

State of California
AIR RESOURCES BOARD

Resolution 76-41

December 14, 1976

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources Board to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed on the Board by law; and

WHEREAS, Section 41800 of the Health and Safety Code prohibits the use of open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste, or for metal salvage or burning of motor vehicle bodies after December 31, 1971; and

WHEREAS, Section 41808 of the Health and Safety Code authorizes the Air Resources Board to permit a city or county to use open outdoor fires, for a limited time only, in its operation of a solid waste dump, upon the finding that because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should be so operated; and

WHEREAS, the Board's current guidelines and procedure for the operation of open burning dumps by cities and counties, which expire December 31, 1976, need to be continued in order to provide for limited extensions for open burning dumps in areas which meet certain conditions; and

WHEREAS, the Board has identified the need to amend the aforesaid guidelines and procedures to specify the information necessary for its consideration of an extension and to set forth its current policy for review of extension requests; and

WHEREAS, Section 39515 of the Health and Safety Code empowers the Air Resources Board to delegate to the Executive Officer such duties as the Board deems appropriate;

NOW, THEREFORE, BE IT RESOLVED, that the Air Resources Board hereby sets forth its requirements for receiving applications for limited time extensions from cities and counties to continue to use open fires for the purpose of disposal of solid waste at existing open burning dumps, as follows:

Any city or county which desires to continue to use open fires for the disposal of solid waste shall apply to the Board for such permission. The application shall be in

the form of a resolution from the City Council or County Board of Supervisors, and shall be accompanied with information showing:

- 1) The geographical location of each open burning dump and population density within a 20 mile radius.
- 2) The number of people and area that each open burning dump serves.
- 3) The amount of waste disposed of at each open burning dump, reported in tons per year.
- 4) The distance to the nearest land fill and/or transfer station from the service area.
- 5) A specific plan and timetable for phase-out of the open burning dump.
- 6) A specific plan which requires disposal of tires and petroleum products other than by burning at the open dump site.
- 7) The unavailability of house-to-house waste collection service.
- 8) The unavailability of other reasonable alternative methods of disposal.

BE IT FURTHER RESOLVED, that the Air Resources Board's policy for approving requests for limited time extensions to cities and counties to continue to use open fires for the purpose of disposal of solid waste shall be as follows:

- 1) A limited time extension may be granted for up to six months for dumps located in an "extremely sparsely populated area," which is defined as an area where the population density is less than four persons per square mile within a 20 mile radius, provided all the information specified above is submitted with the request. Acceptable interim progress reports will be required at three month intervals during the extension time. Additional time extensions of six months' duration for a dump site may be authorized, based upon the evaluation of information provided by the applicants. Approval for each additional six month extension shall be based upon demonstrable and satisfactory progress made in phasing out the use of the open burning dump.

- 2) For the granting of an extension of time to a dump not within an "extremely sparsely populated area," a city or county shall also submit with its application a detailed justification for the requested extension which demonstrates that the benefit of continued burning to the surrounding community outweighs the detriment to air quality.
- 3) The disposal of tires and petroleum products by open fires will not be allowed.

BE IT FURTHER RESOLVED, that the authority to grant or deny requests from cities and counties for extension of open burning operations at dump sites, based on the guidelines set forth in this Resolution, is hereby delegated to the Executive Officer.

BE IT FURTHER RESOLVED, that noncompliance with any of the guidelines set forth in this Resolution shall constitute immediate cause for termination of any time extension granted to a city or county.

BE IT FURTHER RESOLVED, that Resolution 74-5 is hereby rescinded.