

**3745-19-04 Open burning in unrestricted areas.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (P) of rule 3745-19-01 of the Administrative Code titled "Referenced materials."]

- (A) No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code.
- (B) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA, except as required in paragraph (B)(3)(f) of this rule:
  - (1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots, and similar occupational needs.
  - (2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
    - (a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.
    - (b) They are not used for waste disposal purposes.
    - (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height, if the ceremonial fire burns no longer than three hours.
  - (3) Disposal of residential waste or agricultural waste generated on the premises if the following conditions are observed:
    - (a) The fire is set only when atmospheric conditions will readily dissipate contaminants.
    - (b) The smoke does not create a visibility hazard on roadways, railroad tracks, or air fields.
    - (c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises.
    - (d) The wastes are stacked and dried to provide the best practicable condition for efficient burning.
    - (e) No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.
    - (f) Prior notification to the Ohio EPA in accordance with paragraph (B) of rule

3745-19-05 of the Administrative Code shall be required for the disposal of agricultural waste if the size of waste pile exceeds twenty feet in diameter by ten feet in height (or four thousand cubic feet) and for residential waste if the size of the waste pile exceeds ten feet by ten feet by ten feet (or one thousand cubic feet).

- (4) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of rule 3745-50-45 of the Administrative Code.
- (5) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.
- (6) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material or other drugs seized by federal, state, or local law enforcement officials.

Fires allowed by paragraphs (B)(1), (B)(2) and (B)(5) of this rule shall not be used for waste disposal purposes, and shall be of the minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

- (C) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, provided that any conditions specified in the permission are followed:
  - (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in paragraph (B)(4) of this rule.
  - (2) Instruction in methods of fire fighting or for research in the control of fire as recognized by the state fire marshal division of the Ohio department of commerce and the guidelines set forth in the national fire protection association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures," provided that the application required in paragraph (A)(1) of rule 3745-19-05 of the Administrative Code is submitted by the commercial or public entity responsible for the instruction.
  - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the director and, if required, performed as identified in the appendix to rule 3745-19-03 of the Administrative Code. If deemed necessary, the open burning may be authorized with prior oral approval by the director followed by the issuance of a written permission to open burn within seven working days of the oral approval.
  - (4) Disposal of land clearing waste generated on the premises if the following conditions

are observed:

- (a) The fire is set only when atmospheric conditions will readily dissipate contaminants.
  - (b) The smoke does not create a visibility hazard on roadways, railroad tracks, or air fields.
  - (c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises.
  - (d) An air curtain destructor or other device or method determined by the director to be at least as effective is used to curtail release of air contaminants.
- (5) Fires or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
- (6) Disposal of land clearing waste utilizing an air curtain burner if the following conditions are met:
- (a) The owner or operator shall apply for a permit-to-install as required in Chapter 3745-31 of the Administrative Code and a title V permit as required in Chapter 3745-77 of the Administrative Code.  
  
[Comment: Pursuant to Section 129 of the Clean Air Act and 40 CFR 60.2974 and 40 CFR 60.3069, air curtain burners are subject to and must fulfill the requirements of the Title V permitting program and must apply for and obtain a title V air permit.]
  - (b) The siting of the air curtain burner shall be at a point on the premises no less than one thousand feet from any inhabited building not located on said premises.
  - (c) No materials may be charged to the burner less than thirty minutes after sunrise and shall be completed not less than sixty minutes prior to sunset. A log shall be maintained on site, and available upon request, that documents daily beginning and ending times of charging.
  - (d) The air curtain burner shall be attended at all times while burning is occurring and until flames are no longer visible.
  - (e) The air curtain shall be maintained until all material within the air curtain burner has been reduced to coals, and flames are no longer visible.
  - (f) At no time shall material be loaded into the air curtain burner such that the material extends into and above the air curtain, except for brief moments during loading.
  - (g) The air curtain burner shall be used only for the disposal of land clearing wastes as defined in paragraph (I) of rule 3745-19-01 of the Administrative Code.

- (D) Open burning shall be allowed for the following purposes, with prior notification to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Administrative Code:
- (1) Prevention or control of disease or pests, with written or oral verification to the Ohio EPA from the Ohio department of health or local health department, the centers for disease control and prevention, cooperative extension service, Ohio department of agriculture, or United States department of agriculture, that open burning is the only appropriate disposal method.
  - (2) Recognized horticultural, silvicultural (forestry), range management, prairie and grassland management, invasive species management, or wildlife management practices, if all of the following conditions are met:
    - (a) The fire shall be performed within one hundred eighty days of notification.
    - (b) The fire shall be performed when it is anticipated weather conditions will minimize the dispersion of smoke near populated areas and the smoke does not create a visibility hazard on roadways, railroad tracks, or air fields. Smoke dispersion conditions shall be evaluated before, during, and after the fire and actions taken to minimize smoke impacts.
    - (c) The person making the notification shall notify the local fire department having jurisdiction over the burn area at least twenty-four hours before the fire is anticipated to occur.
    - (d) The person making the notification shall provide reasonable notification to populations potentially impacted by the smoke before the burn occurs. Populations potentially impacted shall include, at a minimum, those within one-quarter mile of the fire site. Reasonable notification shall include one of the following:
      - (i) Posting notice of intent to burn, including contact information for the person making the notification and the anticipated date that the fire will occur, within open view from a public roadway adjacent to and outside of the property on which the fire will occur.
      - (ii) Posting a notice in a newspaper of general circulation in the local community in which the fire will occur. The notice shall include, at a minimum, the address of the property at which the fire will occur, contact information for the person making the notification and the anticipated date that the fire will occur.
      - (iii) Delivering written notice directly to residences and businesses within a minimum of one-quarter mile of the burn site. Notices shall include, at a minimum, the address of the property at which the fire will occur, contact information for the person making the notification and the anticipated date that the fire will occur.

- (e) The person making the notification shall document information on the weather, smoke conditions, any air quality concerns before, during, and after the fire, the actual number of acres burned, the time the fire was initially kindled, the time when active kindling ceased, and the time at which mop up activities ceased. The person making the notification shall maintain this information for a minimum of one year from the date of the fire and shall provide this information to the appropriate Ohio EPA district office or local air agency within ten days upon request.
- (f) Reasonable access to the burn site shall be provided to Ohio EPA representatives at any time during the fire.

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Five Year Review (FYR) Dates: 11/30/2017 and 11/30/2022

CERTIFIED ELECTRONICALLY

Certification

04/16/2018

Date

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