

Title 26 - Department of the Environment

Subtitle 11 - Air Quality

Chapter 07 - Open Fires

.01 - Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Excessive lodging" means a condition of farmland where embedding of the previous crop causes the normal use of harvesting, tillage, or planting equipment to be impossible or impracticable.

(2) "Forest resource management practices" means the technical application of scientific objectives that conserve, protect and enhance the quality, quantity, productivity, and biological diversity of the forest resources of Maryland.

(3) "Open Fire" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(4) "Public collection of refuse" means the service provided by any governmental agency or commercial enterprise for the pick-up on a regularly scheduled basis of refuse from groups of individual homes, businesses, apartment buildings, or other establishments.

(5) "Safety determinations" means the testing, training, or demonstrations with explosives, propellants, incendiaries, or military devices involving an open flame.

.02 - General.

A person may not cause or permit an open fire except as provided in Regulations .03 - .05 of this chapter.

.03 - Control Officer May Authorize Certain Open Fires.

A. In Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester counties:

(1) Subject to review by the Department, the control officer, upon receipt of an application made on forms provided by the Department or local fire control agency, may issue or approve a permit in writing allowing an open fire, provided all of the following conditions are met:

(a) The control officer is satisfied that there is no practical alternate method to dispose of

the material to be burned or to conduct the desired activities;

(b) A hazardous condition or air pollution or nuisance will not be created;

(c) Fire control laws or regulations of other governmental agencies will not be violated;

(d) Materials which produce dense smoke when burned, including, but not limited to, tires and roofing material, will not be burned;

(e) The material to be burned shall have originated on the premises on which it is to be burned;

(2) The control officer may impose other conditions to minimize creation of smoke, to prevent nuisances and air pollution, and to protect the health, safety, comfort, and property of any persons.

B. In Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City during the period September 1 through May 31 of the following year:

(1) Subject to review by the Department, the control officer, upon receipt of an application made on forms provided by the Department or local fire control agency, may issue or approve a permit in writing allowing an open fire, provided all of the following conditions are met:

(a) The control officer is satisfied that there is no practical alternate method for the disposal of the material to be burned or to conduct the desired activity;

(b) A hazardous condition or air pollution or nuisance will not be created;

(c) In Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City, burning may not be done within 500 yards (457 meters) of one or more occupied buildings or heavily travelled public roadway,

(d) Fire control laws or regulations of other governmental agencies will not be violated;

(e) Materials which produce dense smoke when burned, including, but not limited to, tires and roofing material, will not be burned;

(f) All other conditions the control officer may impose to minimize creation of smoke, to prevent nuisances and air pollution, and to protect the health, safety, comfort, and property of any persons shall be satisfied;

(g) The material to be burned shall have originated on the premises on which it is to be burned.

(2) Exceptions.

(a) Methods of disposal by burning acceptable to the Department may be approved for use when distance limitations cannot be met.

(b) A permit may be granted for fires set in the course of agricultural operations in growing crops or raising fowl or animals or in accepted forestry practice, when distance limitations cannot be met. This provision may not be construed as allowing the burning of ordinary household or barnyard trash in areas where provision is made for public collection of refuse.

C. Prohibition on Open Burning.

(1) In Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City, open burning is prohibited during the period from June 1 through August 31 of each year, beginning June 1, 1995.

(2) Exceptions. The provisions of Section C(1) do not apply to:

(a) Cooking of food on other than commercial premises or cooking of food which is subject to COMAR 26.11.18.06;

(b) Open fires for recreational purposes such as campfires;

(c) Fires authorized under Regulation .04 of this chapter.

.04 - Public Officers may Authorize Certain Fires.

Public officers, in the performance of their official duties, may set an open fire or give permission for an open fire, with concurrence of the control officer, if:

A. All reasonable means are employed to minimize smoke; and

B. The fire is necessary for one or more of the following reasons or purposes:

(1) For the prevention of a fire hazard that cannot be abated by other means;

(2) For the instruction of public fire fighters or industrial employees under supervision of the appropriate fire control official;

(3) For the protection of public health or safety when other means for disposing of hazardous waste materials are not available including the burning of hazardous waste authorized under federal law or COMAR 26.13.02.07;

- (4) For burning pest infested crops or products and agricultural burning that is necessary for animal disease control;
- (5) For good forest resource management practices as approved by the Department of Natural Resources-Forest Service;
- (6) For burning excessive lodging for the purpose of recropping as approved by the Department of Agriculture or local extension offices;
- (7) For the purpose of testing fire fighter training systems fueled by natural gas or propane provided that the:
 - (a) Source maintains records of the total amount of fuel used and the date of the open fire,
 - (b) Total combined fuel usage for all systems at the premises does not exceed 5000 gallons of propane and natural gas combined per week, and
 - (c) Open fire does not constitute a major source of VOC or NOx

.05 - Open Fires Allowed Without Authorization of Control Officer or Public Officer.

A. Except as provided in Regulation .03C of this chapter, in Allegany, Calvert, Caroline, Cecil, Charles, Dorchester, Garrett, Frederick, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester counties, open fires, in conformance with other governmental fire control ordinances and provided no nuisance or air pollution is created, are allowed without permission under Regulation .03 or .04 as follows:

- (1) In those areas where no provision is made for public collection of leaves, burning of leaves originating on the premises, by householders, is permitted, provided that leaves are not burned at locations closer than 200 feet (61 meters) from any neighboring habitable dwelling or place where people work or congregate.
- (2) In those areas where no provision is made for public collection of refuse, burning of ordinary household trash originating on the premises, excluding commercial establishments, by householders is permitted provided that:
 - (a) Materials are not burned which create dense smoke (emissions of greater than 40 percent opacity); and
 - (b) Refuse may not be burned at locations closer than 200 feet (61 meters) from any neighboring habitable dwelling or place where people work or congregate.

(3) and (4) [**Not in SIP**]

(5) Recreational purposes, such as campfires.

(6) Oil or gas fired salamanders or similar devices designated specifically for space heating or warming outdoor workers, etc., provided no visible emissions are created.

(7) Warming fires for outdoor workers, provided smoke emissions are not darker in shade or appearance than those designated as greater than 40 percent opacity, and the fires are located no closer than 200 feet (61 meters) from any neighboring habitable building.

B. In Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, and Prince George's Counties and Baltimore City and during the period from September 1 of any year through May 31 of the following year, open fires otherwise conforming to other governmental fire control ordinances, provided no nuisance or air pollution is created, are allowed without permission under Regulation .03 or .04 as follows:

(1) In those areas where no provision is made for public collection of leaves, the open burning of leaves originating on the premises, by householders is permitted, provided that no nuisance is created and that the fires are located no closer than 300 feet (91.4 meters) from any neighboring habitable dwelling or place where people work or congregate;

(2) In those areas where no provision is made for public collection or refuse, burning of ordinary household trash originating on the premises, excluding commercial establishments, by householders is permitted provided that:

(a) Materials are not burned which create dense smoke (emissions of greater than 40 percent opacity),

(b) The fires are located no closer than 300 feet (91.4 meters) from any neighboring habitable dwelling or place where people work or congregate;

(3) **[Not in SIP]**

(4) Recreational purposes, such as campfires;

(5) Oil or gas fired salamanders or similar devices designated specifically for space heating or warming of outdoor workers, etc., provided no visible emissions are created.

.06 - Safety Determinations at Federal Facilities.

A. A person who performs safety determinations at federal facilities or other facilities under contract with the federal government shall:

(1) Take all responsible precautions to minimize emissions during any safety determination;

(2) Schedule safety determinations, whenever possible, during days when maximum dispersion of pollutants will be achieved;

(3) Notify the control officer at least 24 hours in advance when a safety determination is to be performed that has a duration of 2 hours or longer; and

(4) Submit a report of anticipated or expected safety determinations to the control officer semiannually beginning with the period July 1, 1997, to December 31, 1997.

B. The report required in Section A(4) of this regulation shall be submitted to the control officer by not later than 15 days before each semiannual period. For safety determinations that are not anticipated 6 months in advance, the control officer shall be notified as far in advance as possible but not less than 1 week before the safety determination.

C. The semiannual report required in Section A(4) of this regulation shall include:

(1) The time frame during which each known safety determination is to occur;

(2) The duration of each safety determination; and

(3) General information relating to each safety determination.