

North Coast Unified Air Quality  
Management District

---

# **Smoke Management Program**

---

Guidelines for Operating the District Agricultural  
and Prescribed Burning Program

---

---

# Introduction

On March 23, 2000, the California Air Resources Board implemented new Smoke Management Guidelines for Agricultural and Prescribed Burning under Title 17 of the California Health and Safety Code. The purpose of these regulation changes is to provide direction to Air Quality Districts in the regulation and control of agricultural burning, including prescribed burning, in California. Agricultural burning in the North Coast Unified Air Quality Management District is currently regulated under Regulation 2 of the North Coast Air Basin - Open Burning Procedures. Article 2 of the new state guidelines requires Districts to develop, implement, and enforce a Smoke Management Program to be approved by the Air Resources Board. This document contains the District guidelines for operating the North Coast Air Quality Management District Smoke Management Program.

The District Guidelines contain the written policy for running the District Smoke Management Program. Included in these guidelines are the burn permitting requirements, burn reporting procedures, smoke management plan requirements, and procedures for operating the burn authorization system. Criteria for air monitoring and inspection of agricultural and prescribed burning is outlined, as are enforcement responsibilities. A description of the resources the District utilizes to carry out these functions is also included.

The Guidelines are arranged in sections, with each section relating to specific smoke management program requirements found in the various sections of the ARB Smoke Management Guidelines. As such this document is both an operations manual for District staff to run the District Smoke Management Program, and the written Board adopted smoke management program as required by Section 80140 of Title 17 for submittal and approval by the Air Resources Board. Although these Guidelines have been crafted with as much flexibility as possible to run the daily operation of a smoke management program, they do represent the official District policy on smoke management and should be viewed as such.

## **Section 1- Burn Permits**

- a) All agricultural and prescribed burning requires a valid AQMD permit from the District (Reg. 2-304.1.01).
- b) A valid burn permit is also required from whatever fire protection agency has jurisdiction in the area of the proposed burn project, if said fire protection agency requires a permit to conduct open burning in their area of jurisdiction.
- c) No agricultural or prescribed burning shall be conducted pursuant to such permits without specific District approval as detailed in Section 4 - Burn Authorization in these Guidelines (Reg. 2-401.9).
- d) For any agricultural or prescribed burning project greater than 10 acres, or estimated to produce more than 1 ton of particulate matter, a Smoke Management Plan must be submitted to and approved by the District as detailed in Section 3 - "Smoke Management Plans" (Reg. 2-401.11). No District authorization to burn pursuant to Section 4 will be given for these burns without an approved Smoke Management Plan.
- e) An approved Smoke Management Plan will be considered a valid AQMD permit by the District. Agricultural and prescribed burns that are not required to submit a Smoke Management Plan as outlined in Section 3 must obtain a AQMD Open Burning Permit (Appendix A) prior to burning.
- f) Burning conducted pursuant to burn permits and AQMD permits issued by the District or a designated agency (Appendix B) must comply with all the conditions specified on the permits. Failure to abide by permit conditions is a violation of Section 41852 of the California Health and Safety Code.
- g) All permits issued for agricultural and prescribed burning by the District or designated agencies shall contain the following words or words of similar import: "This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by an air district pursuant to Section 41855 of the Health and Safety Code, and when burning on the lands identified herein has been approved by the air district" (Reg. 2-304.3).
- h) Special permits for agricultural or prescribed burning on no-burn days may be issued by the District if denial of such permits would threaten imminent and substantial loss (2-304.4). The District shall limit the amount of burning that can occur pursuant to the issuance of such a permit to the extent that it insures no exceedences of air quality standards or smoke impacts on smoke sensitive areas. Each applicant for a no-burn day burn permit shall supply such additional information as is required by the District to make this determination (Reg. 2-304.2).

## **Section 2 - Burn Reporting**

- a) All persons who desire to conduct agricultural or prescribed burning in the District in any particular calendar year shall annually register their planned burn projects by September 1 of each year. Updates and late additions to this registration process will be accepted. The registration shall include a listing of all projects planned, with legal descriptions of their locations (township, range, section #) and an estimate of the total acreage and/or tons of material to be burned.
- b) A report of the agricultural and prescribed burning conducted each calendar year in the District shall be submitted to ARB within 45 days of the end of each calendar year. The format of this report is shown in Appendix C. The report shall include the estimated tonnage and/or acreage for each type of waste burned from both agricultural and prescribed burning by county.
- c) The District shall also report all special permits (no-burn day permits) issued each calendar year within 45 days of the end of each calendar year. The format of this report is shown in Appendix C also. This report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.
- d) Once the Air Resources Board establishes an electronic reporting system for agricultural and prescribed burning, the District shall modify this section of its Smoke Management Program to participate in said system.

## **Section 3 - Smoke Management Plans**

- a) All burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter must submit a smoke management plan to the district prior to the planned ignition of the burn project.
- b) The District will only approve smoke management plans that meet the requirements of smoke management plans as outlined in this section. If a smoke management plan does not meet the requirements outlined in this section it will be returned with instructions on how to bring the plan into compliance with these guidelines.
- c) No burn project subject to the requirements of this section will receive authorization to burn as outlined in Section 4 unless the District has an approved smoke management plan on file for that specific burn.
- d) An approved smoke management plan will be considered a valid AQMD burn permit for purposes of Reg. 2-304.1.01. Authorization for ignition is still required as outlined in Section 4 however.
- e) Smoke management plans will contain, at a minimum, the following information:
  1. Burn projects greater than 10 acres or estimated to produce more than 1 ton of particulate matter shall contain:
    - Location, types, and amounts of material to be burned;
    - Expected duration of the fire from ignition to extinction;
    - Identification of responsible personnel, including telephone contacts; and,
    - Identification and location of all smoke sensitive areas.
  2. Burn projects greater than 100 acres or estimated to produce more than 10 tons of particulate shall contain:
    - All information required in subsection e.1; plus,
    - Identification of meteorological conditions necessary for burning;
    - Projections, including a map, of where the smoke from the burns is expected to travel;
    - Contingency actions that will be taken if unexpected smoke impacts occur to smoke sensitive areas;
    - An evaluation of alternatives to burning and/or fuel reduction strategies considered and/or employed; and,
    - Discussion of public notification procedures.
- f) The District, at its discretion, may require additional information and/or actions if the burn project:
  - is greater than 250 acres in size;
  - will continue burning or producing smoke overnight;
  - is conducted near smoke sensitive areas; or,
  - as otherwise felt needed by the District.

- g) Burn projects greater than 250 acres require prior consultation with the District at least 30 days prior to the planned project.
- h) Estimated particulate matter emissions for the purposes of smoke management plans will assume that 100% of the weight of the fuel to be burned will be emitted as particulate matter; unless an alternative emissions calculation procedure which is acceptable to the District can be applied to the material in question.
- i) Burn project size will be determined to be the amount of acreage that will be burned during a burn project (multi-day burns are considered single projects if there are no significant gaps in the burning from day to day); or, the amount of acreage the material that has been piled or otherwise rearranged originated from.
- j) Large projects that will be burned in small units over an extended period of time as weather and conditions allow, but not continuously, can be considered as single projects for the purposes of smoke management planning. To be considered as a single project the projects in questions must meet the following conditions:
  - the project will take place in a generally contiguous area with no distinct changes in meteorology over the project area;
  - a single common burn and smoke management prescription can be used for the entire project; and,
  - prior to submitting the smoke management plan for the project the District has been consulted for any special considerations that must be addressed in the plan.
- k) All conditions and requirements given in a smoke management plan for a specific burn must be met in order for that burn to be ignited. An approved authorization from the District to proceed with a burn does not relieve the burner from meeting the conditions and requirements given in the smoke management plan.
- l) Naturally-ignited fires that are to be managed for resource benefits and are expected to exceed 10 acres in size must have a smoke management plan submitted for them within 72 hours from the start of the fire by the appropriate resource agency.
- m) Burn projects that are done primarily for the improvement of land for wildlife and game habitat must include a statement from the Department of Fish and Game in their smoke management plan certifying that the burn is desirable and proper.
- n) The District has developed a generic smoke management plan form (Appendix D) that can be used for burn projects that fall under subsections e.1. and e.2.. Alternative formats are acceptable as long as they include all the information required by this section. The District will supply these forms, along with instructions for completing the forms, upon request.

## **Section 4 - Burn Authorization System**

- a) The District will operate a daily burn authorization system which regulates agricultural and prescribed burning. The burn authorization system shall specify the amount, timing, and conditions for burn projects on a daily basis within the District boundaries.
- b) The purpose of the burn authorization system is to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. As such all burn authorization requests will be evaluated first by these considerations.
- c) In evaluating burn authorization requests the District will consider the following factors:
  - air quality;
  - meteorological conditions expected during burning;
  - types and amounts of materials to be burned;
  - location and timing of materials to be burned;
  - locations of smoke sensitive receptors; and,
  - smoke from all burning activities, including burning in neighboring air districts or regions which may affect the air quality in this District.
- d) Burn authorizations will be given on a first come - first served basis. Once a burn authorization is given it will only be rescinded if meteorological conditions change such that adverse air quality impacts 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.
- e) A burn authorization from the District only authorizes the ignition of a burn if the smoke management conditions given in the approved smoke management plan or AQMD permit are met at the time of ignition and are expected to be met for the duration of the burn. A burn authorization does not relieve the burner from meeting the conditions of the smoke management plan or AQMD permit for the specific burn. It is the burners responsibility to make sure all conditions listed in the smoke management plan or AQMD permit are met prior to ignition.
- f) If a burn which has received authorization has to be cancelled due to unacceptable conditions, the burn authorization can be rolled over on a daily basis until conditions are within the range outlined in the smoke management plan.
- g) To request a burn authorization a burner must contact the District by phone, fax, e-mail, or in person no sooner than 48 hours prior to the planned ignition. To receive a burn authorization the burner must already have a valid burn permit from a fire protection agency with jurisdiction in the area of the burn, if required, and a valid AQMD permit or approved smoke management plan for that specific burn project. For burn projects below the de minimus levels given in Section 3a, the AQMD permit can be issued at the time of the burn authorization request.

- h) When a burn authorization is given to a burner by the District, a unique burn authorization number will be assigned to that specific burn which will serve as confirmation of approved burn authorization, and as a tracking number for that specific burn.
- i) In order to help plan burn projects prior to requesting a burn authorization from the District, burners may obtain a 48-hour forecast, 72-hour outlook, and a 96-hour trend for specific burns from the Air Resources Board duty meteorologist (916-322-6014). 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, but are intended solely to help in burn project planning. District staff will also be available to help in meteorological forecasting and smoke management planning if needed.
- j) When a burn authorization has been approved for a specific burn that may, in the opinion of the District, have possible smoke impacts on a neighboring District or state, the District will provide notification to that District or state prior to ignition of said burn. The following Districts and/or states are considered to be neighboring and will receive notification when appropriate:
- Mendocino County APCD
  - Tehama County APCD
  - Shasta County APCD
  - Siskiyou County APCD
  - Oregon Dept of Environmental Quality, Grants Pass Branch Office
- k) The District will maintain a daily log recording any burn authorizations approved, the amounts of material burned, number of complaints received about agricultural and prescribed burning, planned and unplanned wildfires occurring that day, and any other relevant information related to smoke impacts for that day. This data will be used in the burn authorization process in the following days, in evaluating the success and efficiency of the smoke management program, and in the preparation of reports related to the smoke management program.
- l) The District will provide notice to the Air Resources Board of any burn authorization approvals for specific burns that meet the conditions specified in Section 3f prior to the ignition of said burns.
- m) The District, at its discretion, may require a post-burn smoke management evaluation by the burner. Said evaluation will include information specified by the District.
- n) The daily operation of the burn authorization system shall be conducted by the designated burn authorization staff of the District (Air Quality Specialist III), and in that persons absence by the District Air Pollution Control Officer.





## **Section 5 - District Resources**

### a.) Meteorological Resources

The Districts meteorological forecasting and analysis capability is primarily internet based, and as such is accessible to anyone with internet access. Through the internet the District is able to access real-time meteorological data from a variety of sites in the air basin, forecasting for the entire region from multiple sources, as well as spot forecasting for specific locals. The primary internet sites the District uses for meteorological data are:

1. The National Weather Service, Eureka ([www.wrh.noaa.gov/eureka/](http://www.wrh.noaa.gov/eureka/))

This site provides a regional general forecast for both coastal and inland locations, access to two coastal NWS weather stations with real-time data, plus links to 12 RAWs (remote automatic weather stations) located at strategic points in the District. These sites provide the District with a good picture of current temperatures, wind speeds and directions, humidity's, and pressures throughout the District. As the sites are also at various given elevations they provide indirect information on transport winds, mixing heights, inversions, and micrometeorological variations in the District. A map showing the locations of these sites is in Appendix E.

2. The National Oceanographic and Atmospheric Administration ([maps.fsl.noaa.gov/](http://maps.fsl.noaa.gov/))

This site provides a daily periodic sounding over Eureka, Arcata, Crescent City, and Weaverville with the Mesoscale Analysis and Prediction System (MAPS) from the Forecast Systems Laboratory in Colorado. These soundings are derived from satellite data and provide temperatures, wind speeds, wind directions, dewpoints, and atmospheric pressures from several hundred feet up to 50,000+ feet. The data is valuable in determining adiabatic lapse rates, transport winds and mixing heights. Although the data is based on calculations instead of actual measurements, the District has observed a good correlation with these numbers and actual measurements taken from airplane flights out of Eureka around the same times.

3. Redding / Northern California Fire Weather ([fire.nifc.nps.gov/cwgc/nopswx.asp](http://fire.nifc.nps.gov/cwgc/nopswx.asp))

This excellent site provides zonal weather forecasts for the entire region with an emphasis on meteorological conditions affecting fire behavior. In addition this site provides regional information on meteorological aspects of smoke transport and atmospheric stability, including a listing of the Haines Index for areas of Northern California. The District can also participate in an online fire weather briefing where specific questions can be addressed relating to smoke and fire management in our area. Fire weather staff are also available to answer questions by phone should the need arise.

The staff of the Air Resources Board Modeling and Meteorological Branch in the Technical Support Division is also a valuable resource for meteorological information and forecasting. They determine burn, no-burn, and marginal burn day status for the North Coast Air Basin, and have proved receptive to suggestions from District staff on modifying burn day status prior to issuance. They also can provide 48-hour forecasts, 72-

hour outlooks, and 96-hour trends which are valuable both for District staff in planning the burn authorization process and burners in planning their burn projects.

The District possesses some portable meteorological equipment which can be used to assess on-site conditions at remote sites. These include thermometers, wind vanes, anemometers, sling psychrometers, and hygrometers. The District is investigating upgrading its meteorological equipment to make it modem accessible and compatible with the District's source sampling trailer.

The District has office space dedicated to smoke management functions, and separate phone lines (707-443-3093) and recordings for burn day status messages. A phone service is utilized for changing burn day recordings to insure timely occurrence of this task. A large scale map (1:100,000) of the entire District is displayed in the smoke management office on which individual weather station data is displayed, along with active and planned burns (Appendix F). This display allows District staff to quickly visualize both regional and local meteorological patterns, and burn locations and their proximity to smoke sensitive receptors and other burns. The District is also investigating possible benefits a GIS based system for burn tracking and evaluations might make to the smoke management program. A software package of topographic maps of the entire District allows staff to evaluate terrain aspects of planned burns, including 3-dimensional views of burn locations, and can print out overlays and maps to be used in the review process.

b.) air monitoring resources

The District utilizes both fixed site and portable monitoring stations to monitor impacts from agricultural and prescribed burning. High-volume SSI PM10 stations are currently located in Eureka, Crescent City, and Weaverville and are used to monitor for violations of Federal and State Ambient Air Quality Standards. The District also has a tapered element oscillating microbalance (TEOM) which can be located in areas of concern to monitor for impacts associated with smoke and other particulates. For portable and short-term monitoring associated with smoke impacts the District has a high-volume SSI PM10 sampler on loan from ARB, and has access to two "mini-vol" portable battery operated PM10 samplers from Six River National Forest. The District also possesses visual equipment (cameras, video cams, binoculars) to observe and document smoke impacts, plume dispersions, and other items.

As part of the District's source testing capability we possess a trailer complete with its own power source that contains various source testing equipment. The District already has an ambient carbon monoxide monitor set-up in the trailer, and we also possess an ambient ozone monitor currently not being used. To augment the District's ability to monitor agricultural and prescribed burning, as well as monitor for other air pollution impacts such as wildfires, the District would like to add ambient monitoring equipment to the trailer. If funding can be procured we would like to have the following equipment in the trailer to be used for monitoring episodic air pollution events: a portable PM10 monitor (perhaps a Data-RAM or another TEOM), a portable meteorological station, a couple of "mini-vols", our current CO and ozone monitors, a cellular phone, and associated computer equipment (modem, data logger, software, etc.).

## **Section 6 - Inspection and Enforcement**

- a) Subject to the constraints of staff time and availability, District staff will conduct on-site inspections of a representative number of agricultural and prescribed burns each year. Such inspections will be prioritized based on the following criteria:
  1. active burns that are generating complaints;
  2. active burns that are conducted in an area or by a source that historically generates many complaints;
  3. active burns that are large (100+ acres) or located near sensitive receptors;
  4. planned burns that have questionable data in the smp; and,
  5. planned burns representing a variety of sources and fuels.
- b) Inspections of active burns will document that meteorological conditions are within the parameters outlined in the smp; that the amount of acreage and/or fuel given in the smp is what is actually being burned; that public notification procedures given in the smp have been carried out; and that the burn is not impacting any sensitive receptors.
- c) Inspections of planned burns will document that the projected acreage and/or fuel loading is consistent with that reported in the smp; that the meteorological prescription is reasonable for the location; that actions taken to reduce fuel loading and/or smoke emissions have been carried out; and that the public notification procedures outlined in the smp are appropriate for the burn.
- d) If unacceptable smoke impacts occur to a smoke sensitive area from an authorized burn, and such impacts are verified by District staff, then the burner shall be promptly notified and required to implement the contingency actions as outlined in the smp.
- e) Failure to follow the parameters of an approved smoke management plan or AQMD Open Burning Permit when conducting an authorized burn is considered a violation of District permit conditions (Health and Safety Code 41852), and as such can result in a Notice of Violation, civil and/or criminal penalties, or other enforcement actions.
- f) Notices of Violation issued for violations of the District's Smoke Management Program shall be handled the same as violations for any other District rule or regulation. The Districts Mutual Settlement Policy (Appendix G) shall be used to determine penalties and related enforcement actions.

# Appendix A - AQMD Open Burning Permit

## NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT OPEN BURNING GUIDELINES

1. In addition to this AQMD open burning permit a burn permit from the appropriate designated fire protection agency must be obtained if required.
2. Notify the District and obtain permission to ignite prior to igniting the burn.
3. Burn only on Permissive Burn Days. Burn Report 24 hour recording (707) 443-3091.
4. No burning of stumps, root balls, woody material over 12" in diameter, or prohibited combustibles (plastic, rubber, treated/painted wood, fabric, etc.).
5. Waste shall be reasonably free of dirt and excess moisture.
6. Minimum drying times are:
  - Woody material over 6" diameter - 30 days
  - Brush, vines, prunings, small branches - 15 days
  - Field crop, grass, and weeds - 7 days
7. No burning or smoldering materials allowed after dark. Burn only amounts that can be completely burned and extinguished during daylight hours.
8. If smoke from your burning becomes a problem in the opinion of the District, you will be responsible for promptly extinguishing the fire. If you cannot extinguish the fire in a reasonable amount of time the local fire control agency will be called to put it out and you will be responsible for suppression costs. You may also be subject to District enforcement action, including civil penalties, if your smoke creates a public nuisance and you are found to be negligent.

## NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT OPEN BURNING PERMIT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

LOCATION OF BURN \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DESCRIPTION OF MATERIAL TO BE  
BURNED \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PERMIT  
PERIOD \_\_\_\_\_

I have read, understand, and agree to abide by the guidelines listed on the back of this permit.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Approved  
by \_\_\_\_\_

### APPLICANT PLEASE NOTE

Terms and guidelines under which this permit are issued are described on the back of this form. This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by the District, and when burning on the lands identified herein has been approved by the District. Failure to follow these guidelines may result in revocation of permit and possible misdemeanor penalties not exceeding 6 months imprisonment, \$1,000 fine, or both. This permit cannot be considered as permission to violate existing laws, ordinances, regulations or statutes of other government agencies.

## **Appendix B - Designated Agencies**

1. Arcata Fire Department
2. California Department of Forestry
3. Cloverdale Fire Department
4. Eureka Fire Department
5. Forestville Fire Protection District
6. Fort Bragg Fire Department
7. Guerneville Fire Protection District
8. Healdsburg Fire Department
9. Humboldt Fire District No. 1
10. Little Lake Fire Protection District (Willits)
11. Mendocino County Air Pollution Control District
12. North Coast Unified Air Quality Management District
13. Northern Sonoma County Air Pollution Control District
14. Potter Valley Fire Department
15. Redwood Valley-Calpella Fire District
16. Round Valley Fire District (Covelo)
17. Ukiah Valley Fire Protection District
18. United States Bureau of Indian Affairs
19. United States Forest Service

## **Appendix C - Designated Agency Burn Permits**

# Appendix D - Generic Smoke Management Plan Form

## NORTH COAST AQMD SMOKE MANAGEMENT PLAN

---

NAME \_\_\_\_\_ DATE \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ TELEPHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

---

### BURN PLAN

1. LOCATION \_\_\_\_\_

2. DESCRIPTION OF MATERIAL TO BE BURNED \_\_\_\_\_

3. PROJECTED ACREAGE \_\_\_\_\_ 4. PROJECTED TONNAGE \_\_\_\_\_

5. IGNITION AND FIRING TECHNIQUES \_\_\_\_\_

---

6. EXPECTED DURATION OF THE FIRE \_\_\_\_\_

7. BURN PERMIT (ISSUING AGENCY AND # IF APPLICABLE) \_\_\_\_\_

---

### SMOKE MANAGEMENT

8. METEOROLOGICAL PRESCRIPTION:

9. WHAT CONTINGENCY ACTIONS ARE PLANNED IF SMOKE IMPACTS OCCUR TO SMOKE SENSITIVE AREAS:

10. DESCRIBE ANY ACTIONS THAT HAVE BEEN TAKEN TO MINIMIZE SMOKE EMISSIONS:

11. DESCRIBE PUBLIC NOTIFICATION PROCEDURES TO BE USED:



## 12. IDENTIFY SMOKE SENSITIVE AREAS:

---

### APPLICABILITY

- A. Burn projects 10 acres in size or under and estimated to produce less than 1 ton of particulate matter are exempt from these requirements.
- B. Burn projects over 10 acres in size or estimated to produce more than 1 ton of particulate matter must complete the BURN PLAN component of the Smoke Management Plan (items 1 through 7), and item 12.
- C. Burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate must complete the entire Smoke Management Plan.
- D. For burn projects over 250 acres in size prior consultation with the District is necessary, as air monitoring and other procedures may be required.
- E. For burns from naturally ignited fires that are to be allowed to burn to accomplish resource goals, a SMP must be submitted within 72 hours of the initial ignition if the fire is expected to exceed 10 acres.

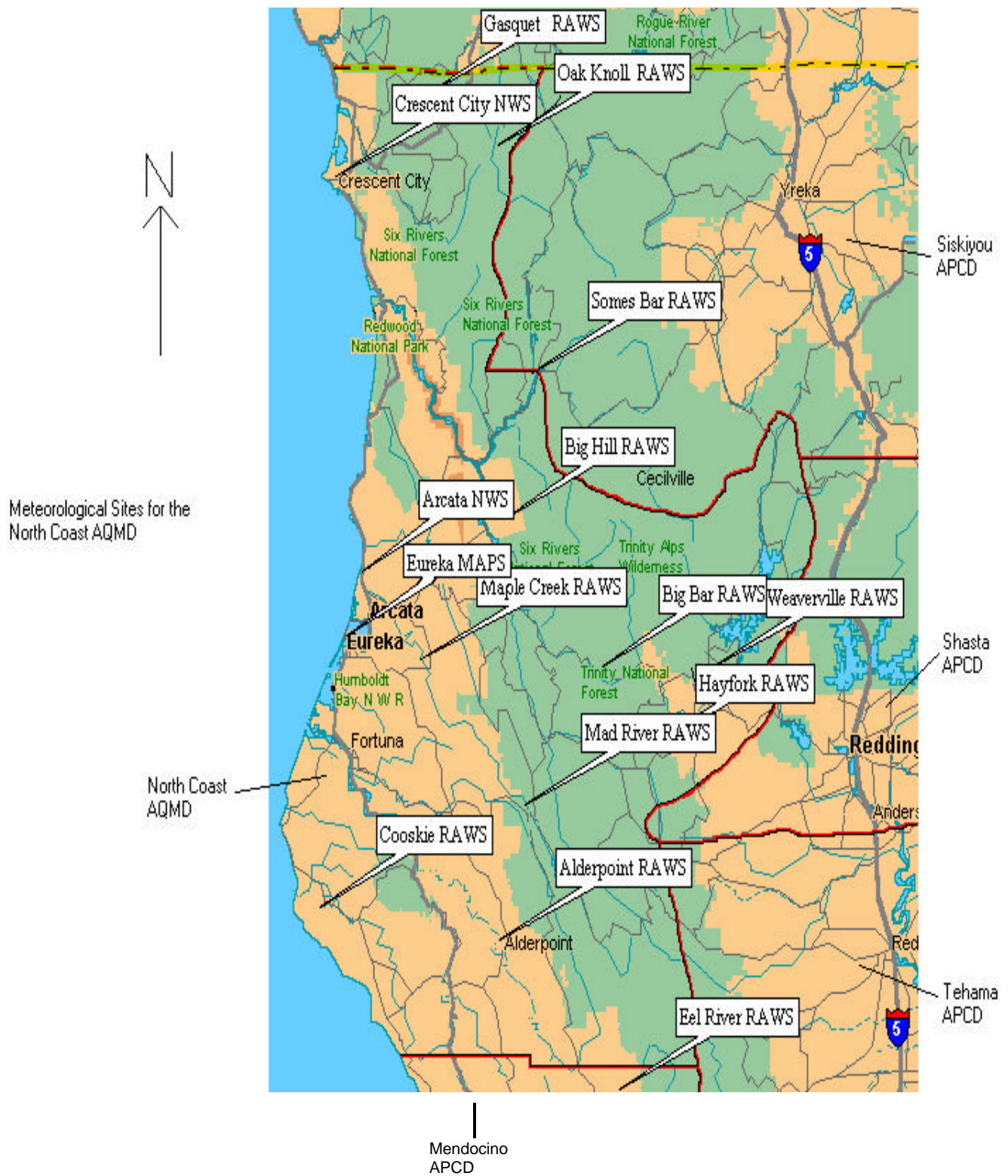
### INSTRUCTIONS

- 1. Give the legal description (township, range, sections) and the common placename for the burn site.
- 2. Describe the type of material to be burned (grass, redwood logging slash, mixed conifer understory, etc.)
- 3. Give an estimate of the total acreage to be burned, or if pile burning the amount of acreage the material in the pile came from.
- 4. Give an estimate of the total tons of material to be consumed by the burn.
- 5. Describe how the fire will be ignited (hand, drip torch, heli-torch), and what type of burning technique will be used (broadcast, piles, strip, backing, windrows, etc.).
- 6. Enter when the fire will be actively burning. If the fire is expected to last more than one day, **and** to be actively burning over the evening, enter the dates as 10/10/99 - 10/12/99. If the burn will occur on more than one day, but **not** in the evening, enter the dates as 10/10/99, 10/11/99, 10/12/99.
- 7. Enter the name of the agency that has issued a burn permit for this burn, and the permit number if there is one.
- 8. Provide a detailed meteorological prescription that **must** be met to proceed with this fire. At a minimum the prescription must include acceptable wind direction. Other considerations may include wind speed, temperature profile, winds aloft, humidity, temperature, actual and predicted inversions, burn day status and forecast, precipitation forecast, and any other meteorological condition which may affect smoke dispersion and/or fire behavior.
- 9. Describe what actions will be taken if smoke from this fire unexpectedly impacts smoke sensitive areas. This may include the ability to extinguish the fire with equipment on hand, or with assistance from a fire protection agency.
- 10. Enter what pretreatment methods have been used to minimize smoke emissions and/or reduce fuel loading. Include any alternatives to burning that have been considered and to what extent they were used.
- 11. Describe what notification procedures are to be used to make sure the public is aware of the planned burn (examples include media announcement, road signs, flyers, etc.).
- 12. Sensitive areas should include any towns and/or major roads within a radius of 5 miles that could be impacted by smoke from the burn project. Burn projects falling under the "C,D,or E" provisions must include a map showing sensitive areas within a radius of 20 miles from the burn site, and the projected direction of smoke travel.

### GENERAL

The SMP must be submitted to the District office no later than 10 days prior to the planned burn. Submittal of a SMP cannot be considered as permission to proceed with a burn, nor does submittal of an SMP relieve you from complying with any rules or regulations of any other government agency. A permit to burn is required from a designated agency. Prior to ignition authorization to proceed **must** be obtained from the District Burn Allocation Officer (707) 443-3093. Any burning that must take place on a designated NO BURN DAY must obtain a variance from the District. Failure to follow your SMP, or to obey any District rule or regulation, is a violation and may result in enforcement action.

# Appendix E - AQMD Meteorological Stations



## Appendix F - Burn Plot Map



# **Appendix G - Mutual Settlement Policy**

NORTH COAST UNIFIED

AIR QUALITY MANAGEMENT DISTRICT

MUTUAL SETTLEMENT PROGRAM/POLICY

A civil penalties program was initiated by North Coast Unified Air Quality Management District in order to effectively process the Notices of Violation issued by Enforcement Personnel to companies or individuals violating district Rules or Regulations. The premise for this program is that a majority of Notices of Violations for non-intentional, non-recurrent types of violations are not constructively handled by immediate filing of criminal or civil actions. Rather, such violations will likely be corrected and not recur if the violator is given the opportunity to have an office conference in which a District staff person explains the District's rules and regulations, the alleged violator explains the situation surrounding the alleged violation, a penalty is agreed to, and the matter is resolved out of the courtroom. The benefits realized by the mutual settlement program:

1. The length of time between the "violation" and the imposition of a "penalty" will be shortened considerably, thus increasing the impact of the Notice of Violation.
2. The alleged violator is given an early opportunity to tell their side of the story and hear the District's case in a setting that is less formal and less threatening than a courtroom proceeding. This should result in a clear understanding of the problem, corrective action and prevention of reoccurrence.
3. Less paperwork is needed to settle cases before court proceedings are initiated resulting in a more efficient use of Staff, District Counsel or the District Attorney's office. This program will reduce the impact on the legal/judicial system in processing misdemeanor violations.
4. All fines imposed civilly accrue to the District. Criminal fines and fines resulting from violations of the Business and Professions Code are to be divided equally between the District and the District Attorney's Office.

## SETTLEMENT SCHEDULE

The first step in the civil action procedures is the issuance of a Notice of Violation. This step would follow the detection, investigation and documentation of a violation of district rule(s) and/or state law(s).

In appropriate cases, such as bad faith, falsifying documents, public nuisance or chronic violations, abatement orders or criminal actions may be preferred.

Violations of the North Coast Unified Air Quality Management District Rules and Regulations are subject to enforcement action as provided in California Health and Safety Code Sections 42402, 42402.1, 42402.2 and 42402.5 which provide for civil penalties of \$1000.00 per violation, \$10,000.00 per violation or \$25,000.00 per violation, depending upon the circumstances of the emission. Each day of a violation constitutes a separate violation and is subject to a separate penalty. Each rule violation constitutes a separate violation and is subject to separate penalty. The District's policy is to offer the opportunity to settle such enforcement actions before commencing formal legal proceedings.

The District Settlement Schedule is intended to provide a matrix of settlement penalties and settlement amounts which are determined by the following four criteria:

1. Seriousness of the violation
2. Size of the violator's business
3. Number of prior violations
4. Mitigating circumstances

The above criteria encompass the 8 major concerns and circumstances that shall be taken into account in determining the civil penalty to be assessed as delineated in Health and Safety Code Section 42403. The 8 criteria are:

- A. The extent of harm caused by the violation
- B. The nature and persistence of the violation
- C. The length of time over which the violation occurs
- D. The frequency of past violations
- E. The record of maintenance
- F. The unproven or innovative nature of the control equipment
- G. Any action taken by the defendant to mitigate the violation
- H. The financial burden to the defendant

Factors A, B, and D above are taken into account when initial penalty calculations are made.

Use of this schedule is intended to ensure uniformity of assessed civil penalties for all persons under similar circumstances.

In addition to promoting uniformity and equity, this system for penalty assessment must have enough flexibility to account for the unique facts of each case.

#### Categories

There are four violation categories reflecting settlement penalty amounts corresponding to the seriousness of the violation. CATEGORY I violations are those which are primarily procedural, having negligible air quality impact, and which are committed through neglect or oversight. CATEGORY II violations include those which may involve emissions which exceed maximum allowances (or limits) and, therefore may have air quality impacts, and which are committed unintentionally through neglect or oversight. CATEGORY III violations include those

having air quality impacts and which are committed intentionally or through inexcusable neglect. CATEGORY IV are blatant violations involving intentional wrongdoing, with substantial air quality impacts.

The factors of willfulness and air quality impact are considered together in assigning a particular violation its violation category. A violation involving little air quality impact for example, could be assigned to CATEGORY II or III, depending on the degree of willfulness of the violation. Similarly, an unintentional violation could be assigned to CATEGORY I or II, depending on the degree of air quality impact involved.

In assessing the degree of willfulness and/or negligence, all of the following points should be considered in most cases:

- o How much control the violator had over the events constituting the violation.
- o Whether the violator took reasonable precautions against the events constituting the violation.
- o Whether the violator knew, or should have known, of the air pollution hazards associated with the conduct.
- o The level of sophistication within the industry in dealing with compliance issues.
- o Whether the violator in fact knew of the legal requirement which was violated. Lack of knowledge of the legal requirement, should never be used as a basis to reduce a penalty. To do so would encourage ignorance of the law. Rather, knowledge of the law should serve only to enhance the penalty.

### Classes

There are three basic business classes which are determined by the gross annual income of the responsible owner or operator of the facility. These classes are set out under the civil penalty schedule. The basis for a private individual offender falls under Class I.

### Prior Violations

The third factor in the schedule is the number of prior violations of the same type as involved in the case in question, which have been committed by the facility or individual in a 36 month period. Repeat or successive violations are defined as violations of the same or related rule(s) or permit condition(s) regarding a permitted unit.

### Alternative Settlement

In determining the penalty for the violation, various environmentally beneficial projects in settlement of a case may be chosen, in part or in full, as an alternative to monetary penalties. An alternative penalty may be more attractive to both the District and the violator to fund useful environmental projects or establish a system or staff to prevent future violations. Alternative penalties shall be memorialized in and agreed to by the District and the violator in writing.

### Penalty Suspensions

To ease the financial burden of penalty payments and to provide an incentive for future compliance, a penalty suspension program has been established. Rather than requiring a source found in violation to pay the entire penalty at the time the violation is discovered, a suspension of a percentage of their payment may be offered. The suspension will be in effect for one year from the settlement date. If additional violations of related District Rules or permit conditions occur within the year, the suspended portion of the penalty may be assessed against the source in addition to a penalty for the new violation. However, if there are no further violations within the year, the source will no longer be liable for the suspended amount.

Penalty suspensions can be offered when the responsible party has taken steps to prevent future recurrences and the emissions did not result in a threat to public health.

### Penalty Mitigation

Penalty reductions are possible if there are extenuating circumstances that fall under Health and Safety Code Section 42403 (Categories A, B or D) which have not already been considered when computing the initial penalty. The Mutual Settlement Officer for the District must be contacted by the source to discuss the existence of any such circumstances.

It shall be the policy of the District to use the civil penalty schedule as a starting point in an offer to settle the violation(s) prior to filing of a civil court action. Extenuating circumstances will be considered to determine if the starting point of the schedule should be increased or decreased. This consideration must be made after an extensive investigation and before a mutual settlement letter offering to settle the matter is sent.

adopted June 28, 1990

CIVIL PENALTY SCHEDULE

Classification (*) (Facility Size)	Violation Category			
	I	II	III	IV
Class I				
No Priors	\$ 50.	\$ 200.	\$ 400.	(**)
1 Prior	100.	300.	500.	(**)
2 Priors	150.	400.	600.	(**)
3 Priors	200	500.	700.	(**)
Class II				
No Priors	\$ 100.	\$ 500.	\$ 650.	(**)
1 Prior	150.	750.	850.	(**)
2 Priors	200.	1000.	1100.	(**)
3 Priors	250.	1250.	1500.	(**)
Class III				
No Priors	\$ 200.	\$ 750.	\$1000.	(**)
1 Prior	300.	1500.	2000.	(**)
2 Priors	400.	2250.	3000.	(**)
3 Priors	500.	3000.	4000.	(**)

Four violation categories reflect penalty amounts corresponding to the seriousness of the violations:

CATEGORY I - Violations are procedural, have negligible air quality impact, are committed unintentionally, either by neglect or oversight.

CATEGORY II - Violations involve emission excesses which may have an air quality impact but which are committed unintentionally either by neglect or oversight.

CATEGORY III - Violations have air quality impact and are committed intentionally or through inexcusable neglect.

CATEGORY IV - Violations are flagrant - involve intentional wrongdoing and have substantial air quality impact.

(\*) Basis of classifications are determined by the gross annual income of the owner/operator of the facility. Private citizen assignments will normally involve Class I.

Annual Gross Income in dollars

Class I	-	500,000 or less
Class II	-	500,000 - 5,000,000
Class III	-	Greater than 5,000,000

(\*\*) Category IV - Violations are open - penalty is determined on case-by-case basis but cannot exceed \$25,000/day, maximum penalty permitted by state law.

adopted June 28, 1990



## **Subchapter 2. Smoke Management Guidelines for Agricultural and Prescribed Burning\***

### **\* sections with applicability to North Coast AQMD**

---

#### **Article 1. General Provisions**

##### **§80100. Purpose.**

The Smoke Management Guidelines for Agricultural and Prescribed Burning, henceforward referred to as Guidelines, are to provide direction to air pollution control and air quality management districts (air districts) in the regulation and control of agricultural burning, including prescribed burning, in California. The Guidelines are intended to provide for the continuation of agricultural burning, including prescribed burning, as a resource management tool, and provide increased opportunities for prescribed burning and agricultural burning, while minimizing smoke impacts on the public. The regulatory actions called for are intended to assure that each air district has a program that meets air district and regional needs.

##### **§80101. Definitions.**

- (a) "Agricultural burning" is defined in Health and Safety Code section 39011 as follows:
- (1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.
  - (2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).
  - (3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.
- (b) "Air Pollution Control District" (APCD), "Air Quality Management District" (AQMD), "air district," or "district" means an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of Health and Safety Code section 40000 et seq.
- (c) "Air quality" means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state

board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

- (d) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (e) "ARB" or "state board" means the Air Resources Board.
- (f) "Basinwide air quality factor" means an air quality factor which equals the 4:00 am to 6:00 am two hour average soiling index (COH\*10) ending at 6:00 am PST. The basinwide council may use other particulate matter measurements as an indicator of air quality if appropriate for its program.
- (g) "Burn plan" means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.
- (h) "Burn project" means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.
- (i) "Class I Area" means a mandatory visibility protection area designated pursuant to section 169A of the federal Clean Air Act.
- (j) "Designated agency" means any agency designated by the Air Resources Board as having authority to issue agricultural burning, including prescribed burning, permits. An air district may request such a designation for an agency. The U.S. Department of Agricultural (USDA) Forest Service and the California Department of Forestry and Fire Protection (CDF) are so designated within their respective areas of jurisdiction.
- (k) "Fire protection agency" means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.
- (l) "Forty-eight hour forecast" means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of the prediction. The prediction shall indicate a degree of confidence.
- (m) "Land manager" means any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.
- (n) "Marginal burn day" means a day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.
- (o) "National Ambient Air Quality Standards (NAAQS)" mean 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.

- (p) “Ninety-six hour trend” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of the prediction.
- (q) “No-burn day” means any day on which agricultural burning, including prescribed burning, is prohibited by the state board or the air district in which the burning will occur.
- (r) “Open burning in agricultural operations in the growing of crops or raising of fowl or animals” means:
- (1) The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.
  - (2) In connection with operations qualifying under subdivision (1):
    - (A) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation.
    - (B) The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.
- (s) “Particulate matter (PM)” means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).
- “PM2.5” means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.
- “PM10” means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).
- (t) “Permissive-burn day,” or “burn day” means any day on which agricultural burning, including prescribed burning, is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.
- (u) “Pre-fire fuel treatment” means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.
- (v) “Prescribed burning” - see (a) (3). Tule burning in wildlands or wildland/urban interface is considered to be prescribed burning.
- (w) “Prescribed fire” means any fire ignited by management actions to meet specific objectives, and includes naturally-ignited wildland fires managed for resource benefits.
- (x) “Range improvement burning” means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- (y) “Region” means two or more air districts within an air basin or adjoining air basins that sign a memorandum of understanding to implement a coordinated regional smoke management program pursuant to the requirements of Article 2 of this regulation.
- (z) “Residential burning” means an open outdoor fire for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.

- (aa) “Seventy-two hour outlook” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 72 hours from the day of the prediction.
- (bb) “Smoke Management Plan” means a document prepared for each fire by land managers or fire managers that provides the information and procedures required in section 80160.
- (cc) “Smoke management prescription” means measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to, minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code section 41700, public nuisance statute.
- (dd) “Smoke Management Program” means the program defined in these Guidelines.
- (ee) “Smoke sensitive areas” are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.
- (ff) “State ambient air quality standards” means 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.
- (gg) “Wildfire” means an unwanted wildland fire.
- (hh) “Wildland” means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture (USDA) Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.
- For CDF 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. “Wildland” also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.
- (ii) “Wildland fire” means any non-structural fire, other than prescribed fire, that occurs in the wildland.
- For CDF only, “wildland fire” as specified in PRC section 4464(c) means any uncontrolled fire burning on wildland.
- (ij) “Wildland/urban interface” means the line, area, or zone where structures and other human development meet or intermingle with the wildland.

## **§80102. Scope and Applicability.**

- (a) These Guidelines apply to the Air Resources Board and all air districts in California, and regulate agricultural burning, including prescribed burning. These Guidelines are intended to provide flexibility to districts in the development and implementation of their smoke management programs. Such programs shall be developed in consultation with the ARB and focus on minimizing any significant impacts that agricultural or prescribed burning may have on air quality or public health. These Guidelines are also intended to assure adequate state oversight, including initial program approval and periodic program assessment.
- (b) Although any local or regional authority may establish stricter standards for the control and the regulation of agricultural burning, including prescribed burning, than those set forth in these Guidelines, no local or regional authority may ban agricultural or prescribed burning.
- (c) These Guidelines are not intended to permit open burning on days when such burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

**§80110. Permissive-Burn, Marginal Burn, or No-Burn Days.**

- (a) The ARB shall specify each day of the year as a permissive burn day, or a no-burn day for each air basin or other specified area.
- (b) The ARB shall announce by 3:00 p.m. every day for each of the state's air basins or other specified areas whether the following day is a permissive burn day or a no-burn day, or whether the decision will be announced the following day. If conditions preclude a forecast until the next day, the decision shall be announced by 7:45 a.m. Such notices shall be based on the Meteorological Criteria for Regulating Agricultural Burning and Prescribed Burning, set forth in sections 80179 through 80330 of these Guidelines.
- (c) The ARB may declare a marginal burn day if meteorological conditions approach the criteria contained in sections 80179 through 80311 for permissive burn days, and smoke impacts are not expected. A marginal burn day allows a district to authorize limited amounts of burning for individual projects in an air basin or other specified area if the air district demonstrates that smoke impacts to smoke sensitive areas are not expected as a result of that burning. The ARB shall announce by 3:00 p.m. every day for each of the state's air basins or other specified areas whether the following day is a marginal burn day, or whether the decision will be announced the following day. If conditions preclude a forecast until the next day, the decision shall be announced by 7:45 a.m.
- (d) Agricultural burning, including prescribed burning, is prohibited on no-burn days, except as specified in section 80120(e), section 80145(n), and section 80160(h).
- (e) A district and the ARB may develop mutually agreeable procedures to allow a district to demonstrate that a given day is a marginal burn day or a burn day through its own analysis of the expected meteorological conditions in the air basin and a comparison to the meteorological criteria in Article 3.

**§80120. Burning Permits.**

- (a) No person shall knowingly set or allow agricultural or prescribed burning unless he or she has a valid permit from a district or designated agency.

No burning shall be conducted pursuant to such permit without specific district approval consistent with these Guidelines. Burning conducted pursuant to each permit must comply with all conditions specified on the permit. A violation of this subdivision is a violation of section 41852 of the California Health and Safety Code.

- (b) The forms of burning permits shall be prepared by the air districts in consultation with the designated agencies.
- (c) The form of the permit shall contain the following words or words of similar import: "This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by an air district pursuant to section 41855 of the Health and Safety Code, and when burning on the lands identified herein has been approved by the air district."
- (d) Each air district shall provide the designated agencies within the district with a copy of these Guidelines, related information on state laws, air district rules and regulations, and other information as appropriate.
- (e) An air district may, by special permit, authorize agricultural burning, including prescribed burning, on days designated by the ARB as no-burn days if the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning, a district shall limit the amount of material which can be burned in any one day and only authorize burning which is not likely to cause or contribute to exceedences of air quality standards or result in smoke impacts to smoke sensitive areas.
- (f) Permits issued by designated agencies shall be subject to these Guidelines and to the rules and regulations of the district. Designated agencies shall submit to the air districts information as specified by the air district.
- (g) Each applicant for a permit shall provide information required by the designated agency for fire protection purposes.
- (h) Each applicant for a permit shall provide information requested by the district.

#### **§80130. Burning Report.**

- (a) A report of agricultural burning, including prescribed burning, conducted pursuant to these Guidelines during each calendar year shall be submitted to the ARB by each air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each waste type burned from open burning in agricultural operations and the estimated tonnage of waste from prescribed burning, and the county where the burning was performed. When an electronic reporting system is established by the ARB, it shall be used for providing reports of burning.
- (b) A report of special permits issued pursuant to subdivision (e) of section 80120 during each calendar year shall be submitted to the ARB by each air district within 45 days of the end of the calendar year. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.
- (c) The ARB Executive Officer may, on a district-by-district basis, alter the frequency or contents of the reports required pursuant to subsection (a) and

(b) of this section, based on information needed to conduct or evaluate smoke management programs. The executive officer shall provide a justification and reasonable schedule for implementing any revisions.

---

## **Article 2. District Smoke Management Program**

### **§80140. General.**

- (a) Each air district shall adopt, implement and enforce a smoke management program consistent with these Guidelines. Each air district or region shall develop its smoke management program in coordination with the ARB, the appropriate fire protection agencies, the land managers having jurisdiction within the district, any other affected parties, and the public.
- (b) Two or more districts choosing to implement a regional smoke management program shall meet the following additional requirements:
  - (1) Execute a signed memorandum of understanding with participating districts that sets forth procedures for the coordination, implementation, and enforcement of shared responsibilities to comply with state smoke management program requirements.
  - (2) Describe the regional smoke management program requirements, including the following elements, in the memorandum of understanding: a list of district and region boundaries; participating federal and/or state land managers, and other local entities within the region; the decision-making structure of the regional smoke management program; and the joint workplan for implementing the regional smoke management program.
  - (3) The regional smoke management program will include compliance provisions for each participating air district.
  - (4) Each participating air district shall implement its responsibilities under the smoke management program in coordination with other regional air districts/burn entities.
- (c) The smoke management program of the Sacramento Valley is designated as a regional smoke management program.
- (d) Districts shall adopt the elements of their smoke management program according to the following schedule:
  - (1) By September 1, 2000, all air districts shall implement the prescribed burning elements of their programs, including the provisions of section 80160, unless exempted pursuant to section 80170.
  - (2) By July 1, 2001, all air districts shall adopt smoke management programs that meet all applicable requirements of this regulation.
  - (3) The ARB may extend the scheduled dates by up to six months if an air district demonstrates that, for good cause, additional time is needed.
- (e) The ARB shall either approve or indicate its intent to disapprove any program, portion of a program, or amendment of a program within 120 days after submittal.
- (f) Prior to disapproval the ARB Executive Officer shall confer with the air district regarding the reasons for the proposed disapproval. Following such conference, a decision to approve or disapprove the program, portion of a

program, or amendment of a program shall be made by the ARB Executive Officer.

- (g) The air district may appeal the decision to the ARB. At the request of an air district or, in the case of a regional program, the districts in that region, the Air Resources Board itself, and not the ARB executive officer, shall hold a public hearing on the matter in the district or region affected.
- (h) If a program is disapproved, the ARB shall return the program to the air district(s) for amendment. The air district(s) shall amend the program to address ARB concerns within 180 days.
- (i) If the program or amendment of such program is disapproved, or if a program or amendment is not submitted by the specified date, the ARB, after a public hearing in the basin affected, shall adopt an alternative program.
- (j) The program approved pursuant to subdivision (e) or adopted pursuant to subdivision (i) shall be enforced by the air district(s).
- (k) After an air district smoke management program is approved by the ARB, amendments to the program shall be submitted to the ARB for approval, and shall not be effective until approved. Each program or amendment shall be submitted to the ARB for approval within 30 days after adoption by the district.
- (l) After an air district smoke management program is approved by the ARB and the ARB finds that changes are necessary, the ARB shall discuss the findings with the air district and, in consultation with the district, establish an appropriate schedule for revising the smoke management program.

#### **§80145. Program Elements and Requirements.**

The district smoke management programs shall include all of the elements in section 80145. Procedures and other requirements contained in subsections 80145(a) through (n) of this section shall be approved by district board resolutions or adopted as rules and regulations:

- (a) A daily burn authorization system that regulates agricultural burning, including prescribed burning, in order to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. The burn authorization system shall not allow more burning on a daily basis than is appropriate for the meteorological or air quality conditions. The daily burn authorization system shall specify the amount, timing and location of each burn event. The burn authorization system shall be developed by the air district in consultation with the ARB, shall be commensurate with the air quality impacts from burning, and shall consider the following factors as necessary:
  - (1) air quality;
  - (2) meteorological conditions expected during burning, including wind speeds and directions at the surface and aloft, and atmospheric stability;
  - (3) types and amounts of materials to be burned;
  - (4) location and timing of materials to be burned;
  - (5) locations of smoke sensitive areas; and



- (6) smoke from all burning activities, including burning in neighboring air districts or regions which may affect the district or region.
- (b) A burn authorization system is not required for small amounts of daily agricultural burning, excluding prescribed burning, if an air district demonstrates, based on historical data, that those small amounts of burning do not cause or contribute to air quality problems.
- (c) A description of the meteorological and air quality monitoring data to be used to provide data for determining the basinwide meteorological and air quality conditions.
- (d) A description of the personnel resources for meteorological support and burn coordination that will be used to operate the burn program.
- (e) Procedures for issuing notice of permissive-burn, marginal burn or no-burn days. Air districts shall coordinate these procedures with fire protection agencies. A no-burn day notice shall be issued for agricultural burning, including prescribed burning, by the air district when open burning is prohibited by fire protection agencies for fire control or prevention.
- (f) Procedures for issuing 48-hour forecasts, 72-hour outlooks, and 96-hour trends for specific prescribed burns. The air district may request that the ARB provide these forecasts for specific prescribed burns.
- (g) Procedures for authorizing burning, including a procedure for authorizing individual prescribed burns 24 hours prior to ignition of the fire, recognizing that any burn decision made 24 hours in advance is always subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated.
- (h) Procedures for acquiring information on amounts of material burned on each day, on planned and unplanned wildland fires, and other information needed to establish the burn authorization for the following day, as specified in paragraph (a).
- (i) Procedures for addressing cross-jurisdictional smoke impacts by coordinating with neighboring air districts, regions, or states.
- (j) The form of permit(s) required by subdivision (c) of section 80120 and the form of the information required by subdivision (f) of section 80120.
- (k) Procedures for enforcement.
- (l) Plans to provide for an analysis and periodic assessment of actions that are undertaken to minimize smoke through the use of pre-fire fuel treatment practices and non-burn alternatives.
- (m) If necessary, procedures for prioritizing agricultural burning, including prescribed burning, that districts can use to minimize smoke impacts. In considering priorities, districts shall consider the public benefits of burn projects, including safety, public health, forest health and wildfire prevention, ecological needs, economic concerns, and disease and pest prevention. Efforts to reduce smoke emissions, such as removal of excess material, shall also be considered.
- (n) As applicable, each district shall consider additional provisions with respect to permitting, on no-burn days, the burning of empty sacks or containers which contained pesticides or other toxic substances, providing the sacks or containers are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowl or animals," as specified in section 80101(r);
- (o) Rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

- (1) Require the material to be burned to be free of material that is not produced on the property or in an agricultural or prescribed burning operation. Material not to be burned includes, but is not limited to, tires, rubbish, plastic, treated wood, construction/demolition debris, or material containing asbestos;
- (2) Require the material to be arranged so that it will burn with a minimum of smoke, when feasible;
- (3) Require material to be reasonably free of dirt, soil and visible surface moisture;
- (4) Require the material to be dried for minimum periods with separate specifications for the following: (A) trees and large branches, (B) prunings and small branches, (C) wastes from field crops that are cut in a green condition, and (D) other materials;
- (5) Regulate hours of ignition and burning.
- (6) Limit the ignition of fires to approved ignition devices.

**§80150. Special Requirements for Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals.**

- (b) A district with no agricultural operations in the growing of crops or raising of fowl or animals within its jurisdiction may request to be exempted from the requirements of this section.

**§80160. Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas.**

The district smoke management programs shall include rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

- (a) Require registration of all planned burn projects annually or seasonally, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.
- (b) Require the submittal of smoke management plans for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter. Smoke management plans must contain, at a minimum, the following information:
  - (1) Location, types, and amounts of material to be burned;
  - (2) Expected duration of the fire from ignition to extinction;
  - (3) Identification of responsible personnel, including telephone contacts; and
  - (4) Identification and location of all smoke sensitive areas.
- (c) Require that smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained in subdivision (b) and the following additional information:
  - (1) Identification of meteorological conditions necessary for burning;
  - (2) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions;
  - (3) Projections, including a map, of where the smoke from burns is expected to travel, both day and night;

- (4) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan;
  - (5) An evaluation of alternatives to burning considered; projects that have met applicable National Environmental Policy Act and/or California Environmental Quality Act requirements will be considered to have complied with this provision; and
  - (6) Discussion of public notification procedures.
- (d) If smoke may impact smoke sensitive areas, require smoke management plans to include appropriate monitoring, which may include visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the district for the following burn projects:
- (1) projects greater than 250 acres;
  - (2) projects that will continue burning or producing smoke overnight;
  - (3) projects conducted near smoke sensitive areas; or
  - (4) as otherwise required by the district.
- (e) Require, as appropriate, daily coordination between the land manager or his/her designee and the air district or the ARB for multi-day burns which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.
- (f) Alternate thresholds to those specified in sections (b), (c), and (d) may be specified by a district consistent with the intent of this section.
- (g) Require district review and approval of smoke management plans. Districts shall provide notice to the ARB of large or multi-day burns as specified in (d) or (e) and consult with the ARB on procedures for ARB review and approval of large or multi-day burns as specified in (d) and (e).
- (h) Require that when a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go”<sup>\*</sup> unless:
- 1. After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
  - 2. For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB;
  - 3. After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.
- <sup>\*</sup>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.
- (i) Require submittal of smoke management plans 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.
- (j) Require the land manager or his/her designee conducting a prescribed burn to ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.
- (k) Require a post-burn smoke management evaluation by the burner for fires greater than 250 acres.
- (l) Require procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.

- (m) Require vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.
- (n) Require material to be burned to be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.
- (o) Require piled material to be burned to be prepared so that it will burn with a minimum of smoke.
- (p) Require the permit applicant to file with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

#### **§80170. Exemptions.**

A district with no prescribed burning in wildlands or urban interfaces within its jurisdiction may request to be exempted from the requirements of section 80160. A district may exclude specific range improvement burns for livestock habitat or the initial establishment of an agricultural practice on previously uncultivated land from the provisions of section 80160 of these Guidelines provided the air district determines that smoke impacts are not expected in smoke sensitive areas.

---

### **Article 3. Meteorological Criteria for Regulating Agricultural and Prescribed Burning**

#### **§80179. General.**

The ARB may use, on a test basis in cooperation with the air basin affected, for three years for developing new criteria, alternate criteria to those specified in this article to establish burn days, no-burn days, and marginal burn days.

#### **§80180. North Coast Air Basin.**

- (a) Above 3,000 feet mean sea level\* (msl), a permissive-burn day will be declared when the following criteria are met:
  - (1) Near 4:00 a.m., the mean 500 millibar (mb) height over the Basin is less than the limiting mean height given in Table 1 of Section 80320.
  - (2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of Section 80320.
- (b) Below 3,000 feet msl\*, a permissive-burn day will be declared when at least 3 of the following criteria are met:
  - (1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 10 degrees Fahrenheit, except that during July through November it is not warmer by more than 18 degrees Fahrenheit.

- (2) The expected daytime temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.
- (3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.
- (4) The expected daytime wind direction in the mixing layer has a component from the east and a speed of 12 miles per hour or less.

---

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

**§80330. General Criteria for Announcement of Burn or No-Burn Day.**

Notwithstanding the criteria listed in the preceding for each air basin, the Air Resources Board may announce permissive-burn, marginal burn, or no-burn days based on expected meteorological conditions and on the estimated effect on air quality of the agricultural burning and prescribed burning.

Annotated Subchapter 2, Smoke Management Guidelines for Agricultural and Prescribed Burning, showing specific District regulations, resolutions, and/or actions to meet specified requirement.

---

Article 1. General Provisions

**“SMP#” means procedure outlined in District Smoke Management Program Section #, and adopted by Board resolution.**

**“Reg 2 #” means regulation in Regulation 2 of the North Coast Air Basin where specified requirement can be found, and adopted by District regulation.**

§80101. Definitions.

**Added the following definitions to Reg. 2-200 for consistency with Title 17 and clarity of Regulation 2.**

- (a) “Agricultural burning” is defined in Health and Safety Code section 39011 as follows:
- (1) “Agricultural burning” means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.
  - (2) “Agricultural burning” also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).
  - (3) “Agricultural burning” also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.
- (h) “Burn project” means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.
- (s) “Particulate matter (PM)” means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).
- (z) “Residential burning” means an open outdoor fire for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on

its premises (**with additional language**). Residential burning is not considered to be prescribed burning.

(ee) "Smoke sensitive areas" are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

#### §80120. Burning Permits.

- (a) No person shall knowingly set or allow agricultural or prescribed burning unless he or she has a valid permit from a district or designated agency (**2-304.1.01, SMP 1.a.**). No burning shall be conducted pursuant to such permit without specific district approval consistent with these Guidelines (**SMP 1.c.**). Burning conducted pursuant to each permit must comply with all conditions specified on the permit (**SMP 6.e.**). A violation of this subdivision is a violation of section 41852 of the California Health and Safety Code.
- (b) The forms of burning permits shall be prepared by the air districts in consultation with the designated agencies.
- (c) The form of the permit shall contain the following words or words of similar import: "This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by an air district pursuant to section 41855 of the Health and Safety Code, and when burning on the lands identified herein has been approved by the air district."**(2-304.3)**
- (d) Each air district shall provide the designated agencies within the district with a copy of these Guidelines, related information on state laws, air district rules and regulations, and other information as appropriate.
- (e) An air district may, by special permit, authorize agricultural burning, including prescribed burning, on days designated by the ARB as no-burn days if the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning, a district shall limit the amount of material which can be burned in any one day and only authorize burning which is not likely to cause or contribute to exceedences of air quality standards or result in smoke impacts to smoke sensitive areas (**2-304.4**).
- (f) Permits issued by designated agencies shall be subject to these Guidelines and to the rules and regulations of the district. Designated agencies shall submit to the air districts information as specified by the air district.
- (g) Each applicant for a permit shall provide information required by the designated agency for fire protection purposes.
- (h) Each applicant for a permit shall provide information requested by the district (**2-304.2**).

§80130. Burning Report.

- (a) A report of agricultural burning, including prescribed burning, conducted pursuant to these Guidelines during each calendar year shall be submitted to the ARB by each air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each waste type burned from open burning in agricultural operations and the estimated tonnage of waste from prescribed burning, and the county where the burning was performed. When an electronic reporting system is established by the ARB, it shall be used for providing reports of burning **(SMP 2.b.)**.
- (b) A report of special permits issued pursuant to subdivision (e) of section 80120 during each calendar year shall be submitted to the ARB by each air districts within 45 days of the end of the calendar year. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss **(SMP 2.c.)**.

---

Article 2. District Smoke Management Program

§80140. General.

- (a) Each air district shall adopt, implement and enforce a smoke management program consistent with these Guidelines. Each air district or region shall develop its smoke management program in coordination with the ARB, the appropriate fire protection agencies, the land managers having jurisdiction within the district, any other affected parties, and the public.
- (d) Districts shall adopt the elements of their smoke management program according to the following schedule:
  - (1) By September 1, 2000, all air districts shall implement the prescribed burning elements of their programs, including the provisions of section 80160, unless exempted pursuant to section 80170.
  - (2) By July 1, 2001, all air districts shall adopt smoke management programs that meet all applicable requirements of this regulation.
  - (3) The ARB may extend the scheduled dates by up to six months if an air district demonstrates that, for good cause, additional time is needed.

§80145. Program Elements and Requirements.



The district smoke management programs shall include all of the elements in section 80145. Procedures and other requirements contained in subsections 80145(a) through (n) of this section shall be approved by district board resolutions or adopted as rules and regulations:

- (a) A daily burn authorization system that regulates agricultural burning, including prescribed burning, in order to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. The burn authorization system shall not allow more burning on a daily basis than is appropriate for the meteorological or air quality conditions. The daily burn authorization system shall specify the amount, timing and location of each burn event. The burn authorization system shall be developed by the air district in consultation with the ARB, shall be commensurate with the air quality impacts from burning, and shall consider the following factors as necessary(**SMP 4.**):
  - (1) air quality;
  - (2) meteorological conditions expected during burning, including wind speeds and directions at the surface and aloft, and atmospheric stability;
  - (3) types and amounts of materials to be burned;
  - (4) location and timing of materials to be burned;
  - (5) locations of smoke sensitive areas; and
  - (6) smoke from all burning activities, including burning in neighboring air districts or regions which may affect the district or region.
- (b) A burn authorization system is not required for small amounts of daily agricultural burning, excluding prescribed burning, if an air district demonstrates, based on historical data, that those small amounts of burning do not cause or contribute to air quality problems.
- (c) A description of the meteorological and air quality monitoring data to be used to provide data for determining the basinwide meteorological and air quality conditions(**SMP 5.**).
- (d) A description of the personnel resources for meteorological support and burn coordination that will be used to operate the burn program (**SMP 4.n.**).
- (e) Procedures for issuing notice of permissive-burn, marginal burn or no-burn days. Air districts shall coordinate these procedures with fire protection agencies. A no-burn day notice shall be issued for agricultural burning, including prescribed burning, by the air district when open burning is prohibited by fire protection agencies for fire control or prevention (**Reg. 2-303.1**).
- (f) Procedures for issuing 48-hour forecasts, 72-hour outlooks, and 96-hour trends for specific prescribed burns. The air district may request that the ARB provide these forecasts for specific prescribed burns(**SMP 4.i.**).
- (g) Procedures for authorizing burning, including a procedure for authorizing individual prescribed burns 24 hours prior to ignition of the fire, recognizing that any burn decision made 24 hours in advance is always subject to

change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated **(SMP 4.)**.

- (h) Procedures for acquiring information on amounts of material burned on each day, on planned and unplanned wildland fires, and other information needed to establish the burn authorization for the following day, as specified in paragraph (a) **(SMP 4.k.)**.
- (i) Procedures for addressing cross-jurisdictional smoke impacts by coordinating with neighboring air districts, regions, or states **(SMP 4.j.)**.
- (j) The form of permit(s) required by subdivision (c) of section 80120 and the form of the information required by subdivision (f) of section 80120 **(SMP Appendix A, Appendix G)**.
- (k) Procedures for enforcement **(SMP 6.)**.
- (l) Plans to provide for an analysis and periodic assessment of actions that are undertaken to minimize smoke through the use of pre-fire fuel treatment practices and non-burn alternatives **(SMP 4.k.)**.
- (m) If necessary, procedures for prioritizing agricultural burning, including prescribed burning, that districts can use to minimize smoke impacts. In considering priorities, districts shall consider the public benefits of burn projects, including safety, public health, forest health and wildfire prevention, ecological needs, economic concerns, and disease and pest prevention. Efforts to reduce smoke emissions, such as removal of excess material, shall also be considered.
- (o) Rules and regulations or, until April 1, 2003, other enforceable mechanisms that :
  - (1) Require the material to be burned to be free of material that is not produced on the property or in an agricultural or prescribed burning operation. Material not to be burned includes, but is not limited to, tires, rubbish, plastic, treated wood, construction/demolition debris, or material containing asbestos **(Reg. 2-401.4)**;
  - (2) Require the material to be arranged so that it will burn with a minimum of smoke, when feasible **(Reg. 2-401.1)**;
  - (3) Require material to be reasonably free of dirt, soil and visible surface moisture **(Reg. 2-401.1)**;
  - (4) Require the material to be dried for minimum periods with separate specifications for the following: (A) trees and large branches, (B) prunings and small branches, (C) wastes from field crops that are cut in a green condition, and (D) other materials **(reg. 2-401.5)**;
  - (5) Regulate hours of ignition and burning **(SMP 4.a.)**.
  - (6) Limit the ignition of fires to approved ignition devices **(Reg. 2-401.2)**.

§80150. Special Requirements for Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals.

- (b) A district with no agricultural operations in the growing of crops or raising of fowl or animals within its jurisdiction may request to be exempted from the requirements of this section.

§80160. Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas.

The district smoke management programs shall include rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

- (a) Require registration of all planned burn projects annually or seasonally, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur **(Reg. 2-401.10, SMP 2.a.)**.
- (b) Require the submittal of smoke management plans for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter. Smoke management plans must contain, at a minimum, the following information:
  - (1) Location, types, and amounts of material to be burned;
  - (2) Expected duration of the fire from ignition to extinction;
  - (3) Identification of responsible personnel, including telephone contacts; and
  - (4) Identification and location of all smoke sensitive areas **(Reg. 2-404.11.01, SMP 3.e.1.)**.
- (c) Require that smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained in subdivision (b) and the following additional information:
  - (1) Identification of meteorological conditions necessary for burning;
  - (2) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions;
  - (3) Projections, including a map, of where the smoke from burns is expected to travel, both day and night;
  - (4) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan;
  - (5) An evaluation of alternatives to burning considered; projects that have met applicable National Environmental Policy Act and/or California Environmental Quality Act requirements will be considered to have complied with this provision; and
  - (6) Discussion of public notification procedures **(Reg. 2-401.11.02, SMP 3.e.2.)**.

- (d) If smoke may impact smoke sensitive areas, require smoke management plans to include appropriate monitoring, which may include visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the district for the following burn projects:
  - (1) projects greater than 250 acres;
  - (2) projects that will continue burning or producing smoke overnight;
  - (3) projects conducted near smoke sensitive areas; or,
  - (4) as otherwise required by the district **(Reg. 2-401.11.03, SMP 3.f.)**.
- (e) Require, as appropriate, daily coordination between the land manager or his/her designee and the air district or the ARB for multi-day burns which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary **(SMP 3.f.)**.
- (f) Alternate thresholds to those specified in sections (b), (c), and (d) may be specified by a district consistent with the intent of this section.
- (g) Require district review and approval of smoke management plans. Districts shall provide notice to the ARB of large or multi-day burns as specified in (d) or (e) and consult with the ARB on procedures for ARB review and approval of large or multi-day burns as specified in (d) and (e) **(SMP 1.d., 4.i.)**.
- (h) Require that when a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go”\* unless:
  - 1. After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
  - 2. For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB;
  - 3. After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.\*A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire **(Reg 2-401.13)**.
- (i) Require submittal of smoke management plans 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 **(Reg. 2-401.13, SMP 3.k.)**.
- (j) Require the land manager or his/her designee conducting a prescribed burn to ensure that all conditions and requirements stated in the smoke

management plan are met on the day of the burn event and prior to ignition **(SMP 3.j.)**.

- (k) Require a post-burn smoke management evaluation by the burner for fires greater than 250 acres **(SMP 3.f.)**.
- (l) Require procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints **(SMP 3.e.)**.
- (m) Require vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors **(Reg. 2-401)**.
- (n) Require material to be burned to be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise **(Reg. 2-401)**.
- (o) Require piled material to be burned to be prepared so that it will burn with a minimum of smoke **(Reg. 2-401)**.
- (p) Require the permit applicant to file with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate **(Reg. 2-401.8, SMP 3.l)**.

**REGULATION 2**  
**OPEN BURNING PROCEDURES**  
**CALIFORNIA NORTH COAST AIR BASIN**

**INDEX**

<b>2-100</b>	<b>GENERAL PROVISIONS</b>	page
	101 Restrictions and Description -----	1
	102 Exemptions -----	1
<b>2-200</b>	<b>DEFINITIONS -----</b>	<b>3</b>
<b>2-300</b>	<b>PROCEDURES</b>	
	301 Open Burning - Agricultural -----	5
	302 Open Burning - Non Agricultural -----	5
	303 Burn Day Determination-----	6
	304 Burning Permits -----	6
	305 Designated Fire Agencies -----	8
<b>2-400</b>	<b>LIMITATIONS</b>	
	401 Burning Preparation and Restrictions -----	9
<b>2-500</b>	<b>ENFORCEMENT</b>	
	501 Prohibitions -----	12
	502 Penalties -----	12
	<b>APPENDIX A - Humboldt Bay Air Basin -----</b>	<b>13</b>
	<b>APPENDIX B - Ukiah-Little Lake Air Basin -----</b>	<b>14</b>

**GENERAL PROVISIONS**

**2-101 RESTRICTIONS AND DESCRIPTIONS**

This regulation prohibits the use of open outdoor fires within the North Coast Air Basin with certain exceptions as outlined in 2-102.

**101.1 Restrictions**

No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the disposal of rubber, petroleum or plastic wastes, demolition debris, tires, tar paper, wood waste, asphalt shingles, linoleum cloth, household garbage or other combustible refuse; or for metal salvage or burning of motor vehicle bodies.

**2-102 EXEMPTIONS**

**102.1** Fires used only for the cooking of food for human consumption or fires used for recreational purposes.

**102.2** Fires set or permitted by any public officer when such fire is necessary for any of the following purposes: (H&S 41801)

**102.2.01** The prevention of an imminent fire hazard, as defined in 2-207.

**102.2.02** The instruction of public employees in the methods of fighting fires.

**102.2.03** The instruction of employees in methods of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.

**102.2.04** The setting of backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resources Code.

**102.2.05** The abatement of fire hazards pursuant to 13055 H&S Code. (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.)

**102.2.06** Disease or pest prevention, where there is an immediate need for, and no reasonable alternative to burning.

**102.3** Fires used for the disposal of non-industrial wood waste from trees, vines, and brush at any approved disposal site in the North Coast Air Basin subject to the restrictions and limitations of 2.101.1 and 2-400 (H & S 41804.5)

**102.4** Fires set in accordance with Sections 2-300 of this regulation, and subject to the restrictions and limitations of 2-101.1 and 2-400 (H&S41804.5)

~~**102.5** Fires conducted in a mechanized burner subject to permit conditions specified by the District such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight hour period which is:~~

~~**102.5.01** As dark or darker in shade as that designated as No.1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or~~

~~**102.5.02** Of such opacity as to obscure an observer's view to a degree equal to 102.5.01.~~



## DEFINITIONS

- 2-201 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 open outdoor fires used in the operation or maintenance of a system for the delivery of water, or open outdoor fires used in wildland vegetation management burning. The planned application of fire may also include natural or accidental ignition.* (H & S 39011<a>)
- 2-202 ARB** - California Air Resources Board.
- 2-203 APPROVED COMBUSTIBLES** - Paper, cardboard, brush, trees, native vegetation, or other materials not prohibited by Health and Safety Code Section 41800 through 41864 and as approved by the District.
- 2-204 BURN PROJECT** - *An active or planned agricultural or prescribed burn, or a naturally ignited wildland fire managed for resource benefits.*
- ~~**2-204 BRUSH TREATED** - Material to be burned that has been felled, crushed, or uprooted with mechanical equipment or has been desiccated with herbicides or is dead.~~
- 2-205 DESIGNATED AGENCY** - Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.
- 2-206 DISTRICT** - The Air Pollution Control or Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2-207 FIRE HAZARD** - For purposes of this Regulation, there are two types of fire hazards, imminent and potential:
- 207.1** An **imminent** fire hazard is described as a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its imminency, not considerable for abatement by any other means. (H&S 41801<a>)
- 207.2** A **potential** fire hazard is described as one which could in time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which is not abatable by any other means.

- 2-208 FOREST MANAGEMENT BURNING** - The use of open fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.
- 208.1** Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a log storage area which is not contiguous with the forested area.
- 208.2** Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if said operations result in a net reduction in total forest debris to be burned.
- 2-209 NO BURN DAY** - Any day on which agricultural burning, *including prescribed burning*, is prohibited by the ARB or by the District.
- 2-210 NORTH COAST AIR BASIN** - That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Pollution Control District, and the Northern Sonoma County Air Pollution Control District.
- 2-211 OPEN OUTDOOR FIRE** - Any combustion of combustible materials of any type, outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- 2-212 PARTICULATE MATTER** - *Any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).*
- 2-2123 PERMISSIVE BURN DAY** - Any day on which agricultural burning is not prohibited by the ARB or by the District.
- 2-2134 PRESCRIBED BURNING** - the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.
- 2-2145 RANGE IMPROVEMENT BURNING** - The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- ~~**2-215 SYLVICULTURE** - The establishment, development, care, and reproduction of stands of timber.~~
- ~~**2-216 TIMBER OPERATIONS** - Cutting or removal of timber or other forest vegetation.~~
- 2-216 RESIDENTIAL BURNING** - *An open outdoor fire in a burn barrel, or a single pile no larger than four feet in diameter, for the disposal of approved combustibles from a single or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.*

**2-217** **SMOKE SENSITIVE AREAS** - *Populated areas and other areas where the District determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and Mandatory Class I areas.*

**2-2178** **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, trees, grass or standing brush.

## PROCEDURES

## 2-301 OPEN BURNING - AGRICULTURAL

With respect to the limitations of 2-400, open outdoor fires may be allowed only for the disposal of approved combustibles only on permissive burn days ~~in the following~~ for agricultural *or prescribed burning* operations as defined in 2-200.

~~301.1 Agricultural in the growing of crops or raising of fowl or animals.~~

~~301.2 Range Improvement to remove unwanted vegetation or to establish an agricultural practice.~~

~~301.3 Forest Management to remove forest debris.~~

~~301.4 Wildlife Management by the use of range improvement burning to enhance a wildlife or game habitat.~~

~~301.5 Wildland Vegetation Management by the use of prescribed burning.~~

## 2-302 OPEN BURNING - NON-AGRICULTURAL

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations.

302.1 ~~Residential Burning Single or Two Family Dwellings~~ for the disposal of approved combustibles *from single or two-family dwellings* burned on the property where generated is not restricted to permissive burn days except in the following areas:

The Humboldt Bay Air Basin (Appendix A)

The Ukiah-Little Lake Air Basin (Appendix B)

302.2 Property Development for the disposal of wood waste from trees, vines, or brush on the property where grown and which is being developed for commercial or residential purposes (H&S 41802).

302.3 Fire Hazard Reduction for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown (H&S 41802).

302.4 Right-of-way Clearing by a public entity or a utility.

302.5 Levee, Reservoir and Ditch maintenance.

## 2-303 BURN DAY DETERMINATION

**303.1** Information as to whether a day is a permissive burn day or a no-burn day will be available from the designated agencies listed under 2-305 of this regulation, and will be transmitted to the general public by announcement over local radio and television stations. 24-hour burn conditions may be obtained by phoning:

North Coast Unified AQMD (707) 443-3091  
Mendocino County APCD (707) 463-4391  
Northern Sonoma County APCD (707) 544-BURN

**303.2** Burning decisions will be made covering the entire California North Coast Air Basin; however, more restrictive conditions may be imposed for localized problem areas.

~~**303.3** Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement, forest management or wildland vegetation management burn at any elevation below 6000 feet (MSL), a permissive burn or no-burn notice will be issued by the ARB up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive burn notice is issued.~~

**303.43** A permissive-burn or no-burn advisory outlook will be available up to ~~72~~ **96** hours in advance of burns ~~specified in 303.3~~ *upon request*.

~~**303.5** The ARB or the District may cancel permissive burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.~~

## 2-304 BURNING PERMITS

**304.1** Permits may be required as follows:

**304.1.01** **Agricultural and Prescribed Burning** - permits are required and issued by the ~~appropriate designated agency listed in 2-305~~ *District. Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.*

**304.1.02** **Single and two-family dwellings**- permit requirements of the fire control agency having jurisdiction in the area of the burn must be met for the burning of approved combustibles on the property.

**304.1.03** Property Development - permits are required from the District for the disposal of brush clearance when done on the property where grown. Fire control agency permit requirements must be met.

**304.1.04** Fire Hazard Reduction - permits are required from the District for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. Fire control agency permit requirements must be met. (H&S 41802)

**NOTE:** District permits are preempted from the requirements of this regulation for the abatement of an imminent fire hazard as defined in 207.1 and pursuant to State Law H&S Code 13055.

**304.1.05** Right-of-way Clearing, Ditch, Levee and Reservoir Maintenance - a permit ~~may be~~ *is* required from the District (~~check with the appropriate District~~). Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.

**304.2** Each applicant for an agricultural *or prescribed* burning permit in accordance with 2-301 of this regulation shall supply such additional information as is required by the ARB or the District.

**304.3** Permits issued for agricultural *or prescribed* burning shall bear a statement of warning containing the following words or words of similar import:

"This permit is valid only on those days during which agricultural burning, *including prescribed burning*, is not prohibited by the ARB or the District pursuant to H&S Code 41855, *and when burning on the lands identified herein has been approved by the air district.*"

~~**304.4** Range improvement or forest management burning may be conducted by permit from a designated agency on no-burn days during the period between January 1 and May 31, providing that more than 50% of the land has been brush treated. The ARB may prohibit burning during this period if in the opinion of the Board, such prohibition is required for the maintenance of air quality.~~

~~304.4.01 — If the burn is to be done primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.~~

**304.54** Special permits for agricultural burning *or prescribed burning* on no-burn days may be issued by the District if denial of such permit would threaten imminent and substantial economic loss.

**2-305 DESIGNATED AGENCIES** - Agricultural burning permits are issued ONLY by the following designated agencies within their areas of jurisdiction:

Arcata Fire Department  
California Department of Forestry  
Cloverdale Fire Department  
Eureka Fire Department  
Forestville Fire Protection District  
Fort Bragg Fire Department  
Guerneville Fire Protection District  
Healdsburg Fire Department  
Humboldt Fire District No. 1  
Little Lake Fire Protection District (Willits)  
Mendocino County Air Pollution Control District  
North Coast Unified Air Quality Management District  
Northern Sonoma County Air Pollution Control District  
Potter Valley Fire Department  
Redwood Valley-Calpella Fire District  
Round Valley Fire District (Covelo)  
Ukiah Valley Fire Protection District  
United States Bureau of Indian Affairs  
United States Forest Service

## 2-400

### LIMITATIONS

#### 2-401 BURNING PREPARATION AND RESTRICTIONS

The following limitations, in addition to 2-101.1, apply to all burning allowed by 2-102.3, ~~and 2-301~~, ~~2-302.2~~ and ~~2-302.3~~.

- 401.1** The waste to be burned shall be reasonably free of dirt, soil and excess moisture and whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- 401.2** All open burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, or other approved ignition devices.
- 401.3** The waste to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- 401.4** The waste shall be free of tires, tar paper, garbage or other types of rubbish likely to cause excessive smoke or odor. *The waste shall also be free of material that is not produced on the property or in an agricultural or prescribed burning operation.*
- 401.5** The waste shall be allowed to dry for the following minimum time periods before burning:
- 401.5.01** Trees and branches over 6 inches in diameter - 30 days
  - 401.5.02** Brush, vines, bushes, prunings and small branches - 15 days
  - 401.5.03** Field crops and weeds - 7 days
  - 401.5.04** Other materials - drying times will be determined by the District.
- 401.6** Minimum drying periods may be waived by the District only on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.
- 401.7** Burning of waste after shorter drying times may be allowed by permit from the District only on submittal of acceptable proof that the denial of such permit would threaten imminent and substantial economic loss.



~~401.8~~ With respect to range improvement burning, brush shall be treated at least 6 months prior to burning along with the felling of any unwanted trees over 6 inches in diameter, unless acceptable proof can be submitted that such treatment is technically and economically unfeasible.

**401.98** All persons desiring to burn under the provisions of 2-301.4 shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper *if done primarily for improvement of land for wildlife and game habitat.*

401.9 *All persons desiring to burn under the provisions of 2-301 must obtain authorization to proceed with the burn within 48 hours prior to ignition of the burn, recognizing that any burn decision made in advance is always subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated.*

~~401.10~~ ~~NON-AGRICULTURAL~~ burning conducted under the provisions of 2-302.2 and 2-302.3 shall provide for:

~~401.10.01~~ All wood waste to be free of material not grown at the site.

~~401.10.02~~ Brush to be treated at least 60 days prior to the burn if economically and technically feasible.

~~401.10.03~~ Trees over 6 inches in diameter to be felled and dried prior to the burn.

~~401.10.04~~ Burning may be prohibited by the District on permissive burn days if smoke would be transported to a nearby populated area.

401.10 *All persons desiring to burn under the provisions of 2-301 are required to annually register their planned burn projects by September 1 of each year, with updates as they occur. The registration must include, at a minimum, the legal description of the planned burn (township, range, section), and an estimation of the acreage involved.*

401.11 *All persons desiring to burn under the provisions of 2-300, and whose planned burn project is greater than 10 acres or estimated to produce more than 1 ton of particulate matter, must submit a Smoke Management Plan (SMP) for approval by the District. The SMP must be approved by the District prior to the ignition of the planned burn, and must contain, at a minimum, the following information:*

401.11.01 *Burn projects greater than 10 acres or estimated to produce more than 1 ton of particulate matter:*

- location, type, and amount of material to be burned,*
- expected duration of the fire,*

- *identification of responsible personnel, including telephone contacts, and*
- *identification and location of all smoke sensitive receptors.*

*401.11.02 Burn projects greater than 100 acres or estimated to produce more than 10 ton of particulate matter:*

- *all information contained in 401.11.01, plus,*
- *identification of meteorological criteria necessary for burning,*
- *smoke management criteria to be used in making burn ignition decisions,*
- *projections, including a map, of where the smoke from the burn is expected to travel, both day and night,*
- *contingency actions if smoke impacts deviate from expected,*
- *evaluations of alternatives to burning that have been considered or utilized, and,*
- *discussions of public notification procedures.*

*401.11.03 Burn projects greater than 250 acres require prior consultation with the District at least 30 days prior to the planned burn.*

**401.12** Burning under the provisions of 2-301.5 shall be limited to 5000 total acres daily basin wide.

~~401.13~~ For projects of 2000 acres or larger burning under the provisions of 301.5 the following information shall be provided the District for review and approval at least 10 days in advance of the proposed burning:

~~401.13.01~~ location and objective of the burn;

~~401.13.02~~ acreage, type, and arrangement of vegetation to be burned;

~~401.13.03~~ directions and distances to nearby sensitive receptor areas;

~~401.13.04~~ fuel condition, combustion, and meteorological prescription elements provided for the project;

~~401.13.05~~ project schedule and duration of project ignition, combustion, and burndown;

~~401.13.06~~ Specifications for monitoring wind speed and direction, and determining fuel conditions;

~~401.13.07~~ specifications for disseminating project information.

**401.13** *For naturally-ignited wildland fires that will be managed for resource benefits, and are expected to exceed 10 acres in size, a Smoke Management Plan shall be submitted to the District within 72 hours after initial ignition. If the natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefits will be a “no-go” unless:*

- 1. After consultation with the District, the District decides, for smoke management purposes, that the burn can be managed for resource benefit; or,*
- 2. For periods of less than 24 hours, a reasonable effort has been made to contact the District, or if the District is not available, the ARB;*
- 3. After 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.*

**401.14** Burning under the provisions of 2-300 may be prohibited by the District if it is determined that meteorological conditions could cause smoke to create or contribute to an exceedance of a state or federal air quality standard or cause a public nuisance.

## **2-500**

### **ENFORCEMENT**

#### **2-501 PROHIBITIONS**

**501.1** No person shall set, or allow to be set, any open outdoor fires on days when prohibited by the ARB, or by the District, unless, specifically exempted by the provisions as outlined in 2-102 of this regulation.

**501.2** No person shall set, or allow to be set, any open outdoor fires as may be allowed by 2-301 and 2-302, or this regulation, unless he has a valid permit from a designated Fire Control Agency and/or the District as required in 2-304 of this regulation.

#### **2-502 PENALTIES**

**502.1** Any violation of the open burning requirements stated in this regulation is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding one-thousand dollars (\$1,000.00) or both, and the cost of putting out the fire. Every day, during any portion of which such violation occurs, constitutes a separate offense.

**502.2** Any person who intentionally or negligently violates any order of abatement issued by a District pursuant to H&S Code 42450, by a hearing board pursuant to H&S 42451, or by the state board pursuant to H&S 41505 shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000.00) for each day in which such violation occurs.

**REGULATION 2**  
**OPEN BURNING PROCEDURES**  
**CALIFORNIA NORTH COAST AIR BASIN**

**INDEX**

<b>2-100</b>	<b>GENERAL PROVISIONS</b>	page
	101 Restrictions and Description -----	1
	102 Exemptions -----	1
<b>2-200</b>	<b>DEFINITIONS -----</b>	<b>3</b>
<b>2-300</b>	<b>PROCEDURES</b>	
	301 Open Burning - Agricultural -----	5
	302 Open Burning - Non Agricultural -----	5
	303 Burn Day Determination -----	6
	304 Burning Permits -----	6
	305 Designated Fire Agencies -----	8
<b>2-400</b>	<b>LIMITATIONS</b>	
	401 Burning Preparation and Restrictions -----	9
<b>2-500</b>	<b>ENFORCEMENT</b>	
	501 Prohibitions -----	12
	502 Penalties -----	12
	<b>APPENDIX A - Humboldt Bay Air Basin -----</b>	<b>13</b>
	<b>APPENDIX B - Ukiah-Little Lake Air Basin -----</b>	<b>14</b>

**REGULATION 2**  
**OPEN BURNING PROCEDURES**

**ADOPTED BY THE BASIN COORDINATION COUNCIL**  
**of the**  
**CALIFORNIA NORTH COAST AIR BASIN**

**May 13,1976**  
**February 1,1980**  
**October 7,1983**

**SCHEDULE OF ADOPTION**  
**by**  
**AIR POLLUTION CONTROL BOARDS**

DEL NORTE COUNTY APCD*	Adopted on	AUG 9, 1976
Revised on	MAR 31, 1980	

-----

HUMBOLDT COUNTY APCD*	Adopted on	JUL 13, 1976
Revised on	APR 8, 1980	

-----

MENDOCINO COUNTY APCD	Adopted on	JUN 22, 1976
Revised on	APR 1, 1980	
Revised on	DEC 13, 1983	
Revised on	SEP 11, 1984	
Revised on	JUN 7, 1988	

-----

TRINITY COUNTY APCD*	Adopted on	JUL 12, 1976
Revised on	APR 7, 1980	

-----

NORTHERN SONOMA COUNTY APCD	Adopted on	JUL 12, 1976
Revised on	JAN 20, 1981	

-----

NORTH COAST UNIFIED AQMD	Adopted on	NOV 3, 1982
Revised on	MAR 14, 1984	
Revised on	AUG 13, 1987	

-----

\*merged into NORTH COAST UNIFIED AQMD on NOV 1, 1982

**GENERAL PROVISIONS**

**2-101 RESTRICTIONS AND DESCRIPTIONS**

This regulation prohibits the use of open outdoor fires within the North Coast Air Basin with certain exceptions as outlined in 2-102.

**101.1 Restrictions**

No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the disposal of rubber, petroleum or plastic wastes, demolition debris, tires, tar paper, wood waste, asphalt shingles, linoleum cloth, household garbage or other combustible refuse; or for metal salvage or burning of motor vehicle bodies.

**2-102 EXEMPTIONS**

**102.1** Fires used only for the cooking of food for human consumption or fires used for recreational purposes.

**102.2** Fires set or permitted by any public officer when such fire is necessary for any of the following purposes: (H&S 41801)

**102.2.01** The prevention of an imminent fire hazard, as defined in 2-207.

**102.2.02** The instruction of public employees in the methods of fighting fires.

**102.2.03** The instruction of employees in methods of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.

**102.2.04** The setting of backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resources Code.

**102.2.05** The abatement of fire hazards pursuant to 13055 H&S Code. (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.)

**102.2.06** Disease or pest prevention, where there is an immediate need for, and no reasonable alternative to burning.

**102.3** Fires used for the disposal of non-industrial wood waste from trees, vines, and brush at any approved disposal site in the North Coast Air Basin subject to the restrictions and limitations of 2.101.1 and 2-400 (H & S 41804.5)

**102.4** Fires set in accordance with Sections 2-300 of this regulation, and subject to the restrictions and limitations of 2-101.1 and 2-400 (H&S41804.5)

## 2-200 DEFINITIONS

- 2-201 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 open outdoor fires used in the operation or maintenance of a system for the delivery of water, or open outdoor fires used in wildland vegetation management burning. The planned application of fire may also include natural or accidental ignition. (H & S 39011)
- 2-202 ARB** - California Air Resources Board.
- 2-203 APPROVED COMBUSTIBLES** - Paper, cardboard, brush, trees, native vegetation, or other materials not prohibited by Health and Safety Code Section 41800 through 41864 and as approved by the District.
- 2-204 BURN PROJECT** - An active or planned agricultural or prescribed burn, or a naturally ignited wildland fire managed for resource benefits.
- 2-205 DESIGNATED AGENCY** - Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.
- 2-206 DISTRICT** - The Air Pollution Control or Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2-207 FIRE HAZARD** - For purposes of this Regulation, there are two types of fire hazards, imminent and potential:
- 207.1** An **imminent** fire hazard is described as a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its imminency, not considerable for abatement by any other means. (H&S 41801<a>)
- 207.2** A **potential** fire hazard is described as one which could in time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which is not abatable by any other means.
- 2-208 FOREST MANAGEMENT BURNING** - The use of open fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.
- 208.1** Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a log storage area which is not contiguous with the forested area.



- 208.2** Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if said operations result in a net reduction in total forest debris to be burned.
- 2-209 NO BURN DAY** - Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or by the District.
- 2-210 NORTH COAST AIR BASIN** - That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Pollution Control District, and the Northern Sonoma County Air Pollution Control District.
- 2-211 OPEN OUTDOOR FIRE** - Any combustion of combustible materials of any type, outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- 2-212 PARTICULATE MATTER** - Any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).
- 2-213 PERMISSIVE BURN DAY** - Any day on which agricultural burning is not prohibited by the ARB or by the District.
- 2-214 PRESCRIBED BURNING** - the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.
- 2-215 RANGE IMPROVEMENT BURNING** - The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 2-216 RESIDENTIAL BURNING** - An open outdoor fire in a burn barrel, or a single pile no larger than four feet in diameter, for the disposal of approved combustibles from a single or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.
- 2-217 SMOKE SENSITIVE AREAS** - Populated areas and other areas where the District determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and Mandatory Class I areas.
- 2-218 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, trees, grass or standing brush.

## 2-300 PROCEDURES

### 2-301 OPEN BURNING - AGRICULTURAL

With respect to the limitations of 2-400, open outdoor fires may be allowed only for the disposal of approved combustibles only on permissive burn days for agricultural or prescribed burning operations as defined in 2-200.

### 2-302 OPEN BURNING - NON-AGRICULTURAL

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations.

**302.1**        **Residential Burning** for the disposal of approved combustibles from single or two-family dwellings burned on the property where generated is not restricted to permissive burn days except in the following areas:

The Humboldt Bay Air Basin (Appendix A)

The Ukiah-Little Lake Air Basin (Appendix B)

**302.2**        **Property Development** for the disposal of wood waste from trees, vines, or brush on the property where grown and which is being developed for commercial or residential purposes (H&S 41802).

**302.3**        **Fire Hazard Reduction** for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown (H&S 41802).

**302.4**        **Right-of-way Clearing** by a public entity or a utility.

**302.5**        **Levee, Reservoir and Ditch** maintenance.

### 2-303 BURN DAY DETERMINATION

**303.1**        Information as to whether a day is a permissive burn day or a no-burn day will be available from the designated agencies listed under 2-305 of this regulation, and will be transmitted to the general public by announcement over local radio and television stations. 24-hour burn conditions may be obtained by phoning:

North Coast Unified AQMD    (707) 443-3091  
Mendocino County APCD    (707) 463-4391  
Northern Sonoma County APCD (707) 544-BURN

**303.2** Burning decisions will be made covering the entire California North Coast Air Basin; however, more restrictive conditions may be imposed for localized problem areas.

**303.3** A permissive-burn or no-burn advisory outlook will be available up to 96 hours in advance of burns.

## **2-304 BURNING PERMITS**

**304.1** Permits may be required as follows:

**304.1.01** **Agricultural and Prescribed Burning** - permits are required and issued by the District. Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.

**304.1.02** **Single and two-family dwellings**- permit requirements of the fire control agency having jurisdiction in the area of the burn must be met for the burning of approved combustibles on the property.

**304.1.03** **Property Development** - permits are required from the District for the disposal of brush clearance when done on the property where grown. Fire control agency permit requirements must be met.

**304.1.04** **Fire Hazard Reduction** - permits are required from the District for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. Fire control agency permit requirements must be met. (H&S 41802)

**NOTE:** District permits are preempted from the requirements of this regulation for the abatement of an imminent fire hazard as defined in 207.1 and pursuant to State Law H&S Code 13055.

**304.1.05** **Right-of-way Clearing, Ditch, Levee and Reservoir Maintenance** - a permit is required from the District. Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.

**304.2** Each applicant for an agricultural or prescribed burning permit in accordance with 2-301 of this regulation shall supply such additional information as is required by the ARB or the District.

**304.3** Permits issued for agricultural or prescribed burning shall bear a statement of warning containing the following words or words of similar import:

"This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the ARB or the District pursuant to H&S Code 41855, and when burning on the lands identified herein has been approved by the air district."

**304.4** Special permits for agricultural burning or prescribed burning on no-burn days may be issued by the District if denial of such permit would threaten imminent and substantial economic loss.

**2-305 DESIGNATED AGENCIES** - Agricultural burning permits are issued ONLY by the following designated agencies within their areas of jurisdiction:

Arcata Fire Department  
California Department of Forestry  
Cloverdale Fire Department  
Eureka Fire Department  
Forestville Fire Protection District  
Fort Bragg Fire Department  
Guerneville Fire Protection District  
Healdsburg Fire Department  
Humboldt Fire District No. 1  
Little Lake Fire Protection District (Willits)  
Mendocino County Air Pollution Control District  
North Coast Unified Air Quality Management District  
Northern Sonoma County Air Pollution Control District  
Potter Valley Fire Department  
Redwood Valley-Calpella Fire District  
Round Valley Fire District (Covelo)  
Ukiah Valley Fire Protection District  
United States Bureau of Indian Affairs  
United States Forest Service

## **2-400 LIMITATIONS**

### **2-401 BURNING PREPARATION AND RESTRICTIONS**

The following limitations, in addition to 2-101.1, apply to all burning allowed by 2-102.3, 2-301, 2-302.2 and 2-302.3.

- 401.1** The waste to be burned shall be reasonably free of dirt, soil and excess moisture and whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- 401.2** All open burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, or other approved ignition devices.
- 401.3** The waste to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- 401.4** The waste shall be free of tires, tar paper, garbage or other types of rubbish likely to cause excessive smoke or odor. The waste shall also be free of material that is not produced on the property or in an agricultural or prescribed burning operation.
- 401.5** The waste shall be allowed to dry for the following minimum time periods before burning:
  - 401.5.01** Trees and branches over 6 inches in diameter - 30 days
  - 401.5.02** Brush, vines, bushes, prunings and small branches - 15 days
  - 401.5.03** Field crops and weeds - 7 days
  - 401.5.04** Other materials - drying times will be determined by the District.
- 401.6** Minimum drying periods may be waived by the District only on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.
- 401.7** Burning of waste after shorter drying times may be allowed by permit from the District only on submittal of acceptable proof that the denial of such permit would threaten imminent and substantial economic loss.

- 401.8** All persons desiring to burn under the provisions of 2-301 shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper if done primarily for improvement of land for wildlife and game habitat.
- 401.9** All persons desiring to burn under the provisions of 2-301 must obtain authorization to proceed with the burn from the District within 48 hours prior to ignition of the burn, recognizing that any burn decision made in advance is always subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated.
- 401.10** All persons desiring to burn under the provisions of 2-301 are required to annually register their planned burn projects by September 1 of each year, with updates as they occur. The registration must include, at a minimum, the legal description of the planned burn (township, range, section), and an estimation of the acreage involved.
- 401.11** All persons desiring to burn under the provisions of 2-300, and whose planned burn project is greater than 10 acres or estimated to produce more than 1 ton of particulate matter, must submit a Smoke Management Plan (SMP) for approval by the District. The SMP must be approved by the District prior to the ignition of the planned burn, and must contain, at a minimum, the following information:
- 401.11.01** Burn projects greater than 10 acres or estimated to produce more than 1 ton of particulate matter:
- location, type, and amount of material to be burned,
  - expected duration of the fire,
  - identification of responsible personnel, including telephone contacts, and
  - identification and location of all smoke sensitive receptors.
- 401.11.02** Burn projects greater than 100 acres or estimated to produce more than 10 ton of particulate matter:
- all information contained in 401.11.01, plus,
  - identification of meteorological criteria necessary for burning,
  - smoke management criteria to be used in making burn ignition decisions,

- projections, including a map, of where the smoke from the burn is expected to travel, both day and night,
- contingency actions if smoke impacts deviate from expected,
- evaluations of alternatives to burning that have been considered or utilized, and,
- discussions of public notification procedures.

**401.11.03** Burn projects greater than 250 acres require prior consultation with the District at least 30 days prior to the planned burn.

**401.12** Burning under the provisions of 2-301 shall be limited to 5000 total acres daily basin wide.

**401.13** For naturally-ignited wildland fires that will be managed for resource benefits, and are expected to exceed 10 acres in size, a Smoke Management Plan shall be submitted to the District within 72 hours after initial ignition. If the natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefits will be a “no-go” unless:

1. After consultation with the District, the District decides, for smoke management purposes, that the burn can be managed for resource benefit; or,
2. For periods of less than 24 hours, a reasonable effort has been made to contact the District, or if the District is not available, the ARB;
3. After 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

**401.14** Burning under the provisions of 2-300 may be prohibited by the District if it is determined that meteorological conditions could cause smoke to create or contribute to an exceedance of a state or federal air quality standard or cause a public nuisance.

## **ENFORCEMENT**

### **2-501 PROHIBITIONS**

- 501.1** No person shall set, or allow to be set, any open outdoor fires on days when prohibited by the ARB, or by the District, unless, specifically exempted by the provisions as outlined in 2-102 of this regulation.
- 501.2** No person shall set, or allow to be set, any open outdoor fires as may be allowed by 2-301 and 2-302, or this regulation, unless he has a valid permit from a designated Fire Control Agency and/or the District as required in 2-304 of this regulation.

### **2-502 PENALTIES**

- 502.1** Any violation of the open burning requirements stated in this regulation is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding one-thousand dollars (\$1,000.00) or both, and the cost of putting out the fire. Every day, during any portion of which such violation occurs, constitutes a separate offense.
- 502.2** Any person who intentionally or negligently violates any order of abatement issued by a District pursuant to H&S Code 42450, by a hearing board pursuant to H&S 42451, or by the state board pursuant to H&S 41505 shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000.00) for each day in which such violation occurs.

## **Implementation Schedule**



Applicable Title 17 Sections:

The form of burning permits shall be prepared by the air districts in consultation with the designated agencies (80120.b.).

Each air district shall provide the designated agencies within the district with a copy of these Guidelines, related information on state laws, air district rules and regulations, and other information as appropriate (80120.d.).

Permits issued by designated agencies shall be subject to these Guidelines and to the rules and regulations of the district. Designated agencies shall submit to the air districts information as specified by the air district (80120.f.).

Each air district shall adopt, implement and enforce a smoke management program consistent with these Guidelines. Each air district or region shall develop its smoke management program in coordination with the ARB, the appropriate fire protection agencies, the land managers having jurisdiction within the district, any other affected parties, and the public (80140.a.).

Districts shall adopt the elements of their smoke management program according to the following schedule:

By September 1, 2000, all air districts shall implement the prescribed burning elements of their programs, including the provisions of section 80160, unless exempted pursuant to section 80170 (80140 d.1.).

By July 1, 2001, all air districts shall adopt smoke management programs that meet all applicable requirements of this regulation (80140 d.2.).

The ARB may extend the scheduled dates by up to six months if an air district demonstrates that, for good cause, additional time is needed (80140.d.3.).

A district with no agricultural operations in the growing of crops or raising of fowl or animals within its jurisdiction may request to be exempted from the requirements of this section (80150.b.).

CHRONOLOGICAL CHECKLIST OF ACTIONS

Prepare Draft Smoke Management Program Element Document	
Attend Humboldt Fire Chiefs Meeting	
Attend Del Norte Fire Chiefs Meeting	
Attend Trinity Fire Chiefs Meeting	
Designated Agency Workshop	
North Coast Smoke Alliance Workshop	
Public Workshop (?)	
Prepare Final Draft Smoke Management Program Element Document	
Submit Program Elements to ARB for Pre-Approval	
Board Adoption of Program Elements	
Program Elements to ARB for Approval	
Designated Agencies Receive Copies of Program Element Guidelines	
Implement Program Elements of Smoke Management Program	
Prepare Draft Regulation 2 Changes Document	
CEQA Document Prepared	
Public Notice of Regulation 2 Changes	
Basin Control Council Coordination of Regulation 2 Changes	
Board Hearing on Regulation 2 Changes	
Require Designated Agencies Permit Form Changes Done	
Submit Adopted Regulation 2 Changes to ARB for Approval	
Implement Full Smoke Management Program	

DESCRIPTION OF INDIVIDUAL ACTION ITEMS

Prepare Draft Smoke Management Program Elements Document:

Develop a document that describes the program elements of the District smoke management program to be used as a base from which to work in crafting a document that can be submitted to ARB for approval as detailed in 80140(d)(1). This document shall include: a description of the District Smoke Management Program, a listing of applicable Title 17 Guidelines and how these program elements comply with these Guidelines, suggested changes to District Regulation 2 to comply with the Smoke Management Program and Title 17 Guidelines, and an implementation schedule detailing the actions that need to be taken in order to implement the changes required by Title 17.

Attend Fire Chiefs’ Meetings:

Attend the Fire Chief’s Meetings for Humboldt, Del Norte, and Trinity County to brief them on the proposed changes to open burning procedures and solicit their feedback in crafting the final document. Specific items to be addressed at these meetings include: changes that may be required in their burn permit formats, when a permit is required from the District for open burning, the burn authorization concept and process, and the definition of agricultural and prescribed burning. In addition to the feedback taken at the meetings, written comments on the proposed changes will be asked for.

#### Designated Agency Workshop:

Hold a workshop for the designated agencies as listed in Regulation 2 to inform them of the proposed changes contained in the draft Smoke Management Program, and solicit their feedback in crafting the final document. The same topics as given in the Fire Chiefs' meetings will be addressed, plus an examination of the role and legal responsibilities designated agencies have under Title 17. Again written comments will be solicited from these agencies.

#### North Coast Smoke Alliance Workshop:

Hold a workshop for the members of the North Coast Smoke Alliance, plus any other parties likely to be affected by the Smoke Management Program, to brief them on the requirements of the program. A complete description of permitting, reporting, smoke management plan requirements, and the burn authorization system will be presented. Clearly explain what will be required of them to conduct agricultural and prescribed burning in the District under this program, and solicit oral and written comments on the proposed program.

#### Public Workshop:

Advertise and hold a public workshop to explain the proposed changes to the District smoke management program, the reasons such changes are being made, and the effect these changes will have on burning in the District. Answer questions the public may have on the proposed changes, and open burning in general, and solicit oral and written comments on the proposed changes.

#### Prepare Final Draft Smoke Management Program Element Document:

After taking into consideration all the feedback obtained from the various meetings and workshops held to date, and responding to any concerns or criticisms of the proposed program, develop a final draft Smoke Management Program suitable for submittal to satisfy 80140(d)(1).

#### Submit Program Elements to ARB for Pre-Approval:

Prior to taking the completed final draft Smoke Management Program to the Board for approval, send the document to ARB to get an opinion on whether the document as given will satisfy Title 17 requirements. This will avoid wasting the Boards' time in approving a program ARB won't accept. Make or argue any changes or items ARB notes and redo the draft document as appropriate.

#### Board Adoption of Program Elements:

Submit the completed Smoke Management Program to the District Board for approval and adoption.

#### Program Elements to ARB for Approval:

Submit the completed Smoke Management Program to the ARB for approval. At this time also submit a request to be exempted from 80150 "Special Requirements for Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals", as per subsection (b). Approval by ARB of these documents will satisfy the adoption requirements of 80140(d)(1).

#### Designated Agencies Receive Copies of Program Element Guidelines:

Deliver copies of the Smoke Management Program Guidelines to the designated agencies in the District. In addition endeavor to make sure all potentially affected parties also have copies of the Guidelines.

#### Implement Program Elements of Smoke Management Program:

Implement the smoke management program prior to the beginning of the burn season following ARB approval of the program.

#### Prepare Draft Regulation 2 Changes Document:

Develop a document that describes the changes needed to Regulation 2 to meet the requirements of the District Smoke Management Program to be used as a base from which to work in crafting a document that can be submitted to ARB for approval as detailed in 80140(d)(2). This document shall include: a description of the District Smoke Management Program; a copy of the current Regulation 2 showing proposed additions, deletions, and changes; a clean copy of the proposed Regulation 2, and a listing of applicable Title 17 Guidelines and how the proposed changes to Regulation 2 comply with these Guidelines.

#### CEQA Document Prepared:

Prepare and submit either a exemption, negative declaration, or EIR for the Smoke Management Program and associated Regulation 2 changes that complies with the requirements of CEQA. If ARB provides guidance and/or assistance to the Districts in this task utilize such as appropriate.

#### Public Notice of Regulation 2 Changes:

Stakeholder and public workshops will be held if deemed appropriate and necessary.

#### Basin Control Council Coordination of Regulation 2 Changes.

#### Board Hearing on Regulation 2 Changes.

#### Require Designated Agencies Permit Form Changes Done:

Require that all designated agency burn permits have language specified by 80120(c) included on their permits. Obtain copies of said permits and include with Smoke Management Plan documentation.

#### Submit Adopted Regulation 2 Changes to ARB for Approval:

Approval satisfies requirements of 80140 (d)(2) and completes the Districts obligations to ARB under Title 17.

#### Implement Full Smoke Management Program.

## Summary

This document contains the North Coast Air Quality Management Districts' response to the California Air Resources Boards' mandated changes to the District Open Burning Program as a result of revisions to the Smoke Management Guidelines for Agricultural and Prescribed Burning found in Title 17 of the California Health and Safety Code.

The following items are included within this document:

1. The North Coast AQMD Smoke Management Program. Section 80140 of Title 17 requires air districts to develop and adopt by regulation or Board resolution a smoke management program containing specific procedures and policies. The District Smoke Management Program was developed to comply with that requirement.
2. An implementation schedule showing a tentative chronological list of activities that the District will follow to achieve compliance with the Title 17 revisions.
3. A copy of the Title 17 guidelines that have application to the North Coast AQMD. Those sections of Title 17 that are pertinent and applicable to activities in the North Coast Air Quality District have been extracted from the entire Title 17 document and presented here.
4. A copy of the preceding Title 17 guidelines annotated to show how the requirements outlined in Title 17 have been met by specific District programs and regulation changes.
5. A copy of District Regulation 2 of the North Coast Air Basin - Open Burning Procedures, with ~~strikeout~~ and *italic* entries showing changes made to this regulation to comply with the Title 17 revisions.
6. A clean copy of the revised Regulation 2 with the ~~strikeout~~, *italic*, and old language removed for ease of reading.

All items within this document are to be considered in draft form, and significant changes may be made to any or all of the procedures and/or regulations proposed here. This document should be considered a base from which to work from as the District and all interested parties attempt to develop a workable smoke management program that will satisfy the mandate of Title 17, protect public health, and allow for the necessary application of fire in land management activities on the North Coast.