

040.037 PRESCRIBED BURNING (Revised from **040.035**, adopted 05/28/20)

SECTION A – GENERAL

1. **PURPOSE:** To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. **APPLICABILITY:** The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. **Allowable Vegetation.** Means only plant material that is identified in the burn plan or project where the burn is to be conducted.
2. **Fire Control Agency:** Agencies that are qualified to conduct prescribed burns.
3. **Land Management Agency:** Agencies that are qualified to conduct prescribed burns.
4. **Open Burning.** Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.
5. **Prescribed Burning.** Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
6. **Recreational Fires.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. **Smoke Impacts.** Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
 - a. Residential open burning (defined in Section 040.035);
 - b. Recreational fires; and
 - c. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.

3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.
4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. Prescribed burns shall not be subject to the burn limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least fourteen (14) calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn plan and any other information as required by the Control Officer.
5. All prescribed burns must follow the following Smoke Management Permit conditions:
 - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
 - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
 - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.

- d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
- e. All prescribed burn operations shall be subject to inspection by the Control Officer.
- f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
- g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.