

# District Regulation 2 Amendments

August 17<sup>th</sup>, 2010 Workshop

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## Regulation 2 Amendments

District staff is proposing the following amendments to District Regulation 2 (Open Outdoor Burning).

- Language clarifications and corrections
- Fee adjustments
- The addition of two new classes of permits

## Burn Program

The District is required to manage open outdoor burning and issue burn permits.

The District receives no tax dollars and must use fees and a small amount of state funds to cover all expenses.

Currently less than 50% of District cost of the Burn Program is recovered.

## Language Clarifications

- Fix typos
- Conform to other District Rules and State Law.
- No substantive changes

## Burn Permit Fee adjustments

Current fee is \$12  
(adopted in 2002 and adjusted for inflation)

Neighboring Districts charge \$20

Proposed fee is \$15.

Currently a single 4x4 pile associated with a residence does not require a District Permit – no change is proposed.

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## Smoke Management Plan Fees

Smoke Management Plans (SMP) are for the largest burns - over 10 acres or 50 tons of fuel – or those that may impact smoke sensitive areas (schools etc.)

SMPs can last for several years.

Between 10 and 15 Smoke Management Plans are issued annually – or about 1% of the permits in the District.

Typical SMP holders are USFS, large land owners and orchard removals.

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## SMP Filing Fees

SMPs are subject to two fees – a filing fee and a post burn fee.

Current Filing Fee is \$57 dollars  
(adopted in 2002 and increased for inflation)

Proposed Filing Fee is \$100

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## SMP Post Burn Fees

The post burn emissions fee is currently set based on the type of fuel burned and the method by which it is burned. The proposed fee structure is greatly simplified –

\$100 for every 25 acres of broadcast burning

\$100 for every 100 tons of woody material

\$100 for every 10 tons of grasses

The applicant must identify fuel type and is subject to inspection and verification.

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## Grass piles

No air flow  
extreme smoke  
generation.

Grass piles retain  
moisture and  
compost internally.

Standing grass will  
burn cleaner and  
faster.



## SMP Reporting Changes

Annual reports must be filed even if no burning occurs.

Failure to file reports and pay post burn fees results in automatic suspension of SMP.

Proposed five year self life for SMP.

## Agricultural Multiple Site Permit (MSP)

Optional new permit for agricultural burning on multiple parcels which renews annually.

No need to come to District office for permit – renewals will be mailed out to permit holders.

SMP operates normally – if a single burn requires SMP then it is removed from the MSP.

\$50 annual fee.

MSP program can be suspended by ACPO if problems develop.

## Property Development Permit

Property development is defined as open burning while converting land from one use to another. Examples include –

- Timberland Conversion to another use.
- Removal of perennial crops – unless ordered by Ag. Commissioner for pest reasons.
- Public Works projects (new roads, power lines etc.)

The Property Development Permit is a new class of permit and can only be issued by the District.

Fee is \$150 - these burns represent the most significant workload.

## What is Property Development?

- Removing natural vegetation for new residential use.
- Removing existing apple trees to plant orange trees (without pest infestation).
- Clearing orchard in preparation of building golf course.

## What is NOT Property Development

- Clearing new area on existing residential (i.e. with home) land is not property development.
- Removing grapevines because of pest infestation is not property development.
- Burning conducted for Range Improvement is not property development (existing use).
- Fire safe clearance for existing structures is not Property Development.

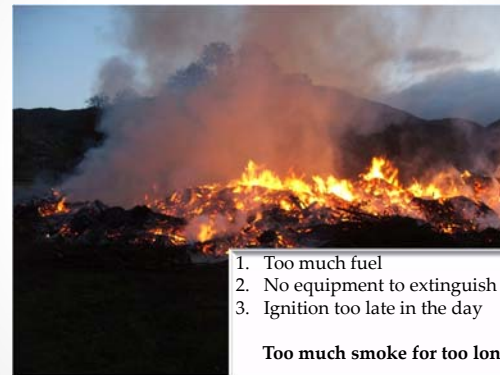
1. Burning wet or green material
2. No equipment to manage fire
3. Pile too compact – no air flow

**Too much smoke for too long**



1. Too much fuel
2. No equipment to extinguish fire
3. Ignition too late in the day

**Too much smoke for too long**



## Orchard removal

Smoke impacts significant but brief – if managed well.

Large removals already subject to SMP review.

Smaller removals (under 10 acres) are not subject to review now and are typically closer to homes.



## Burning Permit Requirements

Specific requirements will vary by project -

- Pre-burn inspection
  - May allow digital photo submissions
- Notification to District and Fire District
- On-site phone number (contact if District receives complaints)
- Neighbor notification

## Rule Adoption Process

- 1.) Public Workshop (this event)
- 2.) Proposed rule considered by District Board (9/14/2010)
- 3.) Rule review by ARB and EPA

## Comments/Questions

MCAQMD Webpage [www.mendoair.org](http://www.mendoair.org)

District phone number 707-463-4354