

Rule 300 Open Fires & Agricultural Burning Rules

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**1 Open Fires:** In accordance with Sections 41700 and 41800 of the California Health and Safety Code no person shall set or authorize the setting of open fires except as authorized by these regulations.

**1.1 Permits:** The Air Pollution Control Officer is empowered to issue permits for open burning and burning on no-burn days in accordance with these regulations.

**1.1.1 Permit Regulations:** The following applies to open-burning permits. Open burning requiring an open-burning permit shall comply with the following:

**1.1.1.1** The applicant shall show that the proposed burn will not violate the regulations.

**1.1.1.2** Application for open-burning permits shall be on a form approved by the Air Pollution Control Officer and applicable designated agency.

**1.1.1.3** Application must include the type of waste, and estimate of the amount of waste to be burned and the reason why the burn is necessary.

**1.1.1.4** The burning must be done on the day or days designated by the issuing agency providing said day is a burn day and the burning is in compliance with any restrictions or conditions imposed as a condition of the permit.

**1.1.2** Open burning permits issued by designated agencies are limited to the following:

**1.1.2.1** Agricultural burning within their service areas on burn days;

**1.1.2.2** Open burning for the purpose of training in fire fighting providing the Air Pollution Control Officer is notified prior to igniting the fire.

**1.1.3** Other than as provided in subsection b., above, all open burning permits are to be issued by the Air Pollution Control Officer or his authorized representative.

**1.1.4** All open fires requiring a permit for open burning should be ignited by approved ignition devices.

**1.2 General Provisions:**

**1.2.1 Burning On No-Burn Days:** In accordance with Section 41508 and 41854 of the California Health and Safety Code, it shall be unlawful for anyone to use open burning on a day designated as a no-burn day as declared by the California Air Resources Board or the Colusa County District's Air Pollution Control Officer except as provided by Sections 1.3.1.5, 1.1, 1.3.2 and 1.2.4 of this Rule.

- 1.2.2 Burning Hours:** Burning hours shall be set by the Air Pollution Control Officer and be consistent with the Sacramento Valley Basin Annual Agricultural Burning Plan.
- 1.2.3 Prohibited Burning:** Nothing in the regulations shall be construed to permit the burning of tires, petroleum waste, tar or tar paper or other waste that contains these prohibited materials except as allowed under Section 1.3.1.5.4 of this Rule.
- 1.2.4 Exceptions:** It is permissible to burn empty sacks, bags or cartons which contained fertilizer, pesticides or other toxic materials on a no-burn day providing the sacks, bags or cartons are within the definition of open, outdoor fires used in agricultural operations in the growing of crops or raising of fowl, animals or bees.
- 1.2.5 Fire Prevention:** Nothing in these regulations is intended to permit open burning on days when such burning is prohibited by public fire agencies for the purposes of fire control or prevention.
- 1.3 Exceptions:**
- 1.3.1 Exceptions to Section 1 of this Rule:** In accordance with Sections 41801 and 41851 of the California Health and Safety Code the provisions of Section 1 do not apply to the following, provided there are no prohibited materials burned as defined by Section 1.2.3 of this Rule.
- 1.3.1.1** Fires set by or authorized by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
- 1.3.1.1.1** For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means;
- or,
- 1.3.1.1.2** For the instruction of public employees in the method of fighting fires.
- 1.3.1.2** Open fires set pursuant to an open burning permit issued by the Air Pollution Control Officer as follows:
- 1.3.1.2.1** On property used for industrial purposes for the purpose of instructing employees in methods of fighting fires.
- 1.3.1.2.2** Agricultural operations in the growing of crops, or raising of fowl, animals and bees, including range, pasture and watershed improvement and in compliance with Section 2 of this Rule.
- 1.3.1.2.3** Burning for disease or pest prevention where there is an immediate need for and no reasonable alternative to burning, as determined by the Colusa County Health Department or the Colusa County Agricultural

Commissioner.

**1.3.1.2.3.1** Said determination to be in writing.

**1.3.1.2.4** Burning for right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance.

**1.3.1.3** The burning of agricultural waste if the burning is performed with liquid petroleum gas or natural gas fired burners designed and used to kill grasses and weeds in orchard and field crops.

**1.3.1.3.1** Providing the growth is such that combustion will not continue without the burner.

**1.3.1.4** For the training and development of fire fighting skills of public fire fighting agency personnel.

**1.3.1.5** As provided in Section 41806 of the California Health and Safety Code, nothing in these regulations shall be construed to prohibit burning for the disposal of combustible or flammable solid waste developed from a single or two family dwelling and premises in accordance with the following:

**1.3.1.5.1** Burning is to be performed on the premises.

**1.3.1.5.1.1** The premises for a single or two family dwelling shall not be considered occupying more than a two (2) acre area.

**1.3.1.5.2** Waste to be burned shall not contain petroleum products, demolition debris, tires, tar, metal salvage, wet garbage, dead animals, parts of animals, materials containing prohibited materials or materials that produce offensive odors when burned

**1.3.1.5.3** To abate fires pursuant to Section 41801 (e) of the California Health and Safety Code.

**1.3.1.5.4** For the production of smoke column as required by section 6464 (b)(1) of the California Code of Regulations when applying specified types of restricted herbicides:

**1.3.1.5.4.1** Tires may be used for this purpose.

**1.3.1.5.5** Open outdoor fires for the purpose of cooking meals for human beings and recreational purposes as provided by Section 41704 (e) of the California Health and Safety Code, and open fires necessary to provide human comfort.

**1.3.1.5.6** Fires used in heating branding irons and as necessary in animal husbandry practices.

**1.3.2 Exceptions to Section 1.2.1 of this Rule:** The provisions of Section 1.2.1 do not apply to:

**1.3.2.1** Open burning authorized under permit of the Air Pollution Control Officer when the burning is necessary to:

**1.3.2.1.1** Prevent imminent and substantial economic loss in farming operations as provided by Section 41862 of the California Health and Safety Code.

**1.3.2.2** Open burning for the purpose of cooking meals for human beings and recreational purposes as provided by Section 41704 (e) of the California Health and Safety Code, and open fires necessary to provide physical comfort.

- 1.3.2.3** For the training and developing of fire fighting skills.
  - 1.3.2.3.1** The Air Pollution Control Officer shall be notified of the time and location of any such fire prior to igniting the fire.
- 1.3.2.4** Back-fires that are set as necessary to save lives or valuable property pursuant to Section 4426 of the Public Resources Code.
- 1.3.2.5** Fires necessary to abate hazards pursuant to Section 41801 (e) of the California Health and Safety Code.
- 1.3.2.6** Accidental fires which occur in areas and/or material declared to be a fire hazard in accordance with Section 41801 (a) of the Health and Safety Code and that the local fire agency allows to continue to burn under control in order to abate said hazard.
- 1.3.2.7** The use of orchard or citrus grove heaters for frost protection providing the heaters are of the type approved by the Air Resources Board.
- 1.3.2.8** Open Burning for disposal of burnable waste developed from a single or two family dwelling when authorized by the Air Pollution Control Officer.
  - 1.3.2.8.1** Under permit accordance to conditions determined by the Air Pollution Control Officer.
  - 1.3.2.8.2** When generally authorized, district wide, by the Air Pollution Control Officer.
- 1.3.2.9** Agricultural Burning as authorized by Section 1.3.1.3 of this Rule.
- 1.3.2.10** Fires used in heating branding irons and as necessary in animal husbandry practices

**2 Agricultural Burning Permits:** In addition to complying with the annual "Sacramento Valley Air Basin Agricultural Burning Plan" as submitted to the Air Resources Board and other stated burning regulations, no person shall knowingly set or permit agricultural burning for the disposal of agricultural waste unless he has a valid permit from the local agency designated by the Board in Section 2.3 of this Rule.

- 2.1 Permits:** Agricultural Burning Permits issued pursuant to this Rule herein shall contain the following:
  - 2.1.1** Name, address and phone of the permittee.
  - 2.1.2** Location of the proposed burning.
  - 2.1.3** Acreage or estimated amount of waste to be burned.
  - 2.1.4** The kind of agricultural waste to be burned.
  - 2.1.5** The Statement "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".
  - 2.1.6** Such other information as may be required by the designated agency issuing the permit or the Air Pollution Control Officer.
  - 2.1.7** Permits shall specify the hours for ignition of fires.

**2.2 Burn Authorization:**

- 2.2.1 Before any person who holds an agricultural burning permit sets or permits an agricultural burn, the person must receive permission to burn that day for a specific site and a specific number of acres and the following information must be provided to the designated rural fire protection districts or the Air Pollution Control Officer for the permittee's district:
  - 2.2.1.1 Name of permittee.
  - 2.2.1.2 Permit number.
  - 2.2.1.3 Name of agricultural waste.
  - 2.2.1.4 Acreage or estimated amount of waste.
- 2.2.2 During the Fall burning period of September through November, the following additional information shall be provided to the designated agency or the Air Pollution Control Officer for the permittee's district:
  - 2.2.2.1 Location and field number of exact site.
  - 2.2.2.2 Date of harvest.
  - 2.2.2.3 Wind direction needed to safely burn.
  - 2.2.2.4 Any known hazards near the site.
  - 2.2.2.5 Contact telephone number(s).
- 2.3 **Burn Permit Agencies:** The State Air Resources Board is requested to designate the Air Pollution Control Officer and rural fire protection districts as agencies to issue permits for burning of agricultural waste within the boundaries of their respective agencies.

Agencies listed as follows:

  - 2.3.1 Arbuckle - College City Fire Protection District.
  - 2.3.2 Bear Valley-Indian Valley Fire Protection District.
  - 2.3.3 Colusa Rural Fire Protection District.
  - 2.3.4 Grand Island Fire Protection District.
  - 2.3.5 Maxwell Fire Protection District.
  - 2.3.6 Princeton Fire Protection District.
  - 2.3.7 Williams Fire Protection District.
- 2.4 **General Requirements:**
  - 2.4.1 **Field Crop Ignition:** Rice, barley, oat and wheat straw shall be ignited only by stripfiring into the wind, by backfiring, or other method as outlined in the Sacramento Valley Air Basin Agricultural Burning Plan except under a special permit of the Air Pollution Control Officer issued when and where extreme fire hazards are declared by a public fire protection agency to exist, or where crops are determined by the Air Pollution Control Officer not to lend themselves to these techniques.
  - 2.4.2 **Preparation of Agricultural Waste:** Agricultural waste shall be dry enough to assure complete combustion, and shall be free from extraneous materials. The following are minimum standards for the preparation of agricultural waste prior to burning.
    - 2.4.2.1 Shall be free of material that is not produced in an agricultural operation.
    - 2.4.2.2 Shall be arranged so that it will burn with a minimum of smoke, and except for large trees, only that amount that can reasonably

be expected to completely burn within the following 24 hours shall be ignited on any one day.

**2.4.2.3** Shall be reasonably free of dirt, soil and visible surface moisture.

**2.4.2.4** To lower the moisture content of agricultural waste, the elapsed time between cutting and burning shall be:

**2.4.2.4.1** Rice and straw stubble, see Section 2.8, of this Rule.

**2.4.2.4.2** A minimum of thirty (30) days for trees, stumps and large branches greater than six (6) inches in diameter.

**2.4.2.4.3** Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

**2.4.2.4.4** District may authorize burning of agricultural waste in shorter times if the denial of such permit would threaten eminent and substantial economic loss.

**2.4.3 Field Crops Harvested Prior to September 10<sup>th</sup>:** No field crop acreage, which was harvested prior to September 10<sup>th</sup>, shall be burned during the period from October 1<sup>st</sup> through November 15<sup>th</sup> of each year unless specifically authorized by the Air Pollution Control Officer. In granting such authority the Air Pollution Control Officer shall:

**2.4.3.1** Ensure that the amount of acreage which is to be burned shall be included in the District's allotment.

**2.4.3.2** Require a specific explanation of the cultural practices which require immediate burning.

**2.4.3.3** Require the person to specify the reason why the burning was not conducted prior to October 1<sup>st</sup>.

**2.4.3.4** Require the exception of this rule be valid on permissible burn days.

**2.4.4 Ignition Hours:**

**2.4.4.1** Permits shall specify the hours from 8:00 a.m. to 5:00 p.m., and no person shall knowingly ignite agricultural waste or permit the ignition of agricultural waste under his or her control on land under his or her control or by employee or other persons under his or her control, except during these hours.

**2.4.4.2** No ignition of field crop waste shall commence before 10:00 a.m. nor after 3:00 p.m. in any day during the Fall burning period of September 15<sup>th</sup> through November 30<sup>th</sup>.

**2.4.4.3** In accordance with the Sacramento Valley Air Basin Agricultural Burning Plan, the Air Pollution Control Officer shall have the authority to modify the burning hours.

**2.5 Prohibitions and Restrictions:**

**2.5.1 Prohibition Of Agricultural Burning On No-Burn Days:** No

agricultural burning permit shall be valid on a no-burn day and no person shall knowingly set or permit agricultural burning on a no-burn day. For the purpose of this section a person shall be deemed to have permitted agricultural burning if he permits the setting or use of such fires for the disposal of agricultural waste under his control on land under his control or by employees or other persons under his control. The burning of pesticide sacks at the site of application is not prohibited by this section provided the burning is conducted downwind from any person or susceptible crops.

**2.5.2 Tires:** The use of tires for the ignition of fires is prohibited.

**2.5.3 Restriction of Agricultural Burning on Burn Days:** The Air Pollution Control Officer may restrict agricultural waste burning on burn days or declare a no-burn day if such burning could cause or contribute to extreme adverse air quality conditions.

**2.5.4 Fire Prevention:** Nothing in this regulation is intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

**2.6 Exemptions:**

**2.6.1 Agricultural Burning Exceptions:** The burning of agricultural waste is exempt from the provisions of Sections 2.8, 2.4.1 2.4.2, 2.4.3 2.4.4, 2.5.1 and 2.5.3 of this Rule as follows:

**2.6.1.1** The burning is performed with LPG or natural gas-fire burners designed and used to kill seeding grasses and weeds in orchards and field crops and the growth is such that combustion will not continue without the burner. Also when used in the harvesting of certain vine crop seeds for desiccation purposes.

**2.6.2 Burning On No-Burn Days:** The Air Pollution Control Officer may permit authorized burning of agricultural wastes on days designated by the California Air Resources Board as no-burn days because the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning the Air Pollution Control Officer shall limit the amount of acreage which can be burned in any one day. The district shall consider the impact on downwind areas.

**2.7 Cost of Putting Out a Fire:** Any agricultural waste burning that is in violation of these regulations is subject to being put out by any fire control agency when so ordered by the Air Pollution Control Officer. The cost of putting out the fire may be charged to the person, persons, business, firm or corporation responsible for the fire.

**2.7.1** This provision is in addition to any other penalties that are authorized by Sections 42400 through 42404 of the California Health and Safety Code and provisions of these regulations.

**2.8 Rice Stubble And Straw Burning:**

**2.8.1 Rice Straw Burning**



**2.8.1.1** All rice harvesting shall employ a mechanical straw spreader to insure even distribution of the straw with the following exception:

**2.8.1.2** Rice straw may be left in rows provided it meets drying time criteria prior to a burn as described in subsection 2.8.2, of this rule.

## **2.8.2 Drying Time**

### **2.8.2.1 After Harvest**

**2.8.2.1.1** No spread rice straw shall be burned prior to a three (3) day drying period.

**2.8.2.1.2** No rowed rice straw shall be burned prior to a ten (10) day drying period.

**2.8.2.1.3** Subsections 2.8.2.1.1, and 2.8.2.1.2, above do not apply if the rice straw makes an audible crackle when tested just prior to burning with the testing method described in subsection 2.8.3, of this rule.

### **2.8.2.2 After a Rain**

**2.8.2.2.1.** After a rain exceeding 0.15 inches (fifteen hundredths of an inch), rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in subsection 2.8.3, of this rule.

## **2.8.3 Testing Procedures to Determine Straw Dryness:**

**2.8.3.1** When checking the field for moisture, a composite sample of straw from under the mat, in the center of the mat and from different areas of the field shall be taken to insure a representative sample. A handful of straw from each area will give a good indication. Rice straw is dry enough to burn if a handful of straw selected as described above cracks when it is bent sharply.

**2.9 Range Improvement Burning:** In addition to the general agricultural burning requirements of this Regulation and the annual "Sacramento Valley Air Basin Agricultural Burning Plan" as submitted to the Air Resources Board and other stated burning regulations, range improvement burning shall be performed in compliance with the following:

**2.9.1** The waste to be burned shall be ignited with an approved ignition device.

**2.9.2** The Air Pollution Control Officer shall limit the amount of waste which may be burned in one day.

**2.9.3** The waste shall be ignited as rapidly as practicable within applicable fire control restrictions.

**2.9.4** The Air Pollution Control Officer shall regulate the burning when the wind direction is toward a nearby populated area.

**2.9.5** Brush shall be treated at least six months prior to the burn if economically or technically feasible.

**2.9.6** Unwanted trees over six inches in diameter shall be felled and dried for a minimum of 30 days.

- 2.9.7** During the period between January 1st and May 31st, range improvement burning may be conducted by permit on a no-burn day provided that more than 50 percent of the land has been brush treated. If the burn is to be done primarily for the improvement of wildlife or game habitat the Department of Fish and Game may specify the amount of brush treatment required.
- 2.9.8** If the burn is to be done primarily for improvement of land for wildlife and game habitat require 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.
- 2.10 Forest Management Burning:** In addition to the general agricultural burning requirements of this Regulation and the annual "Sacramento Valley Air Basin Agricultural Burning Plan" as submitted to the Air Resources Board and other stated burning regulations, forest management burning shall be performed in compliance with the following:
- 2.10.1** The waste to be burned shall be ignited with an approved ignition device.
- 2.10.2.** The Air Pollution Control Officer shall regulate the total amount of waste that may be burned each day.
- 2.10.3** The waste shall be ignited as rapidly as practicable within applicable fire control restrictions.
- 2.10.4** The Air Pollution Control Officer shall regulate the burning when the wind direction is toward a nearby population area.
- 2.10.5** The waste shall be dried for a minimum period to be specified by the designated agency.
- 2.10.6** The waste shall be free of tires, rubbish, tar paper or construction debris.
- 2.10.7** The waste shall be windrowed or piled where possible unless good silvicultural practice dictates otherwise.
- 2.10.8** The piled waste shall be prepared so that it will burn with a minimum of smoke.
- 2.10.9** The piled waste shall be reasonably free of dirt and soil.
- 2.11 Wildland Vegetation Management Burning:** In addition to the general agricultural burning requirements of this regulation and the annual "Sacramento Valley Air Basin Agricultural Burning Plan" as submitted to the Air Resources Board and other stated burning regulations, wildland vegetation management burning shall be performed in compliance with the following:
- 2.11.1** Any proposed burn, regardless of size, which will occur below a mean elevation of 1,000 feet, or any proposed burn which encompasses a land area greater than 10.0 acres and which occurs at or above a mean elevation of 1,000 feet shall include the following information to be submitted in a burn plan to the District at least seven (7) days prior to ignition:
- 2.11.1.1** Name, address and telephone number of person to conduct the burn along with the name of a specific contact individual;
- 2.11.1.2** Acreage covered by the burn plan and estimated tons per acre of material to be burned;
- 2.11.1.3** Location of the burn site;
- 2.11.1.4** Type and condition of fuel and objectives of the burn;

- 2.11.1.5** Direction and distance to populated or sensitive receptor areas;
  - 2.11.1.6** Project burn schedule (ignition to completion of burn) and fuel combustion prescription elements;
  - 2.11.1.7** Meteorological prescription and forecast for the burn;
  - 2.11.1.8** Specifications for monitoring and verifying project parameters;
  - 2.11.1.9** Procedures for notifying the public and other agencies of the burn; and
  - 2.11.1.10** Any other information requested by the Air Pollution Control Officer.
- 2.11.2** No more than 640 acres of wildland vegetation as defined in the regulations shall be ignited on any one day within Colusa County.
- 2.12 Rice Straw Burning Phasedown Registration (repealed 9/14/99)**
- 2.13 Weekends And Holidays - No Agricultural Burning (repealed 08/29/89)**