

(Adopted October 8, 1976)(Amended October 2, 1981)  
(Amended October 2, 1987)(Amended December 21, 2001)  
(PAR August 22, 2008)

**PROPOSED AMENDED RULE 444.      OPEN BURNING**

(a) Purpose

The purpose of this rule is to ensure open burning in the District is conducted in a manner that minimizes emissions and that smoke, ~~and~~ is managed consistent with state and federal law in order to, and ~~protects~~ public health and safety.

(b) Applicability

The provisions of this rule apply to any person conducting or allowing any open burning including, but not limited to:

- (1) ~~a~~Agricultural burning
- (2) ~~d~~Disposal of Russian thistle (*Salsola kali* or “tumbleweed”)
- (3) ~~p~~Prescribed burning
- (4) ~~f~~Fire prevention/suppression training
- (5) ~~o~~Open detonation or use of pyrotechnics
- (6) ~~f~~Fire hazard removal
- (7) ~~d~~Disposal of infectious waste, other than hospital waste
- (8) ~~r~~Research of testing materials, equipment or techniques
- (9) ~~d~~Disposal of contraband
- (10) ~~r~~Residential burning

(c) Definitions

- (1) AGRICULTURAL BURNING means open burning of vegetative materials 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 OPERATIONS means any ~~operation—business~~ occurring on a ranch or farm directly related to:

- ~~(A) the~~ Growing of crops
  - ~~(B) , or~~ Raising of fowl or other animals for the primary purpose of making a profit or for a livelihood, ~~or~~
  - ~~(C) of~~ Conducting agricultural research or instruction by an educational institution.
- (3) AGRICULTURAL WASTES means unwanted or unsalable materials produced wholly from agricultural operations directly related to the growing of crops or raising of animals for the primary purpose of making a profit or for a livelihood. ~~The term Agricultural wastes~~ does not include items such as, plastic, rubber, ornamental or landscape vegetation, chemically treated wood, shop wastes, construction and demolition material, ~~or material containing asbestos~~, garbage, oil filters, tires, tar paper, pesticide and fertilizer containers, broken boxes, pallets, sweat boxes, packaging material, packing boxes or any other material produced in the packaging or processing of agricultural products. Orchard or vineyard waste or any other material, generated as a result of land use conversion to nonagricultural purposes is not agricultural waste.
- (4) AIR QUALITY INDEX (AQI) is a value established by the federal Environmental Protection Agency (EPA) to measure the level of the five major air pollutants regulated by the Clean Air Act. The values range from 0 to 500 and are divided into six categories, higher values indicate greater levels of pollution and greater associated health concerns. The following summarizes the AQI:

  - (A) 50 or below is Good
  - (B) 51 through 100 is Moderate
  - (C) 101 through 150 is Unhealthy for Sensitive Groups
  - (D) 151 through 200 is Unhealthy
  - (E) 201 through 300 is Very Unhealthy
  - (F) Over 300 is Hazardous
- (45) APPROVED IGNITION DEVICES means those instruments or materials that will ignite agricultural waste without the production of black smoke ~~by the ignition device~~. This would include such devices using liquid petroleum gas, butane, propane, or diesel oil burners and flares where the device produces a flame and the flame is then used for ignition.

- (6) APPROVED IGNITION FUELS means pipeline quality natural gas, liquefied petroleum gas, or a petroleum liquid having an API gravity of at least 30.
- (7) BURN AUTHORIZATION NUMBER is the number that is assigned to a burn project upon being granted approval by the Executive Officer.
- ~~(5) BURN IMPLEMENTATION PLAN means a document prepared by a land manager that identifies the project(s) to be burned, provides a description of the project(s) to be burned, identifies the person or agency conducting the burn, lists the qualifications of the person or agency conducting the burn and provides a schedule for implementing the identified prescribed burn project(s).~~
- (8) BURN MANAGEMENT PLAN means a document prepared by an agricultural operator for a project which provides a description of the project, and other information as required under subparagraph (d)(6)(D).
- (9) BURN PROJECT means an active or planned prescribed burn, agricultural burn, fire prevention/suppression training, a naturally ignited wildland fire managed for resource benefits, or any other burn approved by the Executive Officer.
- (10) FIELD CROP means crop, other than fruits or vegetables, which is grown for agricultural purposes.
- ~~(611) FIRE HAZARD means a hazardous condition involving combustible, flammable, or explosive material, that could present represents a substantial threat to life or property if not immediately abated, as declared by a fire protection agency.~~
- ~~(712) FIRE PREVENTION/SUPPRESSION TRAINING means the instruction of employees in the methods of preventing or suppressing fires.~~
- ~~(813) FIRE PROTECTION AGENCY means any public agency with the responsibility and authority to protect people, property, and the environment from fire, within its respective area of jurisdiction.~~
- (14) IMMINENT FIRE HAZARD means a fire hazard that presents an immediate danger to property or the health and/or safety of a person or persons and for which direct abatement by fire is necessary as directed by a fire protection agency. An imminent fire hazard is distinguished from a prescribed burn by the immediate or urgent action needed to alleviate a threat.

- (915) 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.
- (106) MARGINAL BURN DAY: means a day in an air basin when open burning for individual projects is restricted to designated source/receptor areas and is not prohibited by the CARB or Executive Officer of the District. A marginal burn day is declared when:
- (A) ~~a~~At least one of the meteorological criteria for an air basin is met,
  - (B) ~~the California 1 hour ozone standard (0.09 ppm) is not predicted to be exceeded in the designated source/receptor area~~The AQI throughout the basin is predicted to be 150 or less, and
  - (C) ~~no California 1 hour Ozone Health Advisory Episodes are predicted in the basin.~~The AQI in the designated source/receptor area is predicted to be 100 or less.
- (147) METEOROLOGICAL CRITERIA: defines the daily predicted meteorological conditions that need to be satisfied to permit open burning for an air basin. The criteria are as follows:
- (A) Burn Area 40: ~~South Coast Air Basin~~ (at least one ~~criteria~~criterion must be satisfied):
    - (i) ~~The~~The expected height of the inversion base, if any, near 6:00 a.m. at Los Angeles International Airport is 1,500 feet above mean sea level or higher.;
    - (ii) ~~The~~The expected maximum mixing height during the day is above 3,500 feet above the surface.;
    - (iii) ~~The~~The expected mean surface wind between 6:00 a.m. and noon is greater than five miles per hour.;
  - (B) Burn Area 53: ~~Mojave Desert Air Basin~~ (all criteria must be satisfied):
    - (i) ~~n~~Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.
    - (ii) ~~The~~The expected temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.

- (iii) ~~€~~The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.
- (C) Burn Area 55: -Salton Sea Air Basin (at least three criteria must be satisfied):
  - (i) ~~n~~Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.
  - (ii) ~~€~~The expected temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.
  - (iii) ~~€~~The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.
  - (iv) ~~€~~The expected daytime wind direction in the mixing layer is not southeasterly.

(128) NO BURN DAY: means a day in an air basin on which open burning is prohibited by the CARB or Executive Officer of the District. A no burn day is declared when:

- (A) ~~n~~None of the meteorological criteria for an air basin are met, or
- (B) ~~a California 1-hour Ozone Health Advisory Episode (0.15 ppm) is predicted in the basin. The AQI in any area of the basin is predicted to be greater than 150.~~

(139) OPEN BURNING COMBUSTION/OPEN DETONATION means the ignition and subsequent burning, or ignition, rapid decomposition and subsequent burning of solid, liquid, or gaseous materials, outside of a combustion chamber with or without a visible flame and not directed through a chimney or flue.

(1420) PERMISSIVE BURN DAY: means a day in an air basin on which open burning is not prohibited by the CARB or Executive Officer of the District. A permissive burn day is declared when:

- (A) ~~a~~At least one of the meteorological criteria for an air basin is met; and
- (B) ~~a California 1-hour ozone standard (0.09 ppm) is not predicted to be exceeded in the basin. The AQI throughout the basin is predicted to be 100 or less.~~

~~(1521)~~ PRESCRIBED BURNING means planned open burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, identified on lands selected in advance for removal of:

(A) ~~v~~Vegetation from land predominantly covered with chaparral, trees, grass, or standing brush;

(B) ~~f~~Forest vegetation or debris for the purposes of forest protection;~~or~~

(C) Brush, weeds, arundo, or other plant matter to promote a healthier environment for plant or animal species or to re-establish native plant species;~~or~~

(D) ~~d~~Disease and pest prevention.

~~(1622)~~ RESIDENTIAL BURNING means open burning for the purposes of disposing of combustible or flammable solid waste, excluding Russian Thistle, from a specific residence on its premises.

(23) SENSITIVE RECEPTOR LOCATIONS include schools, daycare centers, hospitals, and convalescent homes, and other locations where children, chronically ill individuals, or other sensitive persons could be exposed.

~~(1724)~~ SMOKE MANAGEMENT PLAN means a document prepared for each open burning event or project by land managers that provides information and procedures to minimize smoke impacts.

(25) SOURCE/RECEPTOR AREAS. A source area is that area in which contaminants are discharged and a receptor area is that area in which the contaminants accumulate and are measured. Any of the areas can be a source area, a receptor area, or both a source and receptor area.

(26) WILDLAND means:

(A) 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 10 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.

(B) For California Department of Forestry and Fire Protection, “Wildland” from PRC 4464(a) means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of this part 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 these lands would pose a threat to the adjacent state responsibility area.

(d) Requirements and Prohibitions

(1) A person shall not conduct or allow open burning unless all of the following are met:

(A) unless ~~t~~The Executive Officer has declared the day as a permissive burn day and such burning is not prohibited by ~~a~~the applicable public fire protection agency.; ~~and~~

(B) The Executive Officer and the applicable fire protection agency have ~~without first obtaining~~ issued a written permits ~~from a the Executive Officer, unless the applicable fire protection agency has issued a permit~~ for the burn.; and For the purposes of assessing fees, as required by subdivision (g), written permits for open burning shall be subject to the fee schedule established in District Rule 306.

(C) The Executive Officer has authorized the burn by issuing a Burn Authorization Number ~~without first receiving authorization from the Executive Officer~~ for each day for each open burning event.; ~~and~~

(i) The Executive Officer has received the Burn Authorization Number request by 4:00 p.m. on the day prior to the burn.

(ii) The Executive Officer may delay issuing a Burn Authorization Number until such time that an inspection of the proposed Burn Project can be conducted.

(D) All site-specific permit conditions are met, pursuant to Rule 208 – Permit and Burn Authorization for Open Burning.

(E) The burn is located further than 1,000 feet from a sensitive receptor location.

(2) The Executive Officer may authorize open burning for:

(A) ~~a~~Agricultural burning;

(B) ~~p~~Prescribed burning;

(C) ~~d~~Disposal of Russian thistle;

- (D) ~~a~~Abatement of a fire hazard that a fire protection agency determines cannot be abated by an economically, ecologically and logistically viable option;
  - (E) ~~d~~Disposal of waste infected with an agricultural pest or disease hazardous to nearby agricultural operations and upon the order of the County Agricultural Commissioner;
  - (F) ~~d~~Disposal of infectious waste, other than hospital waste, upon the order of the County Health Officer to abate a public health hazard;
  - (G) ~~the u~~Use of pyrotechnics for the creation of special effects during filming of motion pictures, videotaping of television programs or other commercial filming or video production activities provided only Approved Ignition Fuels are used
  - (H) ~~d~~Disposal of contraband in the possession of public law enforcement personnel provided they demonstrate that open burning is the only reasonably available method for safely disposing of the material;
  - (I) ~~f~~Fire prevention/suppression training exercises provided (NOTE: Where training involves the burning of existing structures, notifications and compliance with all other requirements of Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities shall be required when applicable); and
  - (J) ~~the purpose of r~~Researching or testing fire retardant properties of materials (or enclosures) or the efficacy of fire suppression techniques or devices.
- (3) A person is prohibited from open burning for:
- (A) ~~r~~Residential burning;
  - (B) ~~d~~Disposal of waste, except as specified in (d)(2) above, including hospital waste;
  - (C) Disposal of materials generated as a result of land use conversion for non-agricultural purposes;
  - (D) ~~d~~Disposal of materials from the production or storage of military ordnance, propellants, or pyrotechnics unless a fire protection agency, law enforcement agency or governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material; ~~and~~



- (E) Suppression of wildland ~~suppression~~ fires, except those set by fire protection agencies, for the purpose of saving life or property.
  - (F) Complete burning of existing structures for fire prevention/suppression training exercises
- (4) A person shall not commence open burning for:
- (A) ~~a~~Agricultural field crop burning before 10:00 ~~Aa.Mm.~~ or later than 5:00 ~~Pp.Mm.~~; and
  - (B) ~~e~~Open burning, other than agricultural field crop burning, except as authorized at a time consistent with an approved Smoke Management Plan:
    - (i) ~~e~~Earlier than one hour after sunrise with no new ignition, or fuels to be added to an existing fire
    - (ii) ~~,L~~Later than two hours before sunset ~~except as authorized at a time consistent with an approved smoke management plan.~~
- (5) A person shall use only approved ignition devices to ignite open burning.
- (6) Additional requirements for agricultural burning:
- (A) 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:
    - (i) Trees and large branches (3<sup>rd</sup> in. or greater): ~~6~~ weeks
    - (ii) Prunings and small branches (1<sup>st</sup> in. to less than 3<sup>rd</sup> in. diameter): 4 weeks
    - (iii) Wastes from field crops that are cut in a green condition: 4 weeks
    - (~~iii~~iv) Fine fuels (0.25<sup>th</sup> in. to less than 1<sup>st</sup> in. diameter): ~~3~~ weeks
    - (~~iv~~v) Very fine fuels (less than 0.25<sup>th</sup> in.): ~~10~~ days
  - (B) A person shall not conduct or allow the open burning of agricultural waste unless it is free of dirt, soil, and visible moisture.
  - (C) A person shall ignite rice, barley, oat and wheat straw only by strip-firing or by backfiring into the wind unless a fire protection agency declares such actions would constitute a fire hazard.
  - (D) Prior to conducting or allowing agricultural burning for any project greater than 10 acres or a project that produces more than one ton of particulate matter emissions, as determined using EPA AP-42 or equivalent emissions factors approved by the Executive Officer,

CARB, and EPA, a person shall have a **Burn** Management Plan approved in writing by the Executive Officer. At a minimum, the **Burn** Management Plan shall contain the following information:

- (i) **L**ocation, types, and amounts of material to be burned
- (ii) **E**xpected duration of the fire from ignition to extinction
- (iii) **I**dentification of responsible personnel, including telephone contacts
- (iv) **I**dentification and location of all smoke sensitive areas
- (v) **C**alculation of the particulate emissions tonnage, when the particulate emissions tonnage is selected as the criteria for determining the project size

(7) A person shall not transport agricultural waste for the purpose of open burning from one property to another.

(78) Additional requirements for prescribed burning-:

~~(A)~~ Prescribed burning shall not be conducted until a burn implementation plan is approved in writing by the Executive Officer.

~~(B)~~(A) A person 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.

~~(C)~~(B) Prior to conducting or allowing prescribed burning for any project greater than 10 acres or that produces more than one ton of particulate matter emissions, as determined using EPA AP-42 or equivalent emissions factors approved by the Executive Officer, CARB, and EPA, a person shall have a Smoke Management Plan approved in writing by the Executive Officer. Smoke Management Plans shall be updated annually. At a minimum, the Smoke Management Plan shall contain the following information:

- (i) **L**ocation, types, and amounts of material to be burned;
- (ii) **e**xpected duration of the fire from ignition to extinction;
- (iii) **i**dentification of responsible personnel, including telephone contacts;
- (iv) **i**dentification and location of all smoke sensitive areas;  
and

~~(iv)~~(v) Calculation of the particulate emissions tonnage where when the particulate emissions tonnage is selected as the

criteria for determining the project size, ~~calculation of the particulate emissions tonnage.~~

(DC) Prior to conducting or allowing prescribed burning for any project greater than 100 acres or that produces more than 10 tons of particulate matter emissions, as determined using EPA AP-42 or equivalent emissions factors approved by the Executive Officer, CARB, and EPA, a person shall have a Smoke Management Plan approved in writing by the Executive Officer. Smoke Management Plans shall be updated annually. At a minimum, the Smoke Management Plan shall contain the information required by subparagraph (d)(78)(CB) and the following information:

- (i) ~~i~~Identification of meteorological conditions necessary for burning;
- (ii) ~~the s~~Smoke management criteria the land manager will use for making burn ignition decisions;
- (iii) ~~p~~Projections, including a map, of where the smoke from burns ~~are~~is expected to travel both day and night;
- (iv) ~~s~~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;
- (v) ~~an e~~Evaluation of and consideration of emission reduction techniques including economically, and logistically viable alternatives to burning; ~~and~~
- (vi) ~~d~~Discussion of public notification procedures.

(E)(D) The Executive Officer shall prioritize burn authorization requests based upon:

- (i) ~~t~~The ~~burner's demonstrated~~ level of training of the person conducting the burn as identified in the Bburn implementationManagement Plan and sSmoke mManagement pPlans; ~~and~~
- (ii) ~~t~~The measures identified in the sSmoke mManagement pPlan proposed to reduce emissions.

(F)(E) ——— Notwithstanding subparagraph (d)(1)(A), the Executive Officer may allow prescribed burning on marginal burn days, provided a sSmoke mManagement pPlan has been approved. ~~and~~

~~the predicted daily maximum hourly average ozone concentration in the source receptor area of the prescribed burn meets the California 1-hour ozone standard.~~

(e) The Executive Officer may allow the Maximum Daily Burn Acreage for Agricultural Burning and Prescribed Burning as follows:

- (1) ~~f~~For all areas within the District jurisdiction, excluding the Coachella Valley:
  - (A) 150 acres for prescribed wildland and range burning; and
  - (B) 150 acres for agricultural burning;
- (2) ~~f~~For the Coachella Valley:
  - (A) 5 acres for prescribed wildland and range burning; and
  - (B) 35 acres for agricultural burning; and
- (3) ~~t~~The provisions of this subdivision shall not apply to prescribed burning when a land manager has:
  - (A) ~~d~~Demonstrated that the prescribed burn is required to reduce a fire hazard that jeopardizes public health or safety; and
  - (B) Submitted a satisfactory ~~s~~Smoke ~~m~~Management ~~p~~Plan that has been ~~submitted and~~ approved by the Executive Officer~~AQMD~~.

(f) Administrative Requirements

An Annual Post Burn Evaluation Report shall be submitted on or before January 31<sup>st</sup> of each calendar year for any open burn projects that require a Smoke Management Plan or a Burn Management Plan. The Report shall include, but not be limited to, the following:

- (1) The type of material burned
- (2) The total acreage burned
- (3) The total tons of material burned
- (4) The estimated fuel loading in tons per acre
- (5) The total of the estimated PM emissions

(g) Fees

Effective July 1, 2009, any person conducting or allowing any open burning shall accompany the submittals required by subparagraphs (d)(1)(B), (d)(6)(D), (d)(8)(B), (d)(8)(C) and subdivision (f) with applicable filing and evaluation fees pursuant to District Rule 306.

**(h)** Exemptions

- (1) The provisions of paragraphs (d)(1) and (d)(4) of this rule shall not apply to wildfire suppression ignited to save life or valuable property when conducted by a fire protection agency pursuant to Section 4462 of the Public Resources Code, in the case of an imminent fire hazard, as defined in this Rule.
- (2) The provisions of subparagraphs (d)(1)(A) and (d)(1)(B) shall not apply to fire prevention/suppression training exercises, except for the burning of existing structures, conducted by fire protection agencies, are exempt from the provisions of (d)(1)(A) and (d)(1)(B) provided that:
  - (A) For training exercises not conducted within existing structures:
    - (i) Each training fire is limited to no more than 30 minutes duration.
    - (ii) The total burn time does not exceed a cumulative total of two (2) hours in a 24-hour period, and
    - (iii) Only Authorized Ignition Fuels are used.
  - (B) Such training conducted by fire protection agencies involving the burning of For training exercises conducted within existing structures, is exempt from the provisions of subparagraph (d)(1)(B) provided each training fire is limited to no more than 30 minutes in duration.
- (3) The provisions of subparagraph (d)(1)(B) shall not apply to fire prevention/suppression training exercises conducted by non-fire protection agencies on permissive burn days is exempt from the provisions of (d)(1)(B) and (d)(1)(C), provided that:
  - (A) Each fire is limited to no more than 30 minutes in duration.
  - (B) The total burn time does not exceed two (2) hours in a 24-hour period, and
  - (C) and each fire uses exclusively pipeline quality natural gas, liquefied petroleum gas or a petroleum liquid having an API gravity of at least 30. Only Authorized Ignition Fuels are used.
- ~~(4) The provisions of (d)(1)(C) shall not apply to open burning of Russian thistle.~~
- (54)** The provisions of this rule shall not apply to:
  - (A) ~~Recreational fires or ceremonial fires;~~ including fires conducted pursuant to United States Code, Title 4, Chapter 1, Section 8.

- (B) ~~o~~Qpen burning of natural gas, propane, untreated wood, or charcoal for the purpose of:
  - (i) ~~p~~Preparation or warming of food for human consumption;  
~~o~~
  - (ii) ~~g~~Generating warmth at a social gathering.~~;~~~~o~~
- ~~(C)~~ ~~o~~Qpen burning located on islands 15 miles or more from the mainland coast.~~;~~~~o~~
- ~~(D)~~ ~~f~~Fireworks displays.~~;~~~~o~~
- ~~(E)~~ ~~p~~Pyrotechnics used for creation of special effects at theme parks.~~;~~
- ~~(F)~~ ~~o~~~~r~~ ~~d~~Detonation of explosives during:
  - (i) ~~q~~Quarry or mining operations;~~;~~~~o~~
  - (ii) ~~b~~Bomb disposal by a law enforcement agency;~~;~~~~o~~
  - (iii) ~~the~~ ~~d~~Demolition of buildings or structures.
- ~~(G)~~ ~~t~~The use of pyrotechnics, detonation of explosives, or fire effects for creation of special effects during theatrical productions, filming of motion pictures, videotaping of television programs or other commercial filming or video production activities provided that:
  - ~~(i)~~ ~~.~~—Fire effects ~~shall be~~ are limited to no more than 30 minutes in duration, and
  - ~~(ii)~~ ~~and the fuel shall be exclusively pipeline quality natural gas, liquefied petroleum gas, mapp gas, or a petroleum liquid having an API gravity of at least 30.~~ Only Authorized Ignition Fuels are used.