



# C&E Advisory

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Compliance & Enforcement Division

November 25, 2003

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## ADVISORY FOR REGULATION 5: OPEN BURNING

### HAZARDOUS MATERIAL (HAZARD REDUCTION) FIRES **WITHOUT** FIRE OFFICIAL AUTHORIZATION

Hazardous Material fires are fires set for the purpose of prevention or reduction of a fire hazard and are subject to the requirements of Regulation 5, Section 401.6. According to Section 5-401.6 and related District policy, a public fire official having jurisdiction must set or allow the fire, and in the opinion of the fire official, the fire must be necessary and the fire hazard must not be able to be abated by any other means.

Hazardous Material fires may also be conducted to dispose of material generated by a landowner to comply with a fire official's order or notice to create defensible space around structures on their property.

However, in some unincorporated areas of the District, a fire official's authorization (i.e., a written burn permit or verbal approval) is not available to determine whether a planned Hazardous Material fire is allowable.

Therefore, in areas where fire official authorization is unavailable, all Hazardous Material fires subject to Reg. 5-401.6 shall be allowed without fire official authorization provided all of the following conditions are satisfied:

1. Only natural vegetation or other native growth is burned.
2. The amount of material from a single property cleared and burned annually is greater than 5 cubic yards.
3. The material is inaccessible for removal by vehicle, alternatives to burning such as shredding, chipping, composting, disking, plowing, and harrowing are not feasible, and the hazard cannot be abated by an economically, ecologically or logistically viable option, **as determined by the property owner**.

**Note:** The District, for the time being will allow property owners to determine accessibility and feasible means of disposal. Property owners are strongly encouraged to use alternatives to burning vegetation whenever possible to reduce potential public health and air quality impacts caused by smoke emissions from burning. Burning will be carefully monitored. If burning is not appropriately used, this policy will be reconsidered.

You cannot burn residential or "backyard" waste, garden trimmings, leaves, landscape (tree branches, plants, and grass) debris and cuttings, and any agricultural waste that is not from a commercial agricultural operation.

SEE BACK OF ADVISORY FOR MORE INFORMATION (OVER)

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**REMEMBER:** It is the responsibility of the person who conducts a Hazardous Material fire to know and satisfy all of the following additional conditions:

- Burn Day Status - Fires are only allowed on permissive burn days, as determined by the District.
- Burn Hour Restrictions - Generally, no hazardous material fires are allowed before 9:30 a.m. In the afternoon, fires cannot be ignited and material cannot be added to fires after two hours before sunset.
- Smoke Production – piled material must be managed to ensure that burning the material does not produce smoke after sunset any day.
- Fuel Conditions – The material to be burned must be dried for at least 60 days and be reasonably free of dirt and soil.
- Pile Size Limits - the base area of each pile must not exceed 25 square yards and the pile height must be at least two-thirds of the average width of the pile.
- Wind Conditions - Fires cannot be ignited and material cannot be added to fires when the wind velocity is less than 5 miles/hour or when the wind direction at the burn site is such that the direction of smoke drift is toward a populated area.

**IMPORTANT NOTE:** This advisory does not apply to wildland vegetation management fires (prescribed burning activities).



For any questions about District Regulation 5, call Janet Simon at (415) 749-4780.



For the 24-Hour burn status recording, call (800) 792-0787.

Kelly Wee  
Director of Compliance & Enforcement

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