

Grand County Open Burning Management Plan

Open Burning Policy

General

Grand County Division of Natural Resources (GCDNR), under the authority of the Colorado Department of Public Health and Environment, Air Pollution Control Division (CDPHE/APCD), regulates the open burning of any material in Grand County occurring on private land. Unrestricted open burning of materials has been determined to be detrimental to the environment, public health, and general air quality in Colorado.

Purpose

The purpose of this document is to provide a guideline for the issuance of planned ignition fire permits (referred to as open burning permits) and open burning permit exceptions to applicable entities in Grand County. This document provides definitions to specific terms relative to open burning, discusses the different types of open burning permits, and clarifies to whom the regulations apply. Penalties and enforcement direction relative to violations are included in this document. GCDNR and CDPHE reserve the right to act at variance with this general statement of policy and procedure and to change it at anytime. GCDNR and CDPHE reserve the right to prohibit open burning for any specified length of time due to weather and climatic conditions.

Scope

An open burning permit must be obtained by any private individual, company, governmental agency, or other entity prior to conducting any open burning activity, except as provided in this procedure and the Colorado Air Quality Control Commission Regulation No. 1.II.C.1., which states in part as follows: “Except as provided below, no person shall burn or allow the burning of rubbish, wastepaper, wood, or any flammable material on any open premises, or any public street, alley, or other land adjacent to such premises, unless an open burning permit is first obtained from the Colorado Department of Public Health and Environment or its authorized agents (Grand County Division of Natural Resources).”

Delegation of Authority

Under mutual agreement, Delegation of Authority has been extended to Grand County Division of Natural Resources from Colorado Department of Public Health, Air Pollution Control Division, for issuing and enforcing open burning permits and enforcement of state open burning policies.

Weather Considerations (VERY IMPORTANT)

1. Meteorological conditions are sufficient to forecast adequate smoke dispersion. This may be based on the National Weather Service forecasts' ventilation rate reaching "good" or better.
2. Mild to moderate winds and unstable air masses provide for best smoke dispersal.
3. Approaching winter storms, cold fronts associated with low pressure systems, disperse smoke well. Experience has shown that burning during heavy snowfall results in good smoke dispersal.
4. Stationary fronts and high pressure systems over Colorado cause inversion layers in mountain valleys.
5. In most instances piles must be extinguished by dusk.

I. Types of Open Burning Permits

1. Open Burning Permit

- A. Issued to any individual at a private residence that is not for profit or agricultural entity.
- B. Contact GCDNR at 970-887-0745 at least 24 hours in advance for an open burn permit. The applicant must read, understand, and sign the permit application form and the permit must be authorized by GCDNR. In most cases, the application will be processed in (2) working days.
- C. No burn pile is to be ignited until approval is given by GCDNR.

2. Planned/Prescribed Burns for Forest or Range Management

The Colorado Department of Health and Environment has a Colorado Smoke Management Memorandum of Understanding (MOU) with several agencies for the purpose of permitting prescribed open burning for accepted forest and range practices. These agencies are:

Colorado State Forest Service
U.S. Forest Service
Bureau of Land Management
U.S. Fish and Wildlife Service
National Park Service
United States Air Force Academy
Colorado Division of Wildlife

Such applications are handled separately from standard residential and commercial open burning applications and are reviewed by CDPHE/APCD under the terms of the Colorado Smoke Management Plan. All such permit applications should be forwarded to:

Colorado Department of Public Health and Environment
Air Pollution Control Division
4300 Cherry Creek Drive South
Denver, CO. 80246-1530

II. Exemptions to Obtaining Open Burning Permits

The following sources are exempt from having to obtain an open burning permit per the Colorado Air Quality Control Commission Regulation No. 1, II.C.2:

1. Production Agricultural Open Burning

Accepted and historical agricultural open burning methods including, but not limited to, the open burning of ground cover vegetation for the purpose of preparing the soil for crop production and livestock grazing, for the clearing of irrigation ditches and fence lines, and for the controlling of noxious weeds by “Production Agricultural Operations” only. (A courtesy call to local fire jurisdiction or Grand County Dispatch is strongly recommended to facilitate local public inquiries)

2. Recreational Fires

Fires as specified in the Grand County Resolution No. 2007-7-1 paragraph 2(f) and Ordinance No. 8 listed below:

- a. attended fires permitted or supervised by a political subdivision of the State of Colorado
- b. attended air curtain destructors;
- c. attended fires contained within liquid or gas fueled stoves;
- d. household appliances and fireplaces within buildings;
- e. self contained and enclosed charcoal grills (off the ground) at private residences;
- f. attended outdoor fires where the fuel being burned is contained in an incinerator, outdoor fireplace, barbeque grill, barbeque pit or permanent fire pit or grate located on developed picnic grounds or campgrounds with adequate fire suppression equipment present, and a total fuel area not in excess of 3 feet (914 mm) in diameter and 2 feet (610 mm) in height; or
- g. attended burning of ditches for agriculture

Note: Local or statewide fire bans for fire danger would prohibit these types of fires.

3. Training Fires

Fires utilized by fire management agencies for personnel exercises.

III. Materials for Which Burning Is Prohibited

1. Hazardous or toxic materials. (such as batteries, tires, plastics, paint or chemical containers).
2. Construction debris. (such as treated wood, insulated wiring or insulation).
3. Commercial or business waste.
4. Any type of standing structure. (except as allowed for fire agency training exercises)
5. Any material that produces excessive smoke (such as large stumps, rootballs, trunks and woody material larger than 6” in diameter).

IV. Enforcement

The following enforcement is prescribed when open burning takes place without a DNR issued permit or in violation to the permit guidelines

1. Open burning in violation of the open burn permit or occurring without a permit should be documented (based on an on-site inspection at the time the burning is occurring or later documenting evidence of a previous burn). For first time offenders, a written warning should be issued and recorded for future reference. Grand County Sheriff's Office and any other Peace Officer with authority in Grand County which includes any Chief, member or officer whether paid or unpaid of any Fire Protection District located within Grand County, State of Colorado and any employee of the Grand County Division of Natural Resources may issue warnings or enforcement proceedings. Additional actions may be taken by the Colorado Department of Public Health and Environment Air Quality Control Division which include the issuance of a Notice of Violation or revocation of the Permit.
2. Any applicant for a Permit shall be deemed to have consented to entry upon the real property described in the Permit at any time by any County employee or County designated agent for any permit, including but not limited to; inspection of the real property to determine suitability for burning; inspection of the slash to be burned; observation of the burn; extinguishment of the fire in the event of adverse conditions or adverse effects of the fire.
3. The County may order with or without any notice immediate termination of any Permit and/or immediate cessation of any burn. Any County wide fire ban would apply at the discretion of the Board of County Commissioners to burning Permits issued hereunder.

V. Penalties

1. Any person who burns or permits a burn on any property owned or controlled by such person, for noncommercial purposes, in violation of this Open Burning Management Plan without first having obtained a permit as required shall be a Class 2 Petty Offense and under penalty and upon conviction shall be punished by a fine of not more than \$1,000.00 for each separate violation together with a surcharge of \$10.00 that shall be paid to the Clerk of the Court by the defendant, excluding civil damages to be paid to the local fire districts in accordance with annually adopted fee schedule pursuant to Grand County Resolution No.2007-7-1 and Ordinance No. 8.. Additional civil penalty or not more than one hundred dollars per day for each day during which such violation occurs, pursuant to C.R.S. §25-7-123.1(3)(a).
2. Any person who burns or permits to burn on any property owned or controlled by such person, for commercial purposes, in violation of this Open Burning Management Plan without first having obtained a permit as required shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs, pursuant to C.R.S. §25-7-123 (3)(b).
3. Any person who violates any compliance order issued in connection with open burning shall be subject to the injunction, civil penalties and criminal

penalties set forth in C.R.S. §25-7-121, C.R.S. §25-7-122, C.R.S. §25-7-122.1 as now enacted or hereafter amended.

VI. Mandatory Slash Piling and Burning Requirements

1. Obtain proper permits from Grand County Division of Natural Resources (Unless otherwise exempt).
2. Slash piles must be free of dirt. Piles must be constructed by hand or with equipment that does not have a blade.
2. Approval from GCDNR is a mandatory requirement BEFORE igniting any burn pile and Grand County Dispatch must be notified on each day of burn.
3. Attendance is mandatory at burn pile location for duration of burn.
4. No slash or burn pile to exceed 15x15x15ft; **unless**
 - A. Material is a result of natural occurrences such as disease, insect or micro-burst covering a large area with no other viable disposal alternatives.
 - B. Site dynamics (size) does not allow for multiple piles.
 - C. A Forest Management Plan (FMP) is submitted to GCDNR. The FMP must be developed by the Colorado State Forest Service or an accredited professional silviculturist/forester and must promote forest health and /or wildland fire mitigation. The FMP is subject to review and approval by GCDNR.
 - D. GCDNR may allow for these and other exceptions before piles are constructed
5. Only one (1) pile ignited per day on a specific site
 - A. Igniting more than one pile may be permitted if authorization is given by GCDNR on day of burn.
6. Separate wood larger than 6” in diameter for firewood or for other uses. Stumps and rootwads are not permitted in open burn piles. Slash created from cut live trees will require a minimum of (6) months drying time before burning.
7. Appropriate weather conditions must be present before an open burn pile is ignited. Mild to moderate winds and moist unstable air masses associated with winter season low-pressure systems disperse smoke well. GCDNR will base all approvals for igniting burn piles on the National Weather Service ventilation rate and ground proofing the forecast when available.
8. Material to be burned includes only clean slash, free of soil. Merchantable wood products not to exceed 20% of total volume of burn pile.
9. Grand County will open and close open burning for any specified length of time due to weather and climatic conditions at the discretion of GCDNR. In addition, input will be taken from local fire protection districts, United States Forest Service, Colorado State Forest Service, and Bureau of Land Management in determining open burning conditions.

Use common sense!!!

Location of Slash Piles

1. Locate pile in large, open areas to provide for vehicle access and monitoring.

2. Locate piles two (2) times the pile diameter from nearest forest cover or property boundary. Maintain ample clearance from overhead and underground utilities. Contact local utility provider.

Ignition of Slash Piles

1. Fusees and propane burners provide relatively safe ignition.
2. **Do not** use gasoline to ignite piles.
3. Begin operations early in day to ensure burn is complete by mid afternoon.

VII. Weed Prevention

1. Seed burned area with native vegetation and grasses to prevent the infestation and spread of noxious weeds.
2. Under state law, landowners are responsible for controlling noxious weeds on their property.
3. Contact the Natural Resource Conservation Service for seeding information and to purchase seed.

VIII. Effective Date

This ordinance shall become effective on February I, 2001.

IX. For More Information Contact

Grand County Division of Natural Resources	887-0745
Colorado State Forest Service	887-3121
Natural Resource Conservation Service	724-3456
Colorado Department of Public Health and Environment	(303) 692-3174

X. Definitions

CDPHE: Colorado Department of Public Health and Environment.

GCDNR: Grand County Division of Natural Resources.

Open Burning: Burning of any material or substance in the ambient air, other than a properly designed furnace, such as an incinerator or equipment connected to a stack or chimney.

Planned Ignition Fire Permit- Planned ignition fires are a prescribed fire ignited by a specific man-made action intended for the purpose of using the fire for grassland or forest management. See 5CCR 1001-11, Regulation No. 9 Section II (M). Prescribed fire is fire that is intentionally used for grassland

Commercial Burning: The burning of any materials which are the result of any commercial profit or non-profit activity, or the burning of any materials at a commercial/industrial location.

Non-Commercial burning: The burning of any materials at a residence which are specific to that individual household or property and which are not the result of any commercial profit or non-profit activity.

Planned/Prescribed Burn: Burns in which fire is broadcast over a large area and is not contained to a specific pile or isolated area. Usually planned and implemented by state and federal land management agencies.

Production Agriculture: Property that has produced not less than \$5,000 of gross market value agricultural product (food and/or fiber) in four of the past five years. Property that has been deemed to be in production agriculture will no longer be considered as such if sold for development of any kind. Family transfers for estate purposes, etc. that continue to function as an integral part of the property deemed to be in production agriculture, will continue to be defined as production agriculture.

Agricultural Open Burning: The open burning of ground cover vegetation for the purpose of preparing the soil for crop production and livestock grazing, for the clearing of irrigation ditches, fence lines, controlling noxious weeds, and other accepted/ historical practices. For “Production Agricultural Operations Only”.

Forest Land Agriculture: Forested lands that consist of at least 40 acres and is used to produce tangible wood products, is subject to a forest management plan, and is not classified as a farm or ranch.

Merchantable Wood Products: Wood products, in sufficient quantities, for which a local market exists.

Slash: Limbs, tops and other woody debris resulting from harvest or removal of trees and shrubs. Excludes stumps, rootballs and excessive quantities of merchantable wood products.

Unless defined above, the definition section set forth in C.R.S. §25-7-103 shall be applicable to any word or term described in this plan.