

**Board Administration and Regulatory Coordination Unit**

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**Division 3. Air Resources Board**

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**Chapter 1. Air Resources Board**

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**Subchapter 2. Agricultural Burning Guidelines**

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**Article 1. General Provisions**

**§ 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.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41855, 41856, 41857, 41858, 41861 and 41862, Health and Safety Code.

REFERENCE