OPEN BURNING REGULATION

WHAT IS OPEN BURNING?

"Open burning" refers to the disposal of any material in an open outdoor fire. *In the Bay Area, only certain forms of open burning are legal.*

Open burning fires produce hundreds of tons of air pollutants per year in the Bay Area. For this reason, most legal open burning is allowed only on certain days. These *"Burn"* days are announced when the Air District determines that weather patterns will keep smoke from creating unhealthy conditions for the general public.

OPEN BURNING REGULATION

The Air District's **Regulation 5** prohibits open burning throughout the Bay Area with the exception of 17 types of fires that are allowed on designated *Burn* days during pre-established burn periods as shown in the open burning calendar.

Most open burning is for agricultural reasons and is the traditional way to remove waste materials produced from growing and harvesting crops. Burning also helps farmers destroy weeds, control pests and prevent disease.

Under **Regulation 5,** agricultural burning can take place only on farms that are operated for commercial purposes. Only materials grown on site can be burned and cannot include feed or fertilizer containers, finished lumber, plastic or rubber products, plumage, hides, fur, offal or fecal material, or refuse from plant or animal processing.

Several other types of fires are legal in the Bay Area, such as fires for natural resource management, cleanup of flood debris, and for fire hazard reduction.

PRESCRIBED BURNING AND MARSH MANAGEMENT FIRES

The Air District's "Smoke Management Program for Prescribed Burning" was developed in response to amendments to the State Agricultural Burning Guidelines in Title 17 of the California Code of Regulations, which were adopted by the California Air Resources Board.

Prescribed burning is the burning of vegetation on selected areas of land for natural resource management purposes and must be conducted by a state or federal agency, or through a cooperative agreement or contract with such an agency. These fires cannot be set without a Smoke Management Plan approved by the Air District that outlines the acceptable weather, moisture and fuel conditions.

These Smoke Management Plans must be submitted to the Air District prior to the planned burning. An acreage burning allocation must also be received from the Air District each day before the start of any fire.

The Air District regulates prescribed burning activities as Wildland Vegetation Management fires (see **Regulation 5,** sections 401.15 and 408). In addition, the following fire types were added to the prescribed burning program. These fires are subject to the same requirements as Wildland Vegetation Management fires when they are expected to exceed 10 acres in size, or to burn piled vegetation cleared or generated from more than 10 acres of land:

- Forest management fires
- Range management fires
- Hazardous materials fires that are not related to section 4291 of the Public Resources Code
- Crop replacement fires for the purpose of establishing an agricultural crop on previously uncultivated land

Marsh management fires are set for the purpose of improving marshland for wildlife habitat (see Regulation 5, sections 401.13 and 410) and require an approved Smoke Management Plan and daily acreage burning allocation from the Air District.

BURN DAYS

The Air District designates each day of the year as either a *Burn* or *No Burn* day, based on meteorological criteria established by the California Air Resources Board. These standards include requirements for expected daytime wind velocity, temperature and atmospheric stability. *Burn* days will be declared ***only*** if favorable weather conditions will minimize pollution caused by open burning.

Some open burning fire types may be allowed on *Burn* days throughout the year. Others are restricted to *Burn* days within certain months and must be authorized by the appropriate public official. In some cases, a burn permit may also be required by local fire agency ordinances.

Under state law, violations of the Air District's open burning regulations may be subject to civil penalties of up to $10,000 per day.

Report illegal fires:
1 (800) 334-ODOR (6367)

Burn status:
1 (800) HELP AIR (1-800-435-7247)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

NOTIFICATION

Regulation 5 requires most burners to notify the Air District and pay a fee prior to open burning. Details in **Regulation 5: www.baaqmd.gov.**

Open Burning Notification Form:
www.baaqmd.gov/forms/compliance-forms

OPEN BURNING CALENDAR

REG 5 SECTION	ALLOWABLE FIRE TYPE	AIR DISTRICT NOTIFICATION	PUBLIC AUTHORITY	PERMISSIVE BURN PERIODS											
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
401.1	**Disease and Pest Prevention** [1]	REQ'D	Agricultural Commissioner	■	■	■	■	■	■	■	■	■	■	■	■
401.2	**Crop Replacement** [2]	REQ'D	Fire Official	■	■	■	■	✖	✖	✖	✖	✖	■	■	■
401.3	**Orchard Prunings** [2]	REQ'D	Fire Official	■	■	■	■	✖	✖	✖	✖	✖	✖	■	■
401.4	**Double Crop Stubble**	REQ'D	Fire Official	✖	✖	✖	✖	✖	■	■	■	✖	✖	✖	✖
401.5	**Stubble and Straw** [5]	–	Fire Official	✖	✖	✖	✖	✖	✖	✖	✖	■	■	■	■
401.6	**Hazardous Materials** [1]	REQ'D	Fire Official	■	■	■	■	■	■	■	■	■	■	■	■
401.7	**Fire Training** [1]	REQ'D	Public Officer	■	■	■	■	■	■	■	■	■	■	■	■
401.8	**Flood Debris**	REQ'D	Fire Official	■	■	■	■	■	✖	✖	✖	✖	■	■	■
401.9	**Irrigation Ditches**	REQ'D	Fire Official	■	■	■	■	■	■	■	■	■	■	■	■
401.10	**Flood Control** [1]	REQ'D	Public Flood Control Officer	■	■	■	■	■	■	■	■	■	■	■	■
401.11	**Range Management**	REQ'D	State Forester or Fire Official	■	■	■	■	✖	✖	■	■	■	■	■	■
401.12	**Forest Management**	REQ'D	Fire Official	■	■	■	■	✖	✖	✖	✖	✖	✖	■	■
401.13	**Marsh Management** [2,4,5]	REQ'D	State Fish & Game	✖	■	■	✖	✖	✖	✖	✖	■	■ until 15th / ✖	✖	✖
401.14	**Contraband**	REQ'D	Fire Official or Peace Officer	■	■	■	■	■	■	■	■	■	■	■	■
401.I5	**Wildland Vegetation Management** [4,5]	–	State or Federal Fire Official	■	■	■	■	■	■	■	■	■	■	■	■
401.16	**Filmmaking** [4]	REQ'D	Fire Official	■	■	■	■	■	■	■	■	■	■	■	■
401.17	**Public Exhibition** [4]	REQ'D	Fire Official	■	■	■	■	■	■	■	■	■	■	■	■

[1] May use Section 5-404, Emergency Waivers.
[2] Air District may extend burn period to June 30.
[3] One fire per quarter allowed on "No Burn" day for training volunteers or seasonal firefighters if Air District is notified two weeks prior.
[4] Prior written Air District approval required.
[5] Prior acreage burning allocation from Air District required.

■ = Open Burning Fires Allowed

✖ = No Open Burning Fires Allowed

ABOUT THE AIR DISTRICT

The Bay Area Air Quality Management District is the regional agency responsible for protecting air quality in the nine-county Bay Area, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, south-western Solano, and southern Sonoma counties.

CONTACT US:

24-Hour Burn Status Recording:
(800) 792-0787

Open Burning Questions:
(415) 749-4600

Acreage Burning Allocation Requests:
(415) 749-4600

Marsh and Prescribed Burn Day Forecasting:
(415) 749-4915

Connect with us:
www.baaqmd.gov

BAY AREA AIR QUALITY MANAGEMENT DISTRICT