

## Regarding APCD Site Inspections

This document follows the same format as our program manual.

### *Requirements (mostly of APCD staff)*

Presence: A consequence of obtaining a prescribed fire permit is that “burning operations shall be subject to inspection by the Division.” APCD staff are responsible to and have legal authority to monitor permit compliance. Any aspect of a permit’s conditions or the veracity of the information submitted on an application may be checked. While we show up unannounced at a burn site only infrequently, it is within the Division’s right to do so and to be present.

Accountability: On an active burn site, an APCD representative is always accountable to the burn boss. This provides for safety, including emergency head counts. In a large organization where a burn boss already has many reports, we usually ask through whom we should be accountable for the day instead of assuming it should be the burn boss directly. Initiate the topic if you think it is overlooked.

While we occasionally show up unexpectedly, usually the burn boss knows well in advance that we are en route. In any case we do not walk or drive around live burns unannounced. If we didn’t attend morning briefing, the first two things an APCD representative will do on arriving at an active burn is put on regulation personal protective equipment and contact the burn boss. We immediately look around until we find anyone who has a radio, and ask them to let the burn boss know we are present. We keep a burn boss or whomever they designate informed when we depart a burn, and, to the extent you request, about changes to our specific location within a burn site.

The APCD representative’s FFT2 or better qualifications card will be current at an arduous level, or we will make clear that the representative is not carded. Usually we remember to offer to show the burn boss the card. If we forget and you would like to see, please ask.

Assignments: We make an important but usually very fine distinction between reporting and being accountable. We may not report to the burn boss, and you may not assign us roles or tasks. (See the guidance portion of this document below, however.) We do not serve as the day’s smoke monitor. In fact, one of the permit conditions we check is that smoke is indeed being monitored and documented adequately.

Escort: While we find that having an assigned escort tends to hamper mutual learning opportunities, it is the burn boss’ decision whether to assign one. Any escort needs to be free of other assignments for the day, because going where they need to be or prefer to show us might conflict with our duties. You may choose to or not to invite us to any off-site planning meetings. If you have an on-site discussion you don’t want us to hear, say so and we’ll oblige.

Operations: It is our intent to stay out of operations. The term is a difficult one, defined in the eyes of the beholder. We try to be sure we don’t cross the line. We also count on a burn boss or other line supervisor to tell us, clearly, right away, if you think anything the APCD representative is doing amounts to meddling in operations.

To the extent that it tends to make the conversations that are our focus be more productive, we do spend time with holders and others who are working at the burn (and will speak up if we see an unreported spot). If you want us to stay away from all or certain line personnel on your burn, say so! Often we receive generous and cleanly-intentioned invitations to help light. We think that in most

circumstances lighting is enough of a privilege it could appear to be a conflict of interest to accept, and decline.

Confidentiality: We are responsible to pay attention to what we observe. In that sense anything we observe that contradicts permit conditions, we will report to our supervisors. We should not keep our observations confidential even if someone requested that we do. Also, we keep designated smoke liaisons informed about any challenging compliance questions within their own agency. In contrast, if anyone with whom we talk wants us to keep their conversation with us confidential and says so, we carefully honor the request.

Permit Compliance: Burn bosses are accountable to meet permit conditions, not smoke outcomes. Smoke impacts we document, learn from, will talk about with you if they seem interesting, and are a critical way we evaluate potential changes to standard conditions. Smoke impacts alone do not form the basis for enforcement. We hope for, appreciate, trust, and all benefit from decisions that promote good smoke outcomes.

But you are bound only to meet the terms of your smoke permit. One of the general permit conditions addresses what is required if impacts are excessive, which starts with implementing the smoke contingency plan included in the permit application.

Most apparent compliance problems are misunderstandings and/or unintentional. Nearly all can be resolved with a conversation. If we think we see a minor problem that needs to be addressed informally, we will ask you about it but probably not during ignitions. We think that is potentially distracting to a burn boss, and also that we often have partial information at first so later may better understand why something differs from what we think is needed. We'll wait until a quiet time at the end of the day's burn or later in the week.

An exception that in the last eight years we have had to make *only twice* is that if an inspection turns up a violation sufficiently serious to warrant formal enforcement, we would carefully consider the prudence of discussing it with you informally. Instead, you, and if you are a government employee, also your supervisor, could receive a formal Notice of Violation or Compliance Advisory. They are *rare*.

Documentation: Field inspection reports, described below, are public property and are subject to the Colorado Open Records Act. Anyone may use our photos without permission.

### *Intent of Site Inspections*

Enforcement: Enforcement of permit conditions has never yet been our only interest in being at a location. Almost as rarely is it a focus. But enforcement is a duty we also do not overlook. Usually the checks are informal and invisible.

Learning: Our main purpose in making site visits is to learn. The questions continually evolve, and often what we learn from a burn is about something different from the topic that was our initial focus. Typical questions we have in mind may include:

- What questions, suggestions, points of confusion, or other topics do the people present have about permits and about smoke?
- What smoke impacts are and are not occurring?
- What can we learn about and from the responses of area residents to smoke?
- What are the consequences of specific permit conditions, both intended and side-effects?

- What better options can we discover, especially through conversations with the people involved?
- How does a project differ from the mental pictures we had while reviewing the permit application, and what lessons can we draw from differences?
- What variables seem to be affecting smoke and its consequences, and how?
- How does a particular burn organization deal with unexpected smoke issues?

Many permittees have told us they find smoke field inspection reviews helpful. For example, it might be useful to you if we can more fully envision a burn that is unusual or complex from a smoke perspective. We encourage permittees to request that we see your site or your burn when you feel it would help you if we better understood the situation. If you notice ways we can make our smoke field reviews more effective, please share your ideas with us.

Field time is one of the easiest opportunities you have to make your thoughts and perspectives known to ACPD staff, though phone and email are always options also. The primary way we can improve a program that affects you is by you providing input.

We think it is crucial for every permittee to have the opportunity to have open conversations with us to clarify misunderstandings, voice disagreements, discuss past or possible problems, etc. That is why the confidentiality option described above is important to us and to our bosses, though requests for confidentiality have seldom have needed to be exercised.

The reason we can't be assigned within the burn organization is because formally our role is as a regulator and compliance monitor. It would be a conflict of interest for us to report to a burn boss as an assigned resource. We still do our best to be reasonable and to be helpful. Usually we are glad, for example, to answer a burn boss' inquiry about the smoke we can see or to take on other limited tasks.

### *Who Preferentially Gets Site Inspections*

- anyone who requests
- new permittees, including new RXB2s in long-standing programs
- permittees with whom APCD has taken steps toward enforcement including minor corrective action, for whom smoke difficulties have been self-reported or reported by others, or whose permit paperwork raises as many questions as it answers
- top-notch burn groups from whom we most want to learn
- burns with non-standard conditions
- large burns, and burns close to homes
- burns in unusual fuels
- multi-year projects, especially new ones

Other reasons for a prescribed fire smoke field inspection review may include an opportunity to watch activity related to a topic on which we are currently focusing, having not seen an active permittee in a few years, or simply being nearby with enough time to stop.

Field reviews may occur at a permittee's request, at APCD's announced or unannounced initiative, in consequence of interest perked by a conversation, or for other reasons. Permits whose conditions

include “If feasible, advise APCD 36(+) hrs before ignition” are slated for us to attend the burn provided APCD staff are available on the appropriate day(s).

People and activities we seek out may include a permittee’s or agency smoke liaison’s office; a burn in progress, proposed, or just completed; inexperienced burn supervisors who most often are private landowners; a county health department or other non-permittee stakeholder; a community or area that is or potentially will become a receptor for one or more projects; and others.

## *Implementation Guidance*

### Before an Inspection

Typically we’ve talked to you well ahead of time about our hope to attend your burn. Probably we’ve asked you to keep us informed as you see possible windows developing. Once a burn date is set, we will ask when and where the briefing will be. We try hard to show up in time to attend, in order to minimize the inconveniences we may cause. We will request to be told the radio frequencies in use, and if they are within wildland fire’s usual range will program them into our radio.

### During a Site Inspection

Then what do we do all day? Take photos. Wander around and talk to people, anyone who doesn’t appear to be or say they are too busy. Discuss comments or inquiries that may come our way, which most often are about other projects or other burn days at the same agency unit. Look at fuels or fire behavior or consumption or any other variable that can affect smoke production and impacts. Talk to the person monitoring smoke, to glean both information and perspectives from them, and sometimes also to share learning or coordinate our documentation of the burn’s smoke. Get off-site far enough to see the smoke and take photos. Try to learn enough about a project to understand some of its constraints in addition to smoke management. Maybe set out a particulate monitor. Talk to the neighbors. Think about what this burn might mean for standard permit conditions and other smoke program practices. Take some more photos. If the burn boss is willing, attend the AAR. Listen, and watch, and try to learn.

### After a Site Inspection

A week or three later, we will send you a draft report and request your edits. While writing reports we make mistakes of fact or interpretation, notice minor permit problems that we can resolve quickly with you and subsequently remove from the final report, put ideas in tactless language, or do not recognize the sensitivity of some issue. Fixing all these possible problems is why we send you (the burn boss or other host) and only you the first draft of the report. In response we get and appreciate many improvements to the reports’ text. If weeks go by and despite a reminder or two we haven’t heard back from you, at that point we may finalize the report without your input.

The inspection report is primarily for our supervisors and coworkers. People who also will be sent a copy include you, usually your supervisor and/or next-level FMO, your agency smoke liaison or other agency contact if one has been designated, the county air quality contact which is the person to whom you make daily notifications, and occasionally others with a stake in the smoke aspects of the project.

***Authority:*** Colorado Air Quality Control Commission Regulation 9 Section IV.C.8