VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 56 - OPEN BURNING
(Adopted 10/22/68, Revised 9/14/71, 1/25/73, 6/14/77, 1/9/79, 11/20/79, 5/24/88, 3/29/94, 11/11/03)

A. Applicability

The provisions of this rule shall apply to the burning of combustible materials in open outdoor fires.

B. Requirements

A person may conduct open burning only if all of the following requirements are met:

1. A valid burn permit shall be obtained. The permit shall be at the location of the fire for the duration of the fire. The permit 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 open burning is not prohibited by the State Air Resources Board pursuant to Section 41855 of the Health and Safety Code, and not prohibited by the Ventura County Air Pollution Control District pursuant to Rule 56."

2. Open burning is allowed only on days declared to be "Burn Days" by the APCD.

3. Open burning is allowed for the following purposes only:

    a. The disposal of agricultural wastes in the pursuit of agricultural operations.

    b. Range improvement burning.

    c. Wildland vegetation management burning.

    d. Levee, reservoir or ditch maintenance.

    e. The disposal of Russian thistle (Salsola kali or tumbleweed).

4. Open Burning shall be conducted in compliance with all applicable conditions listed on the burn permit.

5. Only plant material that grew on the property where the burn is to be conducted (or on another property of the same grower if approved by the APCD) may be burned.

6. The material to be burned shall be reasonably free of dirt, soil and visible surface moisture.

7. All trees to be burned over six inches in diameter shall be felled. Stumps shall be uprooted and reasonably free of soil. This subsection shall not apply to prescribed burning.

8. The material to be burned shall be allowed to become sufficiently dry to allow for maximum combustion efficiency. This subsection shall not apply to prescribed burning.

   The following are minimum drying times:

Material	Drying Time
Trees or branches exceeding three inches in diameter	6 weeks
Prunings, small branches, and other vegetation three inches or less in diameter	3 weeks

9. The material to be burned shall be stacked or arranged to allow for maximum air circulation, to facilitate combustion and to minimize the amount of smoke emitted during combustion. To facilitate combustion and minimize smoke, smoldering fires shall be mixed, stirred, or condensed when it is safe and feasible to do so. This subsection shall not apply to prescribed burning.

10. The materials to be burned shall be ignited only by those devices approved by the APCD and the fire protection agency having jurisdiction in the area. Tires, tar paper, plastics, oils and other similar materials shall not be used for ignition purposes.

11. The material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions. This subsection shall not apply to prescribed burning.

12. Open burning shall not be conducted when wind speed and direction will carry emissions into smoke sensitive areas. In no case shall burning be conducted when weather conditions could cause smoke to create a public nuisance.

13. Open outdoor fires shall be ignited during one or more of the following three allowable ignition periods which may be approved by the APCD on each Burn Day:

Early Morning	7 a.m. to noon.
Late Morning	10 a.m. to noon.
Afternoon	12 p.m. to 4 p.m.

No additional material shall be ignited or added to any open outdoor fire after the end of the last ignition period approved by the APCD for the day. In no case shall any additional material be ignited or added to any open outdoor fire after 4 p.m. This subsection shall not apply to prescribed burning.

14. The APCD shall restrict the amount, timing, and location of all open burning to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. Open burning may be restricted to one or more individual locations or regions. On a day when prescribed burning is scheduled to occur, the APCD may prohibit all other open burning.

15. For prescribed burning, the vegetation to be burned shall be in a condition that will facilitate combustion and minimize the amount of smoke emitted during combustion.

16. For prescribed burning, burning at night and multi-day burns shall be minimized whenever practicable.

17. For range improvement burning conducted primarily for improvement of land for wildlife and game habitat, the applicant shall file with the APCD a statement from the Department of Fish and Game certifying that burning is desirable and proper. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

C. Additional Requirements for Prescribed Burning

1. The land manager or his/her designee shall register all planned burn projects annually or seasonally with the APCD, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

2. The land manager or his/her designee shall submit a smoke management plan containing all of the following information to the APCD for review and approval in advance of the proposed burning:

   a. The location and the specific objectives of the burn.

   b. The acreage or tonnage, type and arrangement of the vegetation to be burned.

   c. The distances and directions to all potentially affected smoke sensitive areas.

d. The fuel condition, combustion and meteorological prescription elements developed for the project.

e. The project schedule and duration of project ignition, combustion and burndown.

f. Specifications for monitoring and verifying critical parameters such as air quality or weather.

g. A discussion of how the requirements of Section B of this Rule that apply to prescribed burning will be satisfied.

h. A discussion of what specific contingency actions (such as fire suppression or containment) will be taken if unanticipated conditions cause smoke to create or contribute to an exceedance of a state or federal ambient air quality standard or cause a public nuisance.

i. A discussion of the procedure that the land manager or his/her designee will use to coordinate daily with the APCD on multi-day burns, which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the Plan, or whether contingency actions are necessary.

j Specifications and procedures for disseminating project information to the public.

k. Procedures for public notification and education, including appropriate signage at burn sites, and for reporting any public smoke complaints to the APCD.

l. Identification of responsible personnel, including 24-hour telephone contacts for on-site personnel responsible for the burn.

m. The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions.

n. Projections, including a map, of where the smoke is expected to travel, both day and night.

o. An evaluation of alternatives to burning considered. If an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act or the California Environmental Quality Act, as applicable, the analysis shall be attached to the smoke management plan to satisfy this requirement.

3. The land manager or his/her designee must receive authorization to burn from the APCD the business day prior to burning.

4. Prior to ignition on the day of the burn, the land manager or his/her designee shall confirm with the APCD that all conditions and all requirements stated in the smoke management plan are met.

5. When a natural ignition occurs on a No Burn Day, the initial "go/no-go" decision by the land manager to manage the fire for resource benefit will be "no-go" unless, after consultation with the APCD or ARB, the APCD or ARB concurs, for smoke management purposes, 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 prescribed burning.

6. For naturally-ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size, the land manager or his/her designee shall submit a smoke management plan no later than 72 hours after the start of the fire.

7. For fires greater than 250 acres, the land manager or his/her designee, shall submit a post-burn smoke management evaluation to the APCD no later than 30 days after completion of the burn.

D. Exemptions

1. This rule shall not apply to open outdoor fires used only for the heating or cooking of food for human consumption or for recreational purposes when such fires are confined to a fireplace or barbecue pit.

2. This rule shall not apply to the burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

3. Nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer to set or permit a fire when such fire is, in his or her opinion, necessary for any of the following purposes:

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

   b. The instruction of public employees in the methods of fighting fires.

   c. The instruction of employees in the methods of fighting fire when such fire is set, pursuant to permit issued by the fire protection agency having jurisdiction in the area, on property used for industrial purposes.

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

e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.

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

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

A person conducting open burning pursuant to subsection D.3.a-g shall inform the APCD during the initial planning stages of the burn and immediately prior to ignition.

E. Violations

1. The failure of a person to meet any requirements of this Rule shall constitute a violation of this Rule.

2. The cost of putting out any open outdoor fire in violation of this Rule may be imposed on the person responsible for setting and/or maintaining that fire.

F. Burn Day Decisions

1. The APCD shall declare a Burn Day, for one or more individual locations or regions in the District, if all of the following conditions are met:

a. The State Air Resources Board declares a permissive Burn Day or a Marginal-Burn Day for the South Central Coast Air Basin.

b. The APCD predicts that the local meteorological conditions in the specific area will be conducive for good dispersion of smoke.

c. The fire protection agency with jurisdiction in the area does not prohibit burning. The APCD will coordinate with the applicable fire protection agency on every burn day decision.

2. Notwithstanding subsection F.1, all of the following are No Burn Days: New Years Day, Dr. Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, all Fridays and Saturdays immediately following any above holiday that falls on a Thursday or Friday, all Saturdays immediately preceding any above holiday that falls on a Monday, and all Sundays.

3. The APCD shall declare a No Burn Day for the specific areas of the District where the ambient concentration of ozone or particulate matter exceeds or is predicted to exceed any state or federal air quality standard.

4. The APCD may allow individual open burns or region-wide open burning on a day declared by the Air Resources Board to be a Marginal-Burn Day when the APCD has determined that impacts to smoke sensitive areas are not expected.

G. Responsibility for Open Fires

The APCD and the fire protection agencies are not responsible for damages to property or to the general public resulting from open burning authorized by these rules. Responsibility rests with the person responsible for setting and maintaining the fire.

H. Notification/Permit Requirements

1. No person shall burn any agricultural waste without first obtaining a valid burn permit.

2. Any person that has burned agricultural waste shall provide the following information to the APCD within 48 hours after the burn:

a. Burn Permit number, name, address or location, date of burn, and tons of material that were burned.

b. Whether or not the burn was completed, and if not, the amount of remaining material to be burned.

I. Definitions

1. "Agricultural Operation": An operation directly related to the growing or harvesting of products such as food crops or plants, or raising of fowls 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. The clearing of agricultural land for the purpose of non-agricultural development is not included under this definition.

2. "Agricultural Wastes": Unwanted or unsaleable plant materials produced wholly from agricultural operations. Examples of agricultural wastes include:

a. Trees and tree trimmings;

b. Grass, weeds, and trimmings from windbreaks in or adjacent to fields in cultivation or being prepared for cultivation;

c. Vegetation being cleared from presently uncultivated or ungrazed land to establish an agricultural operation may also be considered agricultural wastes.

3. "Burn Day": A day, on which the Air Resources Board and the APCD and the fire protection agency do not prohibit open burning for the purposes listed in subsection B.3. On a "Burn Day," the APCD may restrict burning to the time period(s) and regions/locations specified in subsections B.13 and B.14 respectively.

4. "Crop": Any agricultural product grown, produced, or raised commercially for feed or for human consumption or in connection with agricultural operations.

5. "Marginal-Burn Day": A day when limited amounts of agricultural burning for individual projects in specific areas for limited times, is not prohibited by Air Resources Board, and such limited burning is authorized by the APCD.

6. "No Burn Day": A day that open burning is not allowed by the APCD.

7. "Open Burning": To burn or allow the burning of combustible materials in an open outdoor fire.

8. "Open outdoor fire" means any combustion of combustible material of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

9. "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 presently uncultivated land.

10. "Smoke Sensitive Areas": Areas where the APCD 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 areas designated Class 1 pursuant to Section 169A of the federal Clean Air Act.

11. "Wildland Vegetation Management Burning": Open burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral (as defined in Title 14, California Administrative Code, Section 1561.1), trees, grass or standing brush, for forest management, fire hazard suppression, the improvement of land for wildlife and game habitat, or disease or pest control.

12. "Prescribed Burning": Wildland Vegetation Management Burning and Range Improvement Burning.