

AIR POLLUTION CONTROL DISTRICT  
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

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Topic: Open Burn Investigations

Distribution: All Policy Holders

This policy and procedure document provides guidance to APCD inspectors in the proper manner to conduct open burn inspections. Inspectors conduct open burn inspections for the purpose of verifying compliance with APCD Rules 312, 313 and 401 and California Health and Safety Code Sections 41800 through 41864.

Open burn inspections are conducted in response to complaints, referrals from fire protection agencies, observations of potential illegal burn materials or smoke observed during surveillance activities. Fire protection agency referrals may include burns in progress or requests for pre-burn assessments. The pre-burn assessment is conducted to determine potential for compliance with open burning and nuisance regulations and to develop burn-specific conditions to be included in the permit issued by the fire protection agency. Pre-burn assessments are documented using ENF-2, the Open Burning Assessment Report.

POLICY:

It is the policy of the Regulatory Compliance Division that inspectors will inspect open burns and use the Open Burn Policy on open burning to determine compliance with all of the applicable rules and regulations.

The following criteria will be used to determine if an open burn will be inspected:

1. If the inspector observes smoke on a permissive burn day and the open burn is an agricultural burn, the inspector has discretion whether or not to investigate the burn. The inspector will follow the direction of his or her supervisor in establishing priorities for conducting inspections in this situation.
2. If the inspector observes smoke from any burn and it is a no-burn day, the inspector will investigate the open burn as a priority task.
3. If the inspector observes potential illegal burn materials or smoke from a non-agricultural open burn on any day, the inspector will investigate the open burn as a priority task.
4. Inspectors will investigate all open burns referred to the APCD by complaint or by a fire protection agency.

PROCEDURES:

The following procedures will be used when conducting open burn inspections:

In Progress or Post-Burn Inspections of Agricultural Burns:

1. Obtain access to the property as outlined in Policy and Procedure document I.B., Access to the Facility.
2. Establish the identity of the person in control of the burn.
3. Request a copy of the burn permit.
4. Conduct a field interview and complete the Open Burn Inspection Checklist (ENF-29).
5. Determine compliance with APCD Rules and permit conditions using Policy and Procedure Manual Section VI., Open Burning, for guidance.
6. If the burn is in violation, proceed with documentation and enforcement actions consistent with Policy and Procedure I.F.1., Documentation of Violations and VII.A. Notices of Violation.
7. For agricultural burns, Notices of Violation are issued to the owner or leaser of the property on which the burn is occurring.
8. If the burn is in violation and there is a reasonable likelihood that the burn will continue into the next day, inform the responsible party on the property that each day of violation is a separate violation.
9. If, in the opinion of the inspector, an illegal burn is creating a potential fire hazard to persons or property or the fire is being conducted in violation of requirements stipulated by a fire protection agency, the inspector will contact the applicable fire protection agency by the most expeditious means available.
10. If, in the opinion of the inspector, an illegal fire involves hazardous or toxic substances, the inspector will contact both the applicable fire protection agency and County Environmental Health Services.
11. The inspector will document all open burn inspections using the ENF-29 Burn Investigation Report form and the guidelines in Policy and Procedure I.F., Inspection Reports.

2. Establish the identity of the person in control of the burn
3. Request a copy of the burn permit
4. Conduct a field interview and complete the Open Burn Inspection Checklist (ENF-?)
5. Determine compliance with District Rules and permit conditions using guidance in Policy and Procedure Manual Section VI., Open Burning, for guidance
6. If the burn is in violation, proceed with documentation and enforcement actions consistent with Policy and Procedure I.F.1., Documentation of Violations and VII.A. Notices of Violation
7. For non-agricultural burns, Notices of Violation are served on the person in control of the burn
8. If the burn is in violation and there is a reasonable likelihood that the burn will continue into the next day, inform the responsible party on the property that each day of violation is a separate violation
9. If, in the opinion of the inspector, an illegal burn is creating a potential fire hazard to persons or property or the fire is being conducted in violation of requirements stipulated by a fire protection agency, the inspector will contact the applicable fire protection agency by the most expeditious means available
10. If, in the opinion of the inspector, an illegal fire involves hazardous or toxic substances, the inspector will contact both the applicable fire protection agency and County Environmental Health Services
11. The inspector will document all open burn inspections using the guidelines in Policy and Procedure I.F., Inspection Reports

Pre-Burn Evaluation Inspections:

1. Within one day of a referral from a fire protection agency, contact the permit applicant by telephone and schedule a time to conduct the inspection
2. After contacting the applicant at the burn site, conduct a pre-inspection interview and explain Rules 303, 312 and 401 using Policy and Procedure Manual Section VI., Open Burning, for guidance in the interpretation of these Rules
3. Inspect the materials to be burned and determine if those materials meet all criteria required by District Rules in order to be legally burned

4. Evaluate the potential for nuisance impacts from the proposed burn
5. Complete the Open Burn Inspection Checklist (ENF-29)
6. Complete the Open Burn Assessment Report (ENF-2) including suggested conditions such as meteorological criteria and/or burn times necessary to avoid nuisance impacts
7. Within four days of a referral, submit the Assessment Report to the Enforcement Supervisor for review
8. Within seven days of a referral, transmit a copy of the Assessment Report to the fire protection agency personnel who made the referral
9. If the Assessment Report recommends that the application for burn permit be denied, provide the applicant with a variance pamphlet



# Santa Barbara County Air Pollution Control District

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## BURN INVESTIGATION REPORT

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

Name of Responsible Person: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Burn: \_\_\_\_\_

### Type of Burn:

- |  |   |
|--|---|
| <input type="checkbox"/> Agricultural Wastes                 | <input type="checkbox"/> Fire Hazard Reduction in High Fire Areas |
| <input type="checkbox"/> Forest Management                   | <input type="checkbox"/> Fire Hazard Abatement                    |
| <input type="checkbox"/> Range Improvement                   | <input type="checkbox"/> Residential Dry Vegetation               |
| <input type="checkbox"/> Wildlife & Game Habitat Improvement | <input type="checkbox"/> Right of Way                             |
| <input type="checkbox"/> Disease & Pest Prevention           | <input type="checkbox"/> Confiscated Marijuana                    |
| <input type="checkbox"/> Water Delivery Systems (Irrigation) | <input type="checkbox"/> Fire Training                            |
| <input type="checkbox"/> Wildland Vegetation Management      | <input type="checkbox"/> Recreational (Camping/Cooking/Festive)   |
| <input type="checkbox"/> Russian Thistle (Tumbleweeds)       |   |
| <input type="checkbox"/> Other (Describe):                   |   |

Burn Day: Yes \_\_\_\_ No \_\_\_\_ Burn Permit Issued: Yes \_\_\_\_ No \_\_\_\_

Burn Permit#: \_\_\_\_\_ Date Issued: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Type of Burn Permit: \_\_\_\_\_ Issued by: \_\_\_\_\_

Local Fire Protection Agency Notified Prior to Conducting Burn: Yes \_\_\_\_ No \_\_\_\_

### Names of Persons Attending the Burn:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Size of Burn: \_\_\_\_ ' W X \_\_\_\_ ' L X \_\_\_\_ ' H

Description of Materials Being Burned: \_\_\_\_\_

\_\_\_\_\_

Nuisance Potential: Yes \_\_\_\_ No \_\_\_\_ Explain: \_\_\_\_\_

\_\_\_\_\_

Statement of responsible person: \_\_\_\_\_

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Statement of Investigator: \_\_\_\_\_

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\_\_\_\_\_

Burn Conducted In Compliance: Yes \_\_\_ No \_\_\_

Rule(s) Violated: \_\_\_\_\_ Burn Permit Condition(s) Violated: \_\_\_\_\_

Notice of Violation Issued: Yes \_\_\_ No \_\_\_ NOV # \_\_\_\_\_

Photographic Evidence Attached: Yes \_\_\_ No \_\_\_

Fire Protection Agency Response: Yes \_\_\_ No \_\_\_

Incident Report #: \_\_\_\_\_ Citation #: \_\_\_\_\_



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## OPEN BURNING ASSESSMENT REPORT

Name of Person: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_

Ranch/Business/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Type of Assessment: Field \_\_\_ Phone \_\_\_

### Type of Burning:

- |  |   |
|--|---|
| <input type="checkbox"/> Agricultural Wastes                 | <input type="checkbox"/> Fire Hazard Reduction in High Fire Areas |
| <input type="checkbox"/> Forest Management                   | <input type="checkbox"/> Fire Hazard Abatement                    |
| <input type="checkbox"/> Range Improvement                   | <input type="checkbox"/> Residential Dry Vegetation               |
| <input type="checkbox"/> Wildlife & Game Habitat Improvement | <input type="checkbox"/> Right of Way                             |
| <input type="checkbox"/> Disease & Pest Prevention           | <input type="checkbox"/> Confiscated Marijuana                    |
| <input type="checkbox"/> Water Delivery Systems (Irrigation) | <input type="checkbox"/> Fire Training                            |
| <input type="checkbox"/> Wildland Vegetation Management      | <input type="checkbox"/> Recreational (Camping/Cooking/Festive)   |
| <input type="checkbox"/> Russian Thistle (Tumbleweeds)       |   |
| <input type="checkbox"/> Other (Describe):                   |   |

Summary of Findings: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action Recommended: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Issuance of Burn Permit Recommended: Yes \_\_\_ No \_\_\_

Date Fire agency notified \_\_\_ / \_\_\_ / \_\_\_ Date copy sent to Fire Agency \_\_\_ / \_\_\_ / \_\_\_

Person contacted/Phone # \_\_\_\_\_

Inspector/Phone # \_\_\_\_\_

