



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

Air Pollution Control District
R. J. Sommerville Director

NOTICE OF WORKSHOP

FOR DISCUSSION OF REPEALING RULES 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, AND 112 AND ADOPTING NEW RULE 101 - BURNING CONTROL

The San Diego County Air Pollution Control District will hold a public meeting to consider comments concerning a proposal to repeal open burning Rules 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112 and replace them with new Rule 101 - Burning Control. Comments and questions concerning the proposal may be submitted in writing before, or made at, the workshop which is scheduled as follows:

DATE: Thursday, May 9, 2002
TIME: 10:00 a.m.
PLACE: San Diego Air Pollution Control District
 Conference Room 139
 9150 Chesapeake Drive
 San Diego, CA

Proposed Rule 101 applies to prescribed burning operations and burning of agricultural wastes remaining from harvesting crops in agricultural areas. It also applies to fire hazard reduction burning, aviation firefighting training, and fires set to train people in firefighting methods. The purpose of the rule is to require open burning be conducted in a manner that minimizes emissions and smoke.

One of the primary additions to new Rule 101 is the inclusion of state-mandated Smoke Management requirements. Rule 101 requires a Smoke Management Plan be submitted to the Air Pollution Control District on an annual basis for prescribed burns greater than 10 acres or that will produce more than one ton of particulate matter emissions. Approved Smoke Management Plans will be registered by the Air Pollution Control District.

Another significant change is the addition of an exemption for Crash Fire Rescue Training conducted at night. This change allows firefighting-training exercises involving simulated aircraft crashes to be conducted after hours. This revision responds to a formal request from the military to allow such burning.

OVER

**9150 Chesapeake Drive • San Diego • California 92123-1096 • (858) 650-4700
FAX (858) 650-4659 • Smoking Vehicle Hotline 1-800-28-SMOKE**

Specific changes in the new rule are as follows:

- Incorporate certain provisions from the California Air Resources Board's guidelines for prescribed burning (Title 17, California Code of Regulation, beginning at section 80100).
- Incorporate certain provisions from the California Health and Safety Code.
- Prohibit pesticide and fertilizer containers from being burned.
- Allow firefighting and aviation firefighting training burning at night.
- Make the agricultural crop value consistent with the California Code of Regulation; and
- Clarify the crop value definition.
- Removes restrictions for accessibility by light-duty truck requirements for fire hazard abatement.

The District is also reviewing proposed new Rule 101 pursuant to the California Environmental Quality Act (CEQA) and will prepare the appropriate CEQA documents.

Current Rule 101 is a part of the Environmental Protection Agency's (EPA) approved State Implementation Plan (SIP). New Rule 101, if approved by the District Board, will be submitted to EPA as a revision to the SIP.

If you would like a copy of the proposed Rule 101, please access the District's Web Site at www.sdapcd.co.san-diego.ca.us under "Advisories and Notices," Workshop Notices or call Luann Serbesku at (858) 650-4544. If you have any questions concerning this proposal, please contact Jimmie Cooksey at (858) 650-4554.



RICHARD J. SMITH
Acting Director

RJSm:JC:ls
03/27/02

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

- 1. Current Rule 101 through Rule 112 will be deleted in their entirety. Proposed Rule 101 below contains current Rule 101 in strikethrough text. References to current rules other than Rule 101 will be identified accordingly.***

RULE 101. DEFINITIONS 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.

~~Whenever in this regulation the following words or phrases hereinafter defined are used, they shall have the respective meaning assigned to them in the following definitions:~~

(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) Open detonation or use of pyrotechnics

(6) Fire Hazard Reduction Burning

(7) Testing of materials, equipment, or techniques related to research or development of new or improved methods to abate or suppress fire

(8) Residential Burning

(b) EXEMPTIONS

(1) The provisions of this rule shall not apply to:

(i) The setting of backfires to save life or property when conducted by a fire protection agency pursuant to Section 4426 of the Public Resources Code.

REF. Current Rule 104 (a) Fires set pursuant to Section 4426 of the Public Resources Code.

(ii) Recreational, ceremonial, and cooking fires, provided that clean dry fuel, limited to natural gas, propane, wood, or charcoal, is used and the fire is set in such manner as not to create a nuisance as defined in Rule 51.

REF. Current Rule 104 (b) Recreational, ceremonial and cooking fires, provided that clean dry fuels are 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) Detonation of explosives.

(vi) Fires set in the remediation of oil spills pursuant to Section 8670.7 of the Government Code.

(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 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.

~~(a) —“**Agricultural Burning**” means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.~~

~~“**Agricultural Burning**” also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.~~

~~“**Agricultural Burning**” also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.~~

(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.

~~(b) “Approved Ignition Devices” means those devices, instruments or materials 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, or pressurized diesel fuel oil burners, and flares. Said term does not include tires, tar paper, oil and other similar materials.~~

(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.

~~(c) "Designated Agency" means any agency designated by the State Air Resources Board pursuant to Section 41852(a) and 41853, Health & Safety Code, as having authority to issue burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.~~

~~(d) "Forest Management Burning" means the use of open fire, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.~~

(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 Section 4291 of the California Public Resources Code.

(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.

~~(e) A "No burn Day" means any day on which burning is prohibited by the California Air Resources Board or the Air Pollution Control District.~~

(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.

~~(f) “Open Outdoor Fire” means any fire ignited in the open or in any device other than a multiple chamber incinerator as defined in Rule 2(r).~~

(22) “Permissive-burn Day,” or “Burn Day” means any day on which the District does not prohibit agricultural burning and prescribed burning.

~~(g) A "Permissive burn Day" means any day which burning is not prohibited by the California Air Resources Board or the Air Pollution Control District.~~

(23) “Prescribed Burning” means planned open burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to achieve the specific objectives identified by that public agency on lands selected in advance for removal of:

(i) (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.

~~(h) "Prescribed Burning" means the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Health and Safety Code Section 39011.~~

~~(i) "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.~~

~~(j) "Silviculture" means the establishment, development, care and reproduction of stands of timber.~~

~~(k) "Timber Operations" means cutting or removal of timber or other forest vegetation.~~

(24) **"Residential Burning"** means an open outdoor fire for the disposal of the combustible or flammable solid waste of 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 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, and 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 eastern most 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. Criteria for this excepted portion are those of the Salton Sea Air Basin, where burn decisions 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. This decision is made daily by the ARB and is conveyed to the public through the District's Agricultural Burn forecast system. The Salton Sea Air Basin is defined as follows. The Salton Sea Air Basin includes that portion of the San Diego Air Basin 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 Title 17 of the California Code of Regulations (CCR) 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, and shopping centers.

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

(29) “Treated” means that the material to be burned has been felled, crushed or uprooted, or has been desiccated with herbicides, or is dead.

~~(1) “Treated” means that the material to be burned has been felled, crushed or uprooted, or has been desiccated with herbicides, or is dead.~~

(30) “Western Section of the Air Pollution Control District of San Diego County” means the same as defined in Rule 2.

(31) “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 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.

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

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

(d) **STANDARDS**

(1) 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 materials from the production or storage of military ordinance, propellants, or pyrotechnics unless the local fire protection agency having jurisdiction determines that burning is the only reasonably available method for safely disposing of the material.

(iv) The setting of backfires, except those set by fire protection agencies under Section 4426 of the California Public Resources Code, for the purpose of saving life or property or part of prescribed burning.

(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 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.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (1) Completely free of tires, tar paper, paint cans and other similar materials, and reasonably free of dirt, soil and visible surface moisture.~~

(2) A designated agency or the Air Pollution Control Officer shall permit, in writing, open burning for the following:

(i) Agricultural burning.

REF. Current Rule 102 ~~(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agricultural operation the products of which have an annual wholesale value of \$500 or more, including the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, or to dispose of diseased crops where there is no other practicable means of disposal.~~

REF. Current Rule 103 ~~(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agricultural operation the products of which have an annual wholesale value of \$500 or more, including the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, or to dispose of diseased crops where there is no other practicable means of disposal.~~

(ii) Prescribed burning.

REF. Current Rule 102 ~~(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs for wildland vegetation management burning or~~

~~forest management burning or range improvement burning or disease or pest prevention. Copies of such programs shall be made available to the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be made available to the Air Pollution Control Officer upon request. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper.~~

REF. Current Rule 103 ~~(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs for wildland vegetation management burning or forest management burning or range improvement burning or disease or pest prevention. Copies of such programs shall be made available to the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be made available to the Air Pollution Control Officer upon request. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper.~~

(iii) Disposal of Russian Thistle (Salsola Kali or "tumbleweed") when 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:

REF. Current Rule 102 ~~(b) When in the opinion of any public fire prevention officer such fire is necessary for prevention of a fire hazard, reasonable access by light duty truck to the bulk of the material constituting the hazard is unavailable, and provided the necessary burning permit has been obtained.~~

REF. Current Rule 103 ~~(b) When in the opinion of any public fire protection officer such fire is necessary for prevention of a fire hazard, reasonable access by light duty truck to the bulk of the material constituting the hazard is unavailable, and provided the necessary burning permit has been obtained.~~

(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 and 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.

REF. Current Rule 102 ~~(a) When such fire is set under permit to train public or industrial employees in the methods of fighting fires, provided, however, that no person shall burn liquid fuel for training purposes on more than one day in any 30-day period.~~

REF. Current Rule 103 ~~(a) When such fire is set under permit to train public or industrial employees in the methods of fighting fires, provided, however, that no person shall burn liquid fuel for training purposes on more than one day in any 30-day period.~~

(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.

REF. Current Rule 103 ~~(e) When such fire is set to dispose of combustible solid waste of a single family or two family dwelling on its premises.~~

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

REF. Current Rule 103 ~~(f) When such fire is set for the purpose of right-of-way clearing by a public entity or utility or for levee and ditch 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 of 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; and

REF. Current Rule 109 ~~Permits issued in accordance with Rules 102 and 103 shall be automatically suspended for any day: (a) Declared to be "no burn day" by the California Air Resources Board or the Air Pollution Control District, except that this provision shall not be applicable to permits for open burning authorized by Rule 103(e). The Air Pollution Control Officer may waive application of this subparagraph to burning authorized by Rule 102(d) and 103(d), provided the applicant requests such action in writing, demonstrating that suspension of burning would result in substantial economic loss and the burning of the fuels will not prohibit the maintenance of suitable air quality. (Effect. 6/26/81). (b) During which burning is prohibited by the designated agency having jurisdiction over the site of the burn for purposes of fire control or prevention. (c) When the designated agency or the Air Pollution Control Officer notifies the permittee that a fire would result in excessive smoke drifting into a populated area. (d) When alerts or school health warnings have been announced by the Air Pollution Control Officer.~~

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

REF. Current Rule 105 ~~No person shall set or allow the setting of any open outdoor fire allowed by Rules 102 and 103, unless he has a valid permit from a designated agency.~~

(iii) for prescribed burning, a Smoke Management Plan that has been submitted to and approved by the Air Pollution Control Officer.

(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.

REF. Current Rule 106 ~~Burning permits shall not be valid for more than fifteen (15) days from and including the date of issuance, provided, however, that the Air Pollution Control Officer may authorize the issuance of permits for periods greater than fifteen days. Requests~~

~~for such extensions should be made to the Air Pollution Control Officer in writing by the applicant and should be submitted through and with the endorsement of the designated agency. This rule shall not be applicable to permits for open burning authorized by Rule 103(e).~~

(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.

REF. Current Rule 111 ~~The permittee shall notify the designated agency prior to ignition of any fire set in accordance with Rules 102 and 103, except that this rule shall not be applicable to burning authorized by Rule 103(e).~~

(6) Open burning pursuant to this rule shall be conducted during daylight hours specified by the designated agency or the Air Pollution Control Officer. However, no ignition shall be allowed before 8:00 a.m., Pacific Standard Time, and 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.

REF. Current Rule 107 ~~Fires set pursuant to these rules shall be ignited during daylight hours as specified by the local designated agency, provided, however, that no ignition shall be allowed before 8:00 a.m., and no material shall be added to the fire that would cause it to burn beyond sunset of each day. All fires subject to these rules shall be extinguished at sunset of each day, except that fires set pursuant to Rule 102(d) and Rule 103(d) may be allowed to burn beyond sunset, provided it is impractical to extinguish such fires at sunset and provided further that continued burning beyond sunset will not result in a nuisance as defined in Rule 51 of these rules and regulations.~~

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

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be~~

~~burned pursuant to Rule 102 and 103 shall be: (4) Ignited as rapidly as practicable within applicable fire control regulations and with approved ignition devices only, if such devices are required.~~

(8) Additional requirements for agricultural burning:

(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: 60 days (4" or more in diameter)

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (3) Allowed to dry, as follows: (i) 60 days for trees and large branches, 4" or more in diameter. At least 90% of all materials to be burned in connection with forest burning shall be treated.~~

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

Drying time starts from the date the tree was cut down.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (3) Allowed to dry, as follows: (ii) 30 days for prunings and all branches. (Less than 4" in diameter).~~

(C) Fifteen days for field crop waste and other similar agricultural wastes.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (3) Allowed to dry, as follows: (iii) 15 days for field crop wastes and other similar agricultural wastes.~~

(D) Ten days for all other agricultural wastes not specifically listed above. 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.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (3) Allowed to dry, as follows: (iv) 10 days for all other materials not specifically listed above, provided, however, that the Air Pollution Control Officer or the designated agency 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.~~

(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.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (1) Completely free of tires, tar paper, paint cans and other similar materials, and reasonably free of dirt, soil and visible surface moisture. (2) Arranged to burn with minimum production of smoke.~~

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

REF. Current Rule 108 ~~(b) Open burning shall be prohibited when meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of state or federal ambient air quality standards or cause a public nuisance.~~

(10) Additional requirements for prescribed burning:

(i) At least 90% of all materials to be burned in connection with forest burning shall be treated, except when burning standing vegetation for resource/fire management objectives.

REF. Current Rule 108 ~~(a) In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be: (3) Allowed to dry, as follows: (i) 60 days for trees and large branches, 4" or more in diameter. At least 90% of all materials to be burned in connection with forest burning shall be treated.~~

(ii) When prescribed burning is 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.

(iii) 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 24 hours prior to ignition to obtain authorization.

(iv) 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.

(v) 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, 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:

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

(vi) 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, 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:

- (A) Location, types, and amounts of material to be burned; and
- (B) Expected duration of the fire from ignition to extinction; and
- (C) Identification of responsible personnel, including telephone
contacts; and
- (D) Identification and location of all smoke sensitive areas; and
- (E) Identification of meteorological conditions necessary for
burning; and
- (F) The smoke management criteria the land manager or his/her
designee will use for making burn ignition decisions; and
- (G) Projections, including a map, of where the smoke from burns
is expected to travel, both day and night; and

(H) 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; and

(I) Alternatives to burning; and

(J) Discussion of public notification procedures as set forth in CCR Section 80160.

(vii) 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 with the following criteria impacts a smoke sensitive area;

(A) projects greater than 250 acres,

(B) projects that will continue burning or produce smoke overnight,

(C) or projects as otherwise required by the Air Pollution Control Officer.

(viii) 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.

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

(x) The designated agency or the Air Pollution Control Officer may suspend, in writing, burn permits issued in accordance with this rule for any of the following reasons:

(A) The Air Pollution Control Officer declares a “no-burn day.”

(B) The designated agency having jurisdiction over the site of the burn declares the burn prohibited for purposes of fire control or prevention.

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

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

REF. Current Rule 109 ~~Permits issued in accordance with Rules 102 and 103 shall be automatically suspended for any day: (a) Declared to be "no burn day" by the California Air Resources Board or the Air Pollution Control District, except that this provision shall not be applicable to permits for open burning authorized by Rule 103(e). The Air Pollution Control Officer may waive application of this subparagraph to burning authorized by Rule 102(d) and 103(d), provided the applicant requests such action in writing, demonstrating that suspension of burning would result in substantial economic loss and the burning of the fuels will not prohibit the maintenance of suitable air quality. (Effect. 6/26/81). (b) During which burning is prohibited by the designated agency having jurisdiction over the site of the burn for purposes of fire control or prevention. (c) When the designated agency or the Air Pollution Control Officer notifies the permittee that a fire would result in excessive smoke drifting into a populated area. (d) When alerts or school health warnings have been announced by the Air Pollution Control Officer.~~

(xi) The Air Pollution Control Officer shall prioritize the issuance of burn permits related to subsections (d)(10)(v), (d)(10)(vi), and (d)(10)(vii) if such action is necessary to maintain suitable air quality.

2. *Current Rule 102 through Rule 112 follows in strikethrough text for reference only. References to proposed Rule 101 are identified accordingly.*

~~RULE 102.~~ ~~OPEN FIRES, WESTERN SECTION (Rev. Effective 3/27/90)~~

~~A person shall not burn any combustible refuse in any open outdoor fire within the Western Section of the Air Pollution Control District of San Diego County except as provided below:~~

~~(a) When such fire is set under permit to train public or industrial employees in the methods of fighting fires, provided, however, that no person shall burn liquid fuel for training purposes on more than one day in any 30 day period. REF. Current Rule 101(d)(2)(vi)~~

~~(b) When in the opinion of any public fire prevention officer such fire is necessary for prevention of a fire hazard, reasonable access by light duty truck to the bulk of the material constituting the hazard is unavailable, and provided the necessary burning permit has been obtained. REF. Current Rule 101(d)(2)(iv)~~

~~(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agricultural operation the products of which have an annual wholesale value of \$500 or more, including the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, or to dispose of diseased crops where there is no other practicable means of disposal. REF. Current Rule 101(d)(2)(i)~~

~~(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs for wildland vegetation management burning or forest management burning or range improvement burning or disease or pest prevention. Copies of such programs shall be made available to the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be made available to the Air Pollution Control Officer upon request. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper. REF. Current Rule 101(d)(2)(ii) and 101(d)(10)(ii)~~

~~RULE 103.~~ ~~OPEN FIRES, EASTERN SECTION (Rev. Effective 3/27/90)~~

~~A person shall not burn any combustible refuse in any open outdoor fire within the Eastern Section of the Air Pollution Control District of San Diego County except as provided below:~~

~~(a) When such fire is set under permit to train public or industrial employees in the methods of fighting fires, provided, however, that no person shall burn liquid fuel for training purposes on more than one day in any 30-day period. REF. Current Rule 101(d)(2)(vi)~~

~~(b) When in the opinion of any public fire protection officer such fire is necessary for prevention of a fire hazard, reasonable access by light-duty truck to the bulk of the material constituting the hazard is unavailable, and provided the necessary burning permit has been obtained. REF. Current Rule 101(d)(2)(iv)~~

~~(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agricultural operation the products of which have an annual wholesale value of \$500 or more, including the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, or to dispose of diseased crops where there is no other practicable means of disposal. REF. Current Rule 101(d)(2)(i)~~

~~(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs for wildland vegetation management burning or forest management burning or range improvement burning or disease or pest prevention. Copies of such programs shall be made available to the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be made available to the Air Pollution Control Officer upon request. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper. REF. Current Rule 101(d)(2)(ii) and 101(d)(10)(ii)~~

~~(e) When such fire is set to dispose of combustible solid waste of a single-family or two-family dwelling on its premises. REF. Current Rule 101(d)(2)(ix)~~

~~(f) When such fire is set for the purpose of right-of-way clearing by a public entity or utility or for levee and ditch maintenance by such entities. REF. Current Rule 101(d)(2)(x)~~

~~RULE 104. FURTHER EXCEPTIONS (Rev. Effective 3/30/77)~~

~~The prohibitions contained in Rules 102 and 103 shall not apply to:~~

~~(a) Fires set pursuant to Section 4426 of the Public Resources Code. REF. Current Rule 101(b)(1)(i)~~

~~(b) Recreational, ceremonial and cooking fires, provided that clean dry fuels are used and the fire is set in such manner as not to create a nuisance as defined in Rule 51. REF. Current Rule 101(b)(1)(ii)~~

~~(c) Open fires set pursuant to permits issued by the Air Resources Board under provisions of Section 41808 of the Health and Safety Code.~~

RULE 105. — BURNING PERMITS *REF. Current Rule 101(d)(3)(ii)*

No person shall set or allow the setting of any open outdoor fire allowed by Rules 102 and 103, unless he has a valid permit from a designated agency.

RULE 106. — PERMIT DURATION *REF. Current Rule 101(d)(4)*

Burning permits shall not be valid for more than fifteen (15) days from and including the date of issuance, provided, however, that the Air Pollution Control Officer may authorize the issuance of permits for periods greater than fifteen days. Requests for such extensions should be made to the Air Pollution Control Officer in writing by the applicant and should be submitted through and with the endorsement of the designated agency. This rule shall not be applicable to permits for open burning authorized by Rule 103(e).

RULE 107. — BURNING HOURS *REF. Current Rule 101(d)(6)*

Fires set pursuant to these rules shall be ignited during daylight hours as specified by the local designated agency, provided, however, that no ignition shall be allowed before 8:00 a.m., and no material shall be added to the fire that would cause it to burn beyond sunset of each day. All fires subject to these rules shall be extinguished at sunset of each day, except that fires set pursuant to Rule 102(d) and Rule 103(d) may be allowed to burn beyond sunset, provided it is impractical to extinguish such fires at sunset and provided further that continued burning beyond sunset will not result in a nuisance as defined in Rule 51 of these rules and regulations.

RULE 108. — BURNING CONDITIONS (Eff. 1/17/73; Rev. Eff. 3/27/90)

(a) — In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rule 102 and 103 shall be:

- (1) — Completely free of tires, tar paper, paint cans and other similar materials, and reasonably free of dirt, soil and visible surface moisture. *REF. Current Rule 101(d)(8)(iii)*
- (2) — Arranged to burn with minimum production of smoke. *REF. Current Rule 101(d)(8)(iii)*
- (3) — Allowed to dry, as follows:

~~(i) — 60 days for trees and large branches, 4" or more in diameter.~~
~~REF. Current Rule 101(d)(8)(ii) At least 90% of all materials to be burned~~
~~in connection with forest burning shall be treated. REF. Current Rule~~
~~101(d)(10)(i)~~

~~(ii) — 30 days for prunings and all branches. (Less than 4" in~~
~~diameter). REF. Current Rule 101(d)(8)(ii)~~

~~(iii) — 15 days for field crop wastes and other similar agricultural~~
~~wastes. REF. Current Rule 101(d)(8)(ii)~~

~~(iv) — 10 days for all other materials not specifically listed above,~~
~~provided, however, that the Air Pollution Control Officer or the designated~~
~~agency 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. REF. Current Rule 101(d)(8)(ii)~~

~~An exception to the drying time limits may be granted by the Air Pollution Control~~
~~Officer, upon written request, if the vegetation is pest infested and requires immediate~~
~~treatment by order of a legally responsible agency. REF. Current Rule 101(d)(8)(ii)~~

~~(4) — Ignited as rapidly as practicable within applicable fire control~~
~~regulations and with approved ignition devices only, if such devices are required.~~
~~REF. Current Rule 101(d)(7)~~

~~(b) — Open burning shall be prohibited when meteorological conditions could~~
~~otherwise cause smoke to create or contribute to an exceedance of state or federal~~
~~ambient air quality standards or cause a public nuisance. REF. Current Rule 101(d)(9)~~

~~(c) — Open burning for "Forest management burning" requires waste being burned~~
~~be windrowed or piled where possible, unless good silviculture practice dictates~~
~~otherwise.~~

~~(d) — Open burning for "Range management burning" requires:~~

~~(1) — Brush be treated at least six months prior to the burn if economically~~
~~and technically feasible; and~~

~~(2) — Unwanted trees over six inches in diameter be felled and dried prior to~~
~~the burn.~~

~~(e) — Open burning for "Wildland vegetation management burning":~~

~~(1) — Applies to burning which meets the definition of wildland~~
~~vegetation management burning, regardless of whether such~~
~~burning also meets another definition in Rule 101;~~

~~(2) — Requires a project burn plan (required by Rules 102 and 103) be submitted to the District for review and approval in advance of proposed burning. The following information shall be included: REF. Current Rule 101(d)(10)~~

- ~~(i) — location and specific objectives of the burn project;~~
- ~~(ii) — total acreage or tonnage, type and arrangement of vegetation to be burned each day;~~
- ~~(iii) — direction and distances to nearby sensitive receptor areas;~~
- ~~(iv) — fuel condition, combustion, and meteorological prescription elements developed for the project;~~
- ~~(v) — projected schedule and duration of project ignition, combustion and burn down;~~
- ~~(vi) — specifications for monitoring and verifying critical project parameters; and~~
- ~~(vii) — specifications for disseminating project information.~~

~~(f) — Open burning exceeding a predetermined size or tonnage threshold level, or for projects situated in zones specified by the District may have limitations imposed on the total tonnage of vegetation that may be burned each day within the District.~~

~~RULE 109. — TEMPORARY SUSPENSION OF PERMITS~~ (Rev. Adopted 5/27/81; Effective ~~6/26/81~~) *REF. Current Rule 101(d)(3)(i) and 101(d)(10)(x)*

~~Permits issued in accordance with Rules 102 and 103 shall be automatically suspended for any day:~~

~~(a) — Declared to be "no burn day" by the California Air Resources Board or the Air Pollution Control District, except that this provision shall not be applicable to permits for open burning authorized by Rule 103(e). The Air Pollution Control Officer may waive application of this subparagraph to burning authorized by Rule 102(d) and 103(d), provided the applicant requests such action in writing, demonstrating that suspension of burning would result in substantial economic loss and the burning of the fuels will not prohibit the maintenance of suitable air quality. (Effect. 6/26/81).~~

~~(b) — During which burning is prohibited by the designated agency having jurisdiction over the site of the burn for purposes of fire control or prevention.~~

~~(c) When the designated agency or the Air Pollution Control Officer notifies the permittee that a fire would result in excessive smoke drifting into a populated area.~~

~~(d) When alerts or school health warnings have been announced by the Air Pollution Control Officer.~~

~~RULE 110. — ADDITIONAL BURNING LIMITATIONS~~

~~The California Air Resources Board or the Air Pollution Control District may limit the amount of material to be burned on permissive burn days if such action is necessary to maintain suitable air quality.~~

~~RULE 111. — PRIOR NOTIFICATION~~ *REF. Current Rule 101(d)(5)*

~~The permittee shall notify the designated agency prior to ignition of any fire set in accordance with Rules 102 and 103, except that this rule shall not be applicable to burning authorized by Rule 103(e).~~

~~RULE 112. — BURNING REPORT~~

~~If requested to do so by the designated agency or by the Air Pollution Control Officer, the permittee shall complete the burning report form provided by the designated agency and shall return it to the designated agency within ten (10) days of the termination date of his permit. Failure to submit the report shall be cause to revoke any currently outstanding permit and to refuse the issuance of any new permit until the requested report is duly filed.~~