

Rule 6. Prohibition of Open Burning.

Rule 6.1. No person shall cause, suffer, allow or permit open burning except as provided in Rule 6.3, 6.4, and 6.5. No person shall cause, suffer, allow or permit controlled burning except as provided in Rule 6.6. No person shall fail or refuse to take all reasonable and necessary steps and precautions to prevent open or controlled burning upon any premises owned, occupied or under the control of such person. No person shall fail or refuse to take all reasonable and necessary steps and precautions to extinguish or otherwise terminate and abate any open or controlled burning which has originated through any cause whatsoever upon any premises owned, occupied or under the control of such person or upon premises upon which such person is carrying out any operation or activity.

Rule 6.2. No person shall conduct a salvage operation by open burning.

Rule 6.3. Open Burning. Open burning of vegetation and raw, untreated, non-manufactured wood materials, thoroughly dried to facilitate efficient combustion while minimizing smoke caused by naturally occurring moisture contained in vegetative materials (“clean wood materials”) may be permitted only in the months of October, November, December, January, February, March and April, provided that the following conditions are met:

- (1) An application shall be submitted to the director stating the reason why there is no other method of disposal, the amount of material to be burned, and the location of material to be burned;
- (2) A non-refundable application fee of sixty dollars (\$ 60.00) shall be included with the application, which fee shall be collected by the Bureau and remitted to the fiscal agent of the Board;
- (3) No burning shall occur until such inspection of the material as may be required by the Bureau is conducted, a permit has been issued and the permit has been received by the applicant;
- (4) The size of the piles of material to be burned shall not exceed 12’ by 12’ by 12’ and no pile shall be within 100 feet of the nearest structure not owned by the permittee. No brush in excess of 12 inches in diameter and no tree stumps shall be burned.
- (5) Burning shall be conducted only on days of low air pollution potential as determined by the Bureau;
- (6) Only clean fuel not containing garbage, rubber, tires, plastics, roofing materials, tar paper or other refuse shall be allowed for the startup of fires;

(7) Burning will only be allowed during the following hours on days approved pursuant to subparagraph (5) above. The burning shall be completed by, and extinguished by, the end of the time period set forth below:

October 1 through November 3	9 a.m. – 4 p.m.
November 4 through December 31	9 a.m. – 3:30 p.m.
January 1 through February 15	9 a.m. – 4 p.m.
February 16 through March 13	9 a.m. – 5 p.m.
March 14 through April 30	9 a.m. – 6 p.m.

(8) The burning must be attended at all times; by a person 16 years or older who shall have adequate means of extinguishing the fire available and is capable of doing so;

(9) The permit may be revoked or suspended at any time at the site where there is a violation of the permit conditions or of this Rule, with the right to a hearing before the Director or the Air Pollution Control Board;

(10) The permit must be kept at or near the burn site and be readily available for inspection;

(11) The permit is not valid until signed by the applicant signifying that the permit conditions have been read and understood;

(12) The person conducting the burning shall contact the local fire agency each day before burning;

(13) Any permit issued will remain valid until the expiration date of the permit, unless revoked or suspended;

(14) Burning is allowed only at the location set forth in the application and only for materials removed or generated from the burn site address. Burning of waste generated as a result of a commercial operation is prohibited.

(15) Burning shall not be conducted where an obvious nuisance or safety hazard is present.

Rule 6.4. Open Burning Exemptions. Open burning shall be allowed without compliance with Rule 6.3 only in the following specifically listed instances:

(1) Fires used only for cooking of food or for ceremonial or recreational purposes, (recreational fires are limited in size to 3 feet in diameter) including barbecues and outdoor fireplaces, but only if such fires are fueled with clean fuel for that particular purpose (clean wood, gas, charcoal, wood pellets or fire logs). Smoke or ash from ceremonial or

recreational fires shall not create a nuisance beyond the boundary of the property owner where the burning is occurring.

- (2) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of the spread of existing fires;
- (3) Safety flares and smokeless flares; except those for the combustion of waste gases. Flares for the combustion of waste gases shall comply with the permitting provisions of section 4-8 of this chapter and any other applicable requirements;
- (4) Open burning used solely for the purpose of warming persons who are in the out-of-doors performing work and conducting lawful activities, provided such fires use only clean, raw, untreated, non-manufactured wood, not containing garbage, rubber, plastics, roofing materials, tar paper, cardboard, paperboard or other refuse;
- (5) Operation of devices using open flames such as tar kettles, blow torches, cutting torches, portable heaters and other flame-producing equipment.

Rule 6.5. Open Burning Exceptions. Open burning may be allowed without a permit in the following instances provided a written statement, such as is required in Rule 6.3(1), is filed with the director and written approval is given by the director:

- (1) Fires set for the training and instruction of public or private fire fighting personnel, including those in civil defense provided such training is conducted in accordance with National Fire Protection Association standards;
- (2) Carrying out recognized Best Management Practices for Agriculture necessary for production of crops;
- (3) The director may allow open burning prohibited during the months of May, June, July, August and September upon a determination that such open burning is necessary to protect public health, safety or welfare of the people, or there are no reasonable alternatives, e.g. disposal of vegetative debris from storm damage. The action of the Director shall be in writing.

Rule 6.6. Controlled Burning. Clearing and burning of vegetation at a site of two acres or more within a one-year period, burning for silvicultural purposes, and burning of clean wood material require controlled burning and compliance with the following enumerated conditions. Controlled burning of vegetation and clean wood material may be permitted by the director only in the months of October, November, December, January, February, March and April and requires an air curtain destructor and pit. Burning for silvicultural purposes requires special equipment.

- (1) Controlled burning (other than burning for silvicultural purposes) requires the continuous use of a pit and an effective air curtain destructor to maintain the necessary air velocity to minimize to the absolute extent practical any emission of fly ash and/or smoke;
- (2) To obtain a controlled burning permit, a signed application shall be submitted to the director including the following:
 - a. Complete plans and details of the method and equipment to be used for the control of such burning must be approved by the director before the permit shall issue;
 - b. The names of those in charge of the equipment and those in charge of the site and how they may be contacted must be furnished;
- (3) A non-refundable application fee of five hundred dollars (\$500.00) shall be included with the application, which fee shall be collected by the Bureau and remitted to the fiscal agent of the Board;
- (4) Written approval is received from the director in the form of a controlled burning permit with conditions determined by the director;
- (5) The pit shall be cleaned of ash on a daily basis;
- (6) Brush in the pit shall not be piled above the pit surface;
- (7) The persons in charge of the equipment shall notify the fire department serving the area in the burning occurs at the beginning of each day's burn and the completion of each day's burn;
- (8) The person in charge of the equipment must have an operating telephone at the site at all times during operation of the equipment;
- (9) There shall be enough fuel at the site to maintain operation of the air curtain destructor without interruption;
- (10) Any modification to the pit design or location must be approved by the director prior to the modification;
- (11) The permit may be revoked or suspended at any time at the site where there is a violation of the permit or of this Rule, with the right to a hearing before the Director of the Air Pollution Control Board;
- (12) Burning will only be allowed during the following hours on days of low air pollution potential as determined by the Bureau, and completed by, and extinguished by, the end of the

time period set forth below:

October 1 through November 3	9 a.m. – 4 p.m.
November 4 through December 31	9 a.m. – 3:30 p.m.
January 1 through February 15	9 a.m. – 4 p.m.
February 16 through March 13	9 a.m. – 5 p.m.
March 14 through April 30	9 a.m. – 6 p.m.

Burning will not be deemed extinguished if smoke or smoldering is present or if dirt is used to cover a burn pile.

- (13) The burning must be attended at all times;
- (14) The permit must be kept at or near the burn site and be readily available for inspection;
- (15) The permit is not valid until signed by the applicant signifying that the permit conditions have been read and understood;
- (16) Any permit issued will remain valid until the expiration date of the permit, unless revoked or suspended.
- (17) Applicant shall review the permit conditions with all parties that will be involved with the controlled burning process.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF AUGUST 26, 2005

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