

RESOLUTION NO. 86-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
EL PASO DE ROBLES BANNING ANY BACKYARD BURNING.

WHEREAS, the City of El Paso de Robles is attempting to maintain the high standard of clean air in our community; and

WHEREAS, the Backyard Burning Program is detrimental to our air quality;

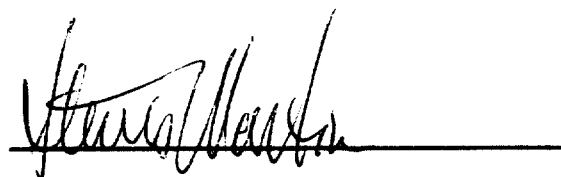
NOW THEREFORE, BE IT RESOLVED that the Backyard Burning Program be banned effective immediately.

PASSED AND ADOPTED by the City Council of El Paso de Robles this 20th day of December, 1988 on the following vote:

AYES: Reneau, Russell, Conway, Dolan, Martin

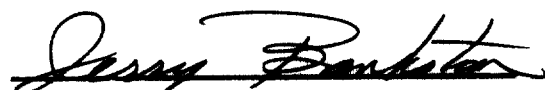
NOES: None

ABSENT: None



Steven Martin, Mayor

ATTEST:



Jerry Bankston, City Clerk

**RULE 502. AGRICULTURAL BURNING (Revised 7/5/77)**

- A.
1. No person shall set, permit, cause to be set, or allow, or maintain any open outdoor fire for the purpose of agricultural burning, unless he has a valid agricultural burning permit issued by a designated agency.
  2. No permittee shall conduct agricultural burning unless such burning is in compliance with all State laws or regulations, applicable fire code provisions, and the provisions of this Rule.
  3. The Agricultural Commissioner may authorize agricultural burning by a permittee for the purpose of disease and pest prevention related to an agricultural operation. Such authorization shall be in writing to the Control Officer and the permit issuing agency.
- B. It shall be unlawful for any person (including, but not limited to, permittees) to conduct agricultural burning unless such person complies with each of the following:
1. Agricultural burning shall take place only on days permitted by public fire protection agencies.
  2. The following materials shall not be burned in agricultural burning: shop wastes, construction or demolition debris, oil filters, tires, tar paper, plastic, buildings, wastes resulting from conversion of farm land to non-agricultural purposes, or anything not conforming to the definitions of agricultural waste, range improvement burning, or forest management burning.
- C. Preparation of Materials
1. Agricultural waste and forest debris shall be reasonably free of dirt and soil, and shall be reasonably free of visible surface moisture.
  2. Agricultural waste and forest debris shall be arranged so as to burn with a minimum of smoke, or shall be loosely piled or wind-rowed to allow maximum drying prior to burning. Forest debris is to be so prepared unless contrary to good silvicultural practice.
  3. Range improvement burning: Brush to be burned shall be brush treated at least six months prior to the burn unless brush treatment will cause irrecoverable damage expense or brush treatment is technically unfeasible.

For the purposes of this Subsection, "technical unfeasibility" shall mean: (a) that the burn site cannot be reached by treatment equipment or methods; or (b) that there are unavoidable physical obstacles; or (c) that brush treatment may cause erosion because of slope or soil type; or (d) trees intended to be saved would be destroyed because of brush treatment; or (e) an insignificant reduction of air contaminants would be achieved by brush treatment. Unwanted trees of over six inches in diameter shall be felled and dried for minimum periods specified below in Subsection D.1 of this Rule.

**D. Drying Times**

1. Except as provided in Subsection C.3 of this Rule, any materials to be burned as agricultural waste, or in range improvement burning, must be dried prior to burning for the minimum periods listed below:

- Six (6) weeks for trees and large branches;
- Three (3) weeks for prunings and small branches;
- Ten (10) days for wastes from field crops.

These periods shall be the time between day of drying or cutting and the day of burning.

2. Any material to be burned in forest management burning must be dried prior to burning for the minimum periods specified by the permit issuing agency.

**E. Regulation of Total Tonnage**

Range improvement burning shall be limited to 2,000 acres for a single burn on any one day; provided, however, that the designated agency having jurisdiction may increase this acreage to establish perimeter for fire control.

**F. Time Limits**

Burning of agricultural waste, or forest management burning, may commence at any time after the announcement of a burn-day by the Air Resources Board, but in no case shall it commence before sunrise. No additional waste or other material for burning, or ignition fuel, shall be ignited or added to any fire after two hours before sunset for any agricultural burning unless required for safety reasons by a designated fire control agency.

**G. Wind Direction**

No person shall ignite an agricultural burn if, at the time of ignition, the wind direction is toward a populated area within two and one-half (2½) miles of the burn site, except in the case of threatened imminent and substantial economic loss. Such threatened economic loss shall be certified in writing by the Agricultural Commissioner.

**H. Ignition Devices and Methods**

1. The materials to be burned shall be ignited only by the use of ignition devices approved by the Air Pollution Control Officer. Tires, tar paper, plastics, dirty oils, or similar materials shall not be used. Ignition devices must comply with the provisions of Rule 401.
2. Agricultural burns shall be ignited as rapidly as practicable within applicable fire control restrictions.

**I. Permissive Burn or No-Burn Days**

No person shall conduct agricultural burning on days designated as no-burn days by the State Air Resources Board, except as provided below in Subsection J of this Rule. The State Air Resources Board will designate each day as a permissive burn or no-burn day.

1. Upon request from a permittee through a designated agency, made seven days in advance of a specific range improvement burn, or forest management burn above 3,000 feet (MSL), a permissive burn or no-burn notice will be issued by the State Air Resources Board up to 48 hours prior to the date of the scheduled burn. Without further request, a daily notice will continue to be issued until a permissive burn notice is issued.
2. A permissive burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subsection I.1 of this Rule.

**J. Agricultural Burning on a No-Burn Day**

No person shall conduct agricultural burning on a no-burn day except as follows:

1. The Control Officer may, by special permit, authorize agricultural burning by a permittee on days designated as no-burn days because denial of such permit would threaten imminent and substantial economic loss.
2. A permittee desiring to burn on a no-burn day shall obtain a special permit from the Control Officer. No special permit will be granted unless the Agricultural Commissioner certifies in writing that denial would threaten imminent and substantial economic loss. Written certification by the Agricultural Commissioner may follow verbal certification.

3. A permittee may conduct range improvement burning on a no-burn day during the period January 1 to May 31, of each calendar year, provided that more than 50% of the land being burned has been brush treated.
4. A permittee may burn on no-burn days empty paper sacks or containers which contained pesticides or other toxic substances, provided such sacks or containers are within the definition of agricultural wastes as specified in Subsection A.3 of Rule 105.

**K. Restrictions on Total Tonnage**

No permittee shall conduct, or cause to be conducted, any agricultural burning in violation of the Control Officer's restrictions when the Control Officer has restricted use of the permittee's permit as stated hereinafter in this Section K. All agricultural burning permits will be issued with sequential numbers. The Control Officer may restrict agricultural burning to odd or even numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural materials is not ignited at one time.

**L. Wildlife and Game Habitat**

No person shall be granted an agricultural burning permit for range improvement burning where such burning is primarily for improvement of land for wildlife and game habitat, unless he has first filed with the Control Officer a statement from the Department of Fish and Game certifying that the burn is desirable and proper for the improvement of land for wildlife and game habitat.

**M. Authorization for Agricultural Burning**

No person shall be granted an agricultural burning permit for a range improvement or forest management burn which involves material from more than five (5) acres, unless he has first filed an application for permit to burn from the designated agency at least 14 days prior to the intended burn date. A copy of this application will be sent promptly to the Control Officer by the designated agency.

**N. Burn Reports**

A permittee or applicant for an agricultural burning permit shall supply all information requested on the agricultural burning permit form or by the agency issuing the permit and shall make reports of dates of burning and type and amount of wastes burned as required by the Control Officer.

O. Exceptions

The following areas are exempted from the provisions of this Rule. These exemptions apply to the burning of agricultural wastes only and do not apply to range improvement or forest management burning.

1. Burning of agricultural wastes at 4,000 feet or more above mean sea level.
2. Burning of agricultural wastes at 2,000 feet or more above mean sea level, in that portion of the District located south of 35° N. latitude, east of 120° 7.5'W longitude, and north of 35° 00 latitude.

P. Revocation

The issuing designated agency or the Control Officer may revoke an agricultural burning permit if it is found that the permit conditions, any State or Federal laws, or the provisions of this Rule have been violated. The designated agency or the Control Officer shall notify the permit holder in writing of the revocation and the reasons therefore. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility.

Q. Appeal

Within ten (10) days after service of notice of revocation specified in Subsection P above, the permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the Control Officer or the designated agency.

January 14, 1988

Dear Sirs:

As physicians providing medical care to patients in North San Luis Obispo County, we are deeply concerned about the way burn days are aggravating breathing problems for our patients, particularly our patients with chronic respiratory disorders.

We believe the current burn regulations need to be modified to substantially curtail, or preferably eliminate, smoke and soot production.

We the undersigned have all had patients who were adversely affected by the smoke produced by burn days.

Sincerely,

*Gregg Ellison MD*  
*Harvey E. Billig MD*  
*Edward L. Coughlin MD*

GREGG ELLISON MD

Harvey E. Billig MD

Edward Coughlin

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*Mark Baker*

*Lesia Skudlarkson, M.D.*

*Paul Goughnani MD*

*Javad N. Sani*

JAVAD N. SANI

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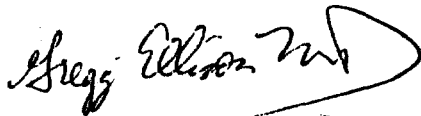
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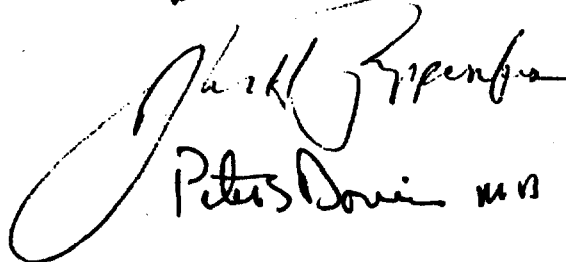
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GREGG ELLISON MD



JOHN H. PROPERTUS MD

Peter S. Davis MD PETER S. DAVIS MD



RICHARD A. HENDRICKS

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*Gregg Ellison MD*

GREGG ELLISON MD

*Delmar L. Greenleaf*

Delmar L. Greenleaf

*Thomas W. Hale MD*

Thomas W. Hale MD

*Sam McPhillips*

JAMES MCGILLIS, MD


*Steven Douglas MD*

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )SS.  
CITY OF EL PASO DE ROBLES )

I, ..... Jerry Bankston ..... , City Clerk/~~Deputy City Clerk~~  
of the City of El Paso de Robles, California, do hereby certify  
that the foregoing ..... Resolution No. 88-106 .....  
was duly and regularly adopted, passed and approved by the City  
Council of the City of El Paso de Robles, California, at a  
..... regular ..... meeting of said City Council held at the  
regular meeting place thereof, on the ..... 20th ..... day of  
..... December ..... , 19.88, by the following vote:

AYES: ..... Dolan, Reneau, Russell, Conway and Martin .....  
NOES: ..... None .....  
ABSENT: ..... None .....  
ABSTAINED: None .....

Dated this ..... 20th ..... day of ..... December ..... , 19.88.

  
\_\_\_\_\_  
City Clerk and Ex-Officio Clerk of the  
City Council, City of El Paso de Robles,  
State of California

Dear Sirs:

I am concerned about the amount of smoke emissions caused by our current burn day policies. The health of my patients has been adversely affected by the substantial smoke produced.

COMMENTS:

Note that I'm an Emergency Physician who notes an increase in respiratory problems during burn days.

Sincerely,

Paul Georgiou M.D.

(please print name here): Paul Georgiou, M.D.

Dear Sirs:

I am concerned about the amount of smoke emissions caused by our current burn day policies. The health of my patients has been adversely affected by the substantial smoke produced.

COMMENTS:

I feel the air quality locally demands that North County BANs all Burn days.

There are many Asthmatic patients of mine who suffer on these days

D. J. Grier MD  
Del Greener

Sincerely, \_\_\_\_\_

(please print name here): \_\_\_\_\_

Dear Sirs:

I am concerned about the amount of smoke emissions caused by our current burn day policies. The health of my patients has been adversely affected by the substantial smoke produced.

COMMENTS:

I would request that fewer burn days be allowed and that the smoke emissions somehow be decreased

Sincerely, Steven J. Douglas MD

(please print name here): STEVEN DOUGLAS MD

One of the natural resources of Atascadero is air quality. Compared to many other communities we are blessed with clean air most of the time.

Unfortunately, the policy of allowing residents to burn wet leaves and other debris destroys our clean air. Quite frankly it is a disaster.

Possibly, when 5,000 people lived in this area the ritual of burning did not create the unwanted waste now with more than 20,000 population these burn days have created a disastrous situation.

The health hazard especially to those that suffer a respiratory condition must be devastating.

The weekend of January 2nd & 3rd is another case in point. The pall of smoke hanging over the city was once again a horrible sight.

Fortunately my wife and I were able to leave the city in order to get a breath of fresh air.

There must be a reasonable solution to this problem. The city recently spent \$43,000 on an expensive service. That money, which produced absolutely nothing, could have been used to provide a free pickup of leaves, cuttings, etc.

If burning must continue, why couldn't it be done in quadrants of the city. That would at least cut the amount of smoke by 3/4.

I for one do not want to see Atascadero become another polluted air community.

Why not continue to make our city a nice place to live. Discontinuing the burning ritual would be a great place to start.

Sincerely - John W. Col

1-19-88

Dear Sirs,

I am very distressed concerning our burn days. The last burn day we had I had a asthma attack and had to stay indoors when normally I would have been outdoors. This is very much to my concern, for I have a young family that enjoys being out. I feel strongly that our burn days should be banned or very restricted in our area. I am a resident of Atascadero.

Shannon Brand

Jan. 1988

Dear Tim Chipman  
the Quality Board,

I would like to  
apologize to you my  
partner (company) has  
stay in old county.  
I have return and  
during last days  
the air quality become  
so poor that I can  
forced to be confined  
to home. I cannot see  
clear & in through  
town & at every  
morning in even of

to church. My breathing  
became so labored  
and difficult that  
my doctor had to  
give me doses of  
steroids to keep me  
from ending up  
in the emergency room  
at the hospital.

We chose to live  
in SD county because  
we put a high  
priority on clean air  
and clean air standards.  
We hope that you  
will protect our  
priceless treasure of

clear air.

There have been times  
on burn days where  
my husband has  
seen abuse of burn  
regulations; people  
burn all kinds of  
things that are not  
acceptable for burning  
or strictly against  
regulations. and these  
items put off very  
noxious smoke.

Thank you for  
reading and considering  
my opinion.

Sincerely,  
Mae Jane Macomber

# City of El Paso de Robles

## MEMORANDUM

TO: Mayor and Members of  
the City Council

FROM: Bob Adams  
Fire Chief

SUBJECT: Backyard Burning Program

### DISCUSSION

For the past few years the San Luis Obispo County Air Pollution Control District and the Fire Chiefs Association of San Luis Obispo County have set policy regarding the Backyard Burning Program.

On October 12, 1987 the APCD and the Chiefs Association agreed on the following conditons for backyard burning:

1. Natural plant waste only from plants and shrubs grown on the property. The fire must not contain any household rubbish, lumber, rubber, plastics, tar, paint, creosote, hydrocarbons or any man-made waste.
2. The material must be dry and free of dirt and surface moisture.
3. The size of the pile may not be larger than two feet high by three feet in diameter (2' x 3').
4. Fire must be attended by an adult at all times.
5. The fire must be at least fifty (50) feet from the nearest residence.
6. Recommended burning on one (1) acre lots and larger.

7. The burn period shall be the first contiguous Friday, Saturday, Sunday and Monday of each month and it may be cancelled during fire season.
8. Hours of burning are specified by the Fire Department.
9. Backyard burning is allowed on one (1) and two (2) family residences only.

At the February 2, 1988 City Council meeting, the Council, on a 3-2 vote, opted to continue the program as presented with the exception of allowing any size lot to continue backyard burning. The City Council also requested that the policy be brought back for their review in one (1) year or less.

On December 7, 1988, the APCD proposed the following backyard burning program guidelines:

1. Natural plant waste only from plants and shrubs grown on the property. The fire must not contain any household rubbish, lumber, rubber, plastics, tar, paint, creosote, hydrocarbons or any man-made waste. No burning of grass, weeds or piled leaves is allowed on any day.
2. The material must be dry and free of dirt and surface moisture. A minimum of three (3) weeks from the time of cutting will be allowed for drying of fuels.  
No burning will be allowed if measurable rain has fallen within five (5) prior days.
3. The size of the pile may not be larger than two feet high by three feet in diameter (2' x 3').
4. Fire must be attended by an adult at all times.
5. The fire must be at least fifty (50) feet from the nearest residence.
6. Recommended burning on any size lot.

7. Backyard burning is allowed on ANY permissive burn day as established by the California Air Resources Board and the San Luis Obispo County APCD.
8. Hours of burning are specified by the Fire Department.
9. Backyard burning is allowed on one (1) and two (2) family residences only.

The following differences are noted between the two programs:

1. Current policy for burn days is set by the calendar not the weather. The proposed regulations are set by Air Pollution agencies and take favorable weather into consideration. This allows any smoke to dissipate quickly and diminishes smoke and health concerns. On December 12, 1988, I checked with APCD and found that there were seven (7) permissive burn days in the first twelve (12) days of December.
2. The proposed regulations specifically delete piled leaves as material that can be burned. The burning of leaves cause the most smoke and complaints.

On Wednesday, December 7, 1988, I contacted Dr. Greg Ellison at his office. Dr. Ellison had voiced concerns on the backyard burning program and was on the committee that helped form the proposed regulations.

Dr. Ellison stated that he estimates "500 unnecessary office visits" and "15 to 20 hospital admissions" each year are due to the burning allowed in cities and the county.

Dr. Ellison also stated that he is happy with the demonstration program in Atascadero.

During the four-day burn period, the Fire Department and Dispatch Center received from 50 to 75 calls per day on burn questions alone. The Fire Department also responded to twice the normal calls for this period with two false alarms. These figures, however slight, indicate additional time and effort that could be directed elsewhere.

If the Council wishes to continue with the present backyard burning program, I feel that an education program should be developed to teach safety and proper burn techniques in an attempt to reduce smoke.

If the Council wishes to adopt the proposed APCD plan, we would need:

1. A public information program
2. A dedicated phone number and recorded message unit.

If the Council feels that a ban of backyard burning is in order, I would recommend that the ban be effective following the next burn period (January 6, 7, 8 and 9, 1989) to allow residents that did not complete their burns to do so. I would also recommend that the Council direct staff to look into alternate means of disposal/removal of this debris.

### **RECOMMENDATION**

That the City Council adopt Resolution No. \_\_\_\_\_ banning the backyard burning program within the City Limits of Paso Robles effective \_\_\_\_\_, 19\_\_\_\_, and allow the continuance of approved agricultural and training burns under current guidelines.

88-185

dr

**SAN LUIS OBISPO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

**RULES AND REGULATIONS**

REGULATION V

BURNING PROVISIONS, LIMITATIONS AND PROHIBITIONS

**RULE 501. GENERAL BURNING PROVISIONS (Revised 7/5/77)**

**A. Opening Burning**

No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire within the District except as follows:

1. A fire set by or permitted by a public officer, if such fire has been authorized by the Control Officer and is in the performance of the official duty of such public officer, and such fire in the opinion of such public officer is necessary for any of the following:
  - a. For the purpose of the prevention of a fire hazard which cannot be abated by any other reasonable means;
  - b. The instruction of public employees in the methods of fighting fires.
2. Fires permitted by the Control Officer on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
3. Fires authorized for agricultural burning for disposal of agricultural waste, as defined in Rule 105, Subsection A.3, and pursuant to Rule 502.
4. Fires permitted by the Control Officer related to the use of farm equipment in agricultural operations.
5. Any other fire permitted by the Control Officer in the performance of official duty, if such permission is given for the purpose of right-of-way clearing by a public entity or utility, levee, reservoir, and ditch maintenance, or the prevention of a fire hazard, which fire is, in the opinion of such official, necessary. Such authorization shall be predicated upon guidelines for meteorological data promulgated by the Air Resources Board of the State of California establishing the conditions of burning.
6. The burning of dry leaves, weeds, shrubbery and dry tree prunings by occupants of one or two-family dwellings shall be permitted at designated times throughout the year subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City Ordinance does not prohibit such burning.

7. Fires permitted by the Control Officer, until January 1, 1980, for the open burning of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes. The wood waste shall be burned only upon property it was grown and shall be free of all material not grown at the site. All burning pursuant to a permit issued under this subsection shall comply with the criteria applicable to the burning of agricultural waste set forth in Rule 502 with respect to the condition of the material to be burned, its arrangement, methods of ignition, drying times and wind direction. In no event shall any burning under this provision be conducted except on those days designated by the California Air Resources Board as burn days.
8. Fires used only for cooking of food for human beings or for recreational purposes.
9. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide or water vapor is emitted under all operating conditions.
10. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.
11. The abatement of fires pursuant to Chapter 2, (commencing with Section 13025) of Part 1 of Division 12 of the Health and Safety Code.

B. Incinerator Burning

A person shall not burn any combustible refuse in any incinerator in any urban area as defined in Section 22.11.030 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection A.26 of Rule 105 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. Outside of the urban areas burning in single chamber incinerators shall be confined to the burning of household rubbish by occupants of one or two-family dwellings.