

RULE 416 Open Burning - Adopted 4/18/72 Amended 3/19/74, 8/22/89, 7/11/96, 1/06/00

I. **Purpose**

The purpose of this Rule is to limit open burning to only those activities for which there is no feasible or practical alternative.

II. **Applicability**

This Rule shall apply to all burning activities not confined to an incinerator which meets requirements of Rule 418 (Incinerators), but shall not apply to combustion of fuels in a device designed to produce useful energy and which meets all applicable parts of Regulation IV.

III. **Prohibition**

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Kern County Air Pollution Control District.

IV. **Exceptions**

The following exceptions shall apply:

- A. A fire set for the purpose of eliminating a fire hazard which cannot be abated by any other practical means, provided permission for such fire is given in the performance of the official duty of a public fire safety officer.
- B. A fire set for instruction, by trained firefighters, of persons in methods of fire fighting.
- C. A backfire, or other fire control method used for the purpose of controlling an existing wild fire.
- D. A fire used only for cooking of food for human consumption.
- E. A fire used for conducting agricultural operations in the growing of crops, or raising of fowl, animals, or bees on a farm for the primary purpose of making a profit, or for a livelihood.
- F. A fire set for purposes of wildland vegetation management, forest management, or range improvement. This exception shall be subject to all applicable provisions of Rule 417.
- G. Burning of plant life for right-of-way clearing, levee and ditch bank maintenance. This exception shall be subject to all applicable provisions of Rule 417.

- H. Combustion of waste gases using a flare, provided such flare incorporates Best Available Control Technology as defined in Rule 210.1.
- I. A fire used to test the integrity of compressed gas cylinders, provided the fuel used is the lowest-emitting allowed by the applicable state or federal test procedure.
- J. Burning of materials for the purpose of creating special effects during production of commercial or educational films, videos or photographs. Such burn events cannot pose a public nuisance or health threat, or cause an exceedance of National or State ambient air quality standards. To gain an exemption, the District must be provided with the following information in advance of the burn:
 - 1. Location of proposed burn,
 - 2. Date and approximate time of proposed burn,
 - 3. Type and volume of material to be burned, and
 - 4. Expected duration of proposed burn.
- K. Burning of residential rubbish originating on and being burned on premises not served by an organized solid waste disposal service and more than 15 miles from a county sanitary landfill. An exception shall not apply to burning of rubbish from any industrial, commercial, or institutional facility wherever located, or to a residential facility constructed for use of more than two families.
- L. Disposal of contraband (confiscated controlled substances) by burning. Such fire must be set and tended by official law enforcement personnel and must have been deemed not disposable by any other means by such officials. Prior to such burns, the District shall be informed of the place, date and time of the burn, and type and quantity of contraband to be disposed.
- M. Recreational or ceremonial fires contained in a fireplace, barbeque, or fire pit, provided material burned is free of household, municipal, and industrial waste; tires; tar; plastics; and wet wood.
- N. Use of pyrotechnics not subject to Section V. used for the purpose of military training exercises. Prior to such burns, the District shall be informed of the place, date and time of the burn, and type and quantity of pyrotechnics to be burned.
- O. Burning of Federal facility materials complying with Section V. of this Rule.

V. **Treatment of Federal Facility Materials**

- A. An open burn/open detonation (OB/OD) operation to treat unwanted materials at a federal facility may be conducted with prior approval from the Control Officer through approval of an OB/OD burn plan. A burn plan approval shall not be valid for more than one year, but may be renewed annually by the Control Officer.

- B. No person shall conduct open burning/open detonation on "no burn" days or when such burning is prohibited by the Control Officer for public health reasons.
- C. Open burn/open detonation operations, when permitted, shall conform to the following conditions:
 - 1. Before an OB/OD operation takes place, a plan shall be submitted by the Base Commanding Officer or by his designated representative for a military base, or by the facility manager or his designated representative for a federal facility, to the Control Officer, and any other designated agencies having jurisdiction over the proposed OB/OD operations. This plan shall:
 - a. Specify methods to be used to achieve detonation or combustion.
 - b. Limit the category and amount of waste propellants, explosives, munitions, and pyrotechnics to be disposed each year to an amount with a projected lifetime toxic cancer risk less than one-in-one million and limit daily disposal amounts to that level not causing an impact above acute toxic thresholds. Toxic risks shall be demonstrated with modeling approved by the Control Officer.
 - c. Limit open burn/open detonation operations or provide for mitigation when meteorological conditions could cause emissions to result in or contribute to an exceedance of any state or federal ambient air quality standard or cause a public nuisance.
 - d. Require waste propellants, explosives, munitions, and pyrotechnics (PEMP) treated to be free of non-PEMP materials, except for those materials necessary to safely store, handle, or treat PEMP or intimately-related materials also requiring treatment.
 - e. Require waste propellants, explosives, munitions, and pyrotechnics to be in a condition facilitating combustion, assuring safe operation, and minimizing the amount of emissions emitted during treatment.
 - f. Include the following information:
 - 1) location of proposed treatment operation,
 - 2) category and amount of waste propellants, explosives, munitions, and pyrotechnics to be treated,
 - 3) directions and distances to nearby receptor areas,
 - 4) air quality impact analysis showing expected impacts with respect to state and federal ambient air quality standards,
 - 5) risk assessment for acute and chronic health effects,

- 6) meteorological criteria developed for the project,
 - 7) projected schedule or frequency of OB/OD events,
 - 8) specifications for monitoring and recording of critical project parameters,
and
 - 9) specifications for reporting and disseminating project information.
2. Material to be treated shall be limited to PEMP generated from operations at the federal facility where the OB/OD operation is to take place.
 3. Open burn/open detonation operations shall be allowed on normal business days for the District, or on such other days as the District may approve.
 4. All open burn/open detonation operations shall conform to applicable jurisdictional fire codes.
 5. Open burn/open detonation operations shall not be initiated if emissions may drift into a populated area or create a public nuisance.
- D. Total amount of material treated in any one day may be limited by the District, taking into consideration potential for creation of a threat to public health.
- E. Records shall be maintained for the type and amount of PEMP for each open burn/open detonation operation and shall be submitted to the District no more than sixty days prior to the end of the burn plan approval period. Records shall be maintained for five years.
- F. District staff shall be permitted, when accompanied by appropriate personnel:
1. To enter premises where the OB/OD site is located or in which any records are required to be kept under requirements of the burn plan.
 2. To inspect any equipment, operation, or method required by the burn plan.
- KCAPCD shall also have authority to require collection and analysis of emission samples from the source.
- G. A summary of data required to determine compliance with applicable provisions of this Rule shall be submitted to, and as prescribed by, the Control Officer.