

Tehama County Air Pollution Control District

Rule 4:6 Open Burning

Adopted 8/10/71, Amended 4/25/89, Repealed/Adopted 6/16/92, Amended 6/22/93, Repealed/Adopted 6/19/01, Repealed/Adopted 12/16/03, Repealed/Adopted 09/09/08

1 Definitions

- 1.1 Burn Barrel means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.
- 1.2 Census Zip Code means a Zip Code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit Zip Code. Census zip codes are aggregations of census blocks that have the same predominate Zip Code associated with the mailing addresses in the U.S. Census Bureau's Master Address File. Census zip codes do not precisely depict Zip Code delivery areas, and do not include all Zip Codes used for mail delivery. For the purposes of this regulation, census zip codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 1.3 Fire-Season means a period of the year during which wildland fires are likely to occur, spread and affect resources value sufficient to warrant organized fire management activities.
- 1.4 Incorporated Place means the city, town, municipality or village reported to the U.S. Census Bureau as being legally in existence under California law at the time of the most recent national decennial census completed by the U.S. Census Bureau. For the purposes of calculating population density for this regulation, incorporated places include the FIPS Place Class Codes C1, C7 and C8, as defined by the U.S. Census Bureau in Technical Documentation, Summary File 1, October 2002.
- 1.5 Incinerator means any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.
- 1.6 Natural Vegetation means all plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated lumber, wood products or paper products.
- 1.7 Non-Fire season means a period of the year during which wildland fires are not likely to occur.
- 1.8 Permissive 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 air district consistent with its open burning rules.
- 1.9 Population Density means the number of people per square mile within a census zip code. It is calculated as the number of people within a census zip code divided by the area of the census zip code after subtracting the population and area of all incorporated places within the census zip code.

2 No person shall burn any refuse (as defined in Rule 1:2) in an open fire within the boundaries of the Tehama County Air Pollution Control District.

- 2.1 For the purpose of this Rule, the person in control of the property where any burning takes place, is the person who exercises possessory rights over the property. The person in control of the property is strictly liable for any unauthorized burning which takes place.

2.2 No person shall conduct any open burning of residential waste on a day designated as a no-burn day by the California Air Resources Board.

3 Exceptions:

3.1 When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire, in the opinion of such officer is necessary:

3.1.1 To prevent a fire, health or safety hazard which cannot be abated by any other means less detrimental to the total environment than burning, or

3.1.2 To instruct public or industrial employees in methods of fire fighting.

3.2 Conducting agricultural operation in the growing of crops, or raising of fowl or animals.

3.3 When the substance being burned is dry native grass or weeds in place upon any of the following premises:

3.3.1 Any ditch or canal or the banks thereof.

3.3.2 The right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance.

3.3.2.1 Exceptions 3.1.1 & 3.1.2., above apply only on those days agricultural burning is not prohibited by the state board on the day of the burn pursuant to Section 41855;

3.3.2.2 The material has been prepared by stacking , drying, or other methods to promote combustion as specified by the Air Pollution Control Officer.

3.4 Safety flares for the combustion of waste gases.

3.5 When such fire is used only for the cooking of food for human consumption or recreational purposes.

3.6 Burning for the disposal of residential waste of a single or two family dwelling on its premises in Tehama County shall pursuant to Rule 4:6 and under the following conditions:

3.6.1 This exception does not apply in areas where regular refuse disposal service is available and or which has been designated as urban by the Tehama County Air Pollution Control Board or within the boundaries of an incorporated place.

3.6.2 A valid burn permit is required for a period specified by the designated agency.

3.6.3 Burn hours are from 8:30 A.M. to 12:00 noon during fire season and change to 10:00 A.M. to 5:00 P.M. during non-fire season. Exception: burn hours for the Capay Fire District shall be 8:30 a.m. until 3:00 p.m. year around.

3.6.4 Effective January 1, 2004, no person shall ignite, or allow to become ignited, residential waste unless using an instrument or material that will ignite open fires without the production of black smoke by the ignition devise, as approved by the APCO.

3.6.5 It is a permissive burn day as defined by section 80101 (t) Title 17 of the California Code of Regulations.

- 3.6.6 It is a day when open burning is not prohibited by the fire protection agencies for the purpose of fire control or prevention.
- 3.7 Backfires or other fire control methods used for the purpose of controlling an existing wild fire.
- 3.8 Burning for the disposal of residential waste defined in (District Rule 1:2 as only paper, cardboard, or flammable natural vegetation) originating from a single- or two-family dwelling and conducted pursuant to Rule 4:6 and under the following conditions:
 - 3.8.1 Effective January 1, 2004, no person shall dispose of residential waste as defined above from any property by burning such waste in a burn barrel or incinerator outdoors, except:
 - 3.8.1.1 as allowed by a temporary exemption provided by the California Air Resources Board in response to a resolution adopted by the District Board which must be renewed every ten years pursuant to Section 93113 (e)(10), Title 17 of the California Code of Regulations , or
 - 3.8.1.2 where the population density of the unincorporated area is less than or equal to 3.0 persons per square mile within the boundaries of the census zip code in the most recent decennial census, pursuant to Section 93113 (e)(9), Title 17, of the California Code of Regulations.
 - 3.8.1.3 no exemption for the use of a burn barrel or incinerator shall be allowed within the boundaries of any incorporated place or any census zip code where the population density, according to the most recent decennial census, is greater than 3.0 persons per square mile.
 - 3.8.2 Effective January 1, 2004, no person shall burn for the purpose of disposing of waste material outdoors at a residence, any waste or manufactured material that includes but is not limited to petroleum products and petroleum wastes, construction and demolition debris, coated wire, putrescible wastes, tires, tar, tar paper, non-natural wood waste, processed or treated wood and wood products, metals, motor vehicle bodies and parts, rubber, synthetics, plastics, including plastic film, twine, pipe, fiberglass, styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products; cardboard; boxes, crates, excelsior, offal, swill, carcass of a dead animal, manure, human or animal parts or wastes, including blood, and fecal- and food-contaminated material, except:
 - 3.8.2.1 as allowed by a temporary exemption provided by the California Air Resources Board in response to a resolution by the District Board which must be renewed every ten years pursuant to section 93113 (e)(10), Title 17 of the California Code of Regulations, or
 - 3.8.2.2 that dry non-glossy paper and cardboard may be burned where the population density of the unincorporated area is less than or equal to 3.0 persons per square mile within the boundaries of the census zip code in the most recent decennial census, pursuant to Section 93113 (e), Title 17 of the California Code of Regulations.
 - 3.8.2.3 no exemption for the burning of non-glossy paper and cardboard shall be allowed within the boundaries of any incorporated place or any census zip code where the population density, according to the decennial census of 2000, is greater than 3.0 persons per square mile.

- 3.9 Certain wood waste from trees, vines or bushes on property being developed for commercial or residential purposes may be burned on the property where grown when the following conditions are met:
- 3.9.1 A permit is obtained from the Air Pollution Control Officer (APCO). Permits issued pursuant to this rule shall be valid a period of one year.
 - 3.9.2 The APCO has found that such burning is less detrimental to the general public health than disposal by other means.
 - 3.9.3 Such burning shall meet the requirements and restrictions for agricultural wastes as expressed in Rules 3:1, 3:2, 3:3, 3:4, 3:8, 3:11, and 3:12 of the rules and regulations for agricultural burning.
 - 3.9.4 Waste shall be arranged, prepared and dried at least six (6) months prior to burn if economically and technically feasible.
 - 3.9.5 Burning may be regulated or prohibited when wind direction is toward a nearby populated area.
 - 3.9.6 Burning shall take place only on a day which agricultural burning is not prohibited by the state board pursuant to Section 41804 (d).
 - 3.9.7 Other conditions which the Air Pollution Control Officer deems reasonable and necessary to assure burning with a minimum of smoke and to maintain suitable air quality standards.