

COMPLIANCE ASSISTANCE BULLETIN
March 2007

Weed Abatement Burning

On May 19, 2005, the District's Governing Board amended Rule 4103 – *Open Burning* to address the agricultural burn permit prohibitions in Sections 41855.5 and 41855.6 of the California Health and Safety Code. The purpose of this bulletin is to summarize the restrictions and requirements placed on weed abatement burning.

As of June 1, 2005, weed abatement burning along fence rows and berms, and on pastures and open lands is no longer permitted. However, burning weeds may be allowed under the following situations:

- **Ditchbanks and Canals:** These areas are excavated open waterways, channels, or trenches used for conveying water for farm irrigation and do not include underground pipelines or natural waterways, such as rivers, streams, washes, and creeks. An owner or operator must consider and use a "Best Management Practice" for controlling weeds along ditchbanks and canals, which is an alternative practice to open burning. Such practices may include the approved use of pesticides, mowing, or another open burn alternative.

An agricultural burn permit may be issued to a grower or an irrigation district after a determination is made that the alternative practices to open burning are infeasible for the site. Once the District approves the determination, the burn permit will list "ditchbank and canal" to allow for the open burning of weeds that originate from the water side of a bank. Burning may be performed either by broadcast (in-situ) burning or by removing weeds from and piling adjacent to the bank provided that the materials are dry and stacked in a manner that promotes combustion in accordance with Rule 4103. Because weed abatement burning is no longer permitted, burning weeds that originate from outside and away from the bank is no longer allowed.

- **Ponding and Levee Banks:** Burning weeds along ponding and levee banks is permitted until June 1, 2010. These are excavated embankments that retain water to prevent flooding from rivers and other natural waterways, or confine water on farmlands for irrigation. The ponding or levee bank could be located adjacent to or quite some distance away from a waterway.

An agricultural burn permit may be issued for burning weeds along both sides of a ponding or levee bank used for controlling agriculture irrigation or irrigation run-off, or along ponds used in systems for the preparation of potable water. The burn area must be confined to the base of the exterior to the water level or the base of the interior of the

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embankment, whichever is closest. When approved, the burn permit will list “ponding and levee banks” to allow burning on both sides of bank.

Burning may be performed either by broadcast burning or by removing weeds from and piling adjacent to the bank provided that the materials are dry and stacked in a manner that promotes combustion. Burning weeds that originate from outside and away from the ponding or levee bank is not allowed because weed abatement burning is no longer permitted. In addition, burning weeds in ponds or along levees maintained for human or animal gray water or sewage, industrial processes, flood control purposes, or recharging an underground aquifer is not allowed.

- **Noxious Weeds:** These are plant species that have been identified by the US Department of Agriculture as being noxious to an agricultural crop, pursuant to section 403 of the Plant Protection Act (7 USC 7702). As of June 1, 2005, a farm owner or operator must implement a Best Management Practice for controlling and abating the noxious weeds in a crop. A grower should always consider the non-burning alternatives first when abating a noxious weed; however, several practices used in conjunction with open burning may be essential for controlling and abating a particular noxious weed. If open burning is deemed by the District as being the best practice or is used in concert with other practices, a burn permit will list “noxious weeds” with a condition identifying the type of noxious weed approved for burning.
- **Tumbleweeds:** Also known as “Russian thistle” and specifically named by genus and species as “Salsola kali”, tumbleweeds are highly invasive but are not considered a noxious weed. As of June 1, 2005, a landowner or operator must examine the Best Management Practices for controlling and abating tumbleweeds on the property. These non-burning alternatives will differ for each situation since tumbleweeds often accumulate on property from which they didn’t originate. Cultural practices such as mowing and destroying young plants can prevent seed dispersion. Tumbleweeds have a difficult time competing in firm, regularly irrigated soil and are rarely a problem in well-managed landscapes.

In situations where the District has determined with the landowner or operator that burning tumbleweeds is the best practice where no other alternatives are available, a burn permit will be issued listing “tumbleweeds” as an approved material. Requests for burning tumbleweeds will be denied if the smoke and air contaminants may contribute or create a nuisance, including at locations within or near populated areas.

Burn permit holders are reminded that weed-abatement burning must be performed at the site from where the weeds originate. Transporting weeds or any debris from one location to another for burning is prohibited. Please make certain that the burn does not include any trash debris, tires, or any other foreign material. It is important to read and understand all of the instructions and conditions placed on your burn permit.

For questions on open burning and agricultural burn permits, please call 1-800-665-2876.

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