



AGENDA:
PCAPCD Board of Directors Meeting
Thursday, February 9, 2012, 2:30 P.M.
Placer County Board of Supervisors' Chambers
175 Fulweiler Avenue, Auburn, California

Call to Order

Flag Salute

Roll Call / Determination of a Quorum

Approval of Minutes: October 13, 2011, Regular Board Meeting

Public Comment: Any person desiring to address the Board on any item not on the agenda may do so at this time. No action will be taken on any issue not currently on the agenda.

Consent: Items 1, 2, & 3

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| These items are expected to be routine and non-controversial. The Board will act upon these items at one time without discussion. Any Board member, Staff member, or interested citizen may request that an item be removed from the consent calendar for discussion. |
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- 1. Budget Revision for Service Contracts:** Approve and sign Budget Revision #12-01 thereby authorizing the Air Pollution Control Officer to use the available funds in the DMV Fund and the Operation Fund to increase the amounts of two existing Professional Service Agreements.
- 2. Reprogramming of DMV Motor Vehicle Registration Funds and Air Quality Mitigation Funds:** Adopt Resolution #12-01, thereby authorizing the Air Pollution Control Officer to use the available funds in the DMV Motor Vehicle Registration Fund and the Mitigation Fund for the 2012 Clean Air Grant Program.
- 3. Budget Revision to accept funds for a new County-District Biomass Utilization Agreement:** Approve Budget Revision #12-02, thereby increasing the budgeted revenue and expenditure of funds from Placer County for the specific purpose of funding the District's services to the County for the Department of Energy Phase II Placer County Biomass Utilization Pilot Project.

Public Hearing / Action: Item 4

- 4. Amendment of Rule 102, Definitions and Regulation 3, Open Burning, Rules 301-306:** Conduct a public hearing and consider adoption of Resolutions #12-02 and #12-03 thereby approving the amended rules which address issues identified by the US Environmental Protection Agency and clarify and correct all six rules of Regulation 3, and Rule 102, Definitions.

Information: Item 5

- 5. Regulatory Measures for 2012:** Upon the state board's approval of a district's attainment plan, and each January thereafter, the District shall publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the following year.

Air Pollution Control Officer Report *(Verbal reports and/or handouts will be provided)*

- a. CAG Marketing and Outreach Overview
- b. Cap-to-Cap 2012
- c. Fiscal Update

Adjournment

Next Regularly Scheduled Board Meeting: Thursday, April 12, 2012 2:30 PM

Opportunity is provided for the members of the public to address the Board on items of interest to the public, which are within the jurisdiction of the Board. A member of the public wanting to comment upon an agenda item that is not a Public Hearing item should submit their name and identify the item to the Clerk of the Board.

Placer County Air Pollution Control District is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you require disability-related modifications or accommodations, please contact the Clerk of the Board. All requests must be in writing and must be received by the Clerk five business days prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

District Office Telephone – (530) 745-2330



Board Agenda

Consent/Action

Agenda Date: February 9, 2012

Prepared By: Jane Bailey, Fiscal Officer

Topic: Appropriation of DMV Motor Vehicle Registration Funds and Operation Funds to Increase Funding for Two Professional Service Agreements

Action Requested: Adopt and sign Budget Revision #12-01 (Attachment #1), thereby authorizing the Air Pollution Control Officer to use the available funds in the DMV Fund and the Operation Fund to increase the amounts of two existing Professional Service Agreements (PSAs).

Discussion: The District needs to increase the contract amounts of two PSAs. The first one is for Ray Kapahi; dba Air Permitting Specialists, Contract CN722663. The District recently lost one extra-help Air Quality Planner and several DMV funded special projects cannot be finished in the timeframe required without augmenting the existing permanent staffing. The budgeted funding for the extra-help planner position will be appropriated for this contract in the amount of \$17,000 if approved by the District Board.

The second PSA to be increased is the TSS Consultants contract, CN925309. TSS Consultants are providing support to the District on work with the California Public Utilities Commission concerning the development of a feed-in-tariff for biomass-powered electricity operations. The feed-in-tariff will appropriately value the financial support that biomass facilities provide to forest management activities. TSS Consultants provide the needed expertise in the development of the feed-in-tariff. The District has already received the funds during the current fiscal year that can be used for this Operation Fund appropriation. The increase to the TSS Consultants contract will be \$5,000 if the District Board approves.

In both PSAs, the District Board has given the APCO the authority to sign and amend existing contracts that the Budget Revision is augmenting.

Fiscal Impact: There will be no fiscal impact to the District's adopted budget if these funds are approved to be used for the two PSA contracts. The Ray Kapahi (dba Air Permitting Specialists) contract increase is a re-allocation of budgeted funds while the TSS Consultants contract increase is funded by the appropriation of revenue that was not included in the adopted budget.

Recommendation: Staff recommends that the Board adopt Budget Revision #12-01 thereby approving the use of District Funds to increase the funding on the PSA contract for Ray Kapahi dba Air Permitting Specialists, CN722663, by \$17,000 (Seventeen Thousand dollars) and to increase the funding on the TSS Consultant contract, CN925309, by \$5,000 (Five Thousand dollars).

Attachment(s) #1. Budget Revision #12-01.

ATTACHMENT #1

SUBJECT:

Budget Revision #12-01 to increase funding for two PSA contracts –
Ray Kapahi, CN722663, and TSS Consultants, CN925309.

PLACER COUNTY
BUDGET REVISION

PAS DOCUMENT NO.

Auditor-Controller
 County Executive
 District Board

Cash Transfer Required
 Reserve Cancellation Required
 Establish Reserve Required

| Dept No. | Doc Type | Total \$ Amount | Total Lines |
|----------|----------|-----------------|-------------|
| 73 | BR | \$ 44,000.00 | 4 |

| ESTIMATED REVENUE ADJUSTMENT | | | | | | | | | | APPROPRIATION ADJUSTMENT | | | | | | | |
|------------------------------|--------|-----|--------|-------|---------|-----------|------------|--------------|----------|--------------------------|-----|--------|-------|---------|-----------|------------|--------------|
| Dept No. | T Code | Rev | OCA | PCA | OBJ L-3 | Proj. No. | G/L Sub GL | AMOUNT | Dept No. | T Code | Rev | OCA | PCA | Obj L-3 | Proj. No. | G/L Sub GL | AMOUNT |
| 073 | 015 | | 000050 | 65100 | 1003 | | | \$ 17,000.00 | 73 | 014 | | 000050 | 65100 | 2856 | | | \$ 17,000.00 |
| 073 | 006 | | 000040 | 50100 | 7228 | | | \$ 5,000.00 | 73 | 014 | | 000040 | 90753 | 2555 | | | \$ 5,000.00 |
| TOTAL | | | | | | | | | | | | | | | | | |
| 22,000.00 | | | | | | | | | | | | | | | | | |

REASON FOR REVISION: to appropriate an additional \$5,000 received from California Air Resource Board for subvention that can be used for a PSA consultant to the operations of the District and reprogramming extra-help funding to a PSA - Air Permitting Specialists contract that will offset the loss of an extra-help employee.

Distribution: District APCO Date: 2/9/2012
 All copies to Auditor APCD District Board Chairman Page: 1
 Rev 9/14/98 Auditor-Controller Budget Revision #12-01



Board Agenda

Consent/Action

Agenda Date: February 9, 2012

Prepared By: Jane Bailey, Fiscal Officer

Topic: Reprogramming of DMV Motor Vehicle Registration Funds and Air Quality Mitigation Funds

Action Requested: Adopt Resolution #12-01 (Attachment #1), thereby authorizing the Air Pollution Control Officer to use the available funds in the DMV Motor Vehicle Registration Fund and the Mitigation Fund for the 2012 Clean Air Grant Program.

Discussion: In previous fiscal years the District Board approved funding of Clean Air Grants (CAGs) and Professional Service Agreements (PSAs). Due to various reasons some CAG agreements and PSAs were not completed and the District has disencumbered the associated funds. This action has freed up the funding to be used for other programs. The funds that became available from the DMV Fund totaled \$120,000 and the funds from the Mitigation Fund totaled an additional \$8,000. These available funds, if approved for addition to the previous budget for Clean Air Grants, will bring the total funding for the 2012 CAG program to \$931,000.

Fiscal Impact: There will be no fiscal impact to the District's budget if these funds are approved to be used for the CAG program. Simply stated, the District is requesting that the Board approve the use of now available funds from the DMV Fund and the Mitigation Fund for the 2012 CAG program.

Recommendation: Staff recommends that the Board adopt Resolution #12-01 thereby approving the reprogramming of DMV Motor Vehicle Registration Funds, and Air Quality Mitigation Funds for Clean Air Grants.

Attachment(s) #1. Resolution #12-01; Reprogramming of DMV Funds and Mitigation Funds for Use in the 2012 Clean Air Grant Program.

ATTACHMENT #1

SUBJECT:

Resolution #12-01, Reprogramming of DMV Funds and
Mitigation Funds for Use in the 2012 Clean Air Grant Program



Board Resolution:

Resolution # 12-01

**Before the Placer County
Air Pollution Control District Board of Directors**

In the Matter Of:

Approval for the Reprogramming of DMV Motor Vehicle Registration Funds and Air Quality Mitigation Funds for Use of These Funds in the 2012 Clean Air Grant Program

The following Resolution was duly passed by the Placer County Air Pollution Control District Board of Directors at a regular meeting held on **February 9, 2012**, by the following vote:

Ayes: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____

Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____

Noes: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____

Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____

Abstain: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____

Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____

Signed and approved by me after its passage:

Chairman

Attest: Clerk of said Board

WHEREAS, pursuant to Health and Safety Code Section 44220 et seq. the Placer County Air Pollution Control District receives DMV Motor Vehicle Registration Fees (AB2766 and AB923); and

WHEREAS, The Placer County Air Pollution Control District is required to utilize the DMV Motor Vehicle Registration Fee funds for mobile source emission reduction and California Clean Air Act implementation; and

WHEREAS, the District has received Air Quality Mitigation Funds to offset the impact of new development in Placer County by reducing emissions, primarily ozone precursor emissions, from sources that are not required by law to reduce emissions; and

WHEREAS, Placer County Air Pollution Control District continues to strive to reduce emissions from all sources in order to meet both State and Federal ambient air quality standards; and

WHEREAS, The Placer County Air Pollution Control District is required as part of the 2008 Sacramento Area Regional Ozone Attainment Plan to implement programs to reduce mobile source emissions; and

WHEREAS, The Placer County Air Pollution Control District is required as part of the 1991 California Clean Air Act Attainment Plan to implement programs to reduce mobile source emissions; and

WHEREAS, The Placer County Air Pollution Control District may obtain reductions in emissions, not otherwise mandated by existing rules or regulations, by providing incentive funds for projects that reduce air pollutant emissions; and

WHEREAS, The Placer County Air Pollution Control District received DMV Motor Vehicle Registration Funds and Air Quality Mitigation Funds in past fiscal years that were encumbered for different Clean Air Grant agreements, as well as approved DMV professional service agreements (PSAs), that have now been disencumbered in this current fiscal year because the agreements were not fulfilled; and

WHEREAS, the disencumbered DMV Motor Vehicle Registration Funds, and Air Quality Mitigation Funds are available to increase the funding for the 2012 Clean Air Grant Program.

NOW THEREFORE BE IT RESOLVED, that the Placer County Air Pollution Control District Board does hereby approve the reprogramming of DMV Motor Vehicle Registration Funds, and Air Quality Mitigation Funds that were disencumbered from different Clean Air Grant agreements as well as approved DMV professional service agreements (PSAs), for the 2012 Clean Air Grant program.



Board Agenda

Consent/Action

Agenda Date: February 9, 2012

Prepared By: Todd K. Nishikawa, Deputy Air Pollution Control Officer

Topic: Approval for a Budget Revision for the District to Provide Biomass Support Services to Placer County for the Placer County Biomass Utilization Pilot Project

Action Requested: Approve Budget Revision #12-02 (Attachment #1) thereby increasing the budgeted revenue and expenditure of funds from Placer County for the specific purpose of funding the District's services to the County for the Department of Energy Phase II Placer County Biomass Utilization Pilot Project.

Discussion: The District entered into a Memorandum of Understanding (MOU) with Placer County on November 1, 2008 for the specified services to assist the County in conjunction with the Placer County Biomass Manager for DOE award #DE-FG36-08GO88026 "Placer County Biomass Utilization Pilot Project".

Placer County would now like the District to enter into a new agreement to provide for continued technology evaluation and related support, technical input relating to air quality analyses of the project, assistance for public and stakeholder workshops and reviews, the review of tasks for the biomass to energy technical requirements statement of work and requests for proposals (RFP), and to assist with other Placer County Biomass Utilization Pilot Project support activities, as specified in the Biomass Support Contract.

Budget Revision #12-02 will appropriate the funds necessary for the District staff to provide the requested services. The Air Pollution Control Officer may approve and amend as necessary a Biomass Support Contract, in accordance with the District Purchasing Manual, adopted by the District Board on February 10, 2011, for the District to provide services to Placer County for the Department of Energy Phase II Placer County Biomass Utilization Pilot Project.

Fiscal Impact: Budget Revision #12-02 is to receive no more than \$10,000 in funding from Placer County and allocating the expenditure of those funds to support biomass projects as provided for the Biomass Support Contract. Accordingly, there is no change to the District's budget fund balance.

Recommendation: Staff recommends that the Board approve and authorize the Chairperson to sign on its behalf Budget Revision #12-02 thereby appropriating \$10,000 in funds received from Placer County for biomass project support.

Attachment(s) #1. Budget Revision #12-02 for FY 2011-12 – appropriating funds received from Placer County for the Biomass Support Contract for District staff to provide support Placer County Biomass Utilization Pilot Project.

ATTACHMENT #1

SUBJECT:

Budget Revision #12-02 for FY 2011-12

PLACER COUNTY
BUDGET REVISION

PAS DOCUMENT NO.

| Dept No. | Doc Type | Total \$ Amount | Total Lines |
|----------|----------|-----------------|-------------|
| 73 | BR | \$ 20,000.00 | 2 |

Cash Transfer Required
 Reserve Cancellation Required
 Establish Reserve Required
 Auditor-Controller
 County Executive
 District Board

| ESTIMATED REVENUE ADJUSTMENT | | | | | | | | | | APPROPRIATION ADJUSTMENT | | | | | | | | |
|------------------------------|--------|-----|--------|-------|---------|-----------|------------|--------------|----------|--------------------------|-----|--------|-------|---------|-----------|------------|--------------------------------|--------------|
| Dept No. | T Code | Rev | OCA | PCA | OBJ L-3 | Proj. No. | G/L Sub GL | AMOUNT | Dept No. | T Code | Rev | OCA | PCA | Obj L-3 | Proj. No. | G/L Sub GL | AMOUNT | |
| 073 | 006 | | 000040 | 09200 | 7292 | | | \$10,000.00 | 73 | 014 | | 000040 | 60100 | 2556 | | | Professional Services - County | \$ 10,000.00 |
| | | | | | | | | TOTAL | | | | | | | | | 10,000.00 | |
| | | | | | | | | TOTAL | | | | | | | | | 10,000.00 | |

REASON FOR REVISION: to appropriate \$10,000 to be received from Placer County for District assistance on the #DE-FG36-08GO88026 "Placer County Biomass Utilization Pilot Project".

Distribution: District APCO
 All copies to APCD District Board Chairman
 Auditor Auditor-Controller
 Rev 9/14/98

Date: 2/9/2012
 Page: 1
 Budget Revision #12-02



Board Agenda

Public Hearing/Action

Agenda Date: February 9, 2012

Prepared By: Ann Hobbs, Air Quality Specialist

Topic: Amendment of Regulation 3, Open Burning: and Rule 102, Definitions.

Action Requested:

- 1) Conduct a Public Hearing regarding the adoption of proposed amendments to Regulation 3, Open Burning (Rule 301 through Rule 306); and Rule 102, Definitions.
- 2) Adopt Resolution #12-02 (Attachment #1), thereby approving amended Rule 102, Definitions.
- 3) Adopt Resolution #12-03 (Attachment #2), thereby approving:
 - Rule 301- Non-Agricultural Burning Smoke Management,
 - Rule 302 - Agricultural Waste Burning Smoke Management,
 - Rule 303 - Prescribed Burning Smoke Management,
 - Rule 304 - Land Development Burning Smoke Management,
 - Rule 305 - Residential Allowable Burning, and
 - Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites.
- 4) Adopt and approve the Findings in the Staff Report of Attachment #3.

Discussion: On February 10, 2011, the District Board adopted six new burn rules in Regulation 3, thereby replacing all 25 existing burn rules. The new Regulation 3 rule line-up consolidated the old rules under a new format, clarified and edited language and incorporated changes from the California Air Resources Board's (CARB) burn regulations. At that time, the District worked with the US EPA to try to assure that the changes made would be acceptable in correcting past deficiencies.

The District submitted the new burn rules to the CARB for transmittal to the US EPA for inclusion in Placer County's State Implementation Plan (SIP). This past November, the US EPA contacted the District advising staff that they had received the SIP submittal, but that there might be some difficulty approving Rule 304 - Land Development Burning Smoke Management, which had not previously been approved as a revision to the SIP.

District staff reviewed the other Regulation 3 rules that had been adopted in February 2011, and have proposed minor changes affecting grammar and clarity to Rules 301 through 306. Because the Regulation 3 rules all use terms that are common throughout as well as in the definitions of Rule 102, staff found that clarifying and correcting amendments are desirable to all six of the Regulation 3 rules and to Rule 102, Definitions. US EPA staff members have

worked with District staff on the proposed changes so that the amended rules will be approvable by US EPA as SIP revisions.

The public hearing was properly noticed 30-days in advance of the scheduled public hearing through newspaper notices on January 10, 2012, for the Auburn Journal and the Lincoln News Messenger, on January 13, 2012, in the Tahoe World, and on January 12, 2012, in the Placer Herald, and the Colfax Record. The notice was also posted on the District website.

Fiscal Impact: The amendment of the Burn Rules 301 through 306 and Rule 102 will not have a fiscal impact. These changes are administrative in nature and do not change the manner in which the District conducts the Smoke Management Program.

Recommendation: Staff recommends that the District Board, in a public hearing:

- 1) Adopt Resolution #12-02, thereby approving amended Rule 102, Definitions; and
- 2) Adopt Resolution #12-03, thereby approving:
 - Rule 301- Non-Agricultural Burning Smoke Management,
 - Rule 302 - Agricultural Waste Burning Smoke Management,
 - Rule 303 - Prescribed Burning Smoke Management,
 - Rule 304 - Land Development Burning Smoke Management,
 - Rule 305 - Residential Allowable Burning, and
 - Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites; and
- 3) Adopt and approve the Findings in the Staff Report (Attachment #3).

Attachments: #1: Resolution #12-02, Approving Amended Rule 102, Definitions, as shown in Exhibit I

#2: Resolution #12-03, Approving Amending Rule 301- Non-Agricultural Burning Smoke Management, Rule 302 - Agricultural Waste Burning Smoke Management, Rule 303 - Prescribed Burning Smoke Management, Rule 304 - Land Development Burning Smoke Management, Rule 305 - Residential Allowable Burning, and Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites, as shown in Exhibits I through VI.

#3 Staff Report

ATTACHMENT #1

Subject:

Resolution #12-02, Amendment of Rule 102: Definitions



Board Resolution:
Resolution # 12-02

Before the Placer County Air Pollution Control District Board of Directors

In the Matter Of:

Adoption Of Resolution #12-02 Thereby Approving The Placer County Air
Pollution Control District’s Amended Rule 102, Definitions, As Shown In
Exhibit I.

The following **RESOLUTION** was duly passed by the Board of Directors, Placer County Air
Pollution Control District, at a regular meeting held **February 9, 2012**, by the following vote:

- Ayes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
Nader _____ Hill _____ Montgomery _____ Garcia _____
- Noes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
Nader _____ Hill _____ Montgomery _____ Garcia _____
- Abstain: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
Nader _____ Hill _____ Montgomery _____ Garcia _____

Signed and approved by me after its passage.

_____ Chairperson

Attest:

_____ Clerk of said Board

WHEREAS, Section 40001 of the Health and Safety Code of the State of California authorizes the Placer County Air Pollution Control District, to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

WHEREAS, Section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

WHEREAS, Rule 102, Definitions, is referenced in the Rules of Regulation 3, and the District Board has determined that a need exists to amend Rule 102 in order to add definitions resulting from the amendment of Regulation 3; and

WHEREAS, the District Board has made the findings pursuant to Health and Safety Code Section 40727, of necessity, authority, clarity, consistency, non-duplication, and reference in regard to the proposed rule; and

WHEREAS, amendment of this regulation is categorically exempt from CEQA pursuant to Title 14, California Administrative Code, Section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, these proceedings were held in a public hearing and were properly noticed pursuant to Section 40725 of the Health and Safety Code of the State of California; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

NOW, THEREFORE BE IT RESOLVED, that this Board approves and adopts amended Rule 102, Definitions, as shown in Exhibit I.

BE IT RESOLVED AND ORDERED that the Air Pollution Control Officer is hereby authorized and directed to submit this adopted rule in the form required by the California Air Resources Board, on behalf of the Placer County Air Pollution Control District, and to perform such acts as are necessary to carry out the purpose of this resolution.

BE IT FURTHER RESOLVED AND ORDERED that the Air Pollution Control Officer is hereby authorized and directed to submit this adopted rule for approval as a revision of the State Implementation Plan (SIP).

Exhibit I: Rule 102, Definitions shown as amended

EXHIBIT I

Rule 102, Definitions

RULE 102 DEFINITIONS

Adopted 11-12-74

(Amended 5-24-77, 12-19-78, 6-19-79, 5-20-85, 2-04-92, 10-19-93, 8-08-96, 6-19-97, 10-12-00, 8-12-10, 02-10-11, 02-09-12)

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300 STANDARDS

(NOT INCLUDED)

400 ADMINISTRATIVE REQUIREMENTS

(NOT INCLUDED)

500 MONITORING AND RECORDS

(NOT INCLUDED)

100 GENERAL

101 PURPOSE: To provide definitions of specific terms used in the Placer County Air Pollution Control District Rules and Regulations.

200 DEFINITIONS

PROVISO: Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

201 AGRICULTURAL BURNING: 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 or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 AGRICULTURAL OPERATION: The growing and harvesting of crops, or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 AGRICULTURAL WASTES: The following materials:

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the fields. This does not include, such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard wastes removed for land use conversion to non-agricultural purposes.

204 AIR CONTAMINANT: Any discharge, release or other propagation directly into the atmosphere. It includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, or any combination thereof.

205 AIR POLLUTION CONTROL OFFICER (APCO): The Air Pollution Control Officer of the Placer County Air Pollution Control District, or designee.

206 AIR QUALITY: The characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the ARB pursuant to Section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and Section 169A of the federal Clean Air Act pertaining to visibility.

207 ALLOWABLE COMBUSTIBLES: Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

- 208 ALTERATION:** Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will increase or affect the kind and/or amount of air contaminants emitted.
- 209 APPROVED IGNITION DEVICES:** Those instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.
- 210 ARB:** The California State Air Resources Board or any person authorized to act on its behalf.
- 211 BOARD:** The Board of Directors of the Placer County Air Pollution Control District.
- 212 BRUSH TREATMENT:** Vegetation which has been felled crushed or up-rooted with mechanical equipment or which has been desiccated with herbicides.
- 213 BULK PLANT:** A distribution plant which receives organic liquids; stores them in stationary tanks; and loads them into tank trucks for delivery to other bulk plants, service stations or storage tanks.
- 214 BURN BARREL:** A metal container used outdoors for the purpose of disposal.
- 215 CITRUS HEATER:** Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- 216 COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.
- 217 COMBUSTIBLE WASTE OR SUBSTANCES:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- 218 COMBUSTION CONTAMINANT:** Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.
- 219 CONDENSED FUMES:** Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.
- 220 CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.
- 221 DAILY:** A 24-hour period beginning at 12:00 AM local time.
- 222 DESIGNATED AGENCY:** Any agency designated by the ARB and Placer County Air Pollution Control District as having authority to issue Agricultural Burn Permits.

- 223 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.
- 224 DISTRICT:** The Placer County Air Pollution Control District.
- 225 DUST:** The minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar process.
- 226 EMISSION:** The act of releasing or discharging air contaminants into the atmosphere from any source.
- 227 EMISSION POINT:** The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- 228 EXEMPT COMPOUNDS:** Organic compounds which are exempt from the definition of Volatile Organic Compounds (VOC). Notwithstanding definitions of Exempt Compounds that may be included in specific rules in Regulation II, the following compounds are exempt:
- 228.1 carbon monoxide
 - 228.2 carbon dioxide
 - 228.3 carbonic acid
 - 228.4 metallic carbides or carbonates
 - 228.5 ammonium carbonate
 - 228.6 methane
 - 228.7 methylene chloride (dichloromethane)
 - 228.8 perchloroethylene (tetrachloroethylene)
 - 228.9 1,1,1-trichloroethane (methyl chloroform)
 - 228.10 trichlorofluoromethane (CFC-11)
 - 228.11 dichlorodifluoromethane (CFC-12)
 - 228.12 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
 - 228.13 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
 - 228.14 chloropentafluoroethane (CFC-115)
 - 228.15 chlorodifluoromethane (HCFC-22)
 - 228.16 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
 - 228.17 1,1-dichloro-1-fluoroethane (HCFC-141b)
 - 228.18 1-chloro-1,1-difluoroethane (HCFC-142b)
 - 228.19 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 - 228.20 trifluoromethane (HFC-23)
 - 228.21 1,1,2,2-tetrafluoroethane (HFC-134)
 - 228.22 1,1,1,2-tetrafluoroethane (HFC-134a)
 - 228.23 pentafluoroethane (HFC-125)
 - 228.24 1,1,1-trifluoroethane (HFC-143a)
 - 228.25 1,1-difluoroethane (HFC-152a)
 - 228.26 ethoxy-nonafluorobutane (HFE-7200), which consists of 2 compounds:
 - a. ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane; and
 - b. (ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
 - 228.27 cyclic, branched, or linear, completely methylated siloxanes

- 228.28 The following classes of perfluorocarbons:
- a. cyclic, branched, or linear, completely fluorinated alkanes.
 - b. cyclic, branched or linear, completely fluorinated ethers with no unsaturations.
 - c. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
 - d. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine.
- 228.29 The following low-reactive organic compounds which have been exempted by the U. S. EPA:
- a. acetone
 - b. ethane
 - c. parachlorobenzotrifluoride
 - d. methyl acetate
 - e. propylene carbonate
 - f. dimethyl carbonate
- 228.30 The following compound(s) for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements:
- a. tertiary butyl acetate

- 229 FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.
- 230 FLAMMABLE WASTE:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- 231 FLUE:** Any duct or passage for air or other gases, including but not limited to a stack or a chimney.
- 232 FOREST MANAGEMENT BURNING:** The use of open outdoor fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices and forest production practices.
- 233 FOSSIL FUEL:** Natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.
- 234 FOSSIL FUEL-FIRED STEAM GENERATOR:** A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- 235 HEARING BOARD:** The Hearing Board of the Air Pollution Control District of Placer County.
- 236 HYDROCARBON:** Any compound of carbon containing hydrogen.
- 237 IMMINENT AND SUBSTANTIAL ECONOMIC LOSS:** The loss of a planting season or irreparable harm to a crop.
- 238 INCINERATION:** An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

- 239 INCINERATOR:** Any furnace or other closed fire chamber used to dispose of combustible waste by burning, and from which the products of combustion are directed through a flue or chimney.
- 240 INSTALLATION:** The placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
- 241 LAKE TAHOE AIR BASIN:** That area as defined by Section 60113, Title 17, California Administrative Code.
- 242 MOUNTAIN COUNTIES AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (I), the Mountain Counties Air Basin includes all of Placer County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b), and that portion included in the Sacramento Valley Air Basin, defined by 17 CCR 60106(k).
- 243 NO BURN DAY:** Any day on which agricultural burning including prescribed burning, is prohibited by the ARB or the APCO.
- 244 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 245 OPERATOR:** Person, who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- 246 ORCHARD HEATER:** Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- 247 OWNER:** Person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- 248 PARTICULATE MATTER (PM):** Any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.
- 249 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 250 PERSON:** Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user, owner, any government agency, public district or any officer or employee thereof.
- 251 POLLUTANT:** Any discharge, release or other propagation directly into the atmosphere. It includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, or any combination thereof.
- 252 PROCESS WEIGHT PER HOUR:** The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The process weight per hour will be derived by dividing the total process weight introduced, by the number of hours in one complete operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

- 253 PUBLIC RECORD:** Any record made available to the public by law, containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except trade secrets as provided for in Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code.
- 254 QUARTERLY:** Calendar quarter beginning January 1, April 1, July 1, and October 1.
- 255 RANGE IMPROVEMENT BURNING:** The use of open outdoor fires to remove vegetation for a wildlife, game or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.
- 256 RECORD:** Handwriting, typewriting, printing, photocopying, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographed films and prints, magnetic or punched cards, magnetic disks, drums, and other documents.
- 257 RESIDENCE:** A single or two-family dwelling unit and the land and ancillary (non-residential) structures.
- 258 SACRAMENTO VALLEY AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60106(k), the basin includes that portion of Placer County which lies west of Range 9 east, Mount Diablo Base and Meridian (M.D.B. & M.).
- 259 SECTION:** A Section of the Health and Safety Code of the State of California, unless some other statute is specifically mentioned.
- 260 SILVICULTURAL PRACTICES:** The establishment, development, care and reproduction of stands of timber.
- 261 SOLID PARTICULATE MATTER:** Any material except uncombined water, which can exist in a finely divided form as a solid at standard conditions.
- 262 STANDARD CONDITIONS:** A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.
- 263 STANDARD CUBIC FOOT OF GAS:** The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.
- 264 TIMBER OPERATIONS:** Cutting or removal of timber or other forest vegetation.
- 265 VOLATILE ORGANIC COMPOUND (VOC):** Any chemical compound containing at least one atom of carbon except for those listed as "Exempt Compounds"
- 266 WOOD-FIRED BOILER:** Any boiler used for steam generation, from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or APCO approved wood-associated waste.
- 267 YEARLY:** A calendar year beginning on January 1 at 12:00 AM.

ATTACHMENT #2

Subject:

Resolution #12-03, Amendment of Regulation 3: Rule 301- Non-Agricultural Burning Smoke Management, Rule 302 - Agricultural Waste Burning Smoke Management, Rule 303 - Prescribed Burning Smoke Management, Rule 304 - Land Development Burning Smoke Management, Rule 305 - Residential Allowable Burning, and Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites.



Board Resolution:
Resolution # 12-03

Before the Placer County
Air Pollution Control District Board of Directors

In the Matter Of:

Adoption of a Resolution to Approve the Amendment of the Placer County Air Pollution Control District’s Regulation 3, Open Burning, Consisting of Six (6) Rules (Rules 301, 302, 303, 304, 305, and 306).

The following **RESOLUTION** was duly passed by the Board of Directors, Placer County Air Pollution Control District, at a regular meeting held **February 9, 2012**, by the following vote:

- Ayes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____
- Noes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____
- Abstain: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____

Signed and approved by me after its passage.

_____ Chairperson

Attest:

_____ Clerk of said Board

WHEREAS, Section 40001 of the Health and Safety Code of the State of California authorizes the Placer County Air Pollution Control District, to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

WHEREAS, Section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

WHEREAS, amendment of this regulation is categorically exempt from CEQA pursuant to Title 14, California Administrative Code, Section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, these proceedings were held in a public hearing and were properly noticed pursuant to Section 40725 of the Health and Safety Code of the State of California; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

WHEREAS, the Board has determined that a need exists to amend Regulation 3 to address SIP revision approvability comments and rule improvement recommendations by the United States Environmental Protection Agency staff (US EPA), to make necessary clarification and improvement changes identified by District staff, and to correct previously unnoticed grammar, spelling and typing errors; and

WHEREAS, the provisions of portions of the previously adopted Regulation 3, Open Burning, Rules 301 through 306, have been submitted as revisions to the State Implementation Plan.

NOW, THEREFORE BE IT RESOLVED, that this Board adopts the amendments to Regulation 3, Open Burning, consisting of six (6) amended rules, as shown in Exhibits I through VI.

The following Regulation 3 rules have been amended:

- Rule 301, Non-Agricultural Burning Smoke Management
- Rule 302, Agricultural Waste Burning Smoke Management
- Rule 303, Prescribed Burning Smoke Management
- Rule 304, Land Development Burning Smoke Management

- Rule 305, Residential Allowable Burning
- Rule 306, Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites

BE IT RESOLVED AND ORDERED that the Air Pollution Control Officer is hereby authorized and directed to submit these adopted rules in the form required by the California Air Resources Board (ARB), on behalf of the Placer County Air Pollution Control District, and to request that ARB adopt these rules into the California State Implementation Plan (SIP) and that ARB submit these rules to US EPA for approval of these rules as revisions to the SIP, and to perform such acts as are necessary to carry out the purpose of this resolution.

Exhibits: (Shown as amended)

- I: Rule 301, Non-Agricultural Burning Smoke Management
- II: Rule 302, Agricultural Waste Burning Smoke Management
- III: Rule 303, Prescribed Burning Smoke Management
- IV: Rule 304, Land Development Burning Smoke Management
- V: Rule 305, Residential Allowable Burning
- VI: Rule 306, Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites

Exhibit I

Rule 301, Non-Agricultural Burning Smoke Management

RULE 301
NONAGRICULTURAL BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

101 **PURPOSE:** To establish criteria for the disposal of vegetation from fire hazard reduction burning, mechanized burners, fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, to better manage smoke in order to reduce its effects.

102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any combustible.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning is forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: : Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from

Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306 if the denial of such burning would threaten imminent and substantial economic loss.

200 **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

201 **ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

202 **BURN BARREL:** A metal container used outdoors for the purpose of disposal.

203 **COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

204 **CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure including but not limited to; lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

205 **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

206 **FIRE HAZARD REDUCTION BURNING:** The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

207 **FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

208 **FLAMMABLE:** Capable of catching fire easily, or combustible.

209 **INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.

210 **NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

- 211 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 212 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 213 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to; plywood, particle board, fencing, or railroad ties.
- 214 RECREATIONAL OR COOKING FIRE**
- 214.1 A fire that is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 214.2 An open outdoor fire used for the cooking of food for human consumption.
- 215 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fire for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- 303 BURN PERMITS**
- 303.1 A person shall not ignite or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:
- 303.1.1 Fire Hazard Reduction
 303.1.2 Mechanized Burner
 303.1.3 Open Burning Conducted by Public Officers
 303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance
- 303.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.
- 304 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 304.1 It is a no-burn day.

- 304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 305 BURN DAYS:** No person shall knowingly ignite or allow ignition of allowable combustibles on no burn days or when burning is prohibited by a fire protection agency.
- 306 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3" in diameter, at the cut end.
- 306.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 306.5 A minimum of six weeks of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 306.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 307 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 308 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.
- 309 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.
- 311 MECHANIZED BURNER:** The APCO may authorize by burn permit open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:
- 311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- 311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.

311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of Sections 303 are met. Section 306, Vegetation Preparation and Drying Times, does not apply.

312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS: Except as provided for under subsection 103.2.4, nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

312.1 The prevention of a fire hazard which cannot be abated by any other means.

312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.

312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.

312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.

312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service may use fire to abate a fire hazard.

312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

313.1 Disallowed combustibles must be removed prior to burning.

313.2 Vegetation has been prepared by stacking, drying or other methods that promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure;

401.5 The type of vegetation to be burned;

401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;

- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

402 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

402.1 Within ten days after service of notice of revocation specified in Section 402 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

403 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Public Officer Fire Hazard Reduction Burning Report: A fire hazard reduction burning report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation burned and information on the determination made that there is a fire or health hazard condition having an imminent effect on life or property, what the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.

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Exhibit II

Rule 302, Agricultural Waste Burning Smoke Management

RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

200 DEFINITIONS (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 AGRICULTURAL BURNING: Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 AGRICULTURAL OPERATION: The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 AGRICULTURAL WASTES

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

204 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

205 NO BURN DAY: Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

- 206 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 207 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.
- 208 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.
- 209 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 210 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.
- 211 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.
- 300 STANDARDS**
- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 BURN PERMITS**
- 302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.
- 302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 303.1 It is a no-burn day.
- 303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 304 BURN DAYS**

- 304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.
- 304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

305 VEGETATION PREPARATION AND DRYING TIMES

- 305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.
- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- 305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
- 305.2.3 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
- 305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2.6 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)

- 306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a 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 ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

307 LIGHTING PRACTICES: Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

308 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

309 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

310 DETERMINATION OF AMOUNT BURNED DAILY:

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure;

401.5 The type of vegetation or agricultural waste to be burned;

401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;

- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

402 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons for the revocation. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

403 SMOKE MANAGEMENT PROGRAM

403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

404 APCO APPROVAL: No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

405 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The

report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.

- 501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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Exhibit III

Rule 303, Prescribed Burning Smoke Management

RULE 303 PRESCRIBED BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

101 PURPOSE: To establish standards and administrative requirements under which agricultural burning, including prescribed burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning. This rule regulates the use of open outdoor fires used in forest management, range improvement, improvement of land for wildlife and game habitat or disease or pest prevention, or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

102 APPLICABILITY: The provisions of this Rule apply to all prescribed burning conducted in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS:

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exemptions From Section 304, Burn Days

103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.

103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and will only authorize burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

- 200 DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)
- 201 AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.
- 202 AIR QUALITY:** The characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the ARB pursuant to Section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and Section 169A of the federal Clean Air Act pertaining to visibility.
- 203 AMBIENT AIR:** That portion of the atmosphere, external to buildings, to which the general public has access.
- 204 BURN PROJECT:** An active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.
- 205 BRUSH TREATMENT:** Vegetation to be burned that has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.
- 206 CLASS I AREA:** A mandatory visibility protection area designated pursuant to Section 169A of the federal Clean Air Act.
- 207 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.
- 208 FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.
- 209 FOREST MANAGEMENT BURNING:** The use of open outdoor fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices, and forest protection practices.
- 210 FORTY-EIGHT (48) HOUR FORECAST:** A prediction of the meteorological and air quality conditions that are expected to exist for a prescribed burn in a specific area 48 hours from the day of the prediction. The prediction should indicate a degree of confidence.
- 211 LAND MANAGER:** 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.

- 212 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards promulgated by the United States Environmental Protection Agency that specify the maximum acceptable concentrations of pollutants in the ambient air to protect public health with an adequate margin of safety, and to protect public welfare from any known or anticipated adverse effects of such pollutants (e.g., visibility impairment, soiling, harm to wildlife or vegetation, materials damage, etc.) in the ambient air.
- 213 NINETY-SIX (96) HOUR TREND:** A prediction of the meteorological and air quality conditions that are expected to exist for a prescribed burn in a specific area 96 hours from the day of the prediction.
- 214 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 215 OPEN BURNING OR OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 216 PARTICULATE MATTER (PM):** Any material, except uncombined water, which can exist in a finely divided form as a liquid or solid.
- 217 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 218 PRESCRIBED BURN:** Includes Forest Management, Range Improvement, Wildland Vegetation Management, Wildland/Urban Interface, and naturally-ignited burns for resource benefits.
- 219 PRESCRIBED BURNING:** The planned application and confinement of fire to wildland fuels on lands selected in advance of that application, to achieve any of the following objectives:
- 219.1 Prevention of high-intensity wildland fires through the reduction of the volume and continuity of wildland fuels;
 - 219.2 Watershed management;
 - 219.3 Range improvement;
 - 219.4 Vegetation management;
 - 219.5 Forest improvement and/or forest management;
 - 219.6 Wildlife habitat improvement;
 - 219.7 Air quality maintenance.
- 220 RANGE IMPROVEMENT BURNING:** The use of open outdoor fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- 221 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program outlined under a plan prepared by the Sacramento Valley Basinwide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and APCO, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in

cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.

- 222 SEVENTY-TWO (72) HOUR OUTLOOK:** A prediction of the meteorological and air quality conditions that are expected to exist for a prescribed burn, in a specific area, 72 hours from the day of the prediction.
- 223 SHEETING:** Polyethylene, kraft paper or other products commercially manufactured for covering piles of vegetation prior to burning for the purpose of keeping vegetation dry. Covers on piles have been shown to reduce emissions, by keeping some of the pile dry, which allows more rapid ignition of the piles with a minimum need for ignition accelerants.
- 224 SILVICULTURAL PRACTICES:** The establishment, development, care, maintenance, or reproduction of stands of timber.
- 225 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations.
- 226 SMOKE MANAGEMENT PRESCRIPTION:** Measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code Section 41700, public nuisance statute.
- 227 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the California Air Resources Board as required under Title 17 of the California Code of Regulations, Chapter 1, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.
- 228 SMOKE SENSITIVE AREAS:** Populated areas and other areas where the District has determined that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
- 229 STATE AMBIENT AIR QUALITY STANDARDS:** Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects, as established by the state board pursuant to Health and Safety Code Section 39606.
- 230 TIMBER OPERATIONS:** The cutting or removal of timber or other forest vegetation.
- 231 WILDFIRE:** An unwanted wildland fire.
- 232 WILDLAND:** 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 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 CAL FIRE only, "Wildland" as specified in California Public Resources Code (PRC) 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.

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.

- 233 WILDLAND FIRE:** Any nonstructural fire, other than prescribed fire, that occurs in the wildland.
- 234 WILDLAND/URBAN INTERFACE:** The line, area, or zone where structures and other human development meet or intermingle with the wildland.
- 235 WILDLIFE OR GAME HABITAT:** Any area used or planned to be used for conservation or management of wild plants or animals.
- 236 WILDLAND VEGETATION MANAGEMENT BURNING:** The use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominantly covered with chaparral, (As defined in California Code of Regulations, Title 14, Division 1.5, Chapter 9.8, Article 1, Section 1561.1), trees, grass or standing brush. The planned application of fire may include naturally ignited burns.

300 STANDARDS

The provisions of the Smoke Management Program, pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program are included within Sections 300 and 400.

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

302 BURN PERMITS

302.1 A person shall not ignite or allow agricultural burning or prescribed burning without first obtaining a valid burn permit from the District.

302.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the proposed burn project.

- 303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:

303.1 It is a no-burn day.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

- 304 BURN DAYS:** No person shall knowingly ignite or allow ignition of agricultural burning or prescribed burning on no burn days or when burning is prohibited by a fire protection agency.

305 REGISTRATION OF PRESCRIBED BURNS

305.1 All persons who want to conduct prescribed burning in the District in any particular calendar year must register their planned burn projects with the District.

Burn projects shall be registered semi-annually prior to the spring and fall burn season. Updates and late additions to this registration process are accepted.

305.1.1 The burn registration shall include the name and address of the permittee, including a contact person with phone number.

305.1.2 A listing of all projects planned, with legal descriptions of their locations (township, range, section number).

305.1.3 An estimate of the total acreage and/or tons of vegetation to be burned.

305.1.4 The scheduled month of expected burning for each listed burn project.

305.1.5 A meteorological prescription addressing smoke management concerns, if applicable.

305.2 Burn registrations are not required to be in a specific format but shall contain all the required information in subsection 305.1.

306 SMOKE MANAGEMENT PLANS

Smoke management plans may be required for the following types of burns: planned wildland, wildland vegetation management, forest management, and range improvement burn projects.

306.1 Submittal and District approval of a smoke management plan, unless otherwise indicated.

306.1.1 Submittal of a smoke management plan shall occur at least 14 days in advance of the burn. District approval of the smoke management plan shall be obtained at least 72 hours prior to the burn.

306.2 For burn projects less than 10 acres in size and/or that will emit less than one ton of particulate matter, the land manager must obtain a District burn permit.

306.3 For burn projects between 10 and 100 acres and/or that will emit between one ton and 10 tons of particulate matter, the land manager must obtain a District burn permit, and submit the following information in a smoke management plan:

306.3.1 Location, types and amounts of vegetation to be burned;

306.3.2 Expected duration of the prescribed fire from ignition to extinction;

306.3.3 Identification of responsible personnel, including telephone contacts; and

306.3.4 Identification and location of all smoke sensitive areas

306.4 For burn projects greater than 100 acres or estimated to produce more than 10 tons of particulate matter, the land manager must obtain a District burn permit, and submit the information in Section 306.3, along with the following information in a smoke management plan:

306.4.1 Identification of meteorological conditions necessary for burning;

306.4.2 The smoke management criteria the land manager or his/her designee will use in making burn ignition decisions;

- 306.4.3 Projections, including a map, of where the smoke is expected to travel, both day and night;
 - 306.4.4 Specific contingency actions, including fire suppression or containment plans, that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; and
 - 306.4.5 An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act or the California Environmental Quality Act as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement or the location of where such information may be found can be referred to in the smoke management plan.
- 306.5 For burn projects that are greater than 250 acres, or will continue burning or producing smoke overnight, or are near smoke sensitive areas or as otherwise required by the District, the land manager must obtain a District burn permit and submit the information in Sections 306.3 and 306.4, along with the following information in a smoke management plan.
- 306.5.1 Visual monitoring;
 - 306.5.2 Ambient particulate monitoring; or
 - 306.5.3 Other monitoring as approved by the APCO.
- 306.6 The land manager shall coordinate daily with the District, or the ARB, for multi-day burns that may impact smoke sensitive areas, to affirm that the burn project complies with the conditions specified in the smoke management plan, and/or whether contingency actions are necessary. If the land manager or District staff observes unacceptable smoke impacts occurring to a smoke sensitive area from an authorized burn, then the burner shall promptly take such contingency actions as necessary.
- 306.7 Naturally-Ignited Burns for Resource Benefits: When a natural ignition occurs on a no burn day, the initial “go/no-go” decision to manage the fire for resource benefit shall be a “no-go” unless:
- 306.7.1 After consultation with the appropriate land manager, the District determines, for smoke management purposes, that the burn can be managed for resource benefit; or
 - 306.7.2 For periods of less than 24 hours, the land manager has made a reasonable effort to contact the District, or if the District is not available, the ARB.
 - 306.7.3 After 24 hours, the land manager has made a reasonable effort to contact the District, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

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

Smoke management plans shall be submitted within 72 hours of the start of the fire for naturally ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size.

- 306.8 Adherence with an Approved Smoke Management Plan: The land manager or his/her designee conducting a prescribed burn shall ensure that all conditions and requirements stated in the approved smoke management plan are met on the day of the burn event, prior to ignition.
- 306.9 Post-Burn Evaluation Requirements: The land manager shall submit a post-burn evaluation for fires greater than 250 acres or fires with adverse smoke impacts, as determined by the APCO, within thirty (30) days of project completion.
- 306.10 Fish and Game Certification: For burns done primarily for the improvement of land for wildlife and game habit, the burn permit applicant shall file with the District a statement from the California Department of Fish and Game (CDFG) certifying that the prescribed burn is desirable and proper. The CDFG may specify the amount of brush treatment required, along with any other conditions it deems appropriate. Alternatively, the APCO may accept a wildlife biologist opinion contained in a land management plan approved by the appropriate state or federal authority or certifications by the United States Fish and Wildlife Service.

307 VEGETATION PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut until it is to be burned), the following are drying times.

- 307.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 307.2 For pile burning, the vegetation shall be burned in place or stacked loosely, dried and be free of dirt and surface moisture when possible. Piled vegetation shall be prepared so that it will burn with a minimum of smoke.
- 307.3 Drying times for vegetation to be included in a range improvement burn shall be at least six months, if economically and technically feasible.
- 307.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end is suggested for prescribed burning.
- 307.5 A minimum of six weeks of drying time, for trees stumps, and large branches greater than 6 inches in diameter, at the cut end is suggested for prescribed burning. Stumps should be free of dirt and rocks.
- 307.6 Unwanted trees shall be felled and dried prior to the burn.
- 307.7 The vegetation to be burned must originate within the boundaries of the prescribed burning project.
- 307.8 Vegetation should be windrowed or piled if technically feasible.
- 307.9 Burn Pile Sheeting: Sheeting may be burned with the vegetation provided that:
 - 307.9.1 The sheeting has been covering piled vegetation for at least one month prior to burning;

307.9.2 The amount of sheeting burned is no more than the minimum necessary to cover the pile;

307.9.3 Removal of the sheeting before burning is impractical; and

307.9.4 The land manager is able to provide evidence, such as purchase records or package labeling, that the sheeting is manufactured for this purpose.

308 BURN AUTHORIZATION: The burn authorization specifies the amount, timing, and location for the burn projects on a daily basis.

308.1 Burn authorizations shall be given on a first come - first served basis. A burn authorization may be rescinded if meteorological conditions change such that adverse air quality impacts, including complaints, are likely, or if burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area. Authorization requests to the District can be made by phone, fax, email, in person or through a web-based program, prior to ignition.

308.2 Burning shall only be conducted on a burn day except as allowed under Section 103.2.

308.3 Prior to requesting a burn authorization from the District, land managers can obtain a 48-hour forecast, 72-hour outlook, and a 96-hour trend for specific burns from the California Air Resources Board duty meteorologist. These forecasts are not a substitute for a burn authorization, and contain no guarantee that a favorable forecast will necessarily lead to a burn authorization approval from the District.

308.4 For multi-day burns the burner shall obtain daily authorization from the District prior to continuing with the burn.

309 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

310 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

311 DETERMINATION OF AMOUNT BURNED DAILY

311.1 Sacramento Valley Air Basin: A prescribed burn conducted under a Smoke Management Plan, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burning acreage allocation that was burned on a given day.

311.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

402 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402 the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

403 SMOKE MANAGEMENT PROGRAM

403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management program apply throughout the year unless otherwise specified in the program.

403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

404 APCO APPROVAL: No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

405 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage of vegetation from prescribed burning, and the location of where the burning was performed.

501.2 Special Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance of each burn permit, the person or persons to whom the burn permit was issued, and an estimate of the amount of vegetation burned pursuant to the burn permit, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

Exhibit IV

Rule 304, Land Development Burning Smoke Management

RULE 304 LAND DEVELOPMENT BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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500 MONITORING AND RECORDS (None)

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100 GENERAL

101 PURPOSE: To establish standards and administrative requirements under which land development burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

102 APPLICABILITY: The provisions of this rule shall apply to all residential or commercial land development burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 CONSTRUCTION-DEMOLITION DEBRIS: Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

202 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

203 LAND DEVELOPMENT BURNING: The use of open outdoor fires for the disposal of vegetation grown on property being developed for commercial or residential purposes.

204 NO-BURN DAY: Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

205 SEASONAL OUTDOOR BURN SUSPENSION: A suspension by fire agencies of open burning activities typically begins on July 1st of each year (or sooner) and extending through the fire season until lifted by those fire agencies in the fall.

300 STANDARDS

301 AUTHORIZATION TO BURN: Pursuant to Section 41802 of the California Health and Safety Code, this Rule authorizes land development burning.

302 PROHIBITIONS ON OPEN BURNING: Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

303 ALLOWABLE COMBUSTIBLES: The only allowable combustibles that can be burned is vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) may be subject to additional permit conditions under Section 304.

304 BURN PERMITS

304.1 A person shall not ignite or allow open outdoor burning, pursuant to this Rule, without first obtaining a valid burn permit from the District.

304.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the proposed burn project.

304.3 No permit shall be issued for land development burning, except for vegetation removed for residential development purposes from the property of a single or two family dwelling or when the burn permit applicant has provided a demonstration in Section 400 that there is no practical alternative to burning and the APCO has determined that the demonstration has been made. The APCO may weigh the relative impacts of burning on air quality in requiring a more persuasive demonstration for more densely populated regions for a large proposed burn versus a smaller one.

304.4 The APCO may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*).

305 BURN PERMIT VALIDITY: No burn permit shall be construed to authorize open outdoor fires for any day during which:

305.1 It is a no-burn day.

305.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

306 BURN DAYS: No person shall knowingly ignite, or allow ignition of allowable combustibles on days when it is:

306.1 A no burn day, or

306.2 When it is prohibited by a fire protection agency including, during the seasonal outdoor burn suspension, or

306.3 Those days during the ozone season (May – October) when there is a potential for a violation of the National Ambient Air Quality Standards (NAAQS).

- 307 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 307.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 307.2 Vegetation should be windrowed if economically and technically feasible.
- 307.3 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 307.4 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.
- 307.5 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 307.6 A minimum of six weeks of drying time for trees, stumps and large branches greater than 6 inches in diameter, at the cut end.
- 307.7 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 308 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 309 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.
- 310 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 311 INSPECTION REQUIRED PRIOR TO BURNING:** Prior to burning pursuant to an issued burn permit an inspection is required to assess compliance with Section 300 Standards and Section 400 Administrative Requirements, and any non-compliance shall be remedied, including the removal of all disallowed combustibles, and the corrections verified, before burning can proceed.

400 ADMINISTRATIVE REQUIREMENTS

- 401 BURN PERMIT REVIEW:** The APCO or staff shall review and sign all burn permits prior to the authorization of burning.

402 BURN PERMIT APPLICATION INFORMATION

- 402.1 A demonstration that there is no practical alternative that can be used in lieu of burning to dispose of the vegetation. In addition to other information provided in the application, the demonstration shall include a discussion of the availability and feasibility of the alternatives to open burning, including implementation costs; efforts made to reduce the quantity of material to be burned; the impact of burning upon air quality conditions; and such other factors that warrant inclusion such as weather considerations, topography, and hazardous fire conditions.

- 402.2 Type of burning;
- 402.3 Name and/or Business Name and address of the permittee;
- 402.4 Location of the proposed burn;
- 402.5 Distance from the proposed burn to the nearest neighboring home or structure;
- 402.6 The type of vegetation to be burned;
- 402.7 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 402.8 Reason for burning;
- 402.9 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.
- 402.10 Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 402.11 When burning the applicant or representative shall have the burn permit available for inspection at the burn site.

403 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 403.1 Within ten days after service of notice of revocation specified in Section 403 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

404 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS (None)

Exhibit V

Rule 305, Residential Allowable Burning

RULE 305 RESIDENTIAL ALLOWABLE BURNING

Adopted 02-10-11
(Amended 02-09-12)

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400 ADMINISTRATIVE REQUIREMENTS (None)

500 MONITORING AND RECORDS (None)

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100 GENERAL

101 PURPOSE: To reduce emissions of toxic air contaminants from smoke from allowed outdoor burning at a residence, of allowable combustibles originating, on the premises where burned.

102 APPLICABILITY

102.1 This rule shall apply to persons conducting outdoor burning of residential allowable combustibles.

102.2 Title 17 of the California Code of Regulations for the Airborne Toxic Control Measure (ATCM) to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OF OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exempt Areas: Effective January 1, 2004, on burn days only, fires for the disposal of dry, non-glossy paper and cardboard originating from, and being burned on the premises of a residence, may only be burned if an exemption has been approved by the District Board of Directors that meets all the following subsections 103.2.1 through 103.2.4.

103.2.1 The residence is not in an incorporated place; and

103.2.2 The residence lies within the boundaries of a census zip code or census zip code sub-area, within the district where the population density is equal to or less than 10.0 persons, as calculated from the last decennial United States Census Data; and

103.2.3 The residence is in an area not served on a weekly basis by an organized waste disposal service; and

103.2.4 The residence does not lie within the boundary of a jurisdiction which prohibits the burning of dry, non-glossy paper and cardboard as of January 4, 2002, or thereafter.

103.2.5 Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons the air district may renew the exemption every ten years pursuant to Section 93113(e), Title 17 of the California Code of Regulations.

February 9, 2012

200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 ALLOWABLE COMBUSTIBLES: Vegetation originating on the premises of a residence, limited to the following: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. Lawn clippings, oleander (*nerium oleander*), and poison oak (*toxicodendron diversilobum*) are excluded. Vegetation that is not reasonably free of dirt, soil, and visible surface moisture, is not an allowed combustible.

202 BURN BARREL: A metal container used to hold combustible or flammable waste materials, so that they can be ignited outdoors for purpose of disposal.

203 COMBUSTIBLE: Any substance capable of burning or any substance that will readily burn.

204 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

205 NO-BURN DAY: Any day on which agricultural burning, including residential burning, is prohibited by the ARB or the APCO.

206 OPEN BURNING OR OPEN OUTDOOR: Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

207 PERMISSIVE BURN DAY OR BURN DAY: Any day in which agricultural burning including residential burning, is not prohibited by the ARB and/or the APCO.

208 RESIDENCE: A single or two-family dwelling unit and the land and ancillary surrounding (nonresidential) structures.

300 STANDARDS

301 PROHIBITIONS ON OPEN BURNING: Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

302 RESIDENTIAL ALLOWABLE BURNING: Only allowable combustibles, originating at a residence, and free of disallowed combustibles, and reasonably free from dirt, soil, and visible surface moisture, may be burned in an open outdoor burn pile. Burning in a burn barrel is prohibited.

303 BURN PERMITS

303.1 A District burn permit is not required for residential allowable burning.

- 303.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the residential allowable burning.
- 304 BURN DAYS:** No person shall knowingly ignite, or allow ignition of allowable combustibles on no-burn days or when it is prohibited by a fire protection agency.
- 305 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 305.1 No vegetation shall be burned unless it is free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 305.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.
- 305.4 A minimum of three to six weeks of drying time, for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 305.5 A minimum of six weeks of drying time for trees, stumps and large branches greater than 6 inches in diameter, at the cut end.
- 305.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 306 APPROVED IGNITION DEVICES:** All open fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 307 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.
- 308 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition unless the burn hours are further restricted.
- 400 ADMINISTRATIVE REQUIREMENTS** (None)
- 500 MONITORING AND RECORDS** (None)

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Exhibit VI

Rule 306, Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites

RULE 306 OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

101 PURPOSE: To control and monitor open burning of nonindustrial wood waste at designated disposal sites above 1500 feet elevation, mean sea level.

102 APPLICABILITY: Pursuant to California Health and Safety Code, Sections 41803 and 41804.5, this Rule authorizes the use of open outdoor fires for the burning of nonindustrial wood waste at designated disposal sites where such use has been permitted by the District and approved by the California Air Resources Board.

103 ELEVATION ABOVE 1500 FEET: Only city or county officials, in their official capacity, may apply for a burn permit to dispose of non-industrial wood waste at disposal sites located above 1500 feet, mean sea level.

104 EXEMPTIONS:

104.1 Rule Exemptions

104.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.4 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.5 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

104.2 Exemption, Determination of Amount Burned Daily: Open burning of nonindustrial wood waste at designated disposal sites are exempt from burning that which can be reasonably expected to burn completely within the following 24 hours, once ignition occurs.

200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

202 NO-BURN DAY: Any day on which agricultural burning, including burning at a designated disposal site, is prohibited by the ARB or the APCO.

203 NONINDUSTRIAL WOOD WASTE: Vegetation consisting of trees, vines and brush, which has been brought to the designated disposal site.

300 STANDARDS

301 PROHIBITIONS ON OPEN BURNING: Except as provided in this Rule or Regulation 3, no person shall use an open outdoor fire for the purpose of disposal or burning of any disallowed combustibles.

302 ARB SITE APPROVAL: Open burning of nonindustrial wood waste shall not be permitted at a disposal site until the ARB has approved the use of open outdoor fires for disposing of nonindustrial wood waste at the site.

303 BURN PERMITS

303.1 A person shall not ignite or allow open outdoor burning without a valid burn permit from the District.

303.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the proposed burn project.

304 BURN PERMIT VALIDITY: No burn permit shall be construed to authorize open outdoor fires for any day during which:

304.1 It is a no-burn day.

304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

305 BURN DAYS: No person shall knowingly ignite, or allow ignition of allowable combustibles, on no burn days or when it is prohibited by a fire protection agency.

305.1 If burning begins on a permissive burn day and in the subsequent days, a no-burn day occurs, only that which is burning can continue to burn; no new or additional vegetation can be added.

306 VEGETATION PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.

306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke.

306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.

306.4 A minimum of three (3) to six (6) weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.

306.5 A minimum of six weeks of drying time for trees stumps, and large branches greater than 6 inches in diameter, at the cut end.

307 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

308 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.

309 INSPECTION: The APCO or his/her designee may require the inspection of the wood waste to be burned to verify that it is exclusively nonindustrial wood waste.

310 LAWFUL POSSESSION: The owner or person lawfully in possession of the land on which the disposal site is located shall file written approval of such burning with the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT REVIEW: The APCO or his/her designee shall review and sign all burn permits prior to authorizing burning.

401.1 The fire protection agency having jurisdiction over the area on which the designated disposal site is located shall also approve the burn permit.

402 BURN PERMIT APPLICATION INFORMATION:

402.1 Type of burning;

402.2 Name and/or Business Name and address of the permittee;

402.3 Location of the proposed burn;

402.4 Distance from the proposed burn to the nearest neighboring home or structure;;

402.5 The type of vegetation to be burned;

402.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;

402.7 Reason for burning;

402.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.

402.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

402.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

403 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall

notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

403.1 Within ten days after service of notice of revocation specified in Section 403 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

404 BURN PERMIT FEES: Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 REPORTING: Notification shall be made to the District at least 72 hours prior to ignition.

502 POST-BURN INFORMATION: A post-burn report shall be submitted to the District, within 10 days following the completion of the burn.

502.1 Submitter's name and agency;

502.2 Location of burn;

502.3 Date of burn;

502.4 Burn day status, each day of burn;

502.5 Ignition date and time;

502.6 Completion date of burn;

502.7 Any smoke impacts including any reason for impacts;

502.8 Recommendations for future burns in the area to minimize impacts.

ATTACHMENT #3

Subject:

Staff Report

**PLACER COUNTY
AIR POLLUTION CONTROL DISTRICT**

**PROPOSED REGULATION 3
OPEN BURNING**

PROPOSED RULE AMENDMENTS

STAFF REPORT

February 9, 2012

**PROPOSED REGULATION 3
OPEN BURNING
STAFF REPORT
FEBRUARY 9, 2012**

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Executive Summary

The purpose of this revision of the Placer County Air Pollution District's ("District") Regulation 3, Open Burning, is to address comments from the U.S. EPA, to make minor changes which make them easier to read, and to correct grammatical errors. In addition, Rule 102, Definitions, was included as two new definitions were added and minor changes were made to make definitions in Regulation 3 and Rule 102 consistent.

Discussion

On February 10, 2011, the District Board approved six (6) new rules on open burning along with three (3) other rules that were amended. The six new rules, along with amended Rule 102, were sent to the California Air Resources Board to be forwarded to the U.S. EPA for inclusion into the District's State Implementation Plan (SIP).

Prior to the adoption of the rules in February 2011, District staff worked diligently with U.S. EPA to adequately address U.S. EPA concerns. When the adopted rules were submitted to the U.S. EPA, they commented that one of the rules submitted, Rule 304, Land Development Burning needed changes before it could be approved into the SIP. District staff again worked with U.S. EPA staff on new proposed changes to satisfy the concerns of U.S. EPA staff.

With the proposed changes to Rule 304, Land Development Burning Smoke Management, having to be made, the District staff used this as an opportunity to review all of Regulation 3 rules and Rule 102, Definitions, for clarity and readability. This review has resulted in proposed changes to simplify and/or rearrange language, including making definitions more consistent and fixing grammar. A detailed listing of each of the Rule changes is included in Exhibits I through VI. The revised rules show the actual additions and deletions and are provided in Exhibits A through G.

The proposed changes to the burn rules, except for Rule 304, Land Development Burning Smoke Management, are not substantial changes to the District's burn program. While numerous, they are minor in nature and make the reading of the rules easier and the meaning clearer.

For Rule 304, the changes suggested by the U.S. EPA allow the rule, with the addition of some criteria, to be included in the State Implementation Plan. Rule 304 is necessary because the terrain of Placer County goes from valley, to foothills, to mountains – and alternatives to burning are not always feasible or practical. For example, the development of a ski run requires the clearing of trees and other vegetation – typically on slopes that are very steep and that are not easily accessible to vehicles or equipment, and where mechanical removal or processing of vegetation may be prohibited by environmental concerns over soil compaction or disturbance. While large trees may be harvested for timber purposes and removed by helicopter, the removal of residual vegetation can be problematic. Since the proposed changes in Rule 304 are more significant, the following section discusses them.

**PROPOSED REGULATION 3
OPEN BURNING
STAFF REPORT
FEBRUARY 9, 2012**

Changes to Rule 304, Land Development Burning Smoke Management

- The District has included additional definitions.
- Burn Permits are now required to provide criteria under which burning can take place, particularly during identified days and seasons during the year. The changes now prohibit burning during the seasonal outdoor burn suspension for reasons of hazardous fire conditions and when there is a forecast of a violation of the national ozone standards. These provisions combine to effectively prohibit burning during the summer months when the high temperatures that cause ozone formation also results in hazardous fire conditions and the banning of burning. When burning is allowed by fire agencies, the District will prohibit burning when ozone forecasts indicate a violation of the national ozone standards may occur.
- In keeping with the District's policy of encouraging alternatives to burning when feasible and practical, the District has included under the Burn Permits section, wording that limits burning to a land development project involving a single or two family dwelling. Alternatively the applicant has to provide a demonstration that there is no practical alternative to burning and the APCO must approve the demonstration. The APCO may weigh the relative impacts on air quality, taking into consideration more densely populated regions, or a large burn versus a smaller one. The demonstration is included in the Burn Permit Application Information section of the rule.
- Although there is a provision in District Rule 607, Burn Permit Fees, for conducting an inspection when necessary, a new requirement has been added to require a compliance inspection for each land development burn permit that is issued before burning can occur. As the District's population has grown, there has been increasing concern over smoke and land development burning and the proximity to populated areas. By inspecting each burn, the District assures that the rule and burn permit conditions are met.

In conclusion, the rule changes provide better clarity and make the rules easier to read. The changes proposed in Rule 304 continue to provide the District with the ability to allow this type of burning when appropriate. With regard to Rule 304 and land development burning, there are additional reasons why such burning is minimized in practice.

- For land development activities, the District pro-actively works with developers in minimizing or eliminating the need to do this type of burning, especially, when an alternative exists to dispose of the vegetation, or smoke from burning could cause adverse impacts that could otherwise be prevented. Standard development conditions provided by the District during land development project review typically prohibit burning of cleared vegetation for the larger development projects.

**PROPOSED REGULATION 3
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FEBRUARY 9, 2012**

- Land development burning is prohibited by ordinance in several Placer County cities and towns, or is prohibited in practice by the local fire agencies, so that burning is already prohibited in the more densely populated areas within city or town limits.
- The District's proposed rule requires that the burning meet criteria as required by state law. These criteria include size limitations and drying times. Accordingly, larger trees cannot be burned without the removal of larger branches. In practice most of the larger pieces would be removed and utilized for firewood even if the District allowed such vegetation to be burned as a part of land clearing operations.

Public Outreach

The public hearing was noticed 30 days before the District's Board Meeting on January 10, 2012, in the Auburn Journal and the Lincoln News Messenger and then on January 13, 2012, in the Tahoe World, on January 12, 2012, in the Placer Herald, and the Colfax Record. As of this writing, there has been no written public comment.

Analysis and Findings

The following Analysis and the subsequent Findings are intended to address the requirements set forth in the California Health and Safety Code relating to adoption of a new or amended District Rule, as well as other State statutes referenced herein.

Cost-Effectiveness of a Control Measure

California Health & Safety Code (H&S) Section 40703 requires a District to consider and make public "the cost-effectiveness of a control measure". The adoption of amendments to Regulation 3 and Rule 102 will not increase costs to any applicant or land manager seeking a permit for burning in Placer County.

Socioeconomic Impact

H&S Section 40728, in relevant part, requires the Board to consider the socioeconomic impact of any new rule if air quality or emission limits are significantly affected. However, Districts with a population of less than 500,000 persons are exempted from the socioeconomic analysis. In 2010, the population of Placer County was approximately 348,432 persons (US Census Bureau), which means that the District is exempt from this requirement.

**PROPOSED REGULATION 3
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California Environmental Quality Act (CEQA)

The changes in Regulation 3, and Rule 102, Definitions, are administrative or result in more stringent limitations upon burning. The District's burn program requirements largely remain the same because the proposed rules follow what is actually occurring already in practice through land-use and District burn permit conditions. California Public Resources Code Section 21159 requires that an environmental analysis of the reasonably foreseeable methods of compliance be conducted. Compliance with the proposed changes to Regulation 3, and Rule 102, Definitions, is not expected to result in a reduction in emissions. Therefore, the proposed regulation and rule changes will not cause any significant adverse effects on the environment and may result in reducing impacts. As noted in the Staff report, burning in some cases may alleviate the collateral detrimental impacts of removing unwanted vegetation through mechanical means. Staff has concluded that the changes will make the rules easier to read and more understandable, which in turn will make it easier for persons to comply.

Staff finds that the proposed rule is exempt from the California Environmental Quality Act (CEQA) because 1) the changes proposed are administrative or will lessen emission impacts from burning and are not expected to have a significant adverse effect on the environment (CEQA Guidelines §15061(b)(3)) and 2) it is an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308).

Findings

- A. **Necessity** – The changes to Regulation 3, and Rule 102, Definitions, allow for minor changes as noted in this staff report. The incorporated changes do not change the District's administration of the program.
- B. **Authority** – California Health and Safety Code, Sections 40000, 40001, 40701, and 40702 are provisions of law that provide the District with the authority to amend this rule.
- C. **Clarity** – The proposed changes are expected to result in the rules being easier to understand.
- D. **Consistency** – The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.
- E. **Non-duplication** – The regulation does not impose the same requirements as an existing state or federal regulation.

Reference – All statutes, court decisions, and other provisions of law used by the District in interpreting this regulation is incorporated into this analysis and this finding by reference.

**PROPOSED REGULATION 3
OPEN BURNING
STAFF REPORT
FEBRUARY 9, 2012**

Exhibits

Summary of Changes

- Exhibit 1: Rule 301 - Non-Agricultural Burning Smoke Management
- Exhibit 2: Rule 302 - Agricultural Waste Burning Smoke Management
- Exhibit 3: Rule 303 - Prescribed Burning Smoke Management
- Exhibit 4: Rule 304 - Land Development Burning Smoke Management
- Exhibit 5: Rule 305 - Residential Allowable Burning
- Exhibit 6: Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites
- Exhibit 7: Rule 102 - Definitions

Amendments Shown in Rules

- Exhibit A: Rule 301 - Non-Agricultural Burning Smoke Management
- Exhibit B: Rule 302 - Agricultural Waste Burning Smoke Management
- Exhibit C: Rule 303 - Prescribed Burning Smoke Management
- Exhibit D: Rule 304 - Land Development Burning Smoke Management
- Exhibit E: Rule 305 - Residential Allowable Burning
- Exhibit F: Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal Sites
- Exhibit G: Rule 102 - Definitions

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EXHIBIT 1

Summary of Changes

Rule 301, Nonagricultural Burning Smoke Management

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EXHIBIT 1

Summary of Changes

Rule 301, Nonagricultural Burning Smoke Management

Changes to Section 100 General

- Section 101, Purpose - listed the order of burning types that are in the same order in Section 300, Standards.
- Section 102, Applicability
 - Subsection 102.1, Geographic – wording is clarified.
 - Subsection 102.2 – wording is clarified.
- Section 103, Exemptions
 - Subsection 103.2, General Exemptions
 - Subsection 103.2.1, Fire Hazard Reduction Burning Public Officer Waiver - the words “or health hazard” have been added; they were in the original rules rescinded February 9, 2011 and had been left out, and additionally wording is clarified.
 - Subsection 103.2.2, Recreational or Cooking Fire – grammar change.
 - Subsection 103.2.4, Open Burning Conducted By Public Officers - section is added. This section is added to outline that except for a burn permit, this type of burning is exempt from all other Sections of Section 300.
 - Subsection 103.3, Exemptions, Minimum Drying Times
 - Subsection 103.3.1 - wording is clarified and section reference changed.
 - Subsection 103.3.2 - wording is clarified and section reference changed.

Changes to Section 200 Definitions

- Section 201, Allowable Combustibles - the word “waste” is replaced with “vegetation”.
- Section 202, Burn Barrel – wording is clarified.
- Section 204, Construction-Demolition Debris - grammar change.
- Section 205, Disallowed Combustibles - a clarification to putrescible is added and a grammar change.
- Section 211, Open Burning or Open Outdoor Fire – wording is clarified.
- Section 212, Permissive Burn Day or Burn Day – wording is clarified.
- Section 213, Processed or Treated Wood and Wood Products – grammar change.
- Section 214, Recreational or Cooking Fire
 - Subsection 214.1 - wording is clarified.
 - Subsection 214.2 - wording is clarified.
- Section 215, Right-Of-Way Clearing, Levee, Ditch, and Reservoir Maintenance Burning – this section has clarification language included, as recommended by the U.S. EPA, on examples of standing green vegetation. A change is made to call the “material” being burned “vegetation”.

Changes to Section 300 Standards

- Section 301, Prohibitions on Open Burning – grammar change.
- Section 302, Allowable Combustibles – a grammar change is made in addition to adding information on possible restrictions on the burning of poison oak and oleander.

EXHIBIT 1

Summary of Changes

Rule 301, Nonagricultural Burning Smoke Management

- Section 303, Fire Hazard Reduction Burning in Compliance with Local Ordinance – this section is moved and is now Section 310.
- Section 304, Burn Permits – this section is now Section 303.
 - Subsection 304.1 - is now Subsection 303.1, removed the word “conduct”, and added language that provides for further subsections that outlines specific burning requiring a burn permit.
 - Subsection 303.1.1 - Fire Hazard Reduction is added.
 - Subsection 303.1.2 - Mechanized Burner is added.
 - Subsection 303.1.3 - Open Burning Conducted by Public Officers is added.
 - Subsection 303.1.4 – Right of Way Clearing, Levee, Ditch and Reservoir Maintenance is added.
 - Subsection 304.2 - is now Subsection 303.2 and wording is clarified.
 - Subsection 303.3 - is added which says there are possible prohibitions on the burning poison oak and oleander.
- Section 305, Permit Validity – is now Section 304 and the word “Burn” is added before “Permit” in the title.
 - Subsection 305.1 - is now subsection 304.1 and wording is clarified.
 - Subsection 305.2 - is now subsection 304.2
- Section 306, Burn Days – is now Section 305, wording is clarified and grammar changes.
- Section 307, Material Preparation and Drying Times – this section is now Section 306. The word “material” in the title and in this section is replaced with “vegetation”.
 - Subsection 307.1 is now 306.1, the word “material” is replaced with “vegetation”, and wording is clarified.
 - Subsection 307.2 is now 306.2 and the word “material” is replaced with “vegetation”.
 - Subsection 307.3 is now 306.3, with grammar changes.
 - Subsection 307.4 is now 306.4, with grammar changes.
 - Subsection 307.5 is now 306.5, with grammar changes.
 - Subsection 307.6 is now 306.6 and wording is clarified.
 - Subsection 307.6 is deleted.
- Section 308, Approved Ignition Devices – is now Section 307 and the word “material” is replaced with “vegetation”.
- Section 309, Wind Direction – is now Section 308 and wording is clarified.
- Section 310, Determination of Amount Burned Daily – is now Section 309 and wording is clarified.
- Section 310, Fire Hazard Reduction Burning in Compliance with Local Ordinance – is old Section 305 which is moved to this section creating a new Section 310.
- Section 311, Mechanized Burner – the word “burn” is added before “permit”.
 - Subsection 311.3 - the word “burn” is added before “permit” and the word “material” is replaced with “vegetation” and section references are corrected.
- Section 312, Open Burning Conducted By Public Officers – Clarifying language adding that a burn permit (Section 303, Burn Permits) is needed.
 - Subsection 312.6 - a grammar change is made.

EXHIBIT 1

Summary of Changes

Rule 301, Nonagricultural Burning Smoke Management

- Section 313, Right-Of-Way Clearing, Levee, Ditch and Reservoir Maintenance Burning
 - Subsection 313.2 – grammar changes.

Changes to Section 400 Administrative Requirements

- Section 401, Burn Permit Application Information
 - Subsection 401.4 wording is clarified.
 - Subsection 401.5 the word “material” is replaced with “vegetation”.
 - Subsection 401.6 the word “material” is replaced with “vegetation”.
 - Subsection 401.8 the word “burn” is added before “permit”.
 - Subsection 401.9 the word “burn” is added before “permit”.
 - Subsection 401.10 the word “burn” is added before “permit”.
- Section 402, Fire Agency Disclosure is deleted.
- Section 403, Revocation of a Burn Permit – is now Section 402, the word “burn” is added before “permit”, and grammar and reference changes are made.
 - Subsection 403.1 - is now 402.1 and the word “burn” is added before “permit”.
- Section 404, Permit Fees - is now Section 403, the word “Burn” is added before “Permit” in the title and the word “permit” is deleted before “fees”.

Changes to Section 500 Monitoring and Records

- Section 501, Burn Reports
 - Subsection 501.1 Public Officer Fire Hazard Reduction Burning Reporting - Report – the title has one grammar change, changing Reporting to Report, the word “material” is replaced with “vegetation”, and “health hazard” is included as it was in the original rules replaced in February 2011, and clarifying and grammar changes.

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EXHIBIT 2

Summary of Changes

Rule 302, Agricultural Waste Burning Smoke Management

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EXHIBIT 2

Summary of Changes

Rule 302, Agricultural Waste Burning Smoke Management

Changes to Section 100 General

- Section 103, Exemptions
 - Subsection 103.1, Rule Exemptions
 - Subsection 103.1.6 – grammar changes.
 - Subsection 103.2, Exemptions from Section 304, Burn Days
 - Subsection 103.2.1, Empty Sacks or Containers – the word “burn” is added before “permit”, and grammar changes.
 - Subsection 103.2.2, Burn Day Exemption for Threat of Imminent and Substantial Economic Loss – the word “burn” is added before “permit” and grammar changes.
 - Subsection 103.3, Exemptions, Minimum Drying Times
 - Subsection 103.3.1 – “vegetative material” is changed to “vegetation”.

Changes to Section 200 Definitions

- Section 201, Agricultural Burning – a grammar change.
- Section 202, Agricultural Operation – a grammar changes.
- Section 203, Agricultural Wastes
 - Subsection 203.1 - a grammar change.
 - Subsection 203.2 – wording is clarified.
- Section 204, Disallowed Combustibles – this is a new definition added for clarification.
- Section 204, No Burn Day – is now Section 205.
- Section 205, Open burning or Open Outdoor Fire – is now Section 206 and has clarity changes based on definition changes.
- Section 206, Permissive Burn Day or Burn Day – is now Section 207 and wording is clarified.
- Section 207, Right-of-Way Clearing, Levee, Ditch and Reservoir Maintenance Burning – is now Section 208 and has clarification language included, as recommended by the U.S. EPA on examples of standing green vegetation. The word “material” is replaced with “vegetation”.
- Section 208, Sacramento Valley Smoke Management Program – is now Section 209 and wording is clarified.
- Section 209, Smoke Management Plan – is now Section 210 and wording and references are clarified.
- Section 210, Smoke Management Program – is now Section 211 and wording is clarified.

Changes to Section 300 Standards

- Section 302, Burn Permits
 - Subsection 302.1 - remove the word “conduct”.
 - Subsection 302.2 - wording is clarified.
- Section 303, Permit Validity - the word “Burn” is added before “Permit” in the title.
 - Subsection 303.1 – wording is clarified.
- Section 304, Burn Days

EXHIBIT 2

Summary of Changes

Rule 302, Agricultural Waste Burning Smoke Management

- Subsection 304.1 – the word “waste” is added between “agricultural” and “burning” and wording is clarified.
- Section 305, Material Preparation and Drying Times – the word “material” in the title and in this section is replaced with “vegetation”.
 - Subsection 305.2, Other Agricultural Waste Burning – wording is clarified.
 - Subsection 305.2.2 - grammar changes.
 - Subsection 305.2.3 - grammar changes.
 - Subsection 305.2.4 - grammar changes.
 - Subsection 305.2.5 – “material” is replaced with “vegetation” and wording is clarified.
 - Subsection 305.2.6 – “material” is replaced with “vegetation”.
 - Subsection 305.2.7 – is deleted.
 - Subsection 305.2.8 – is now 305.2.7 and “material” is replaced with “vegetation”.
- Section 306, Straw Moisture Determination (Crackle Test)
 - Subsection 306.1, Water Moisture – wording is clarified and Section 306.3 is deleted as there is no subsection with this number.
 - Subsection 306.2, Straw – wording is clarified, and the subsection reference is deleted.
- Section 307, Lighting Practices – grammar changes.
- Section 308, Approved Ignition Devices – the word “material” is replaced with “vegetation”.
- Section 309, Wind Direction – wording is clarified.
- Section 310 – Determination of Amount Burned Daily
 - Subsection 310.1, Sacramento Valley Air Basin – Added new section for just this air basin.
 - Subsection 310.1.1 – a new subsection number as this is previously Section 310 and wording is clarified.
 - Subsection 310.1.2 – new subsection number as this is previously 310.1, and wording is clarified.
 - Subsection 310.2 – added a new subsection for the Mountain Counties and Lake Tahoe Air Basins that was in the burn rules rescinded in February 2011. With the addition of this subsection, all three of the air basins in Placer County are covered under Section 310 appropriately.

Changes to Section 400 Administrative Requirements

- Section 401, Burn Permit Application Information
 - Subsection 401.4 – wording is clarified
 - Subsection 401.5 the word “material” is replaced with “vegetation” and “agricultural waste” is added.
 - Subsection 401.6 the word “material” is replaced with “vegetation”.
 - Subsection 401.8 the word “burn” is added before “permit”.
 - Subsection 401.9 the word “burn” is added before “permit”.
 - Subsection 401.10 the word “burn” is added before “permit”.

EXHIBIT 2

Summary of Changes

Rule 302, Agricultural Waste Burning Smoke Management

- Section 402 Fire Agency Disclosure is deleted.
- Section 403 Revocation of a Burn Permit – is now Section 402, the word “burn” is added before “permit”, and grammar and reference changes are made.
 - Subsection 403.1 is now 402.1 and the word “burn” is added before “permit”.
- Section 404, Smoke Management Program – is now Section 403
 - Subsection 404.1, Sacramento Valley Air Basin – is now subsection 403.1.
 - Subsection 404.2, Mountain Counties and Lake Tahoe Air Basins – is now subsection 403.2.
- Section 405, APCO Approval – is now Section 404 and wording is clarified.
- Section 406, Permit Fees - is now Section 405, the word “Burn” is added before “Permit” in the title and the word “permit” is deleted before “fees”.

Changes to Section 500 Monitoring and Records

- Section 501 Burn Reports
 - Subsection 501.1, Annual Report – wording is clarified.
 - Subsection 501.2, Special Burn Permits Issuance Report - the word “burn” is added before “permit”.

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EXHIBIT 3

Summary of Changes

Rule 303, Prescribed Burning Smoke Management

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EXHIBIT 3

Summary of Changes

Rule 303, Prescribed Burning Smoke Management

Changes to Section 100 General

- Section 101, Purpose – replaced contaminates with contaminants and grammar changes.
- Section 103, Exemptions
 - Subsection 103.2, Exemptions from Section 304, Burn Days
 - Subsection 103.2.1, Empty Sacks or Containers – the word “burn” is added before “permit”, and grammar changes.
 - Subsection 103.2.2, Burn Day Exemption for Threat of Imminent and Substantial Economic Loss – the word “burn” is added before “permit” and small grammar changes.

Changes to Section 200 Definitions

- Section 205, Brush Treatment - “material” is replaced with “vegetation”.
- Section 207, Disallowed Combustibles – this is a new definition added for clarification.
- Section 207, Fire Protection Agency – is now Section 208.
- Section 208, Forest Management Burning – is now Section 209.
- Section 209, Forty-Eight (48) Hour Forecast – is now Section 210 and wording is clarified.
- Section 210, Land Manager – is now Section 211.
- Section 211, National Ambient Air Quality Standards (NAAQS) – is now Section 212.
- Section 212, Ninety-Six (96) Hour Trend – is now Section 213 and wording is clarified.
- Section 213, No Burn Day – is now Section 214.
- Section 214, Open Burning or Outdoor Fire - is now Section 215 and wording is clarified.
- Section 215, Particulate Matter (PM) - is now Section 216.
- Section 216, Permissive Burn Day or Burn Day – is now Section 217 and wording is clarified.
- Section 218, Prescribed Burn – this is a new definition added for clarification. It was originally part of the Prescribed Burning definition but was its own stand alone definition.
- Section 217, Prescribed Burning – is now Section 219 with subsections renumbered.
- Section 218 Range Improvement Burning – is now Section 220.
- Section 219, Sacramento Valley Smoke Management Program – is now Section 221 and wording is clarified.
- Section 220, Seventy-Two (72) Hour Outlook – is now Section 222 and wording is clarified.
- Section 221, Sheeting – is now Section 223.
- Section 222, Silvicultural Practices – is now Section 224.
- Section 223, Smoke Management Plan – is now Section 225.
- Section 224, Smoke Management Prescription – is now Section 226.

EXHIBIT 3

Summary of Changes

Rule 303, Prescribed Burning Smoke Management

- Section 225, Smoke Management Program – is now Section 227 and wording is clarified.
- Section 226, Smoke Sensitive Areas – is now Section 228 and the word cities are added to the examples of smoke sensitive areas.
- Section 227, State Ambient Air Quality Standards – is now Section 229.
- Section 228, Timber Operations – is now Section 230.
- Section 229, Wildfire – is now Section 231.
- Section 230, Wildland – is now Section 232.
- Section 231, Wildland Fire – is now Section 233.
- Section 232, Wildland/Urban Interface – is now Section 234.
- Section 233, Wildlife or Game Habitat – is now Section 235.
- Section 234, Wildland Vegetation Management Burning – is now Section 236.

Changes to Section 300 Standards

- Clarification language is added to Section 300, Standards.
- Section 302, Burn Permits
 - Subsection 302.1 - removed the word “conduct”.
 - Subsection 302.2 - wording is clarified.
- Section 303, Permit Validity - the word “Burn” is added before “Permit” in the title.
 - Subsection 303.1 – wording is clarified.
- Section 304, Burn Days – wording is clarified.
- Section 305, Registration of Prescribed Burns
 - Subsection 305.1.3 - “material” is replaced with “vegetation”.
 - Subsection 305.1.4 – wording is clarified.
 - Subsection 305.2 – referencing of the previous subsection is added for clarification.
- Section 306, Smoke Management Plans
- Subsection 306.1.1 – wording is clarified.
 - Subsection 306.2 – wording is clarified and the word “applicant” was changed to “land manager”.
 - Subsection 306.3 – wording is clarified.
 - Subsection 306.3.1 - “material” is replaced with “vegetation”.
 - Subsection 306.3.2 – wording is added for clarification.
 - Subsection 306.4 – wording is clarified.
- Subsection 306.4.2 – wording is clarified.
 - Subsection 306.5 – wording is clarified to read in the same format as previous subsections of 306.
 - Subsection 306.5.1 – format and wording clarification.
 - Subsection 306.5.2 – format and wording clarification.
 - Subsection 306.5.3 – format and wording clarification.
 - Subsection 306.5.4 – deleted as the language is now in subsection 306.5.
 - Subsection 306.5.5 – deleted as the language is now in subsection 306.5.
 - Subsection 306.6 – grammar change.

EXHIBIT 3

Summary of Changes

Rule 303, Prescribed Burning Smoke Management

- Subsection 306.7 – Naturally-Ignited Burns for Resource Benefits
 - Subsection 306.7.2 – grammar change.
 - Subsection 306.7.3 – grammar change.
- Subsection 306.8, Adherence with an Approved Smoke Management Plan – clarification in the title with the addition of “an” and the singularity of plan.
- Subsection 306.9, Post-Burn Evaluation Requirements – wording is clarified.
- Section 306.10, Fish and Game Certification – wording is clarified, including the adding of “burn” before “permit”.
- Section 307, Material Preparation and Drying Times – the word “material” in the title and in this section is replaced with “vegetation” and other wording is clarified.
 - Subsection 307.1 - “material” is replaced with “vegetation” and wording is clarified.
 - Subsection 307.2 - “material” is replaced with “vegetation”.
 - Subsection 307.3 – wording is clarified.
 - Subsection 307.4 – grammar changes.
 - Subsection 307.5 - grammar changes.
 - Subsection 307.7 – wording is clarified.
 - Subsection 307.8 – “material” is replaced with “vegetation”.
- Section 308, Burn Authorization
 - Subsection 308.1 – wording is clarified.
 - Subsection 308.3 – grammar change.
- Section 309, Approved Ignition Devices – the word “material” is replaced with “vegetation”.
- Section 310, Wind Direction – wording is clarified.
- Section 311 – Determination of Amount Burned Daily
 - Subsection 311.1, Sacramento Valley Air Basin – Added a new section for this air basin, it is previously Section 311.
 - Subsection 311.2, Mountain Counties and Lake Tahoe Air Basins. This is a new section that covers these two air basins that was in the burn rules rescinded in February 2011. With the addition of this subsection, all three of the air basins are covered under Section 311 appropriately.

Changes to Section 400 Administrative Requirements

- Section 401, Burn Permit Application Information
 - Subsection 401.4 wording is clarified.
 - Subsection 401.5 the word “material” is replaced with “vegetation”.
 - Subsection 401.6 the word “material” is replaced with “vegetation”.
 - Subsection 401.8 the word “burn” is added before “permit”.
 - Subsection 401.9 the word “burn” is added before “permit”.
 - Subsection 401.10 the word “burn” is added before “permit”.
- Section 402, Fire Agency Disclosure is deleted.
- Section 403, Revocation of a Burn Permit – is now Section 402, the word “burn” is added before “permit”, and grammar and references are made.

EXHIBIT 3

Summary of Changes

Rule 303, Prescribed Burning Smoke Management

- Subsection 403.1 is now 402.1 and the word “burn” is added before “permit” and section reference is changed.
- Section 404, Smoke Management Program – is now Section 403.
 - Subsection 404.1, Sacramento Valley Air Basin – is now subsection 403.1.
 - Subsection 404.2, Mountain Counties and Lake Tahoe Air Basins – is now subsection 403.2.
- Section 405, APCO Approval – is now Section 404 and wording is clarified.
- Section 406, Permit Fees - is now Section 405, the word “Burn” is added before “Permit” in the title and the word “permit” is deleted before “fees”.

Changes to Section 500 Monitoring and Records

- Section 501 Burn Reports
 - Subsection 501.1, Annual Report – wording is clarified and the word “waste” is replaced by “vegetation”.
 - Subsection 501.2, Special Burn permits Issuance Report - the word “burn” is added before “permit”.

EXHIBIT 4

Summary of Changes

Rule 304, Land Development Burning Smoke Management

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EXHIBIT 4

Summary of Changes

Rule 304, Land Development Burning Smoke Management

Changes to Section 100 General

- No Changes

Changes to Section 200 Definitions

- Section 201, Construction-Demolition Debris – wording is clarified.
- Section 202, Disallowed Combustibles – this new definition is added as it is referenced in Section 302, Prohibitions.
- Section 203, Land Development Burning - the word “material” is replaced with “vegetation”.
- Section 204, No-Burn Day – this new definition is added at the request of the U.S. EPA to make Section 304 clearer.
- Section 205, Seasonal Outdoor Burn Suspension – this definition is added and defines the typical “burn ban” when this type of burning is suspended during fire danger during the fire season.

Changes to Section 300 Standards

- Section 302, Prohibitions on Open Burning – grammar changes.
- Section 303, Allowable Combustibles – one grammar change is made in addition to adding information on possible restrictions on the burning of poison oak and oleander.
- Section 304, Burn Permits
 - Subsection 304.1 - remove the word “conduct”.
 - Subsection 304.2 - wording is clarified.
 - Subsection 304.3 – this new section is added to limit land development burning to those areas that, for practical and economic reasons, may not be able to dispose of vegetation except by burning. The District considers the location of this type of burning along with the amount of vegetation which can be burned to be critical part of deciding whether a burn permit should be issued.
 - Section 304.4 – this new section is added to include information on possible restrictions on the burning of poison oak and oleander.
- Section 305, Permit Validity - the word “Burn” is added before “Permit” in the title.
 - Subsection 305.1 – wording is clarified.
- Section 306, Burn Days – wording is clarified.
 - Subsection 306.1 – wording is clarified.
 - Subsection 306.2 – wording is clarified and uses a new definition.
 - Subsection 306.3 – this section is added to clarify that burning would not take place on days when there is a potential to violate the National Ambient Air Quality Standards.
- Section 307, Material Preparation and Drying Times – the word “material” in the title and in this section is replaced with “vegetation”.
 - Subsection 307.1 - the word “material” is replaced with “vegetation”, and wording is clarified.
 - Subsection 307.2 - the word “material” is replaced with “vegetation”.
 - Subsection 307.3 - the word “material” is replaced with “vegetation”.

EXHIBIT 4

Summary of Changes

Rule 304, Land Development Burning Smoke Management

- Subsection 307.4 – is deleted.
- Subsection 307.5 – is now 307.4 and has grammar changes.
- Subsection 307.6 – is now 307.5 and has grammar changes.
- Subsection 307.7 – is now 307.6 and has grammar changes.
- Subsection 307.8 – is now 307.7, with wording clarified and incorporating subsection 307.9 (which is deleted)
- Subsection 307.9 – is deleted. It is incorporated into what is now subsection 307.7.
- Section 308, Approved Ignition Devices – the word “material” is replaced with “vegetation”.
- Section 309, Wind Direction – wording is clarified.
- Section 310, Determination of Amount Burned Daily – wording is clarified.
- Section 311, Inspection Required Prior to Burning – this new section is added to help assure that burning is conducted according to this rule. Currently there is a provision in District Rule 607, Burn Permit Fees, for conducting an inspection when necessary. With concern over the location of land development burning and the proximity to populated areas, the District inspects each location, prior to issuing a burn permit. Requiring an inspection for each burn permit application helps in allowing this type of burning to occur where possible.

Changes to Section 400 Administrative Requirements

- Section 401, Permit Review – the word “burn” is added both before “Permit” in the title and in the section.
- Section 402, Burn Permit Application Information
 - Subsection 402.1 – this subsection is added to provide a mechanism for demonstrating that no practical alternatives and that burning may be necessary. The demonstration includes discussing the availability and feasibility of alternatives, including implementation costs. This section strengthens the relevance and practicality of if and when this type of burning is used.
 - Subsection 402.1 – is now 402.2
 - Subsection 402.2 – is now 402.3
 - Subsection 402.3 – is now 402.4
 - Subsection 402.4 – is now 402.5 and wording is clarified.
 - Subsection 402.5 – is now 402.6 the word “material” is replaced with “vegetation”.
 - Subsection 402.6 – is now 402.7 the word “material” is replaced with “vegetation”.
 - Subsection 402.7 – is now 402.8
 - Subsection 402.8 – is now 402.9
 - Subsection 402.9 – is now 402.10 and the word “burn” is added before “permit”.
 - Subsection 402.10 – is now 402.11 and the word “burn” is added before “permit”.
- Section 403, Fire Agency Disclosure is deleted.
- Section 404, Revocation of a Burn Permit – is now Section 403, the word “burn” is added before “permit”, and grammar and references are made.
 - Subsection 404.1 is now 403.1 and the word “burn” is added before “permit”.

EXHIBIT 4

Summary of Changes

Rule 304, Land Development Burning Smoke Management

- Section 405, Permit Fees - is now Section 404 and the word “burn” is added before “Permit” in the title and the word “permit” is deleted before “fees”.

Changes to Section 500 Monitoring and Records

- No changes

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EXHIBIT 5

Summary of Changes

Rule 305, Residential Allowable Burning

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EXHIBIT 5

Summary of Changes

Rule 305, Residential Allowable Burning

Changes to Section 100 General

- Section 101, Purpose – wording is clarified as per definition changes.
- Section 102, Applicability
 - Subsection 102.1 – wording is clarified, to match definitions.
- Section 103, Exemptions
 - Subsection 103.2, Exempt Areas – grammar change.

Changes to Section 200 Definitions

- Section 201, Allowable Combustibles – this definition is modified to include the materials that had been found in Section 209 Residential Allowable Burn Materials making this easier to understand. Additionally, oleander and poison oak are included as excluded from allowed combustibles in the definition. This clarifies its uses throughout this rule.
- Section 204, Disallowed Combustibles - a clarification to putrescible is added and a grammar change.
- Section 205, No-Burn Day – added this definition.
- Section 205, Open Burning or Open Outdoor Fire – is now Section 206 and wording is clarified.
- Section 206, Permissive Burn Day or Burn Day – is now Section 207 and the wording is clarified.
- Section 207, Residence – is now Section 208.
- Section 208, Residential Burning – is deleted.
- Section 209, Residential Allowable Burn Materials – is deleted.

Changes to Section 300 Standards

- Section 301, Prohibitions on Open Burning – wording is clarified.
- Section 302, Residential Allowable Burning – wording is clarified and includes changes in the definitions.
- Section 303, Burn Permits – this section is added at the recommendation of the U.S. EPA. This section qualifies that a District burn permit is not needed and a fire agency burn permit may be needed.
- Section 303, Burn Days – this section is now Section 304 and wording is clarified.
- Section 304, Material Preparation and Drying Times – this section is now Section 305. The word “material” in the title and in this section is replaced with “vegetation”.
 - Subsection 304.1 is now 305.1, the word “material” is replaced with “vegetation”, and wording is clarified.
 - Subsection 304.2 is now 305.2 and the word “material” is replaced with “vegetation”.
 - Subsection 304.3 is deleted.
 - Subsection 304.4 is now 305.3 and grammar changes.
 - Subsection 304.5 is now 305.4 and grammar changes.
 - Subsection 304.6 is now 305.5 and grammar changes.
 - Subsection 304.7 is now 305.6 and wording is clarified.
- Section 305, Approved Ignition Devices – is now Section 306 and the word “material” is replaced with “vegetation”.
- Section 306, Wind Direction – is now Section 307 and wording is clarified.

EXHIBIT 5

Summary of Changes

Rule 305, Residential Allowable Burning

- Section 307, Determination of Amount Burned Daily – is now Section 308 and wording is clarified.

Changes to Section 400 Administrative Requirements

- No changes

Changes to Section 500 Monitoring and Records

- No changes

EXHIBIT 6

Summary of Changes

**Rule 306,
Open Burning of Nonindustrial Wood Waste**

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EXHIBIT 6

Summary of Changes

Rule 306, Open Burning of Nonindustrial Wood Waste At Designated Disposal Sites

Changes to Section 100 General

- Section 102, Applicability - wording is clarified.
- Section 103, Elevation Above 1500 Feet - the word “burn” is added before “permit”.

Changes to Section 200 Definitions

- Section 201, Disallowed Combustibles – added this new definition for clarity.
- Section 202, No-Burn Day – added this new definition for clarity.
- Section 201, Nonindustrial Wood Waste – is now Section 203 and grammar change.

Changes to Section 300 Standards

- Section 301, Prohibitions on Open Burning – grammar changes.
- Section 303, Burn Permits
 - Subsection 303.1 - removed the word “conduct”.
 - Subsection 303.2 - wording is clarified.
- Section 304, Permit Validity - the word “Burn” is added before “Permit” in the title.
 - Subsection 304.1 – wording is clarified.
- Section 305, Burn Days – wording is clarified.
 - Subsection 305.1 – wording is clarified and the word “material” is replaced with “vegetation”.
- Section 306, Material Preparation and Drying Times – this section is now Section 305. The word “material” in the title and in this section is replaced with “vegetation”.
 - Subsection 306.1 - the word “material” is replaced with “vegetation”, and wording is clarified.
 - Subsection 306.2 - the word “material” is replaced with “vegetation”.
 - Subsection 306.3 - grammar changes.
 - Subsection 306.4 - grammar changes.
 - Subsection 306.5 - grammar changes.
- Section 307, Approved Ignition Devices – the word “material” is replaced with “vegetation”.
- Section 308, Wind Direction – wording is clarified.
- Section 309 – wording is clarified.

Changes to Section 400 Administrative Requirements

- Section 401, Permit Review – the word “burn” is added both before “Permit” in the title and in the section.
- Section 402, Burn Permit Application Information
 - Subsection 402.4 – wording is clarified.
 - Subsection 402.5 - the word “material” is replaced with “vegetation”.
 - Subsection 402.6 - the word “material” is replaced with “vegetation”.
 - Subsection 402.8 - the word “burn” is added before “permit”.
 - Subsection 402.9 - the word “burn” is added before “permit”.

EXHIBIT 6

Summary of Changes

Rule 306, Open Burning of Nonindustrial Wood Waste At Designated Disposal Sites

- Subsection 402.10 - the word “burn” is added before “permit”.
- Section 403, Fire Agency Disclosure is deleted.
- Section 404, Revocation of a Burn Permit – is now Section 403, the word “burn” is added before “permit”, and grammar and references changes are made.
 - Subsection 404.1 is now 403.1 and the word “burn” is added before “permit”.
- Section 405, Permit Fees - is now Section 404 and the word “burn” is added before “Permit” in the title and the word “permit” is deleted before “fees”.

Changes to Section 500 Monitoring and Records

- No changes

EXHIBIT 7

Summary of Changes

Rule 102, Definitions

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EXHIBIT 7

Summary of Changes

Rule 102, Definitions

Changes to Section 100 General

- No changes

Changes to Section 200 Definitions

- Section 202, Agricultural Operation – grammar change.
- Section 203, Agricultural Wastes
 - Subsection 203.2 – wording is clarified
- Section 207, Allowable Combustibles – the word “material” is replaced with “vegetation”.
- Section 212, Brush Treatment - the word “waste” is replaced with “vegetation”.
- Section 214, Burn Barrel – wording is clarified.
- Section 223, Disallowed Combustibles – a clarification to putrescible is added and a grammar change.
- Section 243, Open Burning or Open Outdoor Fire – is now 244 and wording is clarified.
- Section 248, Permissive Burn Day or Burn Day – is now 249 and wording is clarified.
- Section 257, Residential Allowable Burn Materials – this is deleted. This definition is specific to Rule 305, Residential Allowable Burning and it can be found in that Rule.
- Section 242, Mountain Counties Air Basin – this new definition is added to outline the geography and location of this air basin in Placer County.
- Section 258, Sacramento Valley Air Basin – this new definition is added to outline the geography and location of this air basin in Placer County.
- With the new definitions and changes, the definition sections have been renumbered.

Changes to Section 300 Standards

- No changes

Changes to Section 400 Administrative Requirements

- No changes

Changes to Section 500 Monitoring and Records

- No changes

EXHIBIT A

Rule 301- Non-Agricultural Burning Smoke Management

Amendments Shown

RULE 301
NONAGRICULTURAL BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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501 BURN REPORTS

100 GENERAL

101 PURPOSE: To establish criteria for the disposal of vegetation from wood waste, fire hazard reduction burning, mechanized burners, ~~to provide for~~ fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, ~~and to establish criteria~~ to better manage smoke non-agricultural burning in order to manage ~~smoke and to~~ reduce its ~~effect~~effects.

102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any ~~material~~ combustible.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE ~~MANAGEMENT~~MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE ~~MANAGEMENT~~MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning ~~shall be~~ forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule, provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation ~~on~~ on ~~material~~ which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306~~7~~ when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306~~7~~ if the denial of such burning would threaten imminent and substantial economic loss.

200 **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

201 **ALLOWABLE COMBUSTIBLES**: Vegetation ~~waste~~ originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

202 **BURN BARREL**: A metal container used ~~to hold disallowed combustibles, so that they can be ignited~~ outdoors for the purpose of disposal.

203 **COMBUSTIBLE**: Any substance capable of burning or any substance that will readily burn.

204 **CONSTRUCTION-DEMOLITION DEBRIS**: Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to: l lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

205 **DISALLOWED COMBUSTIBLES**: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or; wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

206 **FIRE HAZARD REDUCTION BURNING**: The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

207 **FIRE PROTECTION AGENCY**: Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

208 **FLAMMABLE**: Capable of catching fire easily, or combustible.

- 209 INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.
- 210 NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 211 OPEN BURNING OR OPEN OUTDOOR FIRE:** ~~Combustion~~Burning of any combustibles ~~waste~~ of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 212 PERMISSIVE BURN DAY OR BURN DAY:** Any day ~~in~~ which agricultural burning including prescribed burning, is not prohibited by the ARB and ~~or~~ the APCO.
- 213 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to: plywood, particle board, fencing, or railroad ties.
- 214 RECREATIONAL OR COOKING FIRE**
- 214.1 A ~~recreational~~ fire ~~that~~ is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 214.2 ~~A cooking fire is an~~ An open outdoor fire used for the cooking of food for human consumption.
- 215 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetati~~on~~ve material, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), ~~and wood waste debris~~ for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises ~~and which is~~ reasonably free of dirt, soil, and visible surface moisture. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.

~~**303 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:**
The burning of allowable combustibles in open outdoor fires, for disposal purposes, on the property where grown, is allowed when done in compliance with local ordinances to reduce fire hazard.~~

3034 BURN PERMITS

3043.1 A person shall not ignite, ~~conduct~~, or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:-

303.1.1 Fire Hazard Reduction

303.1.2 Mechanized Burner

303.1.3 Open Burning Conducted by Public Officers

303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance

3034.2 ~~If required, a~~ separate burn permit may also ~~need to be obtained from~~ be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.

3045 BURN PERMIT VALIDITY: No burn permit shall be construed to authorize open outdoor fires for any day during which:

3045.1 ~~Agricultural burning is prohibited by the ARB or the APCO~~ It is a no-burn day.

3045.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

3056 BURN DAYS: No person shall knowingly ignite, or allow ignition of allowable combustibles on no burn days ~~when it is prohibited by the ARB or the APCO~~ or when burning is prohibited by a fire protection agency.

3067 ~~VEGETATION~~MATERIAL PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation material being burned, (from when the vegetation was cut and is to be burned), the following are drying times ~~for vegetation:~~

3076.1 No vegetation material shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

3076.2 Vegetation Material stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

3076.3 A minimum of 15 days, of drying time, for fine prunings or cuttings, less than 3" in diameter, at the cut end.

3067.4 A minimum of three to six weeks, of drying time, for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.

3067.5 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.

306.6 Stumps greater than 12 inches, where cut, must be split. Stumps must be free of dirt and rocks. Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.

~~307.6 Unwanted trees shall be felled and dried prior to the burn.~~

3087 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

3089 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become ~~creating~~ a public nuisance or hazard.

3409 DETERMINATION OF AMOUNT BURNED DAILY: Only that amount of ~~vegetation material~~ that can be reasonably expected to burn completely within ~~the following 24 hours of ignition shall be ignited in any one day.~~

310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE: The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.

311 MECHANIZED BURNER: The APCO may authorize by burn permit, open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris, free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.

311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of ~~sub~~Sections ~~303~~~~304.1~~ and ~~304.2~~ are met. Section ~~306~~~~7~~, Vegetation Material Preparation and Drying Times, does not apply.

312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS: ~~With the exception of Section 303, Burn Permits, n~~Except as provided for under subsection 103.2.4, nNothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

312.1 The prevention of a fire hazard which cannot be abated by any other means.

312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.

312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.

312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.

312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

313.1 Disallowed combustibles must be removed prior to burning.

313.2 Vegetation has been prepared by stacking, drying, or other methods ~~to that~~ promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance ~~to nearest residential area (in miles) from the proposed burn to the nearest neighboring home or structure;~~

401.5 The type of ~~vegetation material~~ to be burned;

401.6 Acreage or estimated tonnage or size of pile of the ~~vegetation material~~ to be burned;

401.7 Reason for burning;

401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.

401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

~~402 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.~~

~~403~~402 **REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post eOffice, or a mail box, sub-post Office, substation, or mail chute, or other like facility.

~~4023~~.1 Within ten days after service of notice of revocation specified in Section ~~4023~~ above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

4034 BURN PERMIT FEES: Burn permits are valid only following receipt of ~~the permit~~ fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Public Officer Fire Hazard Reduction Burning Reporting: A fire hazardous reduction burning condition report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation material burned, and information on the determination made that there is a fire or health hazardous condition having an imminent effect on life or property, what is the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.

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EXHIBIT B

Rule 302 - Agricultural Waste Burning Smoke Management

Amendments Shown

RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters ~~used~~ for the prevention of frost damage ~~are~~ is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special ~~permit~~burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided ~~ed~~ing the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by ~~permit~~burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the ~~permit~~burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and ~~will~~ only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation ~~on~~ ~~ve~~ ~~material~~ associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

200 **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 **AGRICULTURAL OPERATION:** The growing and harvesting of crops ~~or~~; raising of fowl or animals; for the primary purpose of making a profit or providing a livelihood; or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations; but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the fields. This does not include, ~~however~~, such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide ~~plastic~~ containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard wastes removed for land use conversion to nonagricultural purposes.

204 **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

2054 **NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

- 2065 OPEN BURNING OR OPEN OUTDOOR FIRE:** ~~Burning~~Combustion of any ~~disallowed~~ combustibles ~~wastes~~ of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 2076 PERMISSIVE BURN DAY OR BURN DAY:** Any day ~~in~~ which agricultural burning, including prescribed burning, is not prohibited by the ARB and ~~or~~ the APCO.
- 2087 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetati~~on~~ve material, which may include standing green vegetation ~~(e.g. grasses, weeds, brush and small trees), and wood~~ ~~waste~~debris for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.
- 2098 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program ~~outlined~~implemented under a plan prepared by the Sacramento Valley Basin ~~Wide~~ Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of ~~an~~the elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 2109 SMOKE MANAGEMENT PLAN:** A document prepared for each ~~prescribed~~ fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.
- 2110 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning ~~of the California Code of Regulations.~~ The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 BURN PERMITS**
- 302.1 A person shall not ignite, ~~conduct,~~ or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.
- 302.2 ~~If required, A~~ separate burn permit may also ~~need to be obtained from~~ be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303 BURN PERMIT VALIDITY:** No ~~permit~~burn permit shall be construed to authorize open outdoor fires for any day during which:
- 303.1 ~~Agricultural burning is prohibited by the ARB or the APCO~~It is a no-burn day.
- 303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

304 BURN DAYS

- 304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days ~~when it is prohibited by the ARB or the APCO~~, or when burning is prohibited by fire protection agency.
- 304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

305 ~~VEGETATION~~MATERIAL PREPARATION AND DRYING TIMES

- 305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.
- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the ~~vegetation~~material being burned, (from when the vegetation was cut and is to be burned), the following are ~~the required~~ drying times ~~for vegetation~~:
- 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- 305.2.2 A minimum of 15 days~~7~~ of drying time~~7~~ for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
- 305.2.3 A minimum of three to six weeks~~7~~ of drying time~~7~~ for prunings or brush or small branches~~7~~ 3 to 6 inches in diameter, at the cut end.
- 305.2.4 A minimum of six weeks~~7~~ of drying time~~7~~ for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
- 305.2.5 No ~~vegetation~~material shall be burned unless it is reasonably free of dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2.6 ~~Vegetation Material~~ stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- ~~305.2.7 Unwanted trees shall be felled and dried prior to the burn.~~
- 305.2.7~~8~~ The ~~vegetation material~~ to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, ~~above~~ notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in ~~Subsection 306.2, and 306.3.~~

306.2 Straw: When checking a 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 ensure a representative sample. The provisions of Section 305.1, ~~above~~ notwithstanding, ~~rice~~ straw shall only be deemed dry enough to burn if a handful of straw selected ~~as described in subsection 306.2 above~~ crackles audibly when it is bent sharply.

307 LIGHTING PRACTICES: Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring, except when and where an extreme fire hazard is declared by a fire protection agency, or where crops are determined not to lend themselves to these techniques.

308 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The ~~vegetation material~~ to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

309 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or ~~which is or may become~~ ~~creating a public~~ nuisance or hazard.

310 DETERMINATION OF AMOUNT BURNED DAILY:

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days, ~~of for~~ open outdoor burning in agricultural operations in the growing of crops ~~or~~ and the raising of fowl or animals, shall be no more than that amount determined by the ARB from the daily basin-wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

~~310.1.2~~ 4A prescribed burn conducted under a Smoke Management Plan, ~~located in the Sacramento Valley Air Basin,~~ shall be considered a part of the daily agricultural burn acreage allocation ~~that was burned on a given day.~~

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING: The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure to nearest residential area (in miles);
- 401.5 The type of vegetation material or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation material to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the permit burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each permit burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the permit burn permit available for inspection at the burn site during the burn.

~~402 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.~~

~~403~~402 **REVOCAION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke an agricultural burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, for the revocation. ~~s~~Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States ~~P~~ost ~~O~~effice, or a mail box, sub-~~P~~ost ~~O~~effice, substation, or mail chute, or other like facility.

~~4023~~4023.1 Within ten days after service of the notice of revocation specified in Section ~~4023~~4023 above, the permit burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

~~4034~~ **SMOKE MANAGEMENT PROGRAM**

~~4034~~4034.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

~~4034~~4034.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

~~4045~~ **APCO APPROVAL:** No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily

allocation system. The APCO shall distribute the daily allocated acreage ~~throughout the District~~ for the purposes of minimizing the density of emissions and protecting downwind urban areas.

4056 BURN PERMIT FEES: Burn permits are valid only following receipt of ~~the permit~~ fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.

501.2 Special Burn Permits Issuance Report: A report of ~~permit~~ burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance ~~of each permit~~, the person or persons to whom the burn permit was issued, ~~and~~ an estimate of the amount of agricultural wastes burned ~~pursuant to the permit~~, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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EXHIBIT C

Rule 303 - Prescribed Burning Smoke Management

Amendments Shown

RULE 303 PRESCRIBED BURNING SMOKE MANAGEMENT

Adopted 02-10-11
([Amended 02-09-12](#))

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100 GENERAL

101 PURPOSE: To establish standards and administrative requirements under which agricultural burning, including prescribed burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air ~~contaminates~~ contaminants from such burning. This rule regulates the use of open outdoor fires used in forest management, range improvement, improvement of land for wildlife and game habitat or disease or pest prevention, or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

102 APPLICABILITY: The provisions of this Rule apply to all prescribed burning conducted in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS:

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exemptions From Section 304, Burn Days

103.2.1 Empty Sacks or Containers: The APCO may, by special ~~permit~~ burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided ~~ed~~ ing the sacks or containers are within the definition of agricultural wastes.

103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by ~~permit~~ burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the ~~permit~~ burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and will only authorize burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

200 **DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention; or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 **AIR QUALITY:** The characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the ARB pursuant to Section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and Section 169A of the federal Clean Air Act pertaining to visibility.

203 **AMBIENT AIR:** That portion of the atmosphere, external to buildings, to which the general public has access.

204 **BURN PROJECT:** An active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.

205 **BRUSH TREATMENT:** ~~Vegetation-Material~~ to be burned that has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

206 **CLASS I AREA:** A mandatory visibility protection area designated pursuant to Section 169A of the federal Clean Air Act.

207 **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

2087 **FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

2098 **FOREST MANAGEMENT BURNING:** The use of open outdoor fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices, and forest protection practices.

2109 **FORTY-EIGHT (48) HOUR FORECAST:** A prediction of the meteorological and air quality conditions that are expected to exist for a ~~specific~~-prescribed burn in a specific area 48 hours from the day of the prediction. The prediction should indicate a degree of confidence.

2110 **LAND MANAGER:** 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.

- 2124 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards promulgated by the United States Environmental Protection Agency that specify the maximum acceptable concentrations of pollutants in the ambient air to protect public health with an adequate margin of safety, and to protect public welfare from any known or anticipated adverse effects of such pollutants (e.g., visibility impairment, soiling, harm to wildlife or vegetation, materials damage, etc.) in the ambient air.
- 2132 NINETY-SIX (96) HOUR TREND:** A prediction of the meteorological and air quality conditions that are expected to exist for a ~~specific~~-prescribed burn in a specific area 96 hours from the day of the prediction.
- 2143 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 2154 OPEN BURNING OR OUTDOOR FIRE:** ~~Burning of a~~Any combustibles ~~on~~-of ~~allowed combustibles of~~ any type, outdoors, in the open, ~~air-not-in-any-enclosure~~, where the products of combustion are not directed through a flue.
- 2165 PARTICULATE MATTER (PM):** Any material, except uncombined water, which can exist in a finely divided form as a liquid or solid.
- 2176 PERMISSIVE BURN DAY OR BURN DAY:** Any day ~~in~~ which agricultural burning, including prescribed burning, is not prohibited by the ARB and or the APCO.
- 218 PREScribed BURN: Includes Forest Management, Range Improvement, Wildland Vegetation Management, Wildland/Urban Interface, and naturally-ignited burns for resource benefits.**
- 2197 PRESCRIBED BURNING:** The planned application and confinement of fire to wildland fuels on lands selected in advance of that application, to achieve any of the following objectives:
- 2197.1 Prevention of high-intensity wildland fires through the reduction of the volume and continuity of wildland fuels;
 - 2197.2 Watershed management;
 - 2197.3 Range improvement;
 - 2197.4 Vegetation management;
 - 2197.5 Forest improvement and/or forest management;
 - 2197.6 Wildlife habitat improvement;
 - 2197.7 Air quality maintenance.
- ~~The term "prescribed burn" which is used throughout this Rule includes Forest Management, Range Improvement, Wildland Vegetation Management, Wildland/Urban Interface, and naturally-ignited burns for resource benefits.~~
- 22048 RANGE IMPROVEMENT BURNING:** The use of open outdoor fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- 2219 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program outlined under a plan prepared by the Sacramento Valley Basinwide Air Pollution Control

Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of ~~an~~the elected district board member and APCO, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.

- 2220 SEVENTY-TWO (72) HOUR OUTLOOK:** A prediction of the meteorological and air quality conditions that are expected to exist for a ~~specific~~-prescribed burn, in a specific area, 72 hours from the day of the prediction.
- 2234 SHEETING:** Polyethylene, kraft paper or other products commercially manufactured for covering piles of vegetation prior to burning for the purpose of keeping vegetation dry. Covers on piles have been shown to reduce emissions, by keeping some of the pile dry, which allows more rapid ignition of the piles with a minimum need for ignition accelerants.
- 2242 SILVICULTURAL PRACTICES:** The establishment, development, care, maintenance, or reproduction of stands of timber.
- 2253 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations.
- 2264 SMOKE MANAGEMENT PRESCRIPTION:** Measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code Section 41700, public nuisance statute.
- 2275 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the California Air Resources Board as required under Title 17 of the California Code of Regulations,⁷ Chapter 1, Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning ~~of the California Code of Regulations~~. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.
- 2268 SMOKE SENSITIVE AREAS:** Populated areas and other areas where the District has determined that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
- 2279 STATE AMBIENT AIR QUALITY STANDARDS:** Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects, as established by the state board pursuant to Health and Safety Code Section 39606.
- 23028 TIMBER OPERATIONS:** The cutting or removal of timber or other forest vegetation.
- 23129 WILDFIRE:** An unwanted wildland fire.
- 2320 WILDLAND:** 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 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 CAL FIRE only, "Wildland" as specified in California Public Resources Code (PRC) 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.

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.

2331 WILDLAND FIRE: Any nonstructural fire, other than prescribed fire, that occurs in the wildland.

2342 WILDLAND/URBAN INTERFACE: The line, area, or zone where structures and other human development meet or intermingle with the wildland.

2353 WILDLIFE OR GAME HABITAT: Any area used or planned to be used for conservation or management of wild plants or animals.

2364 WILDLAND VEGETATION MANAGEMENT BURNING: The use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominantly covered with chaparral, (As defined in California Code of Regulations, Title 14, Division 1.5, Chapter 9.8, Article 1, Section 1561.1), trees, grass or standing brush. The planned application of fire may include naturally ignited burns.

300 STANDARDS

~~These requirements constitute~~ The provisions of the Smoke Management Program, pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program are included within Sections 300 and 400.

301 PROHIBITIONS ON OPEN BURNING: Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

302 BURN PERMITS

302.1 A person shall not ignite, ~~conduct~~, or allow agricultural burning or prescribed burning without first obtaining a valid burn permit from the District.

302.2 ~~If required, a~~ separate burn permit may also ~~need to be obtained~~ be required from the fire protection agency that has jurisdiction in the area of the proposed burn project.

303 BURN PERMIT VALIDITY: No ~~permit~~ burn permit shall be construed to authorize open outdoor fires for any day during which:

303.1 ~~Agricultural burning is prohibited by the ARB or the APCO~~ It is a no-burn day.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

304 BURN DAYS: No person shall knowingly ignite or allow ignition of ~~permit~~ agricultural burning or prescribed burning on no burn days ~~when it is prohibited by the ARB or the APCO~~, or when burning is prohibited by a fire protection agency.

305 REGISTRATION OF PRESCRIBED BURNS

- 305.1 All persons who want to conduct prescribed burning in the District in any particular calendar year must register their planned burn projects with the District. Burn projects shall be registered semi-annually prior to the spring and fall burn season. Updates and late additions to this registration process are accepted.
- 305.1.1 The burn registration shall include the name and address of the permittee, including a contact person with phone number.
- 305.1.2 A listing of all projects planned, with legal descriptions of their locations (township, range, section number).
- 305.1.3 An estimate of the total acreage and/or tons of ~~vegetation material~~ to be burned.
- 305.1.4 The scheduled month of expected burning for each listed burn project.
- 305.1.5 A meteorological prescription addressing smoke management concerns, if applicable.
- 305.2 Burn registrations are not required to be in a specific format but shall contain all the required information in sub-section 305.1.

306 SMOKE MANAGEMENT PLANS

Smoke management plans may be required for the following types of burns: planned wildland, wildland vegetation management, forest management, and range improvement burn projects.

- 306.1 Submittal and District approval of a smoke management plan, unless otherwise indicated.
- 306.1.1 Submittal of a smoke management plan shall occur at least 14 days in advance of the burn. District approval of the smoke management plan shall be obtained at least 72 hours prior to the burn.
- 306.2 ~~For b~~ Burn projects less than 10 acres in size and/or that will emit less than one ton of particulate matter, the applicant-land manager must obtain a District burn permit.
- 306.3 ~~For b~~ Burn projects between 10ten and 100 acres and/or that will emit between one ton and 10ten tons of particulate matter, the land manager must obtain in addition to a District burn permit, and submit the following information is required for in a the smoke management plan:
- 306.3.1 Location, types and amounts of ~~vegetation material~~ to be burned;
- 306.3.2 Expected duration of the prescribed fire from ignition to extinction;
- 306.3.3 Identification of responsible personnel, including telephone contacts; and
- 306.3.4 Identification and location of all smoke sensitive areas
- 306.4 ~~For B~~ burn projects greater than 100 acres or estimated to produce more than 10ten tons of particulate matter, the land manager must obtain in addition to a

District burn permit, and submit the information in Section 306.3, along with the following information ~~in a is required for the~~ smoke management plan:

- 306.4.1 Identification of meteorological conditions necessary for burning;
- 306.4.2 The smoke management criteria the land manager or his/her designee will use ~~infer~~ making burn ignition decisions;
- 306.4.3 Projections, including a map, of where the smoke is expected to travel, both day and night;
- 306.4.4 Specific contingency actions, including fire suppression or containment plans, that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; and
- 306.4.5 An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act or the California Environmental Quality Act as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement or the location of where such information may be found can be referred to in the smoke management plan.

306.5 ~~For b~~ Burn projects that are greater than 250 acres, or will continue burning or producing smoke overnight, or are near smoke sensitive areas or as otherwise required by the District, the land manager must obtain a District burn permit and submit the information in Sections 306.3 and 306.4, along with the following information in a smoke management plan which may fall under Section 306.5.1 to 306.5.5 shall contain, at a minimum, all requirements in Section 306.4 along with visual monitoring, ambient particulate matter monitoring or other monitoring as approved by the APCO.

306.5.1 ~~Visual monitoring; Large projects are any of the following:~~

306.5.2 ~~Ambient particulate monitoring; or Projects greater than 250 acres;~~

306.5.3 ~~Other monitoring as approved by the APCO. Projects that will continue burning or producing smoke overnight;~~

~~306.5.4 — Projects conducted near smoke sensitive areas; or~~

~~306.5.5 — Projects as determined by the APCO or his designee.~~

306.6 The land manager shall coordinate daily with the District, or the ARB, for multi-day burns that may impact smoke sensitive areas, to affirm that the burn project complies with the conditions specified in the smoke management plan, and/or whether contingency actions are necessary. If the land manager or District staff observes unacceptable smoke impacts occurring to a smoke sensitive area from an authorized burn, then the burner shall promptly take such contingency actions as necessary.

306.7 Naturally-Ignited Burns for Resource Benefits: When a natural ignition occurs on a no burn day, the initial “go/no-go” decision to manage the fire for resource benefit shall be a “no-go” unless:

306.7.1 After consultation with the appropriate land manager, the District determines, for smoke management purposes, that the burn can be managed for resource benefit; or

306.7.2 For periods of less than 24 hours, the land manager has made a reasonable effort to contact the District, or if the District is not available, the ARB.

306.7.3 After 24 hours, the land manager has made a reasonable effort to contact the District, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

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

Smoke management plans shall be submitted within 72 hours of the start of the fire for naturally ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size.

306.8 Adherence with an Approved Smoke Management Plans: The land manager or his/her designee conducting a prescribed burn shall ensure that all conditions and requirements stated in the approved smoke management plan are met on the day of the burn event, prior to ignition.

306.9 Post-Burn Evaluation Requirements: The land manager shall submit a post-burn ~~smoke management~~ evaluation for fires greater than 250 acres or fires with adverse smoke impacts, as determined by the APCO, within thirty (30) days of project completion.

306.10 Fish and Game Certification: For burns done primarily for the improvement of land for wildlife and game habit, the burn permit applicant shall file with the District a statement from the California Department of Fish and Game (CDFG) certifying that the prescribed burn is desirable and proper. The CDFG may specify the amount of brush treatment required, along with any other conditions it deems appropriate. Alternatively, the APCO may accept a wildlife biologist opinion contained in a land management plan approved by the appropriate state or federal authority or certifications by the United States Fish and Wildlife Service.

307 VEGETATION MATERIAL PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the ~~vegetation material~~ being burned, (from when the vegetation was cut until it is to be burned), the following are ~~the required recommended~~ drying times ~~for vegetation:~~

307.1 No ~~vegetation material~~ shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

307.2 For pile burning, the ~~vegetation material~~ shall be burned in place or stacked loosely, dried and be free of dirt and surface moisture when possible. Piled ~~vegetation material~~ shall be prepared so that it will burn with a minimum of smoke.

307.3 Drying times for vegetation to be included in a range improvement burn shall be at least ~~six 6~~ months, if economically and technically feasible.

- 307.4 A minimum of three to six weeks, of drying time, for prunings or brush or small branches, 3 to 6 inches in diameter, at the cut end, is suggested for prescribed burning.
- 307.5 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end, is suggested for prescribed burning. Stumps should be free of dirt and rocks.
- 307.6 Unwanted trees shall be felled and dried prior to the burn.
- 307.7 The vegetation to be burned must ~~have originated~~ within the boundaries of the prescribed burning project.
- 307.8 ~~Vegetation Material~~ should be windrowed or piled if technically feasible.
- 307.9 Burn Pile Sheeting: Sheeting may be burned with the vegetation provided that:
 - 307.9.1 The sheeting has been covering piled vegetation for at least one month prior to burning;
 - 307.9.2 The amount of sheeting burned is no more than the minimum necessary to cover the pile;
 - 307.9.3 Removal of the sheeting before burning is impractical; and
 - 307.9.4 The land manager is able to provide evidence, such as purchase records or package labeling, that the sheeting is manufactured for this purpose.

308 BURN AUTHORIZATION: The burn authorization specifies the amount, timing, and location for the burn projects on a daily basis.

- 308.1 Burn authorizations shall be given on a first come - first served basis. ~~A b~~ Burn authorization may be rescinded if meteorological conditions change such that adverse air quality impacts, including complaints, are likely, or if burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area. Authorization requests to the ~~D~~istrict can be made by phone, fax, email, ~~or~~ in person or through a web-based program, prior to ignition.
- 308.2 Burning shall only be conducted on a burn day except as allowed under Section 103.2.
- 308.3 Prior to requesting a burn authorization from the District, land managers ~~can~~may obtain a 48-hour forecast, 72-hour outlook, and a 96-hour trend for specific burns from the California Air Resources Board duty meteorologist. These forecasts are not a substitute for a burn authorization, and contain no guarantee that a favorable forecast will necessarily lead to a burn authorization approval from the District.
- 308.4 For multi-day burns the burner shall obtain daily authorization from the District prior to continuing with the burn.

309 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The ~~vegetation material~~ to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

310 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become creating a public nuisance or hazard.

311 DETERMINATION OF AMOUNT BURNED DAILY:

311.1 Sacramento Valley Air Basin: A prescribed burn conducted under a Smoke Management Plan, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burning acreage allocation that was burned on a given day.

311.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT APPLICATION INFORMATION

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure to nearest residential area (in miles);

401.5 The type of vegetation material or agricultural waste to be burned;

401.6 Acreage or estimated tonnage or size of pile of the vegetation material to be burned;

401.7 Reason for burning;

401.8 Applicant's signature with date signed. The applicant signing the permit burn permit shall read and attest to the accuracy of the information provided.

401.9 Each permit burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

401.10 The applicant or representative shall have the permit burn permit available for inspection at the burn site during the burn.

~~402 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.~~

~~403~~402 **REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons. ~~therefore,~~ ~~s~~Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States ~~p~~Post ~~O~~ffice, or a mail box, sub-~~P~~ost ~~O~~ffice, substation, or mail chute, or other like facility.

40~~23~~.1 Within ten days after service of ~~the~~ notice of revocation specified in Section 40~~23~~
~~above~~, the ~~permit~~burn permit holder may petition the Hearing Board in writing for
a public hearing. The Hearing Board, after notice and a public hearing held within
30 days after filing the petition, may sustain or reverse the decision of the APCO
or the designated agency.

40~~34~~ SMOKE MANAGEMENT PROGRAM

40~~34~~.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management
Program applies to agricultural and other burning operations, as defined by
Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the
Sacramento Valley Air Basin. Policies and procedures specified by the
Sacramento Valley Smoke Management program apply throughout the year
unless otherwise specified in the program.

40~~34~~.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke
Management Program applies to agricultural and other burning operations, as
defined by Section 80101 of Title 17 of the CCR, which are in the Mountain
Counties and Lake Tahoe Air Basins. Policies and procedures specified by this
program apply throughout the year unless otherwise specified in the program.

40~~45~~ APCO APPROVAL: No person shall commence an agricultural burn without receiving
permission from the APCO, or his/her designee. ~~For those air basins using a daily
allocation system, the~~The APCO shall distribute the daily allocated acreage ~~throughout
the district~~ for the purposes of minimizing the density of emissions and protecting
downwind urban areas.

40~~56~~ BURN PERMIT FEES: Burn permits are valid only following receipt of ~~the permit~~ fees
specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 BURN REPORTS

- 501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage of vegetationwaste from prescribed burning, and the location of where the burning was performed.
- 501.2 Special Permits Issuance Report: A report of permitburn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such permitburn permits issued, the date of issuance of each permitburn permit, the person or persons to whom the permitburn permit was issued, and an estimate of the amount of vegetation burned pursuant to the permitburn permit, and a summary of the reasons why denial of each permitburn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

EXHIBIT D

Rule 304 - Land Development Burning Smoke Management

Amendments Shown

RULE 304 LAND DEVELOPMENT BURNING SMOKE MANAGEMENT

Adopted 02-10-11
(Amended 02-09-12)

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500 MONITORING AND RECORDS (None)

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100 GENERAL

101 PURPOSE: To establish standards and administrative requirements under which land development burning, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

102 APPLICABILITY: The provisions of this rule shall apply to all residential or commercial land development burning located in Placer County except where otherwise prohibited by a local jurisdiction.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 CONSTRUCTION-DEMOLITION DEBRIS: Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

202 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

203 LAND DEVELOPMENT BURNING: The use of open outdoor fires for the disposal of vegetation material ~~(wood waste)~~ grown on property being developed for commercial or residential purposes.

204 NO-BURN DAY: Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

205 SEASONAL OUTDOOR BURN SUSPENSION: A suspension by fire agencies of open burning activities typically begins on July 1st of each year (or sooner) and extending through the fire season until lifted by those fire agencies in the fall.

300 STANDARDS

301 AUTHORIZATION TO BURN: Pursuant to Section 41802 of the California Health and Safety Code, this Rule authorizes land development burning.

302 PROHIBITIONS ON OPEN BURNING: Except as provided in Regulation 3, no person shall use an open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.

303 ALLOWABLE COMBUSTIBLES: The only allowable combustibles that can be burned is vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) may be subject to additional permit conditions under Section 304.

304 BURN PERMITS

304.1 A person shall not ignite, ~~conduct~~, or allow open outdoor burning, pursuant to this Rule, without first obtaining a valid burn permit from the District.

304.2 ~~If required, a~~ separate burn permit may also be required need to be obtained from the fire protection agency that has jurisdiction in the area of the proposed burn project.

304.3 No permit shall be issued for land development burning, except for vegetation removed for residential development purposes from the property of a single or two family dwellings or when the burn permit applicant has provided a demonstration in Section 400 that there is no practical alternative to burning and the APCO has determined that the demonstration has been made. The APCO may weigh the relative impacts of burning on air quality in requiring a more persuasive demonstration for more densely populated regions for a large proposed burn versus a smaller one.

304.4 The APCO may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*).

305 BURN PERMIT VALIDITY: No burn permit shall be construed to authorize open outdoor fires for any day during which:

305.1 ~~Agricultural burning is prohibited by the ARB or the APCO~~ It is a no-burn day.

305.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

306 BURN DAYS: No person shall knowingly ignite, or allow ignition, of allowable combustibles, on days when it is:

306.1 A no burn day ~~Prohibited by the ARB or the APCO,~~ or

306.2 When it is prohibited by a fire protection agency including, during the seasonal outdoor burn suspension, or

306.3 Those days during the ozone season (May – October) when there is a potential for a violation of the National Ambient Air Quality Standards (NAAQS).

307 ~~VEGETATION MATERIAL PREPARATION AND DRYING TIMES:~~ To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the ~~vegetation material~~ being burned, (from when the vegetation was cut and is to be burned), the following are drying times ~~for vegetation:~~

307.1 No ~~vegetation material~~ shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

307.2 ~~Vegetation Wood waste~~ should be windrowed if economically and technically feasible.

307.3 ~~Vegetation Material~~ stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

~~307.4 Unwanted trees shall be felled and dried prior to the burn.~~

307.~~45~~ A minimum of 15 days~~7~~ of drying time~~7~~ for fine prunings or cuttings less than 3 inches in diameter~~1~~ at the cut end.

307.~~56~~ A minimum of three to six weeks~~7~~ of drying time~~7~~ for prunings or brush or small branches~~7~~ 3 to 6 inches~~7~~ in diameter, at the cut end.

307.~~67~~ A minimum of six weeks~~7~~ of drying time~~7~~ for trees, stumps~~7~~ and large branches~~7~~ greater than 6 inches in diameter, at the cut end.

307.~~78~~ ~~Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt. Wood waste, greater than 12 inches in diameter, with the exception of stumps, shall not be included in the burn.~~

~~307.9 Stumps, greater than 12 inches in diameter, at the cut shall not be included in the burn unless they are split in half and free of dirt.~~

308 **APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The ~~vegetation material~~ to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

309 **WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or ~~when it is or may become creating a public~~ nuisance or hazard.

310 **DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of ~~vegetation material~~ that can be reasonably expected to burn completely within ~~the following 24 hours of ignition shall be ignited in any one day.~~

311 **INSPECTION REQUIRED PRIOR TO BURNING:** Prior to burning pursuant to an issued burn permit an inspection is required to assess compliance with Section 300 Standards and Section 400 Administrative Requirements, and any non-compliance shall be remedied, including the removal of all disallowed combustibles, and the corrections verified, before burning can proceed.

400 ADMINISTRATIVE REQUIREMENTS

401 **BURN PERMIT REVIEW:** The APCO or staff shall review and sign all burn permits prior to the authorization of authorizing burning.

402 BURN PERMIT APPLICATION INFORMATION

402.1 A demonstration that there is no practical alternative that can be used in lieu of burning to dispose of the vegetation. In addition to other information provided in the application, the demonstration shall include a discussion of the availability and feasibility of the alternatives to open burning, including implementation costs; efforts made to reduce the quantity of material to be burned; the impact of burning upon air quality conditions; and such other factors that warrant inclusion such as weather considerations, topography, and hazardous fire conditions.

402.42 Type of burning;

402.32 Name and/or Business Name and address of the permittee;

402.43 Location of the proposed burn;

402.54 Distance from the proposed burn to the nearest neighboring home or structure;
residential area (in miles)

402.65 The type of vegetationmaterial to be burned;

402.76 Acreage or estimated tonnage or size of pile of the vegetationmaterial to be burned;

402.87 Reason for burning;

402.98 Applicant's signature with date signed. The applicant signing the permit shall read and attest to the accuracy of the information provided.

402.109 Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS **BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE.**"

402.110 When burning the applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

~~**403 FIRE AGENCY DISCLOSURE:** A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.~~

4034 REVOCATION OF A BURN PERMIT: The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Ppost Oeffice, or a mail box, sub-Ppost Oeffice, substation, or mail chute, or other like facility.

4034.1 Within ten days after service of notice of revocation specified in Section 4034 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within

30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

4045 **BURN PERMIT FEES:** Burn permits are valid only following receipt of ~~the permit fees~~ specified in Rule 607, BURN PERMIT FEES.

500 **MONITORING AND RECORDS** (None)

EXHIBIT E

Rule 305 - Residential Allowable Burning

Amendments Shown

RULE 305 RESIDENTIAL ALLOWABLE BURNING

Adopted 02-10-11
(Amended 02-09-12)

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400 ADMINISTRATIVE REQUIREMENTS (None)

500 MONITORING AND RECORDS (None)

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100 GENERAL

101 PURPOSE: To reduce emissions of toxic air contaminants from smoke from allowed outdoor burning at a residence, of ~~residential~~ allowable ~~combustibles burn materials~~ originating on the premises where burned.

102 APPLICABILITY

102.1 This rule shall apply to persons conducting outdoor burning of residential allowable combustibles, ~~associated with a residence~~.

102.2 Title 17 of the California Code of Regulations for the Airborne Toxic Control Measure (ATCM) to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning.

103 EXEMPTIONS

103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OF OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exempt Areas: Effective January 1, 2004, on burn days only, fires for the disposal of dry, non-glossy paper and cardboard originating from, and being burned on the premises of a residence, may only be burned if an exemption has been approved by the District Board of Directors that meets all the following subsections 103.2.1 through 103.2.4.

103.2.1 The residence is not in an incorporated place; and

103.2.2 The residence lies within the boundaries of a census zip code or census zip code sub-area, within the district where the population density is equal to or less than 10.0 persons, as calculated from the last decennial United States Census Data; and

103.2.3 The residence is in an area not served on a weekly basis by an organized waste disposal service; and

103.2.4 The residence does not lie within the boundary of a jurisdiction which prohibits the burning of dry, non-glossy paper and cardboard as of January 4, 2002, or thereafter.

103.2.5 Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons the air district may renew the exemption every ten years pursuant to Section 93113(e), Title 17 of the California Code of Regulations.

200 **DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 **ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises of a residence, limited to the following: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. Lawn clippings, oleander (*nerium oleander*), and poison oak (*toxicodendron diversilobum*) are excluded. ~~Vegetation waste originating on the premises and that is not~~ reasonably free of dirt, soil, and visible surface moisture, is not an allowed combustible.

202 **BURN BARREL:** A metal container used to hold combustible or flammable waste materials, so that they can be ignited outdoors for purpose of disposal.

203 **COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

204 **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials; or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

205 **NO-BURN DAY:** Any day on which agricultural burning, including residential burning, is prohibited by the ARB or the APCO.

2065 **OPEN BURNING OR OPEN OUTDOOR:** Burning Combustion ~~waste~~ of any combustibles waste of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

2076 **PERMISSIVE BURN DAY OR BURN DAY:** Any day ~~in~~ which agricultural burning including residential burning, is not prohibited by the ARB and or the APCO.

2087 **RESIDENCE:** A single or two-family dwelling unit and the land and ancillary surrounding (nonresidential) structures.

~~**208** **RESIDENTIAL BURNING:** The disposal of allowable combustibles from a residence by burning outdoors.~~

~~**209** **RESIDENTIAL ALLOWABLE BURN MATERIALS:** VegetationMaterials originating from a residence, limited to the following natural vegetation: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. The burning of lawn clippings, oleander (*nerium oleander*), and poison oak (*toxicodendron diversilobum*) is prohibited. The burning of medical marijuana (genus cannabis) plant material for disposal purposes is prohibited.~~

300 **STANDARDS**

301 **PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowedable combustibles.

302 ~~RESIDENTIAL ALLOWABLE RESIDENTIAL BURNING:~~ Only ~~residential~~-allowable ~~combustibles~~~~burn materials~~, originating at a residence, and free of disallow~~ed~~able combustibles, and reasonably free from dirt, soil, and visible surface moisture, may be burned in an open outdoor burn pile. Burning in a burn barrel is prohibited.

303 BURN PERMITS

303.1 A District burn permit is not required for residential allowable burning.

303.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the residential allowable burning.

3043 **BURN DAYS:** No person shall knowingly ignite, or allow ignition of, allowable combustibles, on no-burn days ~~when it is prohibited by the ARB or the APCO~~ or when it is prohibited by a fire protection agency.

3054 ~~VEGETATION MATERIAL PREPARATION AND DRYING TIMES:~~ To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the ~~vegetation material~~ being burned, (from when the vegetation was cut and is to be burned), the following are drying times ~~for vegetation:~~

3054.1 No ~~vegetation material~~ shall be burned unless it is free of disallow~~ed~~able combustibles, dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

3054.2 ~~Vegetation Material~~ stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

~~304.3 Unwanted trees shall be felled and dried prior to the burn.~~

3054.34 A minimum of 15 days, of drying time, for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.

3054.45 A minimum of three to six weeks, of drying time, for prunings or brush or small branches, 3 to 6 inches in diameter, at the cut end.

3054.56 A minimum of six weeks, of drying time, for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.

3054.67 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt. Stumps, greater than 12 inches in diameter, at the cut shall not be included in the burn unless they are split in half and free of dirt.

3065 **APPROVED IGNITION DEVICES:** All open fires as authorized by this regulation shall be ignited only with approved ignition devices. The ~~vegetation material~~ to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

3076 **WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become creating a ~~public~~ nuisance or hazard.

3087 **DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of ~~vegetation material~~ that can be reasonably expected to burn completely within ~~the following~~ 24 hours of ignition unless the burn hours are further restricted ~~shall be ignited in any one day.~~

400 **ADMINISTRATIVE REQUIREMENTS** (None)

500 MONITORING AND RECORDS (None)

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EXHIBIT F

**Rule 306 - Open Burning of Non-Industrial Wood Waste at Designated Disposal
Sites**

Amendments Shown

RULE 306 OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES

Adopted 02-10-11
(Amended 02-09-12)

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100 GENERAL

101 PURPOSE: To control and monitor open burning of nonindustrial wood waste at designated disposal sites above 1500 feet elevation, mean sea level.

102 APPLICABILITY: Pursuant to California Health and Safety Code, Sections 41803 and 41804.5, this Rule authorizes the use of open outdoor fires for the burning of nonindustrial wood waste at designated disposal sites where such use has been permitted by the District and approved by the [California Air Resources Board](#) ARB.

103 ELEVATION ABOVE 1500 FEET: Only city or county officials, in their official capacity, may apply for [a burn permits](#) to dispose of non-industrial wood waste at disposal sites located above 1500 feet, mean sea level.

104 EXEMPTIONS:

104.1 Rule Exemptions

104.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.4 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

104.1.5 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

104.2 Exemption, Determination of Amount Burned Daily: Open burning of nonindustrial wood waste at designated disposal sites are exempt from burning that which can be reasonably expected to burn completely within the following 24 hours, once ignition occurs.

200 DEFINITIONS: (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

201 DISALLOWED COMBUSTIBLES: Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

2042 NO-BURN DAY: Any day on which agricultural burning, including burning at a designated disposal site, is prohibited by the ARB or the APCO.

~~2034~~ **NONINDUSTRIAL WOOD WASTE:** Vegetation consisting of trees, vines and brush, which has been brought to the designated disposal site.

300 STANDARDS

301 PROHIBITIONS ON OPEN BURNING: Except as provided in this Rule or Regulation 3, no person shall use an open outdoor fires for the purpose of disposal or burning of any disallowed combustibles.

302 ARB SITE APPROVAL: Open burning of nonindustrial wood waste shall not be permitted at a disposal site until the ARB has approved the use of open outdoor fires for disposing of nonindustrial wood waste at the site.

303 BURN PERMITS

303.1 A person shall not ignite, ~~conduct~~, or allow open outdoor burning without a valid burn permit from the District.

303.2 ~~If required, a~~ separate burn permit may also ~~need to be~~ required obtained from the fire protection agency that has jurisdiction in the area of the proposed burn project.

304 BURN PERMIT VALIDITY: No burn permit shall be construed to authorize open outdoor fires for any day during which:

304.1 ~~Agricultural burning is prohibited by the ARB or the APCO~~ It is a no-burn day.

304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

305 BURN DAYS: No person shall knowingly ignite, or allow ignition of allowable combustibles, on no burn days ~~when it is prohibited by the ARB or the APCO~~ or when it is prohibited by a fire protection agency.

305.1 If burning begins on a permissive burn day and in the subsequent days, a ~~no~~-burn day occurs, only that which is burning can continue to burn; no new or additional vegetation material can be added.

306 ~~VEGETATION MATERIAL~~ PREPARATION AND DRYING TIMES: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation material being burned, (from when the vegetation was cut and is to be burned), the following are drying times ~~for vegetation.~~

306.1 No vegetation material shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and ~~then~~ shall be burned in a manner to prevent excessive smoke.

306.2 Vegetation Material stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

306.3 A minimum of 15 days, ~~of drying time,~~ for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.

306.4 A minimum of three (3) to six (6) weeks, of drying time, for prunings or brush or small branches, 3 to 6 inches in diameter, at the cut end.

306.5- A minimum of six weeks, of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.

307 APPROVED IGNITION DEVICES: All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The ~~vegetation material~~ to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

308 WIND DIRECTION: Burning shall be curtailed when smoke is drifting into a nearby populated area or ~~when it is or may become~~ creating a ~~public~~ nuisance or hazard.

309 INSPECTION: The APCO or ~~his/her designee~~ staff may require the inspection of the wood waste to be burned to verify that it is exclusively nonindustrial wood waste.

310 LAWFUL POSSESSION: The owner or person lawfully in possession of the land on which the disposal site is located shall file written approval of such burning with the District.

400 ADMINISTRATIVE REQUIREMENTS

401 BURN PERMIT REVIEW: The APCO or his/her designee shall review and sign all ~~permit~~ burn permits prior to authorizing burning.

401.1 The fire protection agency having jurisdiction over the area on which the designated disposal site is located shall also approve the ~~burn~~ permits.

402 BURN PERMIT APPLICATION INFORMATION:

402.1 Type of burning;

402.2 Name and/or Business Name and address of the permittee;

402.3 Location of the proposed burn;

402.4 Distance ~~from the proposed burn to the nearest neighboring home or structure;~~ ~~to nearest residential area (in miles);~~

402.5 The type of ~~vegetation material~~ to be burned;

402.6 Acreage or estimated tonnage or size of pile of the ~~vegetation material~~ to be burned;

402.7 Reason for burning;

402.8 Applicant's signature with date signed. The applicant signing the ~~burn~~ permit shall read and attest to the accuracy of the information provided.

402.9 Each ~~permit~~ burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS ~~PERMIT~~ BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

402.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

~~403 FIRE AGENCY DISCLOSURE: A permit shall not be issued to an applicant unless information is provided as required by the fire protection agency for fire protection purposes.~~

~~404~~**403 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the ~~permit~~burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the ~~permit~~burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States ~~P~~Post ~~e~~Office, or a mail box, sub-~~P~~Post ~~O~~ffice, substation, or mail chute, or other like facility.

~~403~~**4.1** Within ten days after service of notice of revocation specified in Section ~~403~~**4034** above, the ~~permit~~burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

~~404~~**45 BURN PERMIT FEES:** Burn permits are valid only following receipt of ~~the permit~~ fees specified in Rule 607, BURN PERMIT FEES.

500 MONITORING AND RECORDS

501 REPORTING: Notification shall be made to the District at least 72 hours prior to ignition.

502 POST-BURN INFORMATION: A post-burn report shall be submitted to the District, within 10 days following the completion of the burn.

502.1 Submitter's name and agency;

502.2 Location of burn;

502.3 Date of burn;

502.4 Burn day status, each day of burn;

502.5 Ignition date and time;

502.6 Completion date of burn;

502.7 Any smoke impacts including any reason for impacts;

502.8 Recommendations for future burns in the area to minimize impacts.

EXHIBIT G

Rule 102, Definitions

Amendments Shown

RULE 102 DEFINITIONS

Adopted 11-12-74
(Amended 5-24-77, 12-19-78, 6-19-79, 5-20-85, 2-04-92, 10-19-93, 8-08-96, 6-19-97, 10-12-00, 8-12-10,
02-10-11, 02-09-12)

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500 MONITORING AND RECORDS

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100 GENERAL

101 PURPOSE: To provide definitions of specific terms used in the Placer County Air Pollution Control District Rules and Regulations.

200 DEFINITIONS

PROVISO: Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

201 AGRICULTURAL BURNING: 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 or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

202 AGRICULTURAL OPERATION: The growing and harvesting of crops, or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood, or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

203 AGRICULTURAL WASTES: The following materials:

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the fields. This does not include, ~~however,~~ such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide ~~plastic~~ containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard wastes removed for land use conversion to non-agricultural purposes.

204 AIR CONTAMINANT: Any discharge, release or other propagation directly into the atmosphere. It includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, or any combination thereof.

205 AIR POLLUTION CONTROL OFFICER (APCO): The Air Pollution Control Officer of the Placer County Air Pollution Control District, or designee.

206 AIR QUALITY: The characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the ARB pursuant to Section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and Section 169A of the federal Clean Air Act pertaining to visibility.

- 207 **ALLOWABLE COMBUSTIBLES:** Vegetation~~waste~~ originating on the premises and reasonably free of dirt, soil, and visible surface moisture.
- 208 **ALTERATION:** Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will increase or affect the kind and/or amount of air contaminants emitted.
- 209 **APPROVED IGNITION DEVICES:** Those instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.
- 210 **ARB:** The California State Air Resources Board or any person authorized to act on its behalf.
- 211 **BOARD:** The Board of Directors of the Placer County Air Pollution Control District.
- 212 **BRUSH TREATMENT:** VegetationMaterial which has been felled crushed or up-rooted with mechanical equipment or which has been desiccated with herbicides.
- 213 **BULK PLANT:** A distribution plant which receives organic liquids; stores them in stationary tanks; and loads them into tank trucks for delivery to other bulk plants, service stations or storage tanks.
- 214 **BURN BARREL:** A metal container used ~~to hold combustible or flammable waste materials, so that they can be ignited~~ outdoors for the purpose of disposal.
- 215 **CITRUS HEATER:** Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- 216 **COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.
- 217 **COMBUSTIBLE WASTE OR SUBSTANCES:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- 218 **COMBUSTION CONTAMINANT:** Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.
- 219 **CONDENSED FUMES:** Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.
- 220 **CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.
- 221 **DAILY:** A 24-hour period beginning at 12:00 AM local time.

- 222 DESIGNATED AGENCY:** Any agency designated by the ARB and Placer County Air Pollution Control District as having authority to issue Agricultural Burn Permits.
- 223 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or; wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.
- 224 DISTRICT:** The Placer County Air Pollution Control District.
- 225 DUST:** The minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar process.
- 226 EMISSION:** The act of releasing or discharging air contaminants into the atmosphere from any source.
- 227 EMISSION POINT:** The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- 228 EXEMPT COMPOUNDS:** Organic compounds which are exempt from the definition of Volatile Organic Compounds (VOC). Notwithstanding definitions of Exempt Compounds that may be included in specific rules in Regulation II, the following compounds are exempt:
- 228.1 carbon monoxide
 - 228.2 carbon dioxide
 - 228.3 carbonic acid
 - 228.4 metallic carbides or carbonates
 - 228.5 ammonium carbonate
 - 228.6 methane
 - 228.7 methylene chloride (dichloromethane)
 - 228.8 perchloroethylene (tetrachloroethylene)
 - 228.9 1,1,1-trichloroethane (methyl chloroform)
 - 228.10 trichlorofluoromethane (CFC-11)
 - 228.11 dichlorodifluoromethane (CFC-12)
 - 228.12 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
 - 228.13 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
 - 228.14 chloropentafluoroethane (CFC-115)
 - 228.15 chlorodifluoromethane (HCFC-22)
 - 228.16 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
 - 228.17 1,1-dichloro-1-fluoroethane (HCFC-141b)
 - 228.18 1-chloro-1,1-difluoroethane (HCFC-142b)
 - 228.19 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 - 228.20 trifluoromethane (HFC-23)
 - 228.21 1,1,2,2-tetrafluoroethane (HFC-134)
 - 228.22 1,1,1,2-tetrafluoroethane (HFC-134a)
 - 228.23 pentafluoroethane (HFC-125)
 - 228.24 1,1,1-trifluoroethane (HFC-143a)
 - 228.25 1,1-difluoroethane (HFC-152a)
 - 228.26 ethoxy-nonafluorobutane (HFE-7200), which consists of 2 compounds:

- a. ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane; and
 - b. (ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
- 228.27 cyclic, branched, or linear, completely methylated siloxanes
- 228.28 The following classes of perfluorocarbons:
- a. cyclic, branched, or linear, completely fluorinated alkanes.
 - b. cyclic, branched or linear, completely fluorinated ethers with no unsaturations.
 - c. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
 - d. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine.
- 228.29 The following low-reactive organic compounds which have been exempted by the U. S. EPA:
- a. acetone
 - b. ethane
 - c. parachlorobenzotrifluoride
 - d. methyl acetate
 - e. propylene carbonate
 - f. dimethyl carbonate
- 228.30 The following compound(s) for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements:
- a. tertiary butyl acetate

- 229 FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.
- 230 FLAMMABLE WASTE:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- 231 FLUE:** Any duct or passage for air or other gases, including but not limited to a stack or a chimney.
- 232 FOREST MANAGEMENT BURNING:** The use of open outdoor fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices and forest production practices.
- 233 FOSSIL FUEL:** Natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.
- 234 FOSSIL FUEL-FIRED STEAM GENERATOR:** A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- 235 HEARING BOARD:** The Hearing Board of the Air Pollution Control District of Placer County.
- 236 HYDROCARBON:** Any compound of carbon containing hydrogen.
- 237 IMMINENT AND SUBSTANTIAL ECONOMIC LOSS:** The loss of a planting season or irreparable harm to a crop.

- 238 INCINERATION:** An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- 239 INCINERATOR:** Any furnace or other closed fire chamber used to dispose of combustible waste by burning, and from which the products of combustion are directed through a flue or chimney.
- 240 INSTALLATION:** The placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
- 241 LAKE TAHOE AIR BASIN:** That area as defined by Section 60113, Title 17, California Administrative Code.
- 242 MOUNTAIN COUNTIES AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (I), the Mountain Counties Air Basin includes all of Placer County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b), and that portion included in the Sacramento Valley Air Basin, defined by 17 CCR 60106(k).
- 2423 NO BURN DAY:** Any day on which agricultural burning including prescribed burning, is prohibited by the ARB or the APCO.
- 2443 OPEN BURNING OR OPEN OUTDOOR FIRE:** ~~Combustion~~Burning of any combustibles ~~material~~ of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 2454 OPERATOR:** Person, who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- 2465 ORCHARD HEATER:** Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- 2476 OWNER:** Person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- 2487 PARTICULATE MATTER (PM):** Any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.
- 2498 PERMISSIVE BURN DAY OR BURN DAY:** Any day ~~in~~ which agricultural burning including prescribed burning, is not prohibited by the ARB and ~~or~~ the APCO.
- 25049 PERSON:** Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user, owner, any government agency, public district or any officer or employee thereof.
- 2510 POLLUTANT:** Any discharge, release or other propagation directly into the atmosphere. It includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, or any combination thereof.
- 2524 PROCESS WEIGHT PER HOUR:** The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The process weight per hour

will be derived by dividing the total process weight introduced, by the number of hours in one complete operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

- 2532 PUBLIC RECORD:** Any record made available to the public by law, containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except trade secrets as provided for in Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code.
- 2543 QUARTERLY:** Calendar quarter beginning January 1, April 1, July 1, and October 1.
- 2554 RANGE IMPROVEMENT BURNING:** The use of open outdoor fires to remove vegetation for a wildlife, game or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.
- 2565 RECORD:** Handwriting, typewriting, printing, photocopying, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographed films and prints, magnetic or punched cards, magnetic disks, drums, and other documents.
- 2576 RESIDENCE:** A single or two-family dwelling unit and the land and ancillary (non-residential) structures.
- ~~**257 RESIDENTIAL ALLOWABLE BURN MATERIALS:** Materials originating from a residence, limited to the following items: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds and dry vines. The burning of lawn clippings is prohibited.~~
- ~~**258 SACRAMENTO VALLEY AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60106(k), the basin includes that portion of Placer County which lies west of Range 9 east, Mount Diablo Base and Meridian (M.D.B. & M.).~~
- 2598 SECTION:** A Section of the Health and Safety Code of the State of California, unless some other statute is specifically mentioned.
- 26059 SILVICULTURAL PRACTICES:** The establishment, development, care and reproduction of stands of timber.
- 2610 SOLID PARTICULATE MATTER:** Any material except uncombined water, which can exist in a finely divided form as a solid at standard conditions.
- 2642 STANDARD CONDITIONS:** A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.
- 2632 STANDARD CUBIC FOOT OF GAS:** The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.
- 2643 TIMBER OPERATIONS:** Cutting or removal of timber or other forest vegetation.
- 2654 VOLATILE ORGANIC COMPOUND (VOC):** Any chemical compound containing at least one atom of carbon except for those listed as "Exempt Compounds"

2665 **WOOD-FIRED BOILER:** Any boiler used for steam generation, from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or APCO approved wood-associated waste.

2676 **YEARLY:** A calendar year beginning on January 1 at 12:00 AM.



Board Agenda Item

Information

Agenda Date: February 9, 2012

Prepared By: Todd K. Nishikawa, Deputy Air Pollution Control Officer

Topic: Publication of the Regulatory Measures List for 2012

Discussion: In accordance with Health and Safety Code Section 40923, a regulatory measure may not be considered for adoption during any year that it is not listed in the most recently published listing of proposed regulatory measures, unless earlier consideration is required to satisfy federal requirements, to abate a substantial endangerment to public health or welfare, or comply with Section 39666 (i.e. required to implement State Air Toxic Control Measures) or 40915 (i.e. contingency measures contained in air quality plans).

This listing requirement does not apply to administrative rules that are not control measures, or to the modification of any existing rule that the District finds is necessary to preserve the original intent of the rule or to increase opportunities for alternative compliance methodology.

District Staff have prepared a list of regulatory measures that may be considered for adoption in calendar year 2012. No new regulations are among those most likely to be considered for adoption. As a result of a RACT-SIP analysis of the District's rules in 2011, a number of amendments are to be considered to bring existing rules up to current Reasonably Available Control Technology (RACT) standards. In addition, amendments may be considered to rules that are currently under review by EPA, to correct deficiencies that would otherwise result in the rules being disapproved. Finally, there are existing rules that may be considered for recession because they are no longer needed for various reasons. The "Regulatory Measures List for 2012" is attached.

Fiscal Impacts: There may be additional compliance costs for affected facilities and additional administrative costs to the District from the adoption of new and amended rules. These costs will be specifically addressed, to the extent they may be determined, in the staff reports accompanying each new or amended rule at the time they are proposed for workshop or adoption.

Public Outreach: The District placed notices, in newspapers of general circulation (Auburn Journal on 1/10/12, the Lincoln News Messenger and Rocklin Placer Herald on 1/12/12, and the Roseville Press Tribune on 1/11/12), advising the public that the Regulatory Measures List for the 2012 calendar year had been prepared and is available for public review. Although it does not appear that law requires a newspaper notice, the notices were published in the interest of advising the public. The Regulatory Measures List for 2012 may be also reviewed at the District offices or at the District's Internet webpage.

Attachment (s) #1: Regulatory Measures List: List of Rules to Be Considered for Adoption in 2012.

ATTACHMENT #1

SUBJECT:

2012 Regulatory Measures List

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

REGULATORY MEASURES LIST

- List of Rules to Be Considered for Adoption in 2012 -

January 2012

The listed rules or regulatory measures are being considered for adoption, amendment or rescission in the 2012 calendar year. If the rule or regulatory measure is not addressed in 2012, it may be considered for adoption, amendment, or rescission in the 2013 calendar year or later.

In accordance with Health and Safety Code Section 40923, a regulatory measure may not be considered for adoption during any year that it is not listed in the most recent published list of proposed regulatory measures unless earlier consideration is required to satisfy federal requirements, to abate a substantial endangerment to public health or welfare, or comply with Section 39666 (i.e. required to implement State Air Toxic Control Measures) or 40915 (i.e. contingency measures contained in air quality plans). This listing requirement does not apply to administrative rules that are not control measures, or to the modification of any existing rule the District finds is necessary to preserve the original intent of the rule or to increase opportunities for alternative compliance methodology. Although not required by Section 40923, the list provided includes administrative rules to be considered for adoption, amendment or rescission in 2012 to the extent such rules have been identified by District staff.

Regulations Being Considered for Adoption in 2012:

Most likely to be adopted, amended, or rescinded in 2012:

- Amend Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks, to address US EPA comments and correct deficiencies required for SIP approval.
- Amend Rule 233, Biomass Boilers, to address US EPA comments and Federal Reasonably Available Control Technology (RACT) requirements required for SIP approval (added 2010).
- Amend Regulation 3, Open Burning, Rules 301 to 306, and Rule 102, Definitions, to address US EPA comments and deficiencies identified by District staff in order to avoid a limited approval/disapproval of the SIP revision (added 2012).
- Amend the following rules to preserve the original intent of the rules to meet Federal CAA requirements for the adoption of RACT and California CAA requirements for the adoption of Best Available Retrofit Control Technology (BARCT) and “every feasible measure”:
 - Rule 216, Organic Solvent Cleaning and Degreasing Operations (added 2009)
 - Rule 217, Cutback and Emulsified Asphalt Paving Materials (added 2009)
 - Rule 235, Adhesives (added 2010)
 - Rule 239, Graphic Arts Operations (added 2010)
 - Rule 240, Surface Preparation and Cleanup (added 2012)
- Rescind the following rules since the RACT requirement is no longer needed for major sources that are no longer operating:
 - Rule 229, Fiberboard Manufacturing (SierraPine Ltd.)
 - Rule 230, Plastic Products and Materials - Paper Treating Operations (Formica Corporation)

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- Rule 232, Biomass Suspension Boilers (SierraPine Ltd.)
- Rule 241, Boilers at Plastic Laminate Manufacturing Facilities (Formica Corporation)
- Rule 227, Petroleum Dry Cleaning Operations (will defer to Federal Standards)
- Rule 237, Municipal Landfills (no applicable sources remaining)
- Rule 506, Biomass Emission Credits (replaced by Rule 516, Rice Straw Emission Reduction Credits)
- Rule 805, Notice to Comply (mandating statute sunset January 1, 2001)
- Rescind the following rules in favor of implementing the state regulation. The rules were adopted to implement State Airborne Toxic Control Measures (ATCMs); however, the ATCMs are updated every five years leaving the District's rules outdated unless revised. By law each ATCM becomes enforceable by the air district after six months, if an equivalent or more stringent rule is not locally adopted. Rescinding these rules will make it unnecessary to update the rules when the State makes changes to the ATCMs (added 2010).
 - Rule 902, Airborne Chromium Control Measure - Emissions of Hexavalent Chromium From Chrome Plating and Anodizing Operations
 - Rule 903, Ethylene Oxide Airborne Toxic Control Measure for Sterilizers and Aerators
 - Rule 904, Airborne Toxic Control Measure - Hexavalent Chromium Emissions From Cooling Towers
 - Rule 905, Airborne Toxic Control Measure - Asbestos Containing Serpentine Rock in Surfacing Applications
 - Rule 906, Airborne Toxic Control Measure - Medical Waste Incinerators

To be considered, but less likely to be adopted or amended in 2012:

- Amendment of Rule 206, Incinerator Burning, and if necessary, Rule 222, Reduction of Animal Matter, to resolve conflicting requirements for human/animal cremation (added 2010).
- Amendment of Rule 207, Particulate Matter, to address US EPA disapproval comments (added 2012).
- Adoption of a new rule (possibly number 247) or amendment of an existing rule to set low NOx emission standards for newly installed Large Water Heaters and Boilers between 75,000 BTU and 1,000,000 BTU. This range of heating values is currently not addressed by a District rule. Adoption of a new or revised rule is a SIP commitment for 2015 (added 2010).
- Adopt Rule 249, Plastic Parts Coating, to satisfy Federal Reasonably Available Control Technology (RACT) requirements (added 2012).
- Amendment of Rule 601, Permit Fees, to make fee schedule changes that will better reflect actual levels of effort and distributed program costs, while being relatively revenue neutral with respect to the total of permit fee revenue derived from stationary sources. Fee rules are administrative and are not regulatory measures; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2009).
- Amendment of Rule 604, Source Test Observation and Report Evaluation, to allow fees to be assessed based on actual staff hours, if actual costs exceed the specified fee of \$220 for a source test observation and report evaluation, and to add an annual CPI adjustment to the \$220 fee. Fee rules are administrative and are not regulatory measures; however, the consideration of fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2010).

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- Adoption of new Rule 609, Clean Air Act Fees. Section 185 fees are punitive fees designed to incentivize areas that are classified as severe or extreme nonattainment of the ozone ambient air quality standard, in order to meet the scheduled attainment date. If an area does not meet the scheduled attainment date, then its major stationary sources shall be charged an annual fee for excess emissions of ROG and NO_x until attainment is achieved. Alternative 185 fee programs may be established for 1-hour ozone nonattainment areas in order to help eliminate or offset fees that are required to be paid by major stationary sources. The adoption of this rule will only be sought if the District is found to have not met a scheduled attainment date and sanctions are pending against the District (added 2009).
- Amendment of Rule 610, Air Toxics “Hot Spots” Fees, which authorizes fees to provide funding for the District “Hot Spots” program administration and technical evaluations, as well as fees for the California Air Resources Board that are collected by the District and then passed-through. The amendment is required to reflect current charges of ARB and current costs to the District. The Rule was last amended in 1998. Fee rules are administrative and are not regulatory measures that are required to be listed; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2009).
- Adoption of new fees for toxic new source reviews, area-wide and indirect source reviews, naturally-occurring asbestos dust control plan reviews and fees to recover District costs for other reviews that are separate from fees included in Rule 601, Permit Fees, may be considered. Fee rules are administrative and are not regulatory measures; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2005).
- Adoption of a new rule or amendment of an existing rule defining the authority of the District to inspect permitted facilities; and to collect, record, and preserve evidence or information upon inspection (including documentation of compliance and non-compliance by the taking of photographs and video images) (added 2005).



For information and comparative purposes the regulatory measures that were actually adopted by the District in calendar years 2008 through 2011 are listed below:

Regulatory Measures That Were Adopted/Amended in 2008:

- Negative Declaration, adopted December 11, 2008, with regard to no sources in Placer County exceeding the threshold of Control of Volatile Organic Emissions from Flexible Package Printing (EPA-453/R, 06-003, 09/2006) to satisfy federal requirements.
- Rule 206, Incinerator Burning. Amended October 9, 2008
- Rule 245, Surface Coating of Metal Parts and Products. Adopted December 11, 2008
- Rule 411, Indemnification of District. Adopted February 14, 2008
- Rule 412, Agricultural Engine Registration. Amended August 14, 2008
- Rule 515, Stationary Rail Yard Control Emission Reduction Credits. Adopted October 9, 2008

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Regulatory Measures That Were Adopted/Amended in 2009:

- Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks. Amended April 9, 2009
- Rule 233, Biomass Boilers. Amended December 10, 2009
- Rule 245, Surface Coating of Metal Parts and Products. Amended August 20, 2009
- Rule 516, Rice Straw Emission Reduction Credits. Adopted February 19, 2009

Regulatory Measures That Were Adopted/Amended in 2010:

- Rule 102, Definitions, amended to reflect new terms used in rules (added 2010). Amended August 10, 2010.
- Rule 218, Architectural Coatings, amended to level the field for shop coaters and field coaters and to update the Rule for a 2007 CARB Suggested Control Measure. The amendment of Rule 218 is also a SIP commitment for 2012 (added 2007). Amended October 14, 2010.
- Rule 234, Automotive Refinishing Operations, amended to revise applicator requirements and may include an update of requirements to meet a 2005 CARB Suggested Control Measure (SCM). In addition, the District wishes to clarify the recordkeeping and reporting required of coating distributors. Amendment of this rule is a SIP commitment for 2015 (added 2009). Amended October 14, 2010.
- Rule 236, Wood Products Coating Operations and Rule 238, Factory Coating of Flat Wood Paneling, amended to update these rules to match existing state and federal control measure standards (added 2007). Amended October 14, 2010.
- Rule 501, General Permit Requirements, amended for submission as a revision of the SIP (added 2009). Amended August 10, 2010.
- Rule 502, New Source Review, amended for submission as a revision of the SIP (added 2009). Amended February 11, 2010.
- Rule 503, Emission Statement, amended to clarify and update the terminology with regard to the information to be reported (added 2010). Amended August 10, 2010.
- Rule 504, Emission Reduction Credits, amended to reflect new ERC rules and for submission as a revision of the State Implementation Plan (added 2009). Amended August 10, 2010.
- Rule 601, Permit Fees, amended to create a new semiconductor fee schedule, and a new fee for Prevention of Significant Deterioration (PSD) permitting for when such authority is delegated to the District. Amended December 9, 2010.

Regulatory Measures That Were Adopted/Amended in 2011:

- Rule 102, Definitions, to reflect new terms used in recently amended rules, particularly in the amendment of Regulation 3 (added 2011). Amended February 10, 2011.
- Rescinded Regulation 3, Open Burning, Rules 301 through 325 and adopted new Rules 301 – 306 to update the rules to match current state law and to address the US EPA's comments, and to reorganize and update the formatting of all of the Rules to make the requirements more easily understood (added 2010). Adopted February 10, 2011.
- Rule 412, Registration Requirements for Agricultural Engines, amended to provide for a low use exemption (added 2011). Amended August 11, 2011.

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- Rule 502, New Source Review, amended to address deficiencies identified in a limited approval/disapproval by US EPA of the version of the rule that was adopted on February 11, 2010 (added 2011). Amended October 13, 2011.
- Rule 517, Requirements for Stationary Sources Emitting Greenhouse Gases, adopted to meet mandatory implementation requirements of the federal Greenhouse Gas Tailoring Regulation (added 2011). Adopted February 10, 2011.
- Rule 518, Prevention of Significant Deterioration Permit Program, adopted to provide for the District's acceptance of delegation from the US EPA of PSD permitting authority for Major Sources (added 2011). Adopted February 10, 2011.
- Rule 607, Burning Permit Fees, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised (added 2011). Amended February 10, 2011.
- Rule 608, Control Council Fee, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. (added 2011) Amended February 10, 2011.

Placer County Air Pollution Control District - Regulatory Measures List - 2012



2012 Clean Air Grant General Update, including Budget, Outreach, and Marketing Efforts

The Placer County Air Pollution Control District is now soliciting applications for the annual Clean Air Grant program for projects which demonstrate emission reductions from mobile and non-mobile sources. This program is designed to reduce surplus nitrogen oxide, reactive organic gas, and particulate matter emissions through the provision of incentive funds derived from both motor vehicle registration and mitigation fees. Typical projects include, 1) heavy duty fleet modernizations, repowers, and exhaust retrofits that do not fall under a State emission(s) compliance deadline within the next three years, 2) diesel agriculture pump repowers, 3) alternative fuel infrastructure, 4) transit programs, and 5) public information/education projects related to air quality issues. Cost effectiveness is critical in determining project funding. Approximately **\$900,000** is available this year. Visit www.placer.ca.gov/apcd for more detailed information, including eligibility requirements; grant applications, and important deadlines. Applications were made available beginning December 20, 2011 and will be available online or in person until February 17, 2012.

The marketing budget for the 2012 CAG program is \$5,000. Below is a brief list of coordinated marketing and outreach strategies conducted in order to achieve a successful solicitation period.

- Public notices were placed in the Sacramento Bee, six different newspapers managed by Gold Country Media, and the Tahoe Record that were scheduled to run three times each between December 26 and February 17.
- Postcard and email notifications advertising the program and workshops were mailed out to over 500 groups, agencies, and individuals, which included members of the Placer County Contractors Association.
- Two workshops were conducted on **January 19th** at the District office. A morning workshop was video teleconferenced to the Tahoe Planning Department for those in the Tahoe area and a second workshop was held in the evening.
- The District's website was updated with current 2012 CAG information, including applications, program guidelines and information, and additional resources. Applications can be filled out online or hand written.