

Kern County Air Pollution Control District Smoke Management Program

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Introduction and Background

DISTRICT INFORMATION

Kern County APCD comprises the eastern half of Kern County at the southern end of the Sierra Nevada. The District is responsible for an area of about 4000 square miles with elevations ranging from about 1800 to about 8500 feet. The northerly border is Inyo and Tulare Counties, the westerly border is the San Joaquin Valley Unified APCD, the easterly border is the Mojave Desert AQMD, and the southerly border is Los Angeles County. The District has a population of approximately 120,000 people located in unincorporated areas and three incorporated cities (Tehachapi, California City and Ridgecrest). As with most of California, Eastern Kern County has cool to mild winters (except the higher elevations) and warm to hot summers. Predominately, the surface winds in East Kern are easterly, with northerly or southerly influences. Additionally, portions of the District experience up-slope winds during the day and down-slope winds at night during the dry season. During the spring, summer and fall seasons, temperature inversions are rare, thus, good dispersion of smoke and other air pollutants generally prevails. During calendar year 2000, reported agricultural and prescribed burning consisted of approximately 184 tons of vegetation (tonnage only reported) and 4135 acres of vegetation (acres only reported). Slash, chaparral and brush consisted of 37% of the tonnage reported and 27% of the acreage reported.

Kern County APCD is one of three air pollution control districts that make up the Mojave Desert Air Basin (MDAB). The MDAB consists of Kern County APCD, Antelope Valley AQMD and Mojave Desert AQMD.

PROGRAM INTENT AND DISTRICT RULES

This Smoke Management Program (“Program”) is intended to describe Kern County Air Pollution Control District’s (“District’s”) methods of implementing §80100-80330 of the California Code of Regulations Title 17, Smoke Management Guidelines for Agricultural and Prescribed Burning, and of ensuring compliance with District Regulation IV - Open Burning (Rules 416 and 417). One of the District’s goals is to achieve and maintain all state and national ambient air quality standards related to particulate matter through implementation of emission reducing measures, including this Program. The Program’s objectives are to allow for the continuation of agricultural and prescribed burning as a resource management tool and provide increased opportunities for agricultural and prescribed burning while minimizing smoke impacts to the public.

DISTRICT AUTHORITY

The District derives its authority to implement and enforce this Program from Regulation IV, Rules 416 (Open Burning) and 417 (Agricultural Burning). These Rules require applicants for agricultural and prescribed burning to supply such information as is required by the District prior to setting or allowing an outdoor fire. Additionally, Rules 416 and 417 require

the District to regulate burning or require mitigation if it is determined that meteorological conditions could cause smoke to create or contribute to a violation of an ambient air quality standard or cause a public nuisance. These Rules give the District broad authority to regulate agricultural and prescribed burning activities in its jurisdiction.

DISTRICT PUBLIC OUTREACH/COMMENT PROCESS

This Program was prepared in cooperation with public and private land management agencies and the Kern County Fire Department. Additionally, the District provided a 30-day public notice and comment period prior to District Board of Directors adoption. Public comments were received and given due consideration.

FUTURE DISTRICT PLANNED ACTIONS

The District's current regulations provide authority to implement and enforce this Program, consequently, no modifications to Regulation IV are anticipated at this time. Once the Program is fully developed and implemented, the District may discover changes that need to be made in the District's regulations. Any changes needed to fully develop and implement the Program will be drafted, and after public review, adopted by the District's governing board.

KCAPCD's Program is divided into six sections: permitting, registration, authorization, planning, resources, and enforcement with supporting appendices. Each section describes procedures related to that particular subject, including specific actions required and general guidelines or procedures used by District staff. The appendices include pertinent documents that support the Program. Smoke management is complex and is affected by many variables; this Program is designed to provide general direction, and does not override common sense considerations in regulating burning in the District.

Section 1- Burn Permits

DISTRICT PERMITTING PROCEDURES

District staff (or the Kern County Fire Department) issues permits for all agricultural and prescribed burning projects in addition to any burn/fire permit required by an applicable fire protection agency. Air permits are issued at the District's office, but also may be issued via fax, mail or e-mail. The permit includes conditions limiting burning to permissive burn days, limiting types of material to be burned, requiring material burned to be free of moisture and dirt, and requiring use of approved ignition devices. The permit allows the District to add conditions to limit the amount of material to be burned or burn hours, if necessary. In addition to the air permit application, land managers/burners must also submit a Smoke Management Plan for prescribed burning projects.

All agricultural and prescribed burning requires a valid permit from the District. The most current version of the permit application is attached as Appendix A. An approved Smoke Management Plan serves as a conditional permit to burn when combined with the District

permit. The most current version of the Smoke Management Plan application is attached as Appendix B.

A valid burn permit may also be required from the fire agency having jurisdiction in the area of the proposed burn project.

Burning conducted pursuant to permits issued by the District and/or a fire agency must comply with all conditions specified on such permits, including those on an approved Smoke Management Plan. (See section 4 for further discussion of Smoke Management Plan requirements.) Failure to abide by permit conditions is a violation of KCAPCD Rule 417 and Section 41852 of the California Health and Safety Code.

All permits issued for agricultural and prescribed burning by the District or fire agency shall contain the following words or words of similar import: “This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by an air district pursuant to Section 41855 of the Health and Safety Code, and when burning on the lands identified herein has been approved by the air district.”

Special permits for agricultural or prescribed burning on no burn days may be issued by the District if denial of such permits would threaten imminent and substantial loss. The District limits the amount of burning that can occur pursuant to issuance of such a permit to the extent it ensures no exceedances of air quality standards or significant adverse smoke impacts to smoke sensitive areas. Each applicant for a no burn day permit shall submit a completed Authorization to Burn on a No Burn Day application to the District or as otherwise required by the District to make this determination.

Section 2 - Burn Registration and Reporting

All persons desiring to conduct prescribed burning in the District in any particular calendar year must register his planned burn projects with the District. The burn registration must include the name of the permittee, including a contact person with phone number; a listing of all projects planned, with legal descriptions of their locations (section, township and range); and an estimate of total acreage and/or tons of material to be burned.

Each day during the burn season, land managers/burners shall submit a daily report to the District. This report shall, at a minimum, list the project name, date, location and acres or amounts of material burned. The Daily Authorization Request and Information Reporting (Appendix C) or other suitable form, can be used for this purpose.

A report of agricultural and prescribed burning conducted each calendar year in the District shall be submitted to CARB within 45 days of the end of each calendar year. This report includes estimated tonnage and/or acreage for each type of waste burned from both agricultural and prescribed burning by county.

The District shall report all special permits (no burn day permits) issued each calendar year within 45 days of the end of each calendar year. This report includes number of such permits issued, date of issuance of each permit, person or persons to whom the permit was issued, an estimate of tonnage and/or acreage for each type of waste burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss.

Upon full implementation of the Prescribed Fire Incident Reporting System (PFIRS), or other suitable electronic reporting system, and upon proven effectiveness of this system, the District will fully participate to the greatest extent possible.

Section 3 - Burn Authorization System

The District operates a daily burn authorization system regulating agricultural and prescribed burning. The burn authorization system specifies the amount, timing, and location for each burn project within the District boundaries.

The purpose of the burn authorization system is to minimize smoke impacts in smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisances. All burn authorization requests are evaluated using these considerations.

In evaluating burn authorization requests, the District considers the following factors:

- air quality;
- meteorological conditions expected during burning;
- types and amounts of materials to be burned;
- location and timing of materials to be burned;
- locations of smoke sensitive receptors;
- smoke from all burning activities, including burning in neighboring air districts or regions which may affect air quality in the District; and
- historical data and information from previous burning.

Burn authorizations may be issued to land managers and burners for specific burn projects 24 hours in advance of ignition of each project. To obtain District authorization to burn any project, the land manager or burner shall contact the District via telephone, fax, e-mail, or in person announcing intent to burn. The burner shall submit the Daily Authorization Request and Information Reporting or other suitable form to the District (Appendix C). Using the above criteria, the District staff either grants or denies authorization to burn. When two or more burns are proposed for the same day and in the same general location, the burn agencies shall communicate and decide which burn will proceed. Once a burn authorization is granted, it is only rescinded if meteorological conditions change such that adverse air quality impacts are likely.

A burn authorization from the District only authorizes ignition of a burn if smoke management conditions specified in the project's Smoke Management Plan are met at time of ignition

and for duration of the burn. A burn authorization does not relieve the burner from meeting conditions of the Smoke Management Plan. It is the burner's responsibility to ensure all conditions listed in the Smoke Management Plan are met prior to ignition. To validate specific smoke transport conditions existing on each site, the land manager/burner shall launch a helium-filled balloon, set a test fire, rely on local weather forecasts, spot weather forecasts, RAWS or other validation method, as specified in their Smoke Management Plan.

To receive a burn authorization for burning on a No Burn Day, the land manager/burner shall submit a completed Authorization to Burn on a No Burn Day Burn application to the District as soon possible prior to ignition. As a prerequisite to burning on a No Burn Day, the District shall require the burn project be entered with CARB and shall have received the 48/72/96 notices for at least 3 days prior to ignition. Additionally, the District may require the land manager/burner to supply on-site or Regional Air Weather Station (RAWS) meteorological weather observations, site specific weather forecasts, or other information necessary to assist in authorizing the burn project.

To assist land managers/burners in their planning process, the District may require land managers/burners to enter their burn project with CARB to receive a 48-hour forecast, 72-hour outlook, and a 96-hour trend. To accomplish this, the land manager/burner shall submit a completed CB-3 form to the CARB and the District. The land manager/burner may contact the District after 3 p.m. Monday through Friday, to obtain forecast information. If requested, the District shall contact the burner with this information. On weekends and holidays, the land managers/burners may need to call the CARB before 4 p.m. These forecasts are not a substitute for a burn authorization, and contain no guarantee a favorable forecast will necessarily lead to a burn authorization approval, but are intended solely to help in burn project planning.

The District shall maintain a daily log, recording burn authorizations, location of burns, amounts of material burned, planned and unplanned wildfires occurring that day, and any other relevant information related to smoke impacts for that day. These data are used in the burn authorization process for subsequent days and in evaluating success and efficiency of the Smoke Management Program. The District shall also maintain maps indicating burn locations in the District for easy reference of daily burning, location of smoke sensitive receptors, and potential cumulative smoke impacts from other burning in the region.

Multi-day burns require authorization on a daily basis from the District and consultation with the CARB.

If smoke from a project may impact other districts or states, District staff shall notify the appropriate air quality agency by faxing, or by other electronic means, the Controlled Burn/Prescribed Fire Notification (Appendix D) as soon as practicable and prior to ignition. Any concerns these agencies have over the planned burn shall be incorporated into the authorization.

If increased burning activities causes competition for burning between burn agencies, the District shall, in coordination with those agencies, establish guidelines for prioritizing all agricultural burns, including prescribed burns. In considering priorities, the District shall consider public benefits of burn projects, including safety, public health, forest health and wildfire prevention, ecological needs, economic concerns, and disease and pest prevention. Efforts to reduce smoke emissions, such as removal of excess material, shall also be considered.

At any given time, a burn permit holder may call (909) 396-3355 to determine if it is a burn/no burn day in Area 53 (Mojave Desert Air Basin). The District consults with CARB and fire agencies as necessary to make the final determination.

Section 4 - Smoke Management Planning

Each prescribed burn project shall be registered for smoke management planning purposes as described in Section 2a.

Burn projects less than 10 acres in size or expected to emit less than one ton of particulate matter may only need to obtain a burn permit. Burn projects greater than 10 acres or expected to emit in excess of one ton of particulate matter shall prepare and submit a District Smoke Management Plan (SMP). Before issuing an authorization to burn, the District, at its discretion, may require additional smoke management procedures to be used if a burn: 1) is greater than 100 acres in size, 2) may impact smoke sensitive areas, and/or 3) may present other potential problems.

The following minimum smoke management actions shall be considered for every burn project, and may require written submittal to the District of actions taken consistent with the guidelines above and the District Smoke Management Plan form:

- 1) **Meteorological Prescription:** A detailed meteorological prescription which shall be met to proceed with the burn. At a minimum, such prescription shall include acceptable wind direction. Other considerations may include wind speed, temperature profile, winds aloft, humidity, temperature, actual and predicted inversions, burn day status, and forecast precipitation. The District may require weather forecasts be obtained to make smoke management decisions for the burn project.
- 2) **Contingency Actions:** Actions the burner shall take if smoke from the burn project produces unacceptable smoke impacts, these may include: stopping further ignitions, active fire suppression, rapid mop up of smoldering, and other appropriate techniques discussed with the District.
- 3) **Smoke Mitigation:** Actions which shall be taken to minimize smoke from the burn, which may include: minimum drying times/fuel moistures, piling and/or windrowing

materials, active mop up of smoldering, pretreatment of fuels, and other appropriate techniques.

- 4) **Burning Alternatives:** Alternatives to burning which have been considered for this burn project and the basis of why such alternatives were not feasible or justified. Alternatives are listed in the SMP. Additionally for projects requiring NEPA/CEQA environmental documentation, alternatives to burning shall be addressed in the air quality section of such documents. Location of these documents shall be noted in the SMP.

Smoke Sensitive Receptors: Description of any smoke sensitive receptors, such as towns, schools, or roads, with a map showing location of sensitive receptors and predicted smoke travel.

Public Notification: Potentially affected public shall be notified of the burn project by one or all of the following: media announcements, phone contact lists, road signs, and/or other appropriate techniques.

- 5) **Complaint Handling Procedures:** A procedure shall be developed insuring all complaints regarding smoke impacts received by a company or individual conducting the burn are promptly reported to the District.
- 6) **Smoke Monitoring:** Procedures to be used to monitor and track smoke transport from the burn project; this may include: a smoke spotter to check on downwind sites, ambient air monitoring, aerial monitoring, or other appropriate methods.

Naturally Ignited Wildland Fires: A District Smoke Management Plan shall be completed and submitted to the appropriate Air District within 72 hours from start of a burn if size of the fire is expected to exceed ten acres and will be managed for resource benefit. When a natural ignition occurs on a no burn day, the initial “go/no-go” decision to manage fire for resource benefit shall be a “no-go” unless:

- 1) After consultation with KCAPCD, District staff determine, for smoke management purposes, the burn can be managed for resource benefit; or
- 2) For periods of less than 24 hours, a reasonable effort has been made to inform the District, or if the District is not available, the CARB; or
- 3) After 24 hours, the District has been informed, or if the District is not available, the CARB has been informed and concurs the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean the fire must be extinguished, but does mean such fire cannot be considered as a prescribed fire.

District staff shall maintain the highest possible level of training with regards to smoke management. Staff assigned to the District’s agriculture and prescribed burn program shall attend smoke management workshops, seminars, and training sessions.

Participation and cooperation in smoke management alliances and, Interagency Air and Smoke Council (IASC) meetings, shall be optimized. When the PFIRS, or some other electronic substitute, becomes available, the District shall participate to the fullest extent possible.

For those burns that are either in excess of 250 acres, created smoke impacts or were conducted on No Burn Days, the responsible burn agency shall complete a District Project Post Burn Form. These shall be completed and returned to the District within 30 days from completion of the burn project. This information shall then be reviewed and can assist in issuing burn authorizations for similar projects.

All agricultural burning projects (for the purpose of this subsection, this shall exclude prescribed burn projects) shall be registered with the District for smoke management planning purposes through the permitting process as described in Section 1. Agricultural burning projects shall be required to abide by burn permit conditions, including general smoke management under Regulation IV.

Section 5 - District Resources

General District Resources

The District consists of nine staff and a five member Board of Directors. The District's three Air Quality Specialists and office support staff of two will be responsible for implementing this Program, including permitting, enforcement and decision-making functions. The District shall rely on the CARB for forecasting.

Meteorological Resources

The District relies primarily on the CARB to provide daily burn day decisions and the 48/72/96 forecasts to guide burn authorizations.

The District utilizes the internet as a tool to access general weather trends, RAWS data, and fire weather forecast data for specific burns.

The District may also utilize special weather forecasts obtained by burn agencies through the Interagency Fire Forecast and Warning Unit, especially for large burn projects or those located near sensitive receptors.

The District will purchase, if deemed necessary, a portable weather station for use at burn projects when site specific data is not available. This equipment would include wind speed, wind direction, temperature, relative humidity and possibly barometric pressure. District staff currently utilize handheld anemometers and handheld digital sling psychrometer/thermo-hygrometers to gather data. The District also uses portable visual equipment (video and still

cameras, binoculars) to observe and document smoke impacts, plume dispersion, and other phenomenon.

Air Monitoring Resources

Currently, several PM₁₀ and PM_{2.5} monitoring stations are located within the District. Data from these sites shall be used, as appropriate, to monitor impact of burn projects. District staff shall make visual observations at selected viewpoints to measure visibility and may determine, as appropriate, to reduce burning on days where visibility is impaired.

Section 6 - Inspection and Enforcement

Subject to constraints of time and availability, District staff shall conduct on-site inspections of a representative number of agricultural and prescribed burns each year. Such inspections are prioritized based on the following criteria:

- 1) active burns conducted in an area or by a source historically generating many complaints;
- 2) active burns generating complaints;
- 3) large (100+ acres) active burns or located near sensitive receptors; and/or
- 4) planned burns representing a variety of sources and fuels.

Inspections of active burns shall document meteorological conditions are within acceptable parameters; amount of acreage and/or fuel given in the burn registration and authorization is what is actually being burned; and burn is not significantly impacting any sensitive receptors.

Inspections of planned burns shall document projected acreage and/or fuel loading is consistent with that reported in the burn registration; meteorological prescription is reasonable for the location; and actions taken to reduce fuel loading and/or smoke emissions have been implemented.

If unacceptable smoke impacts occur to a smoke sensitive area from an authorized burn, and such impacts are verified by District staff, the burner shall promptly be notified and required to take such contingency actions as are practicable.

Disposition of Notices of Violation issued for violations of the District's Smoke Management Program shall be in accordance with the District's Mutual Settlement Program.

Appendices:

- A. Air District Burn Permit Application**
- B. Smoke Management Plan Application Form**
 - Daily Authorization Request & Information Reporting Form
- D. Controlled Burn/Prescribed Fire Notification Form**

APPENDIX A

APPLICATION AND PERMIT FOR AGRICULTURAL BURNING
KERN COUNTY AIR POLLUTION CONTROL DISTRICT
2700 "M" STREET, SUITE 302 BAKERSFIELD, CA 93301
(661) 862-5250

NAME _____ DATE _____

MAILING ADDRESS _____ PHONE _____

LOCATION OR BURN SITE _____

Section _____ Township _____ Range _____

TYPE OF MATERIAL _____ AMOUNT _____

REASON FOR BURNING _____

DISTANCE TO NEAREST RESIDENCE, BUSINESS OR SCHOOL _____

CONDITIONS:

1. This permit is valid only on "Burn Days" designated by the California Air Resources Board, except at altitudes above 3000 feet mean sea level.
2. All operations shall comply with applicable local, county and state regulations. The local fire agency shall be notified prior to each burn at (_____) _____.
3. This permit is valid only on land owned or legally controlled by applicant and shall be available for inspection at burn site.
4. Burning operation shall be attended by _____ able-bodied person(s).
5. Material to be burned shall be arranged to facilitate clean burning and shall be free of waste such as tires, rubbish, tar paper or construction debris.
6. Material to be burned shall be dried as appropriate, free of visible moisture and only ignited with approved devices. (Refer to reverse side.)
7. No material shall be added to an existing fire after 5:00 p.m., Pacific Standard Time. Unless otherwise allowed by this permit, all burning shall be terminated at sunset.

Any person violating provisions of the KCAPCD Rules and Regulations is guilty of a misdemeanor, punishable by up to six months imprisonment, or by a fine not exceeding one thousand dollars (\$1,000), or both, and the cost of extinguishing data.

This permit expires _____. This permit may be revoked or suspended for violation of any conditions of approval or when it is necessary for public safety.

Permittee shall satisfy the following additional conditions: _____

I hereby certify the above statements are true to the best of my knowledge. I understand permission to conduct an agricultural burn does not excuse me from liability in the event the burn creates a public nuisance or hazard.

Signature _____ Title _____

By: _____

Title: _____

Station: _____

ATTENTION PERMITTEE

The following information is called to your attention and is defined by law pertaining to agricultural burning

It is required by law that fire be used in such a manner as to minimize the possibility of damage to others. The law also requires the application of good common sense and logical reasoning by persons using fire so that such fire does not escape control and do damage to others.

DRYING TIME

Time interval between storage and burning to provide adequate drying shall be at least the following or equivalent:

- a. Rice Stubble: As provided for by Rule 417.1-111
- b. Dry Cereals: 0 days
- c. Prunings and Small Branches: 3 weeks
- d. Large Branches and Trees: 6 weeks

Rice, barley oat and wheat straw shall be ignited by stripfiring into the wind or by backfiring.

APPROVED IGNITION DEVICES

To assist the ignition of agricultural waste fires, ignition devices shall be limited to butane, propane, liquid petroleum gas, or diesel oil pressure fuel devices.

Tires, tar paper, demolition materials, diesel fuel, and similar materials shall not be considered acceptable fuels for ignition devices. The intent of this provision is to prohibit use of any material which, when burned, will produce a black smoke.

ADDITIONAL PROVISIONS

PERMITTEE SHOULD NOT BURN WHEN WINDS EXCEED 20 MILES PER HOUR OR WHEN WEATHER CONDITIONS ARE UNSAFE TO BURN.

NONRESPONSIBILITY CLAUSE

The issuance of this permit shall not be construed as imposing on the issuing agency, any official, or any employee thereof any responsibility whatsoever for damages incurred by the use of the permit.

It is the permittee's responsibility to meet the above requirements.

APPENDIX B

SMOKE MANAGEMENT PLAN (SMP) APPLICATION FOR BURN PERMIT

In accordance with the Kern County APCD's Smoke Management Program, the Smoke Management Plan (SMP) serves as a permit application that is to be completed by the applicant and submitted to the Air District. This SMP application consists of a Project Description page and two sections – A and B. **ALL APPLICANTS MUST COMPLETE THE PROJECT DESCRIPTION PAGE (page 1).** Both sections A and B of the SMP are one page forms (**pages 4 and 5**) that may need to be completed depending on the burn's potential to impact smoke sensitive areas and the size of the burn. Once approved by KCAPCD, this SMP serves as a condition permit to burn, when combine with the District's permit to burn.

The **Project Description Page (page 1)** requests general information and identifies conditions for all prescribed burn projects. It identifies the permittee and relevant contact information, who the land owner is, the project name, project location, burn size, purpose of the burn, type of fuel to be burned, and estimated emissions from the burn. It provides a checklist of additional sections of the SMP that may be filled out and attached. Finally, it requests the preparer's signature, the name of the permittee or authorized representative, and the permittee or authorized representative's signature.

Section A (page 4), is a one page format that must be completed and attached to the Project Description page if the burn has the potential to result in impacts to smoke sensitive areas. Smoke sensitive areas are defined as "populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare." Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and Class I Areas (areas that are mandatory visibility protection areas designated pursuant to section 169A of the Federal Clean Air Act). The District can tell you if you are in a Class I Area.

Section B (page 5), is a one page form that must be completed and attached to the Project Description if the burn will be greater than 100 acres or will produce more than ten tons of particulate matter. Section B identifies meteorological conditions necessary for ignition, contingency actions that will be taken if smoke impacts begin to occur from the burn, and information on consideration and use of alternatives to burning.

General Information and Requirements regarding this SMP are provided on **page 3**. Terms used in this form have the same meaning as those defined in the Air District's open burning regulation definition or the California Code of Regulations. Title 17, Section 80101. Where differences occur, the Air District's definitions apply. **Emission Factors** to assist with calculating burn particulate matter emissions are provided on **pages 7 and 8**. Contact the Air District if you have questions or need assistance with making these calculations.

Information may need to be extracted from the project burn plan (if available) to supplement the SMP. Air District review of the burn plan is for information purposes only. When the burn plan is reviewed, the Air District assumes no approval or authority or liability for approving the burn plan. The permittee is responsible for assuring firefighter and public safety, which is not the intent of the information included on this form.

APPENDIX D

Controlled Burn "Notices" (24-hr decisions, 48-hr forecasts, 72-hr outlooks and 96-hr trends)