

CHAPTER 6: EMISSIONS FROM OPEN BURNING

Rule 18.601 Intent

In order to avoid conflicting and overlapping jurisdiction, it is the intention of this chapter to clarify the position that the Division occupies the field of control and abatement of air pollution and contamination; and no political subdivision of this state shall enact or enforce laws, ordinances, resolutions, rules or regulation in this field, unless such laws, ordinances, resolutions, rules or regulations are for the purpose of prohibiting burning in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.

Rule 18.602 General Prohibition

No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning.

Rule 18.603 Exemptions

The provisions of Rule 18.602 herein shall not apply to the following activities:

- (A) Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces used in connection with any residence;
- (B) Open burning related to agricultural activities including, but not limited to, clearing previously uncultivated lands and burning of stubble and other debris on previously harvested fields; provided however, that this exemption shall not be extended to the disposal, by open burning, of waste products generated by cotton gins, or similar equipment used in a manufacturing process or to the disposal by open burning of fowls or animals;
- (C) Controlled fires used for purposes of forest and wildlife management, provided that such fires are used and burned when winds are blowing away from populated areas which might be affected;
- (D) Controlled fires used only for purposes of on-site land clearing operations;
- (E) Smokeless flares or safety flares from the combustion of waste gases, provided that all other applicable provisions of this Code are complied with;
- (F) Open burning of the site or origin of waste hydrocarbon products from oil exploration, development, or production, or from natural gas processing plants, or from materials spilled or lost from pipeline breaks, where, because of the isolated location, such waste products cannot be reclaimed, recovered, or disposed of lawfully in any other manner;
- (G) Fires set or authorized by any public officer, board, council, or commission when the fire is set or permission to burn is given in the performance of the duty of the officer for the