

**RULE 421 OPEN BURNING**  
(Adopted 11/19/85; revised 9/14/99)

**A Applicability**

The provisions of this Rule shall apply to the burning of combustible materials in Open Outdoor Fires, except for Agricultural Burning and range improvement burning which are regulated under Rules 701 and 702.

**B Requirements**

Except as otherwise provided herein, no Person shall use Open Outdoor Fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, trash or other combustible or flammable solid or liquid waste; or for metal salvage or burning of Motor Vehicle bodies. Materials to be burned shall be ignited only with an approved ignition device as defined in Rule 101.

**C Exceptions**

**C.1 Open burning of wood waste**

C.1.a The Air Pollution Control Officer may issue a permit to allow burning in an Open Outdoor Fire of wood waste, trees, vines, or brush from property being developed for commercial or residential purposes; or brush cuttings to reduce fire hazard. Such material may be burned only upon the property on which it originated.

C.1.b All burning pursuant to a permit issued under this Rule shall comply with the criteria applicable to the burning of agricultural wastes set forth in Rule 701 and such other conditions as required by the Air Pollution Control Officer.

C.1.c The Air Pollution Control Officer may approve or disapprove each application for burning under this Rule after consideration of the amount of waste to be burned, the season of the year, the ambient air quality, the proximity of the burn to developed or sensitive areas, and such other or additional criteria as the District may establish.

**C.2 Authority to Set or Permit Fires; Purposes**

Nothing in this Rule shall be construed as limiting the authority granted under the 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.

- C.2.a The prevention of a fire hazard which cannot be abated by any other means.
- C.2.b The instruction of public employees in the methods of fighting fire.
- C.2.c The instruction of employees in method of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.
- C.2.d The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- C.2.e The abatement of fire hazards pursuant to H&SC Section 13055.
- C.2.f Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.
- C.2.g The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

C.3 Burning for Right-of-Way Clearing Permitted

Nothing in this Rule shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance. No such material may be burned pursuant to this section unless:

- C.3.a Agricultural Burning is not prohibited on the day, and
- C.3.b the material has been prepared by stacking, drying, or other methods to promote combustion as specified by the Air Pollution Control Officer.

C.4 Burning Permitted for disposal of Russian Thistle

Open Outdoor Fires may be used to dispose of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the county agricultural commissioner, or the Air Pollution Control Officer.

C.5 Use of Mechanized Burner Permitted

The Air Pollution Control Officer, upon authorization of the District Board, may authorize, by permit, Open Outdoor Fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that

no Air Contaminant is discharged into the Atmosphere for a period or periods aggregating more than 30 minutes in any eight hours period which is:

C.5.a As dark or darker in shade as that designated as No.1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

C.5.b Of such Opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivisions C.5.a.

In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

- C.6 Single or two family dwellings located in areas not serviced on a weekly basis by a solid waste disposal service, may use an Incinerator to burn Residential Rubbish and yard trimmings. The Incinerator shall be designed for efficient combustion to minimize smoke and odors. Any burning undertaken under this section must be done in such a way as to not discharge smoke, Fumes or particulate into any adjacent property or residences such as to create a nuisance as set forth in Rule 407. This exception does not apply to the burning of tires, construction material, mattresses, petroleum products, paint, rubber, fireworks, and cotton or wool or other similar smoke or toxic fume production items.
- C.7 Open Outdoor Fires used only for cooking food for human beings or for recreational purposes.