in a manner that minimizes emissions and smoke, and is managed consistent with state and federal law.

Resolution for new Rule 101

(a) **APPLICABILITY**

This rule is applicable to any person conducting or allowing any open burning including, but not limited to:

- (1) Agricultural Burning
- (2) Prescribed Burning
- (3) Disposal of Russian Thistle (*Salsola Kali* or "tumbleweed")
- (4) Fire Prevention or Fire Suppression Training
- (5) Fire Hazard Reduction Burning
- (6) Testing of materials, equipment, or techniques related to research or development of new or improved methods to abate or suppress fire
- (7) Residential Burning

(b) **EXEMPTIONS**

- (1) The provisions of this rule shall not apply to:
 - (i) The setting of backfires when conducted by a fire protection agency or when necessary to save life or property, in accordance with Public Resources Code Section 4426.
 - (ii) Recreational, ceremonial, and cooking fires, provided that clean dry fuel (limited to wood or charcoal), natural gas, propane, or cooking fuel is used and the fire is set in such manner as not to create a nuisance as defined in Rule 51.
 - (iii) Fireworks displays.
 - (iv) Pyrotechnics used for creation of special effects.
 - (v) Fires set in the remediation of oil spills pursuant to Government Code Section 8670.7.
- (2) Subsections (d)(4) and (d)(5) shall not apply to authorized residential burning in the Eastern Section of the Air Pollution Control District of San Diego County.
- (3) Fires set for Firefighter Training and Aviation Firefighting Training are not subject to the burning hour restrictions in (d)(6).

(4) Prescribed burning under an approved Smoke Management Plan may be conducted outside the burning hour restrictions in (d)(6) with daily consultation and approval by the Air Pollution Control Officer.

(c) **DEFINITIONS**

For the purposes of this regulation, the following definitions shall apply:

(1) **"Agricultural Burning"** means open burning of vegetation produced wholly from the growing and harvesting of crops in agricultural operations; including the burning of grass and weeds in fence rows, ditch banks, and berms in non-tillage orchard operations, fields being prepared for cultivation, agricultural wastes, and the operation or maintenance of a system for the delivery of water for agricultural operations.

(2) **"Agricultural Operation"** means any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowl or animals for the primary purpose of making a profit or for a livelihood, or conducting agricultural research or instruction by an educational institution.

(3) **"Agricultural Waste"** means unwanted or non-salable materials produced wholly from agricultural operations directly related to the growing of crops or raising animals for the primary purpose of making a profit or for a livelihood. The term does not include items such as diseased or dead animals, animal fur, feathers, pesticide and fertilizer containers, manure, plastic, rubber, ornamental or landscape vegetation, shop wastes, construction and demolition material, garbage, oil filters, discarded home and industrial appliances, tires, tar paper, broken boxes, pallets, sweat boxes, packaging or processing of agricultural products, orchard or vineyard waste, or any material generated as a result of land use conversion to nonagricultural purposes.

(4) **"Air Pollution Control Officer (APCO)"** means the same as defined in Rule 2.

(5) **"Approved Ignition Devices"** means those devices, instruments, or materials approved by a designated agency or the Air Pollution Control Officer that will ignite open fires without the production of black smoke by the ignition device, including, but not limited to, liquid petroleum gas, butane, propane, pressurized diesel fuel oil burners, and flares. Tires, tarpaper, oil, and other similar materials are not approved ignition devices.

(6) **"ARB"** means the California Air Resources Board.

(7) **"Aviation Firefighting Training"** means a series of fires ignited with aviation fuel and/or any other fuel consistent with published Federal or State training requirements, conducted for the purpose of training firefighters on proper response and extinguishment techniques for fires involving hazards unique to aviation.

(8) **"Backfire"** means a burn ignition technique where an auxiliary fire is ignited at the downwind side of a burn area and intended to burn into the wind towards the fuel source.

- (9) **"Class I Area"** means the same as defined in Rule 20.1.
- (10) **"Contraband"** means any property which is unlawful to produce or possess.
- (11) **"Designated Agency"** means any agency designated by the ARB as having authority to issue agricultural burning, including prescribed burning, permits. The U.S. Department of Agriculture (USDA) Forest Service and the California Department of Forestry and Fire Protection (CDF) are so designated within their respective areas of jurisdiction.
- (12) **"Eastern Section of the Air Pollution Control District of San Diego County"** means the same as defined in Rule 2.
- (13) **"Firefighting Training"** means a series of fires ignited with liquid fuel and/or other fuel consistent with published Federal or State requirements conducted for the purpose of training firefighters on proper response and extinguishment techniques for fires.
- (14) **"Fire Protection Agency"** means any agency with the responsibility and authority to protect people, property, and the environment from fire.
- (15) **"Fire Hazard Reduction Burning"** means the burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.
- (16) **"Infectious Waste"** means a waste generated from a type of microorganism, such as, bacteria, mold, parasite, or virus that normally causes, or significantly contributes to the cause of increased morbidity or mortality of human beings or animals.
- (17) **"Land Manager"** means any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.
- (18) **"National Ambient Air Quality Standards"** means the same as defined in Rule 20.1.
- (19) **"No-burn Day"** means any day on which the District prohibits open burning.
- (20) **"Open Burning"** means the ignition and subsequent burning, or ignition, decomposition and subsequent burning of solid, liquid, or gaseous materials, outside of a combustion chamber with or without a visible flame and not vented through a chimney or flue. A burn barrel is considered open burning.
- (21) **"Open Outdoor Fire"** means any fire ignited in the open, including in a burn barrel, or in any device other than a multiple-chamber incinerator, as defined in Rule 2.
- (22) **"Permissive-burn Day," or "Burn Day"** means any day on which the District does not prohibit agricultural burning and prescribed burning.

(23) **"Prescribed Burning"** means planned open burning to achieve the specific objectives identified by a land manager on lands selected in advance for removal of:

- (i) vegetation from land predominantly covered with chaparral, trees, grass, or standing brush; or
- (ii) forest vegetation or debris for the purposes of forest protection; or
- (iii) brush, weeds, or vegetation to promote a healthier environment for plant or animal species or to re-establish native plant species; or
- (iv) disease and pest prevention.

(24) **"Residential Burning"** means an open outdoor fire for the disposal of the combustible or flammable solid waste from a single- or two-family dwelling on its premises. Residential burning does not include hospital waste, tires, tarpaper, paint cans, plastics, pallets, construction or demolition debris, paper, oily waste materials, flammable solid or liquid waste, feathers, animal fur, diseased or dead animals, organic fertilizer, and non-combustible containers.

(25) **"San Diego Air Basin"** means, for the purpose of burn permit decision making, all of San Diego County, except for that portion in the Salton Sea Air Basin. Burn decisions for this excepted portion in the Salton Sea Air Basin are specified by the ARB.

The eastern portion of San Diego County is geographically in the Salton Sea Air Basin. For purposes of outdoor burning, those portions of San Diego County included in the Salton Sea Air Basin must abide by the burn day declaration made for the Salton Sea Air Basin. When the ARB declares a Marginal Burn Day in the Salton Sea Air Basin, the District will declare a No Burn Day for that portion of San Diego County included in the Salton Sea Air Basin. This decision is made daily by the ARB and is conveyed to the public through the District's Agricultural Burn forecast system.

The San Diego Air Basin is defined as follows: except that portion which lies east of a line beginning at the U.S.-Mexico border and running north along the range line common to R. 7 E and R. 6 E, San Bernardino Base and Meridian; to the southeast corner of T. 16 S, R. 6 E; then west along the township line common to T. 16 S and T. 17 S to the southwest corner of T. 16 S, R. 6 E; then north along the range line common to R. 6 E and R. 5 E to the southeast corner of T. 14 S, R. 5 E; then west along the township line common to T. 14 S and T. 15 S to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the township line common to T. 10 S and T. 9 S; then west along this township line to the point

of intersection with the range line common to R. 4 E and R. 3 E; then north along this range line to the San Diego-Riverside County boundary.

(26) **"Smoke Management Plan"** means a document prepared for each fire by a land manager that provides the information and procedures required in such plans by Title 17, of the California Code of Regulations Section 80160.

(27) **"Smoke Sensitive Areas"** means areas where the Air Pollution Control Officer determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns, villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

(28) **"State Ambient Air Quality Standards"** means the same as defined in Rule 20.1.

(29) **"Western Section of the Air Pollution Control District of San Diego County"** means the same as defined in Rule 2.

(30) **"Wildland"** means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in ten years), is not fallow, and is not in the United States Department of Agriculture (USDA) 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.

For CDF only, "Wildland" as specified in California Public Resources Code Section 4464(a) means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1, Part 2 of Division 4 of that Code and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. "Wildland" also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on this land would pose a threat to the adjacent state responsibility area.

(31) **"Wildland Fire"** means any non-structural fire, other than prescribed fire, that occurs in the wildland.

(d) **STANDARDS**

(1) **Prohibited Open Burning**

A person shall not conduct or allow open burning for:

(i) Residential burning in the Western Section of the Air Pollution Control District of San Diego County.

Resolution for new Rule 101

(ii) Disposal or reduction of materials generated as a result of land use conversion for non-agricultural purposes.

(iii) Disposal of military ordnances or propellants by detonation unless the open detonation is conducted on permissive burn days, providing such burning is conducted in compliance with Subsection (d)(3)(ii) and the local fire protection agency having jurisdiction determines immediate detonation is the only safe means of disposal.

(iv) The setting of backfires except those set by a fire protection agency or when necessary to save life or property, in accordance with Public Resources Code Section 4426.

(v) Disposal of containers used for pesticides, fertilizers, or other chemicals, and other similar materials.

(vi) The disposal of drugs and illegal contraband.

(vii) Salvage of metal or motor vehicle parts or bodies.

(viii) Disposal of waste including, but not limited to, hospital or infectious waste, diseased or dead animals, animal fur, feathers, manure, rubber, ornamental or landscape vegetation, shop waste, oil filters, discarded home and industrial appliances, tires, tar paper, broken boxes, paint cans, plastics, pallets, sweat boxes, construction or demolition debris, paper, oily waste materials, flammable solid or liquid waste, and non-combustible containers.

(ix) Fire hazard reduction burning unless the local fire protection agency determines the materials cannot be abated by an economically, ecologically, and logistically viable option; and unless all of the following conditions are met:

(A) Only vegetation is burned;

(B) The amount of material to be burned shall be cleared from a single property and cut and piled in a safe manner as specified by the designated agency having jurisdiction;

(C) The material is burned on the property where it has grown without being moved offsite.

(2) Written Permits Required

A written permit from a designated agency or the Air Pollution Control Officer must be obtained prior to the following types of open burning:

(i) Agricultural burning.

(ii) Prescribed burning.

Resolution for new Rule 101

(iii) Disposal of Russian Thistle (*Salsola Kali* or "tumbleweed"), and such burning must be authorized by a fire protection agency, the San Diego County Agricultural Commissioner, or the Air Pollution Control Officer.

(iv) Fire hazard reduction burning.

(v) Disposal of waste infected with an agricultural pest or disease hazardous to agricultural operations, such burning must be upon the order of the San Diego County Agricultural Commissioner.

(vi) Fires set for the purpose of training public or industrial employees in the methods of fighting fires.

(vii) Firefighting training involving the burning of existing structures conducted in compliance with all requirements of Rule 361.145, National Emission Standard for Asbestos.

(viii) Aviation Firefighting Training.

(ix) Residential burning located in the Eastern Section of the Air Pollution Control District of San Diego County.

(x) Right-of-way clearing by a public entity or utility or for levee and ditch bank maintenance by such entities.

(xi) Fires set for the purpose of researching or testing fire retardant properties of materials (or enclosures) or the efficacy of fire suppression techniques or devices.

(3) A person shall not conduct or allow open burning unless:

(i) The Air Pollution Control Officer has declared the day a permissive burn day and such burning is not prohibited by a fire protection agency. The Air Pollution Control Officer will base the declaration of a permissive/prohibited burn day as follows.

A permissive-burn day will be declared when the following meteorological criteria are met:

(A) Above 3,000 feet mean sea level (msl)*:

(1) Near 4:00 a.m., the inversion top is less than 3,000 feet msl or the temperature difference through the inversion is less than seven degrees Fahrenheit; and

(2) The expected daytime resultant wind speed between 3,000 and 6,000 feet msl is at least five miles per hour.

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(B) Below 3,000 feet msl*:

(1) The maximum mixing depth is expected to be at least 1,500 feet msl; and

(2) The expected daytime resultant wind direction in the marine layer has a westerly component; and

(3) The expected daytime resultant wind speed in the marine layer is at least five miles per hour.

*In place of the standard 3,000 feet msl threshold, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

(ii) A written open burning permit has first been obtained from a designated agency or the Air Pollution Control Officer; and

(iii) For prescribed burning, all conditions of the District Smoke Management Program (described in Subsection (e)) are met.

(4) Open burn permits pursuant to this rule shall be valid for a maximum of fifteen (15) consecutive days, unless the designated agency or the Air Pollution Control Officer authorizes, in writing, a longer period.

(5) A person shall not conduct or allow open burning unless the designated agency is notified on the day of the burn prior to the ignition of any fire set in accordance with this rule.

(6) Open burning pursuant to this rule shall be conducted during daylight hours specified by the designated agency or the Air Pollution Control Officer. Criteria for daylight burns are as follows: During winter months, no ignition shall be allowed before 8:00 a.m., local time. This definition of winter months shall coincide with those days when the local time is set to Pacific Standard Time (i.e., last Sunday in October through first Saturday in April). During summer months, no ignition shall be allowed before 7:00 a.m., local time. This definition of summer months shall coincide with those days when the local time is set to Pacific Daylight Time (i.e., first Sunday in April through last Saturday in October). No material shall be added to the fire that would cause it to burn beyond sunset of each day. All fires subject to this rule shall be extinguished at sunset of each day. The designated agency or the Air Pollution Control Officer may allow fires set by or under the supervision of governmental agencies administering formal prescribed burning programs to burn beyond sunset, provided it is impractical to extinguish such fires at sunset and burning beyond sunset will not result in a nuisance as defined in Rule 51.

(7) A person shall ignite the material to be burned as rapidly as practicable within applicable fire control regulations using only approved ignition devices.

(8) Additional requirements for agricultural burning:

Resolution for new Rule 101

(i) The material to be burned shall be sufficiently dry to allow for maximum combustion efficiency.

(ii) A person shall not conduct or allow the open burning of agricultural waste unless it has been allowed to dry for the following minimum times:

(A) Trees and large branches (4" or more in diameter): 60 days.

(B) Prunings and small branches (less than 4" in diameter): 30 days.

(C) Field crop waste and other similar agricultural wastes: 15 days.

(D) For all other agricultural wastes not specifically listed above: 10 days. However, the designated agency or the Air Pollution Control Officer may stipulate other drying times for any of the above items where such drying times can be reasonably expected to substantially reduce smoke, which would otherwise be produced. The designated agency or the Air Pollution Control Officer, upon written request, may grant an exception to the drying time limits if vegetation is pest infested and requires immediate treatment by order of the San Diego County Agricultural Commissioner.

Drying time starts from the date the material was felled or cut.

(iii) A person shall not conduct or allow the open burning of agricultural waste unless it is reasonably free of dirt, soil, and visible moisture and arranged so that it will burn with a minimum amount of smoke.

(9) Open burning shall be prohibited when meteorological conditions, as determined by the Air Pollution Control Officer, would result in the burn causing or contributing to an exceedance of a state or national ambient air quality standard or causing a public nuisance.

(10) Suspension of Burn Permits.

Burn permits issued in accordance with this rule shall be automatically suspended for any of the following reasons:

(i) The Air Pollution Control Officer declares a "no-burn day." (Note that pursuant to Subsection (d)(3), open burning is never allowed on no-burn days.)

(ii) The designated agency having jurisdiction over the site of the burn notifies the permittee the burn is prohibited for purposes of fire control or prevention.

(iii) The designated agency or the Air Pollution Control Officer notifies the permittee that a fire would result in excessive smoke drifting into a smoke sensitive area.

(iv) When the Air Pollution Control Officer announces smog alerts or health advisories.

(11) A person shall not conduct or allow residential burning (when otherwise allowed) unless the material is reasonably free of dirt, soil, and visible moisture and arranged so that it will burn with a minimum amount of smoke.

(e) DISTRICT SMOKE MANAGEMENT PROGRAM

The District Smoke Management Program provides for the continuation of agricultural burning, including prescribed burning, as a resource management tool while minimizing smoke impacts on the public. The District's Smoke Management Program sets forth procedures and other requirements mandated by Title 17, California Code of Regulations, Section 80145.

The Air Pollution Control Officer may revise and update the Smoke Management Program to reflect changes in required forms, daily forecast procedures and dissemination protocols, and other communication requirements between land managers and the District.

(1) When prescribed burning will be set under a Smoke Management Plan, the land manager shall register all planned burn projects annually, including areas for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur. Copies of all forecasted burns and annual summaries of activities for the past year, including emissions information, shall be made available to the Air Pollution Control Officer upon request. If the Smoke Management Plan is for range improvement and the burn is conducted primarily for improvement of land for wildlife and game habitat, the land manager shall file a statement from the Department of Fish and Game with the Air Pollution Control Officer as part of his/her Smoke Management Plan certifying that the burn is desirable and proper.

(2) The land manager conducting a prescribed burn shall ensure that all conditions and requirements stated in the Smoke Management Plan are met on the day of the burn event and prior to ignition, and must contact the Air Pollution Control District at least 24 hours prior to ignition to obtain authorization.

(3) The land manager shall conduct or allow prescribed burning only when the fires are set by, under the jurisdiction of, or pursuant to the orders or requirements of a fire protection agency.

(4) Prior to conducting or allowing prescribed burning for any project greater than ten acres or estimated by the land manager to produce more than one ton of particulate matter with aerodynamic diameter of 10 microns or less, the land manager shall have a Smoke Management Plan approved in writing by the Air Pollution Control Officer. At a minimum, the Smoke Management Plan shall contain the following information:

- (i) Location, types, and amounts of material to be burned;
- (ii) Expected duration of the fire from ignition to extinction;

- (iii) Identification of responsible personnel, including telephone contacts; and
- (iv) Identification and location of all smoke sensitive areas.

(5) Prior to conducting or allowing prescribed burning for any project greater than 100 acres, or estimated by the land manager to produce more than 10 tons of particulate matter with aerodynamic diameter of 10 microns or less, the Smoke Management Plan shall contain, at a minimum, the following information:

- (i) Location, types, and amounts of material to be burned;
- (ii) Expected duration of the fire from ignition to extinction;
- (iii) Identification of responsible personnel, including telephone contacts;
- (iv) Identification and location of all smoke sensitive areas;
- (v) Identification of meteorological conditions necessary for burning;
- (vi) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions;
- (vii) Projections, including a map, of where the smoke from the burn is expected to travel, both day and night;
- (viii) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the Smoke Management Plan;
- (ix) Alternatives to burning; and
- (x) Discussion of public notification procedures as required in Title 17, California Code of Regulations, Section 80160, including appropriate signage at burn sites, and reporting of public smoke complaints.

(6) The land manager shall specify in the Smoke Management Plan appropriate smoke monitoring, which may include visual, ambient particulate matter, or other monitoring approved by the Air Pollution Control Officer, if a prescribed burn of any of the following types may impact a smoke sensitive area:

- (i) Projects greater than 250 acres;
- (ii) Projects that will continue burning or produce smoke overnight; or
- (iii) Other projects as determined by the Air Pollution Control Officer.

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(7) The land manager shall coordinate daily with the designated agency and the Air Pollution Control Officer for multi-day burns which may impact smoke sensitive areas to affirm that the burn project remains in compliance with conditions specified in the Smoke Management Plan.

(8) The land manager shall submit to the Air Pollution Control Officer a post-burn smoke management evaluation for fires greater than 250 acres.

(9) The Air Pollution Control Officer shall prioritize the issuance of burn permits related to Subsections (e)(4), (e)(5), and (e)(6) if such action is necessary to maintain suitable air quality.

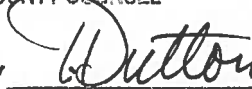
IT IS FURTHER RESOLVED AND ORDERED that the repeal of Rules 101 through 112 and addition of new Rule 101 to Regulation VI, and the Smoke Management Program shall take effect upon adoption.

IT IS FURTHER RESOLVED AND ORDERED that the Air Pollution Control Officer submit new Rule 101 of Regulation VI to the California Air Resources Board for transmittal to the federal Environmental Protection Agency for inclusion in the federal State Implementation Plan.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 25th day of September, 2002, by the following votes:

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY



SENIOR DEPUTY

AYES: Cox, Jacob, Slater
ABSENT: Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)^{ss}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Air Pollution Control Board.

THOMAS J. PASTUSZKA
Clerk of the Air Pollution Control Board

By: *Denise McClendon*
Denise McClendon, Deputy



No. 02-333
9/25/02 (APCD 5)

PROPOSED

**San Diego County Air Pollution Control District
Smoke Management Program**

**Prepared by the
San Diego County Air Pollution Control District
9150 Chesapeake Drive
San Diego, CA 92123**

September 2002

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

I. Introduction

The San Diego County Air Pollution Control District (District) has implemented the following smoke management program to minimize smoke impacts from a projected increase in prescribed burning by land managers in San Diego County. This smoke management program addresses recent revisions to Title 17 of the California Code of Regulations (CCR).

This smoke management program is intended to be a dynamic document, where non-regulatory elements of the smoke management program can change over time, as needed, without having to modify existing District rules. Substantial changes to the smoke management program will need to be approved by the District Board and potentially the California Air Resources Board (ARB) before being implemented by the District.

This document is organized in seven sections, with four appendices. Where applicable, the section titles reference the appropriate Title 17 section. Section 2 presents the District's determination of permissive-burn and no-burn days. Burning permits and burning reports are presented in sections 3 and 4, respectively. The smoke management program goals and requirements are presented in section 5. Special requirements for prescribed burning and prescribed fires in wildland and wildland/urban interface areas are described in section 6. Section 7 lists all references in this document.

Appendix A lists all definitions provided in Title 17. The meteorological criteria used by the District to determine burn/no-burn days are listed in appendix B. Appendix C shows a copy of the current District Application for a Permit to Burn form, and appendix D shows the current Application for Prescribed Burning Permit form.

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II. Permissive-Burn or No-Burn Days

District meteorologists specify each day of the year as either a permissive burn day or a no-burn day for the San Diego Air Basin (the District does not specify marginal burn days). Agricultural burning, including prescribed burning, is prohibited in San Diego County on no-burn days.

The District informs the ARB about the burn decision no later than 3:00 p.m. every day. If conditions preclude a forecast until the next day, the decision is announced by 7:45 a.m.

The District uses the criteria shown in Appendix B to determine burn/no-burn days. If better science or continued operational experience conclude that the burn day/no-burn day criteria are inadequate to protect public health and welfare, or if there are adverse impacts in smoke sensitive areas, the District will adopt new burn day/no-burn day criteria in consultation with the ARB.

San Diego Air Basin means, for the purpose of burn permit decision making, all of San Diego County, except for that portion in the Salton Sea Air Basin. Burn decisions for this excepted portion in the Salton Sea Air Basin are specified by the ARB.

The eastern portion of San Diego County is geographically in the Salton Sea Air Basin. For purposes of outdoor burning, those portions of San Diego County included in the Salton Sea Air Basin must abide by the burn day declaration made for the Salton Sea Air Basin. When the ARB declares a Marginal Burn Day in the Salton Sea Air Basin, the District will declare a No Burn Day for that portion of San Diego County included in the Salton Sea Air Basin. This decision is made daily by the ARB and is conveyed to the public through the District's Agricultural Burn forecast system.

The San Diego Air Basin is defined as follows: except that portion which lies east of a line beginning at the U.S.-Mexico border and running north along the range line common to R. 7 E and R. 6 E, San Bernardino Base and Meridian; to the southeast corner of T. 16 S, R. 6 E; then west along the township line common to T. 16 S and T. 17 S to the southwest corner of T. 16 S, R. 6 E; then north along the range line common to R. 6 E and R. 5 E to the southeast corner of T. 14 S, R. 5 E; then west along the township line common to T. 14 S and T. 15 S to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the township line common to T. 10 S and T. 9 S; then west along this township line to the point of intersection with the range line common to R. 4 E and R. 3 E; then north along this range line to the San Diego-Riverside County boundary.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

III. Burning Permits

No person may knowingly set or allow agricultural or prescribed burning unless he/she has a valid permit from the District or designated agency. An example of the District Permit to Burn form is provided in Appendix C.

Permits issued by designated agencies are subject to the District's smoke management program and to all rules and regulations of the District. Designated agencies will submit any information as specified by the District.

Each applicant for a permit will provide information required by the designated agency for fire protection purposes. Each applicant for a permit will provide information requested by the District.

A Smoke Management Plan is required for all prescribed burns in San Diego County.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
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IV. Burning Report

A report of agricultural burning, including prescribed burning, conducted during each calendar year will be submitted to the ARB by the District within 45 days of the end of each calendar year. The report will include the estimated tonnage of each waste type burned. When an electronic reporting system is established by the ARB, it will be used for providing reports of burning.

A report of permits issued pursuant to subdivision (e) of Title 17 CCR section 80120 during each calendar year will be submitted to the ARB by the District within 45 days of the end of the calendar year. The report will include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

V. Program Goals and Requirements

The District's smoke management program includes:

A daily burn decision system that regulates burning in order to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. The District's burn authorization decision system will be based upon the following factors:

- (1) Air quality;
- (2) Meteorological conditions expected during burning, including wind speeds and directions at the surface and aloft, and atmospheric stability;
- (3) Types and amounts of materials to be burned;
- (4) Locations of materials to be burned;
- (5) Locations of smoke sensitive areas; and
- (6) Smoke from all burning activities, including burning in neighboring air districts or regions, which may affect the district or region.

Description of Meteorological and Air Quality Monitoring Data

The District's smoke management program is supported by a large array of air quality and meteorological data collected by the District, the National Weather Service (NWS), the Federal Aviation Administration (FAA), and other organizations on a daily basis. These data are used by the District's meteorologists to evaluate current conditions and make predictions of future weather conditions that affect air pollution and smoke dispersion within the County.

The District operates nine ambient air monitoring stations located in the populated areas of San Diego County (see Figure 1). These sites measure numerous air pollutant and meteorological values, including, but not limited to, continuous measurements of ozone, wind speed and wind direction, and 24-hour integrated particulate samples (PM₁₀ and PM_{2.5}). Continuous particulate samplers are also operated at some monitoring stations.

District meteorologists produce daily forecasts and reports for ozone concentrations in addition to burn forecasts for the San Diego Air Basin (SDAPCD, 1998). These forecasts look at air quality conditions in addition to the meteorological conditions described in Appendix B. A no-burn day is called when ozone concentrations are expected to exceed the state air quality standard for ozone (0.09 ppm) in the San Diego Air Basin.

The District also operates two atmospheric radar wind profiler/radio acoustic sounding systems (RWP/RASS), which provide continuous, real-time winds aloft and atmospheric temperature structure information. These profilers are currently located on Point Loma and adjacent to the NWS rawinsonde launch site located on the Miramar Marine Corps Air Station (KNKX). The Point Loma site (32° 41' 48" N, 117° 15' 11" W, 35 m MSL) provides

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
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San Diego County Air Monitoring Stations

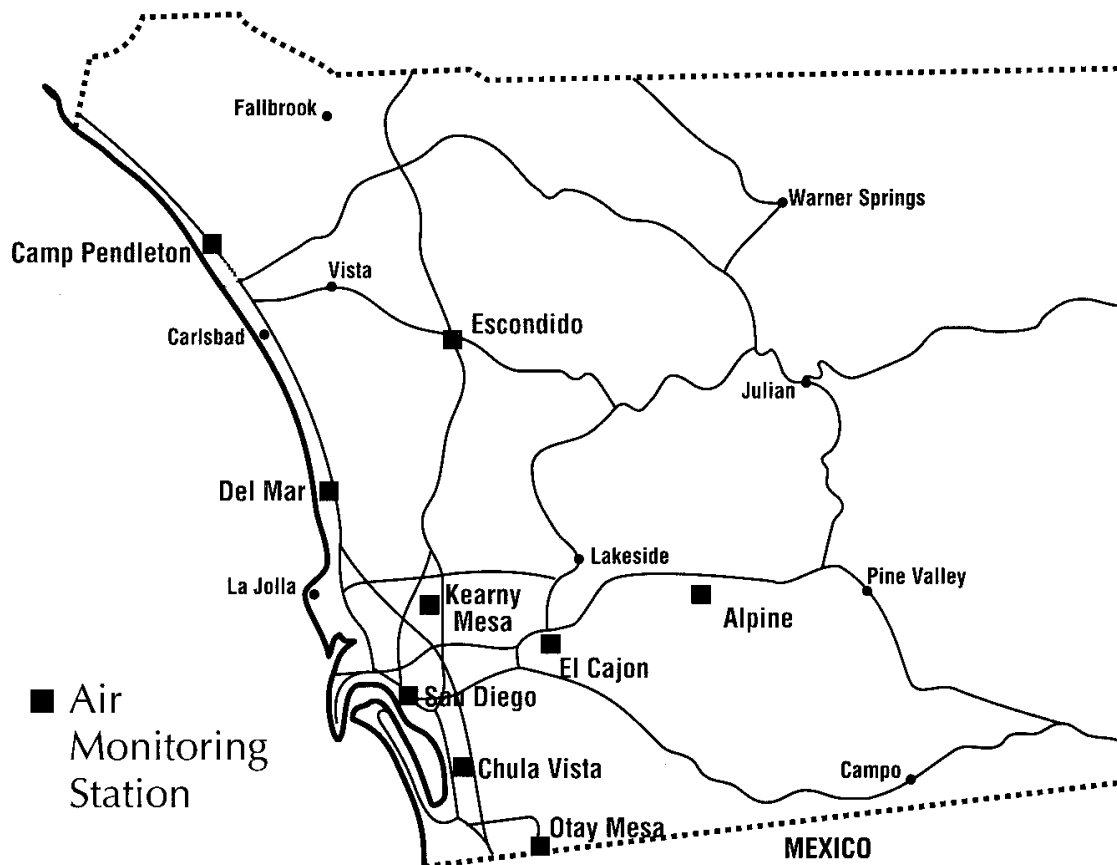


FIGURE 1 Map showing locations of San Diego County Air Pollution Control District air monitoring stations.

meteorological information pertinent to the coastal zone and offshore waters. The Miramar site (32° 50' 43" N, 117° 07' 23" W, 126 m MSL) provides meteorological information pertinent for the mesa/inland valley and foothill zones of the County. This site is also in the center of the more densely populated region of the County.

The NWS launches two rawinsondes daily from the Miramar site (0000Z and 1200Z). The rawinsonde data provide the District meteorologists with wind and temperature information at altitudes higher than can be obtained by the District's radar wind profilers. The rawinsonde data are available to the District meteorologists, as well as the rest of the meteorological community, on a daily basis.

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

The NWS operates a regional forecast office located in San Diego, which provides additional information to District meteorologists, as needed. The District maintains an excellent professional relationship with the NWS forecast office, and they make frequent use of District meteorological data in making their analyses and forecasts.

A large number of civilian and military airports also provide an excellent source of hourly meteorological observations and long-term climatological data for the San Diego Air Basin.

Civilian airports operated by the FAA in San Diego County include:

- McClellan-Palomar (CRQ), located in the north-coastal area.
- Gillespie (SEE), located in the south-central inland valley area.
- Montgomery (MYF), located in the south-mesa area.
- San Diego International-Lindbergh (SAN), located near downtown San Diego.
- Brown (SDM), located in the U.S.-Mexico border mesa area.
- Ramona (RMN), automated station located in the central foothill area
(FAA-operated control tower planned in the near future).

Military airports in San Diego County include:

- MCAS Camp Pendleton/Munn (NFG), located in the north-coastal canyon area.
- MCAS Miramar (NKX), located in the south-mesa area.
- NAS North Island (NZY), located on Coronado “island”, near downtown San Diego.
- NOLF Imperial Beach (NRS), located in the U.S.-Mexico border coastal area.

A wide-variety of meteorological sites collect data in San Diego County in addition to the District and airport meteorological sites. These data can be obtained on an as-needed basis to support prescribed burns in otherwise data-sparse regions of the County.

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

Description of Personnel Resources for Meteorological Support and Burn Coordination

District meteorologists have successfully issued permissive-burn/no-burn decisions for over twenty years and coordinated these decisions with the ARB. This system of District burn decisions and coordination with the ARB and adjacent districts has worked very well over the years without major problems.

The District's Meteorology and Modeling Section (Monitoring and Technical Services Division) provides technical support for air quality and burn forecasting, air quality modeling and data analysis, and ambient monitoring and planning activities. Four permanent, full time meteorologists (one Senior and three Associates) staff this section. These meteorologists provide daily air quality reports and forecasts, burn decisions, and air quality outlooks for external customers (e.g., electric power distributors), including weekends and holidays.

During the first year or two of this smoke management program (depending upon the number of prescribed burns), one or more District meteorologists will witness each medium-sized prescribed burn (100 acres/10 tons particulate matter). The meteorologist(s) will evaluate the adequacy of the burners pre-burn planning and site preparation, and determine the adequacy of the meteorological conditions, predictions, and smoke dispersion characteristics of the fire.

The District also has Air Quality Inspectors (Compliance Division) who investigate air quality and nuisance complaints (including smoke) throughout the County. At least one District Air Quality Inspector will witness each medium-sized burn during the first year or two of this smoke management program (depending upon the number of prescribed burns). Inspectors will concentrate on smoke sensitive areas and ensure compliance with all applicable District rules.

Special attention will be paid to any smoke sensitive areas identified during the planning phase of the project. District staff will work closely with the burners to evaluate the effectiveness of the burn and address any problems encountered. Lessons learned will be applied to all future burns in San Diego County.

During the first two or three years of this smoke management program (depending upon the number of prescribed burns), one or more District meteorologists and one or more District Air Quality Inspectors will witness each large-sized prescribed burn (250 acres). The meteorologist(s) will evaluate the adequacy of the burners pre-burn planning and site preparation, and determine the adequacy of the meteorological conditions, predictions, and smoke dispersion characteristics of the fire.

Special attention will be paid to any smoke sensitive areas identified during the planning phase of the project. District staff will work closely with the burners to evaluate the effectiveness of the burn and address any problems encountered. Lessons learned will be applied to all future burns in San Diego County.

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

In subsequent years District meteorologists and Air Quality Inspectors will witness burn projects of special interest. These projects will depend on the number of acres burned, the amount of particulate matter to be released, or upon the geographical location of the project. For all burn projects, District meteorologists and/or Air Quality Inspectors will be available to investigate problem burns or complaints.

Procedures for Issuing Notice of Permissive-burn or No-burn Days

District meteorologists issue notices of permissive-burn/no-burn days on a daily basis. The District does not issue marginal burn days for San Diego County. In other words, burning of all types is either permissive or not.

Burn decisions are issued daily by the District and are available to the public by voice recording and on the District website. These media include the ARB's burn decision for the eastern portion of San Diego County (i.e., Salton Sea Air Basin).

The voice recording for burn decisions is available to the public by calling (858) 650-4777, Option 3. The recording is updated daily at 1630 local time.

The burn decision on the District website is located at:
<http://www.sdapcd.co.san-diego.ca.us/air/agtoday.htm>. The website is updated by 1645 local time.

Local fire protection agencies call in to determine the burn status for the following day. When the ARB calls a no-burn for the eastern portion of San Diego County, District meteorologists call the Borrego Springs Fire Department and the Imperial County APCD to inform them of this decision.

The District records additional information for registered prescribed burn projects. This information is available on the District's voice recording system at (858) 650-4777, Option 7. Callers to this service have the option of automatic transfer to the District's duty forecaster in the Meteorology and Modeling Section for interactive discussions on their burn project.

Procedures for Issuing Forecasts, Outlooks and Trends for Specific Prescribed Burns

Communications between the District and land managers become more frequent and detailed when a registered burn project is scheduled. One week prior to a prescribed burn the District consults with the burner to finalize details about the location and timing of the burn. At this time, the District issues a trend analysis, which gives the burner a rough outlook on the probability of conditions being favorable for burning on the desired date.

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

The trend analysis report is updated four days before the scheduled prescribed burn (i.e., 96-hour trend analysis). Based on the trend analysis the burner can decide to continue to marshal resources or reschedule the burn for a time when conditions will be more appropriate for successful completion of the project. The 96-hour trend analysis report is transmitted to the burner via the District's voice recording system described above (Option 7), although personal contact with the duty forecaster is encouraged.

Three days prior to the planned prescribed burn, the District issues a 72-hour outlook for the planned burn project. This outlook provides the burner with a higher degree of confidence on whether the planned date will be favorable for successful completion of their project. The 72-hour outlook is transmitted to the burner via the District's voice recording system described above (Option 7), although personal contact with the duty forecaster is encouraged.

Two days prior to the planned prescribed burn, the District issues a 48-hour forecast for the planned burn project. This forecast includes a prediction of the meteorological and air quality conditions expected to exist in the project area. The forecast also includes a degree of confidence to assist the burner in scheduling their resources. For example, the 48-hour forecast will include statements such as, "There is an 80% probability that conditions will be favorable for burning on the planned burn date". The 48-hour forecast is transmitted to the burner via the District's voice recording system described above (Option 7), although personal contact with the duty forecaster is encouraged.

Procedures for Authorizing Burning

The day before a planned prescribed burn, the District issues a 24-hour go/no-go decision. The duty forecaster contacts the burner and relays the information directly to the burn boss or other authorized individual. At this time the burner is reminded that all elements of their burn prescription must be met prior to ignition. It is the burners responsibility to ensure that all pre-ignition criteria are met before starting the fire.

Procedures for Acquiring Information on Amounts of Material Burned

For registered burn projects the District requires a daily report of the number of acres burned and an estimation of total emissions. This daily report is required for planned and unplanned wildland fires. Depending upon meteorological and air quality conditions unplanned wildland fires may preempt planned burns until smoke dispersion conditions improve.

Procedures for Addressing Cross Jurisdictional Smoke Impacts

The District will coordinate all prescribed burns in the San Diego Air Basin with the ARB. This coordination will ensure that the ARB is aware of all burns that have the potential to

SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY SAN DIEGO AIR POLLUTION CONTROL DISTRICT

impact downwind air districts such as the Salton Sea Air Basin (Imperial County). When prescribed burns are near the northern boundaries of the San Diego Air Basin the District will contact the South Coast Air Basin to coordinate the project with any burns planned under its jurisdiction.

Form of Permit(s)

An application for a burn permit is required for all burns conducted in San Diego County. A copy of the San Diego County Application for a Permit to Burn form is included in Appendix C (applications are available on the District website: <http://www.sdapcd.co.san-diego.ca.us>). These applications are collected by the local fire department or fire protection agency for the District.

An approved permit is required for all burns, and no burning is allowed unless the District issues a permissive burn declaration for the Air Basin. The District does not issue marginal burn day declarations.

Procedures for Enforcement

The District's Compliance Division investigates all smoke-related complaints as soon as possible but not later than 24 hours after the complaint has been received. Issuance of public nuisance violations are based on District Rule 51, and the Health and Safety Code-Subsection 41700.

Plans for Analysis and Periodic Assessment

The District's Permit to Burn includes the following conditions to minimize smoke and non-burn alternatives:

Conditions to Minimize Smoke: Material to be burned should be (a) reasonably free of dirt, soil, and visible surface moisture; (b) arranged to burn with minimum smoke, (c) allowed to dry, as follows – 60 days for trees, large branches, and vegetation from forest and brushland management, 30 days for prunings and small branches, 15 days for field crop and other agricultural waste, and 10 days for all other material.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

Procedures for Prioritizing Burning

The District recognizes the public benefits of burn projects, including safety, public health, forest health, wildfire prevention, and other ecological needs. Economic concerns are also considered when evaluating the public benefits of burn projects.

The District prioritizes prescribed burn projects at the time of annual registration. Normally, project priority will depend upon the date of project registration, with projects registered earliest getting the highest priority.

The District maintains a map of all registered burn projects, showing the location of the planned burn, as well as the proposed date(s) of ignition. In cases where priorities conflict, the District will fully consider the overall benefits of the projects and prioritize the projects based upon other factors (e.g., nesting periods, fire danger potential, etc.). The District will work with the land managers to reach consensus on the final project prioritization decision.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

VI. Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas

The anticipated increase in the amount of prescribed burning in the San Diego Air Basin has prompted the development of this smoke management program to minimize smoke impacts and protect public health. The potential for prescribed fires to impact smoke sensitive areas requires the District to be closely involved with each prescribed burn project. All prescribed burn projects must be registered with the District. Burn project registration is accomplished by submittal of a Smoke Management Plan and observation of the special requirements described in this section.

Prescribed burn projects are registered by completion by the applicant and submission to the District of the Application for Prescribed Burning Permit form included in Appendix D (applications are available on the District website: <http://www.sdapcd.co.san-diego.ca.us>). The District reviews these applications for completeness and to ensure that the applicant has planned to minimize smoke impacts caused by the fire. Once approved by the District, the project is registered into the system for final approval to burn.

The District requires annual registration of all planned burn projects, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

The District requires the submittal of a more detailed smoke management plan for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter. These smoke management plans shall contain, at a minimum, the following information:

- (1) Location, types, and amounts of material to be burned;
- (2) Expected duration of the fire from ignition to extinction;
- (3) Identification of responsible personnel, including telephone contacts; and
- (4) Identification and location of all smoke sensitive areas.

The District requires that smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained for burns of 10 acres or more and the following additional information:

- (1) Identification of meteorological conditions necessary for burning;
- (2) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions;
- (3) Projections, including a map, of where the smoke from burns are expected to travel, both day and night;
- (4) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan;

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

- (5) An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA) , as applicable, the analysis will be attached to the smoke management plan in satisfaction of this requirement; and
- (6) Discussion of public notification procedures.

If smoke may impact smoke sensitive areas, the District requires smoke management plans to include appropriate monitoring, which may include visual monitoring, ambient particulate monitoring or other monitoring approved by the District, as required by the District for the following burn projects:

- (1) projects greater than 250 acres;
- (2) projects that will continue burning or producing smoke overnight;
- (3) projects conducted near smoke sensitive areas; or
- (4) as otherwise required by the District.

The District requires, as appropriate, daily coordination between the land manager or his/her designee and the District or the ARB for multi-day burns which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, and to determine if contingency actions are necessary.

The District requires District review and approval of smoke management plans. The District shall provide notice to the ARB of large or multi-day burns and shall consult with the ARB on procedures for ARB review and approval of large or multi-day burns as specified above.

In the event a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless after consultation with the District, the District decides for smoke management purposes, that the burn can be managed for resource benefit; or for periods of less than 24 hours, a reasonable effort has been made to contact the District, or if the District is unavailable, the ARB; or if after 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered a prescribed fire.

The District requires the land manager or his/her designee conducting a prescribed burn to ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.

The District requires a post-burn smoke management evaluation by the burner for fires greater than 250 acres.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

The District requires procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.

The District requires vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.

The District requires that material to be burned be piled where possible, unless ecological goals dictate otherwise.

The District requires piled material to be burned to be prepared so that it will burn with a minimum of smoke.

The District requires the permit applicant to file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

**SMOKE MANAGEMENT PROGRAM FOR SAN DIEGO COUNTY
SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

VII. References

SDAPCD, 1998: San Diego County Air Pollution Control District Air Pollution Forecasting Manual,
Prepared by the Meteorology and Modeling Section (Bill Brick, ed.), February 1998.

San Diego County Air Pollution Control District
Smoke Management Program

APPENDIX A

Definitions

San Diego County Air Pollution Control District Smoke Management Program

APPENDIX A

Definitions

- (a) “Air Pollution Control District” (APCD), “Air Quality Management District” (AQMD), “air district,” or “district” means an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of Health and Safety Code section 40000, et seq.
- (b) “Air Pollution Control Officer (APCO)” means the Air Pollution Control Officer of the San Diego County Air Pollution Control District.
- (c) “Air quality” means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.
- (d) “Ambient air” means that portion of the atmosphere, external to buildings, to which the general public has access.
- (e) “ARB” or “state board” means the California Air Resources Board.
- (f) “Backfire” means a burn ignition technique where an auxiliary fire is ignited at the downwind side of a burn area and intended to burn into the wind towards the fuel source.
- (g) “Burn plan” means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.
- (h) “Burn project” means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.
- (i) “Class I Area” means the same as defined in Rule 20.1 of the District’s Rules and Regulations.

- (j) “Designated agency” means any agency designated by the ARB as having authority to issue agricultural burning, including prescribed burning, permits. The U.S. Department of Agriculture (USDA) Forest Service and the California Department of Forestry and Fire Protection (CDF) are so designated within their respective areas of jurisdiction.
- (k) “Eastern Section of the Air Pollution Control District of San Diego County” means the same as defined in Rule 2 of the District’s Rules and Regulations.
- (l) “Fire hazard reduction burning” means the burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.
- (m) “Fire protection agency” means any agency with the responsibility and authority to protect people, property, and the environment from fire.
- (n) “Forty-eight hour forecast” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of the prediction. The prediction will indicate a degree of confidence.
- (o) “Land manager” means any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.
- (p) “National Ambient Air Quality Standards (NAAQS)” means the same as defined in Rule 20.1 of the District’s Rules and Regulations
- (q) “Ninety-six hour trend” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of the prediction.
- (r) “No-burn day” means any day on which the district prohibits open burning.
- (s) “Particulate matter (PM)” means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).
 - “PM2.5” means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.
 - “PM10” means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).
- (t) “Permissive-burn day,” or “burn day” means any day on which the District does not prohibit agricultural burning and prescribed burning.

- (u) “Pre-fire fuel treatment” means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.
- (v) “Prescribed burning” means planned open burning to achieve the specific objectives identified by a land manager on lands selected in advance for removal of:
 - (i) vegetation from land predominantly covered with chaparral, trees, grass, or standing brush; or
 - (ii) forest vegetation or debris for the purposes of forest protection; or
 - (iii) brush, weeds, or vegetation to promote a healthier environment for plant or animal species or to re-establish native plant species; or
 - (iv) disease and pest prevention.
- (w) “Prescribed fire” means any fire ignited by management actions to meet specific objectives, and includes naturally-ignited wildland fires managed for resource benefits.
- (x) “Range improvement burning” means 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.
- (y) “Region” means two or more air districts within an air basin or adjoining air basins that sign a memorandum of understanding to implement a coordinated regional smoke management program pursuant to the requirements of Article 2 of this regulation.
- (z) “San Diego air basin” means, for the purpose of burn permit decision making, all of San Diego County, except for that portion in the Salton Sea Air Basin. Burn decisions for this excepted portion in the Salton Sea Air Basin are specified by the ARB.

The eastern portion of San Diego County is geographically in the Salton Sea Air Basin. For purposes of outdoor burning, those portions of San Diego County included in the Salton Sea Air Basin must abide by the burn day declaration made for the Salton Sea Air Basin. When the ARB declares a Marginal Burn Day in the Salton Sea Air Basin, the District will declare a No Burn Day for that portion of San Diego County included in the Salton Sea Air Basin. This decision is made daily by the ARB and is conveyed to the public through the District’s Agricultural Burn forecast system.

The San Diego Air Basin is defined as follows: except that portion which lies east of a line beginning at the U.S.-Mexico border and running north along the range line common to R. 7 E and R. 6 E, San Bernardino Base and Meridian; to the southeast corner of T. 16 S, R. 6 E; then west along the township line common to T. 16 S and T. 17 S to the southwest corner of T. 16 S, R. 6 E; then north along the range line common to R. 6 E and R. 5 E to the southeast corner of T. 14 S, R. 5 E; then west along the

township line common to T. 14 S and T. 15 S to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the township line common to T. 10 S and T. 9 S; then west along this township line to the point of intersection with the range line common to R. 4 E and R. 3 E; then north along this range line to the San Diego-Riverside County boundary.

- (aa) “Seventy-two hour outlook” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 72 hours from the day of the prediction.
- (bb) “Smoke Management Plan” means a document prepared for each fire by a land manager that provides the information and procedures required in such plans by Title 17, of the California Code of Regulations Section 80160.
- (cc) “Smoke management prescription” means measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to, minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code section 41700, public nuisance statute.
- (dd) “Smoke sensitive areas” means areas where the Air Pollution Control Officer determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns, villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, and shopping centers, and mandatory Class I areas.
- (ee) “State Ambient Air Quality Standards” means the same as defined in Rule 20.1 of the District’s Rules and Regulations.
- (ff) “Western Section of the Air Pollution Control District of San Diego County” means the same as defined in Rule 2 of the District’s Rules and Regulations.
- (gg) “Wildfire” means an unwanted wildland fire.
- (hh) “Wildland” means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in ten years), is not fallow, and is not in the United States Department of Agriculture (USDA) 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.

For CDF only, “Wildland” as specified in California Public Resources Code Section 4464(a) means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1, Part 2 of Division 4 of that Code and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. “Wildland” also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on this land would pose a threat to the adjacent state responsibility area.

- (ii) “Wildland fire” means any non-structural fire, other than prescribed fire, that occurs in the wildland.

For CDF only, “wildland fire” as specified in PRC section 4464(c) means any uncontrolled fire burning on wildland.

- (jj) “Wildland/urban interface” means the line, area, or zone where structures and other human development meet or intermingle with the wildland.

San Diego County Air Pollution Control District
Smoke Management Program

APPENDIX B

**Meteorological Criteria
For Regulating Agricultural and Prescribed Burning
In the San Diego Air Basin**

Meteorological Criteria for Regulating Agricultural and Prescribed Burning in the San Diego Air Basin

- (a) A permissive-burn day will be declared when the following criteria are met:
 - (1) Above 3,000 feet msl*:
 - (A) Near 4:00 a.m., the inversion top is less than 3,000 feet msl or the temperature difference through the inversion is less than seven degrees Fahrenheit; and
 - (B) The expected daytime resultant wind speed between 3,000 and 6,000 feet msl is at least 5 miles per hour.
 - (2) Below 3,000 feet msl*:
 - (A) The maximum mixing depth is expected to be at least 1,500 feet msl; and
 - (B) The expected daytime resultant wind direction in the marine layer has a westerly component; and
 - (C) The expected daytime resultant wind speed in the marine layer is at least five miles per hour.
- * In place of the standard 3,000 feet msl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

San Diego County Air Pollution Control District
Smoke Management Program

APPENDIX C

Application for a Permit to Burn Form

Fire District Permit Number _____

San Diego County Air Pollution Control District
9150 Chesapeake Drive, San Diego, CA 92123 • (858) 650-4550

Application for a Permit to Burn

APPLICANT MUST COMPLETE AND SIGN THIS SECTION:

Name _____ Phone (____) _____

Address _____ City _____

Burning site location _____

Section _____ Township _____ Range _____

Dates requested to burn _____

Has zoning (special or conditional) permit been issued? ☐ Yes ☐ No Has subdivision map been filed on this plot? ☐ Yes ☐ No

*I hereby apply for Permit to Burn the material indicated below under one of the following exceptions of the Air Pollution Control District's Rules. **You must complete the following or your application will not be processed.***

Name & type of material _____ Estimated quantity (tons burned) _____ Acreage _____

EXCEPTIONS (check appropriate box):

☐ Fire hazard ☐ Fire-fighting training ☐ Aviation fire-fighting training ☐ Agricultural burning ☐ Other _____

For the Eastern Section of San Diego County Only:

☐ Residential burning (one or two-family dwelling refuse) ☐ Right of way clearing or levee and ditch management

Prescribed burning: ☐ Range improvement ☐ Forest management ☐ Wildland vegetative management burning
(Prescribed burning requires smoke management plan, registration, and approval by Air Pollution Control District.)

I own or legally control the above described land and agree to comply with all Fire Agency and Air Pollution Control District laws, ordinances, regulations, and terms of the permit. I understand if burning causes or creates a nuisance, the burn must be abated. I also agree to provide any information requested by the District. I certify that I have read and understand the reverse side of this application.

Signature of applicant _____ Date _____

FOR ADMINISTRATIVE USE

APCD: Field inspection made ☐ Yes ☐ No Made by _____ Date _____

Meets requirements for exception ☐ Yes ☐ No Exception ☐ Granted ☐ Denied

Remarks _____

Fire Agency: Field inspection made ☐ Yes ☐ No Made by _____ Date _____

Meets requirements for exception ☐ Yes ☐ No Referred to APCD, date _____

Remarks _____

Applicant is hereby authorized to conduct open burning in accordance with the above information and subject to the following:

1. Permit duration (date) _____ through (date) _____

2. Burning to be confined between the hours of _____ ☐ a.m. ☐ p.m. _____ ☐ a.m. ☐ p.m.

3. Other requirements _____

4. Call this number before and after burning _____

5. Emergency telephone _____

Issuing agency _____

Issued by _____

Title _____ Date _____

White Permittee
Yellow Issuing Agency
Pink APCD

APCD Form 14
September 2000

(SEE REVERSE SIDE FOR OTHER CONDITIONS AND REQUIREMENTS)

Attention Permittee

This permit is valid only on those days during which agricultural burning is not prohibited by the state Air Resources Board pursuant to Section 41855 of the Health and Safety Code and when burning on the lands identified herein is allowed by the San Diego Air Pollution Control District Rules and Regulations.

To find out if it's a permissive burn day, call (858) 650-4777 (select option 3).

The practice of open burning is regulated in California for two important reasons: (1) uncontrolled fires are dangerous and expensive, and (2) smoke from fires interferes with the state's concerted effort to reduce air pollution. For these reasons, open burning in San Diego County is largely prohibited and that which is allowed is closely regulated by the San Diego Air Pollution Control District and by your local Fire Agency.

Conditions and Requirements

1. **Burning Date & Time:** Burning is to be done only on those dates and during those hours specified on this permit.
2. **Notification:** You are required as a condition of this permit to contact the Fire Agency which issued this permit PRIOR to actual ignition and upon completion of the burning.
3. **Temporary Suspension:** You may be advised when you contact the Fire Agency that ALL permits have been temporarily suspended; any burning during such times will be in direct violation of the law.
4. **Conditions to Reduce Smoke:** Material to be burned should be (a) reasonably free of dirt, soil, and visible surface moisture; (b) arranged to burn with minimum smoke, (c) allowed to dry, as follows – 60 days for trees, large branches, and vegetation from forest and brushland management, 30 days for prunings and small branches, 15 days for field crop and other agricultural wastes, and 10 days for all other material.
5. **Conditions to Minimize Hazard:** Fires should not be set on days of unsafe weather conditions; this includes excessively hot, dry periods when winds are strong enough to keep leaves and small twigs in constant motion or to extend a light flag or cloth. Unless the burning operation authorized by this permit is confined to an incinerator-type device adequately screened to prevent the escape of sparks or burning material and located in an area cleared of flammable vegetation, it shall be (a) attended by at least one able-bodied adult person at all times; (b) confined within cleared firebreaks or barriers adequate to prevent it from escaping control; and (c) regulated in size at all times to ensure proper control by the number of adult persons attending it.
6. **Nuisance Penalty:** If the burn creates a nuisance, a nuisance violation may be issued by the Air Pollution Control District. The penalty will include the cost of putting out the fire to reimburse the Fire Agency.

General Information

The conditions and requirements outlined above are for your guidance. It is your responsibility to be familiar with the exact conditions and requirements that apply to this permit. This permit does not relieve the permittee from any duty to use reasonable and ordinary care to prevent damage to the property of others or injury or nuisance to persons as prescribed by law. It is a violation of law, and liability is imposed upon anyone who allows a fire to burn uncontrolled upon his lands regardless of what may have caused it. A clean safe environment is everyone's responsibility.

Questions should be directed to your Fire Agency or the Air Pollution Control District at (858) 650-4550.

San Diego County Air Pollution Control District
Smoke Management Program

APPENDIX D

Application for Prescribed Burning Permit Form

**SAN DIEGO AIR POLLUTION CONTROL DISTRICT
SMOKE MANAGEMENT PLAN
APPLICATION FORM**

In accordance with the San Diego Air Pollution Control District's (District) Smoke Management Program, this Smoke Management Plan (SMP) must be completed by the applicant and submitted to the District for all Prescribed Burns in San Diego County. This SMP application consists of a Project Description page and two sections – A and B. **ALL APPLICANTS MUST COMPLETE THE PROJECT DESCRIPTION PAGE (page 3).** Both sections A and B of the SMP are one page forms (**pages 4 and 5**) that may need to be completed depending on the burn's potential to impact smoke sensitive areas and the size of the burn. This SMP must be approved by the District prior to the Prescribed Burn and must be combined with the District's *Permit To Burn*.

General Information and Requirements regarding this SMP are provided on **page 1**. Terms used in this form have the same meaning as those defined in the District's Rule 101 – Burning Control, or the California Code of Regulations, Title 17, Section 80101. Where differences occur, the District's definitions apply. **Emission Factors** to assist with calculating burn particulate matter emissions are provided on **pages 7 and 8**. Contact the District if you have questions or need assistance with making these calculations (Contact the Meteorology and Modeling Section at 858-650-4644).

The **District Review (page 2)** is for District use only, but must be kept intact with the Project Description section. The **Project Description Page (page 3)** requests general information and identifies conditions for all prescribed burn projects. It identifies the permittee and relevant contact information, who the land owner is, the project name, project location, burn size, purpose of the burn, type of fuel to be burned, and estimated emissions from the burn. It provides a checklist of additional sections of the SMP that may be filled out and attached. Finally, it requests the preparer's signature, the name of the permittee or authorized representative, and the permittee or authorized representative's signature.

Section A (page 4), is a one page form that must be completed and attached to the Project Description page if the burn will be greater than 10 acres or will produce more than one ton of particulate matter (PM₁₀) or has the potential to result in impacts to smoke sensitive areas. Smoke sensitive areas are defined as "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 Class I Areas (areas that are mandatory visibility protection areas designated pursuant to section 169A of the federal Clean Air Act). The District can tell you if you are in a Class I Area.

Section B (page 5), is a one page form that must be completed and attached to the Project Description page if the burn will be greater than 100 acres or will produce more than ten tons of particulate matter (PM₁₀). Section B identifies meteorological conditions necessary for ignition, contingency actions that will be taken if smoke impacts begin to occur from the burn, and information on consideration and use of alternatives to burning. A **Post-Burn Evaluation** form is provided on **page 6**. This form is to be used for burns greater than 250 acres or for burns that result in impacts to smoke sensitive areas. It should be filled out after the burn, as appropriate.

Information may need to be extracted from the project burn plan (if available) to supplement the SMP. District review of the burn plan is for informational purposes only. When the burn plan is reviewed, the District assumes no approval authority or liability for approving the burn plan. The permittee is responsible for assuring firefighter and public safety, which is not the intent of the information included on this form.

General Information and Requirements

SMP Conditions Must Be Met on the Day of the Burn (CCR section 80160(j))

The land manager or his/her designee conducting a prescribed burn is required to ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition. Ignition of a burn project will not occur unless the District has declared a permissive burn day for the day of the burn.

Conditions of Vegetative Material to be Burned (CCR section 80160 (m – p))

Material should be:

- ♦ in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors
- ♦ piled where possible, unless ecological goals dictate otherwise
- ♦ prepared so that it will burn with a minimum of smoke

Description of Burn Types

Forest Management Burning is 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 or forest protection practices.

Range Improvement Burning is the use of outdoor fires to:

- ♦ remove vegetation for wildlife or game habitat
- ♦ remove vegetation for livestock habitat
- ♦ remove vegetation for the initial establishment of an agricultural practice on previously uncultivated land

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

Determination of Smoke Sensitive Areas

Smoke sensitive areas are defined as “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 Class I Areas (areas that are mandatory visibility protection areas designated pursuant to section 169A of the federal Clean Air Act). The District can tell you if your burn is in a Class I Area. If a burn is near a populated area, has potential for substantial emissions, has a long duration, or has the potential for poor smoke dispersion, a smoke sensitive area could be impacted and Section A of the SMP must be completed. Burners may obtain District assistance in determining if Section A needs to be completed (Meteorology and Modeling Section: 858-650-4644).

Procedures for Permittees to Report Public Smoke Complaints to Air Districts to Address Smoke Management Guidelines Section 80160(l)

1. The permittee shall immediately report any air quality smoke complaints received about this burn project to the District. A phone call to the District during normal business hours (Monday through Friday, 7:00 AM through 5:30 PM) will suffice (858-650-4550). During non-business hours a fax (to the Compliance Division at 858-650-4659) or voicemail message (858-650-4550) will suffice.
2. The complaint report shall include the following: the location of the smoke impact, a short description of the smoke behavior including wind direction and speed, visibility, and public safety impacts if available from the complainant.
3. The permittee shall inform the complainant that he or she may also contact the District directly and shall provide the District telephone number and address. (858-650-4550, San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123).
4. The permittee shall, in coordination with the District, seek resolution for all complaints, as necessary.

Natural Ignition on a No-burn Day (CCR section 80160(h))

When a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:

1. After consultation with the District, the District decides, for smoke management purposes, that the burn can be managed for resource benefit; or
2. For periods of less than 24 hours, a reasonable effort has been made to contact the District, or if the District is not available, the Air Resources Board (ARB: 916-322-6014); or
3. After 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit. A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

DISTRICT REVIEW
(For District Use Only)

____ I have reviewed and approved this SMP as a conditional burn permit to be combined with agricultural burn/air pollution permit number _____, which expires on _____.

____ This burn project is greater than 250 acres and/or is a multi-day burn which requires ARB consultation prior to final approval pursuant to CCR 80160(g)).

Date ARB Notified: _____ Date ARB approval received: _____

Smoke from this fire is expected to travel into the following non-attainment or maintenance areas:

Name: _____

Signature: _____

Agency : San Diego Air Pollution Control District

Date: _____

SMP Project Description

(Complete This Page for ALL PRESCRIBED BURNS)*

1.1 Project Name: _____ 1.2 Permittee Name: _____ 1.3 Permittee Address: _____ Street: _____ City: _____ State: _____ Zip: _____	Project Location: (Report at least latitude and longitude location descriptions. Provide attachment as needed.) 1.8a Legal: T _____ R _____ S _____ M&B _____ 1.8b Lat/Long: Lat _____ (deg.) _____ (min) _____ (sec) Long _____ (deg.) _____ (min) _____ (sec) 1.8c UTM: Zone: _____ N _____ m, E _____ m 1.9 Project Elevation (msl feet): Top: _____ Bottom: _____ 1.10 Land Owner Name: _____ Street: _____ City: _____ State: _____ Zip: _____
1.4 Permittee/Field Contact: _____ 1.5 24-hour Phone/Pager: _____ 1.6 Project Location (Counties): _____ 1.7 Nearest Town: _____	

- 1.11 Anticipated Time of Year for Burn (Month/Year): _____
- 1.12a Is the Primary Purpose of the Burn for Fire Hazard Reduction? _____
- 1.12b Burn Type (Check one): _____ Forest Management: _____ Range Improvement _____ Wildland Vegetation Management _____ Natural Ignition (see General Information on page 1 for description of these burn types)
- 1.13 For Range Improvement Burns, Check Vegetation Management Objective: _____ Wildlife or Game Habitat Improvement _____ Livestock Habitat Improvement _____ Initial Establishment of an Agricultural Practice on Previously Uncultivated Land
- 1.14 Vegetation Type (Percentage): _____ Brush _____ Grass _____ Timber Litter _____ Timber Slash _____ Other (Describe): _____
- 1.15 Vegetation Condition: _____ Machine Pile Burn _____ Hand Pile Burn _____ Understory _____ Landing Pile Burn _____ Broadcast
- 1.16 Project Area: _____ (acres) 1.17 Number of Piles: _____ 1.18 Average Pile Size: _____
- 1.19 Total Project Fuel Loading: _____ (tons vegetation) 1.20 Particulate Matter Emissions: _____ (tons PM10)
- (Use Emissions Factors Tables on pages 7-8 for assistance with emissions calculation)**
- 1.21 Emission Factor Table Used or EPA-Approved Calculation Method: _____
- 1.22 Preferred Ignition Hours for the Fire: _____
- 1.23 Expected Burn Duration (ignition to complete extinction): _____ Total Time: _____ (hours or days)
- 1.24 Fuel Drying Time and Conditions prior to ignition: _____

- 1.25 Limitations on Pile Size, Pile Number, and/or Acreage Limitations to Minimize Smoke (complete as appropriate): _____

It is the responsibility of the permittee to ensure that conditions of the SMP are met on the day of the burn. The permittee will obtain authorization to burn from the District contact listed below prior to ignition.**

1.26 District Name: San Diego Air Pollution Control District 1.27 Address: 9150 Chesapeake Drive San Diego, CA 92123	1.28 Contact: Meteorology and Modeling Section 1.29 Weekday Telephone: 858-650-4644 1.30 Fax: 858-650-4658 1.31 Email: sdapcdwx@cts.com (initial contacts only)
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The permittee will report public smoke complaints to the District per the procedures described in the General Information section of this SMP on page 1.

Check as Applicable:

- ☐ This burn could have an impact on smoke sensitive areas – I have filled out and attached all of Section A.
- ☐ This burn is greater than 10 acres (or is estimated to produce greater than 1 ton of particulate matter (PM10)) or could have an impact on smoke sensitive areas and Air District policies require that information on meteorological conditions for ignition and contingency planning be provided – I have filled out and attached line items B.1 and B.2 of Section B.
- ☐ This burn is greater than 100 acres (or is estimated to produce greater than 10 tons of particulate matter (PM10)) – I have filled out and attached all of Section B.

Preparer's Statement: To the best of my knowledge the information submitted in this application is complete and accurate.

SMP Preparation Date: _____
 Preparer's Name (print): _____ Title: _____
 Preparer's Phone: (_____) _____ - _____

Preparer's Signature: _____

Name of Authorized Representative in Control of the Property (if applicable):

Permittee or Authorized Representative Signature: _____

Signature Date: _____

* If your burn is less than 10 acres with less than one ton particulate matter emissions, and your burn will not impact any smoke sensitive areas, you may complete only this page. Attach appropriate SMP sections for all other burns.

** Burner/District burn authorization coordination to be determined by the District.

SECTION A: AS REQUIRED BY TITLE 17 AND DISTRICT RULES, THIS SECTION APPLIES TO ALL BURN PROJECTS GREATER THAN 10 ACRES OR PRODUCING MORE THAN 1 TON OF PARTICULATE MATTER (PM10) OR WITH BURNS WITH THE POTENTIAL TO IMPACT SMOKE SENSITIVE AREAS (SSAs) *

A.1. Describe locations of SSAs and distances from burn site (miles) – (Also the attached Map# _____ shows SSAs)

A.2 The attached map# _____ provides smoke travel projections for: _____ Day _____ Night _____ Topographical

A.3 Has prescribed burning historically occurred in this area? _____ Yes _____ No _____ Don't Know

A.4 If yes, were there impacts to smoke sensitive areas? _____ Yes _____ No _____ Don't Know

A.5 If yes, please describe impacts: _____

A.6 For burns that will occur past daylight hours and/or for more than one day, provide the District contact information and a description of contact procedures that will be used to affirm that the burn project remains within the conditions specified in this SMP, and/or whether contingency actions are necessary. The permittee will follow any instructions by the District to communicate directly with ARB when necessary (916-322-6014). District contact: Meteorology and Modeling Section (858-650-4644).

A.7 Permittee Contact (or designee): _____

A.7a Telephone: (_____) _____ - _____ A.7b 24-hour Pager (_____) _____ - _____

A.7c Fax: (_____) _____ - _____ A.7d E-mail: _____

A.8 The permittee will use the frequency and method of contact determined by the District for this burn: _____

The permittee will monitor the burn project for meteorological conditions and smoke behavior before, during, and after the burn using the following techniques and timing:

A.9 Weather Observation (Wind Direction, Wind Speed, and Temperature):

Method	Location	Beginning	Interval
Ending			
____ Weather Kit	_____	_____	_____
____ RAWS	_____	_____	_____
____ Aircraft	_____	_____	_____
____ Other _____	_____	_____	_____

(Additional Description of Monitoring Requirements): _____

A.10 Smoke Behavior Observation:

Method	Location	Beginning	Interval
Ending			
____ Visual**	_____	_____	_____
____ Test Fire	_____	_____	_____
____ Balloon	_____	_____	_____
____ Aircraft	_____	_____	_____
____ PM Monitoring Inst.	_____	_____	_____
____ Other _____	_____	_____	_____

(Additional Description of Monitoring Requirements): _____

A.11a The permittee shall begin public notification before the day of burning. The notification shall be on-going until the end of burning. Check which of the following procedures will be used to notify and educate the public about this burn project.

____ Television ____ Radio ____ Newspaper ____ Posters/flyers ____ Telephone calls ____ Other (Explain in A.11b below)

A.11b The specifics of the notification procedure(s) checked above are as follows: _____

A.12 The permittee will place appropriate signage at or near burn sites to identify the burn project to the public as noted on the attached map# _____.

Adjacent air districts or portions of Mexico that may be potentially impacted by smoke from this burn or which have previously been impacted by smoke from similar burn projects are listed below. The District will be responsible for contacting the agencies listed below.

A.13 Air District Name: _____ A.14
Contact: _____
A.15 Address: _____ A.16 24-hour
Telephone: _____ A.17 Fax:

A.18 Air District Name: _____ A.19
Contact: _____
A.20 Address: _____ A.21 24-hour
Telephone: _____ A.22 Fax:

A.23 Name of Appropriate Agency in
Mexico: _____
A.24
Contact: _____
A.25 Address: _____ A.26 24-hour
Telephone: _____ A.27 Fax:

* See General Information on page 1 for determining if your burn has the potential to impact a smoke sensitive area. For Prescribed Burns of more than 10 acres (or 1 ton of PM10) or which can impact SSA's, complete line items B.1 and B.2 of Section B.

** Visual smoke observation refers to observations made through the eyes of designated individuals.

SECTION B: AS REQUIRED BY TITLE 17 AND DISTRICT RULES, THIS SECTION APPLIES TO ALL BURN PROJECTS GREATER THAN 100 ACRES OR PRODUCING MORE THAN 10 TONS OF PARTICULATE MATTER (PM10)

B.1. Meteorological Conditions for Ignition

Source of Meteorological Information: _____

Surface Wind Direction: Ideal: _____ Acceptable Range: _____ (degrees)

Surface Wind Speed: Ideal: _____ Maximum: _____ Minimum: _____ (mph)

Transport Wind Direction: Ideal: _____ Acceptable Range: _____ (degrees)

Relative Humidity: Ideal: _____ Maximum: _____ Minimum: _____ (%)

Target Mixing Height Parameters: _____ Acceptable Temperature Range: _____ (degrees)

Other Considerations to Assure Acceptable Smoke Dispersion: _____

B.2a Describe contingency actions/methods/procedures permittee will take in the event that serious smoke impacts begin to occur or meteorological conditions deviate from those specified in this SMP (for example: stop ignitions, initiate mop-up, conduct fire suppression – describe in detail):

B.2b Describe any applicable interior unit contingency cutoff lines (refer to map# _____ as appropriate):

B.3 An evaluation of alternatives to burning is described below:

_____ It is a part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act or the California Environmental Quality Act and is either attached to this SMP, is on file with the District, or is provided for as agreed to by the District. Document location:

Neither a National Environmental Policy Act or the California Environmental Quality Act assessment of alternatives has been performed. Alternatives to reduce fuel load are described in section B.4 – B.9 below.

B.4 Alternatives Considered:

B.5 Alternatives Rejected and Reasons for Rejection:

B.6 Alternatives Used and Tons of Vegetative Material Treated Using Each Alternative:

B.7 Particulate Reduction for Each Alternative Used (tons):

B.8 Total Particulate Reductions from Alternatives: _____

B.9 The Following Alternatives To Burning Were Considered, But Will Not Be Used:

B.10 If this project is greater than 250 acres or smoke impacts occur, the permittee must provide a completed Post Burn Evaluation Form (see page 6) to the District within 30 days of project completion.

B.11 For burns greater than 250 acres, Sections A.9 and A.10 describe the site monitoring requirements.

**Post-Burn Evaluation
For Burns Greater Than 250 Acres
or Burns For Which Complaints or Smoke Impacts Occurred***

Section A. General Information:

Date of Burn: _____

Burn Location: _____

Number of Acres Burned: _____
(tons)

Estimated Actual PM Emissions: _____

Land Manager's Name: _____

Address: _____

Phone Number: _____

E-mail: _____

1. Did the burn remain within the conditions specified in the Smoke Management Plan? _____
2. Were there any complaints or adverse smoke impacts? _____ If so, proceed to Section B below.
3. Lessons learned (Optional) (Provide attachment if desired):

Section B. For Burns That Had Complaints or Smoke Impacts, Complete The Following:

1. Describe adverse smoke impacts below (add attachment if needed):

2. Were there any complaints from the public? _____ If so, how many and from whom (add attachment if needed):

3. What Air Districts were Notified (who, when, and at what phone number(s))?

4. Lessons learned (add attachment if needed):

-
5. Attach all smoke observation and weather data collected before, during, and after the burn. See collection methods checked in sections A.9 and A.10 of the burn plan for relevant data.

*** As required by Title 17 and District policies.**

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.

PM10 EMISSIONS FOR SPECIFIED PILE SIZES		
PILE SIZE (in feet)	Pile Tonnage	TONS OF PM10/PILE
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 ^a multiplied by 30 lbs/cu.ft, multiplied by 0.2 packing ratio ^b		
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		
Revised 2/13/2001		

- 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 BURNING OF MULTIPLE FUEL TYPES^{1,2}

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:

PM10 ton(s) emissions per VT = (number of acres VT) (FL tons per acre) (Emission Value (EV)) =	_____ ton(s)/VT
PM10 ton(s) emissions per VT = (number of acres VT) (FL tons per acre) (Emission Value (EV)) =	_____ ton(s)/VT
Sum Total is the Estimated PM 10 for the project	= _____

ton(s)/project

VEGETATION TYPE(S)	ACRES (VT) x	FL est. x	EV ¹	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 tons/project	=			= _____

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)*

VALUE VEGETATION emissions/ton fuel)	%Combustion	PM Emissions		Coverison Factor	PM10 EMISSION (PM10 lbs
		(lbs/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.

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**REPEAL OF RULES 101, 102, 103, 104,
105, 106, 107, 108, 109, 110, 111, AND 112
AND
ADOPTION OF NEW RULE 101 – BURNING CONTROL**

WORKSHOP REPORT

A notice of workshop for repeal of existing Rule 101 through Rule 112 and adoption of new Rule 101 was mailed to local fire districts, economic development corporations, local chambers of commerce in San Diego County, U.S Environmental Protection Agency (EPA), California Air Resources Board (ARB), and other interested parties. The workshop was held on May 9, 2002. Oral and written comments were received. The comments and District responses are as follows:

1. WORKSHOP COMMENT

What is the District's opinion regarding the burn-hour limitations, and is it only applicable to crash fire rescue training? Is firefighting training for the burning of standing brush or buildings also to be allowed?

DISTRICT RESPONSE

The exemption specified in Subsection (b)(3) allows firefighting training to be conducted after sunset regardless to whether the training is for standing brush or buildings. This exemption has been modified to also include aviation firefighting training.

2. WORKSHOP COMMENT

Why does the proposed definition of "Prescribed Burning" place restrictions on the individual landowner who may want to develop his/her own Smoke Management Plan? The definition requires an individual landowner who wants to conduct prescribed burning to be a public agency or have a cooperative agreement or contract with a public agency. This places an unnecessary burden on the landowner.

DISTRICT RESPONSE

The District agrees. The definition of "Prescribed Burning" has been revised.

3. **WORKSHOP COMMENT**

Has the one-day training day in a 30-day period been eliminated?

DISTRICT RESPONSE

Yes, it has been eliminated.

4. **WRITTEN COMMENT**

Will the District accept an e-mailed Smoke Management Plan?

DISTRICT RESPONSE

The District previously accepted Smoke Management Plans to be reviewed in a "screening" mode (i.e., to look over a plan to see if all elements have been adequately addressed). However, it is often difficult to attach maps of sufficient quality and resolution to be useful for plan review and approval. It is also important to have the signature page included in an approved Smoke Management Plan. The District will not accept electronic signatures for this purpose. Therefore, the District will continue to require that Smoke Management Plans be delivered by hand or conventional mail.

5. **WRITTEN COMMENT**

The County of San Diego, in conjunction with the California Department of Forestry and Fire Protection (CDF), recently adopted the Consolidated Fire Code (San Diego Ordinance 9397). To reduce the possibility of the outbreak of an uncontrollable fire, this ordinance extends the brush clearance requirement from 30 feet to 100 feet. During fire season, CDF only allows fire hazard reduction burning from 8:00 a.m. to 10:00 a.m., and since the new ordinance will likely increase the amount of clearing and burning, there is a need to allow fire hazard reduction burning prior to 8:00 a.m.

DISTRICT RESPONSE

The District agrees. Burning hours covered under Subsection (d)(6) have been revised. The District has defined acceptable burn hours for winter and summer seasons based upon the observance of Daylight Savings Time.

6. WRITTEN COMMENT - EPA

Open burning of military ordinance material is prohibited except where burning is the only safe means of disposal. However, open detonation of military ordinance material is allowed at any time by exemption from the rule. This appears to be inconsistent.

DISTRICT RESPONSE

The District agrees. Subsections (a)(5) and (b)(1)(v) have been deleted, and Subsection (d)(1)(iii) has been revised.

7. WRITTEN COMMENT-EPA

Open burning shall not be conducted unless the Air Pollution Control Officer (APCO) has declared a permissive burn day and burning is not prohibited by a fire protection agency. We believe enforceability is limited by excessive Director's discretion to declare a permissive burn day.

DISTRICT RESPONSE

The District agrees. Subsection (d)(3)(i) has been modified and will include meteorology criteria for burn decisions made by the APCO.

RULE 101. BURNING CONTROL

...

(d) STANDARDS

(1) Prohibited Open Burning

A person shall not conduct or allow open burning for:

(i) Residential burning in the Western Section of the Air Pollution Control District of San Diego County.

(ii) Disposal or reduction of materials generated as a result of land use conversion for non-agricultural purposes.

(iii) Disposal of military ordnances or propellants by detonation unless the open detonation is conducted on permissive burn days, providing such burning is conducted in compliance with Subsection (d)(3)(ii) and the local fire protection agency having jurisdiction determines immediate detonation is the only safe means of disposal.

(iv) The setting of backfires except those set by a fire protection agency or when necessary to save life or property, in accordance with Public Resources Code Section 4426.

(v) Disposal of containers used for pesticides, fertilizers, or other chemicals, and other similar materials.

(vi) The disposal of drugs and illegal contraband.

(vii) Salvage of metal or motor vehicle parts or bodies.

(viii) Disposal of waste including, but not limited to, hospital or infectious waste, diseased or dead animals, animal fur, feathers, manure, rubber, ornamental or landscape vegetation, shop waste, oil filters, discarded home and industrial appliances, tires, tar paper, broken boxes, paint cans, plastics, pallets, sweat boxes, construction or demolition debris, paper, oily waste materials, flammable solid or liquid waste, and non-combustible containers.

(ix) Fire hazard reduction burning unless the local fire protection agency determines the materials cannot be abated by an economically, ecologically, and logistically viable option; and unless all of the following conditions are met:

(Moved from (d)(2)(iv))

(A) Only vegetation is burned;

(B) The amount of material to be burned shall be cleared from a single property and cut and piled in a safe manner as specified by the designated agency having jurisdiction;

(C) The material is burned on the property where it has grown without being moved offsite.

...

(2) Written Permits Required

A written permit from a designated agency or the Air Pollution Control Officer must be obtained prior to the following types of open burning:

(i) Agricultural burning.

(ii) Prescribed burning.

(iii) Disposal of Russian Thistle (*Salsola Kali* or "tumbleweed"), and such burning must be authorized by a fire protection agency, the San Diego County Agricultural Commissioner, or the Air Pollution Control Officer.

(iv) Fire hazard reduction burning, ~~including the disposal of flammable vegetative materials that the local fire protection agency determines cannot be abated by an economically, ecologically, and logistically viable option, provided all of the following conditions are met:~~

(Moved to (d)(1)(ix))

~~(A) Only vegetation is burned;~~

~~(B) The amount of material to be burned shall be cleared from a single property and cut and piled in a safe manner as specified by the designated agency having jurisdiction;~~

~~(C) The material is burned on the property where it has grown without being moved offsite.~~

(v) Disposal of waste infected with an agricultural pest or disease hazardous to agricultural operations ~~when~~, and such burning must be upon the order of the San Diego County Agricultural Commissioner.

...

(10) Suspension of Burn Permits.

~~The designated agency or the Air Pollution Control Officer may suspend in writing,~~
Burn permits issued in accordance with this rule shall be automatically suspended for any of the following reasons:

(i) The Air Pollution Control Officer declares a "no-burn day." (Note that pursuant to Subsection (d)(3), open burning is never allowed on no-burn days.)

(ii) The designated agency having jurisdiction over the site of the burn ~~declares~~ notifies the permittee the burn is prohibited for purposes of fire control or prevention.

(iii) The designated agency or the Air Pollution Control Officer ~~determines~~ notifies the permittee that a fire would result in excessive smoke drifting into a smoke sensitive area.

...

(e) **DISTRICT SMOKE MANAGEMENT PROGRAM**

The District Smoke Management Program provides for the continuation of agricultural burning, including prescribed burning, as a resource management tool while minimizing smoke impacts on the public. The District's Smoke Management Program sets forth procedures and other requirements mandated by Title 17, California Code of Regulations, Section 80145.

The Air Pollution Control Officer may revise and update the Smoke Management Program to reflect changes in required forms, daily forecast procedures and dissemination protocols, and other communication requirements between land managers and the District.

(1) When prescribed burning ~~is~~ will be set under a Smoke Management Plan, the land manager shall register all planned burn projects annually, including areas for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

Copies of all forecasted burns and annual summaries of activities for the past year, including emissions information, shall be made available to the Air Pollution Control Officer upon request. If the Smoke Management Plan is for range improvement and the burn is conducted primarily for improvement of land for wildlife and game habitat, the land manager shall file a statement from the Department of Fish and Game with the Air Pollution Control Officer as part of his/her Smoke Management Plan certifying that the burn is desirable and proper.

...