

## **REGULATION 1.11 Control of Open Burning**

### **Air Pollution Control District of Jefferson County Jefferson County, Kentucky**

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation provides for the control of open burning by any person.

#### **SECTION 1 Definitions**

Terms used in this regulation that are not defined in this regulation shall have the meaning given to them in Regulation 1.02 *Definitions*.

1.1 "Fire pit" means either:

- 1.1.1 A portable device that is commercially manufactured for the purpose of building a recreational fire, such as a chimenea or above-ground fire pit, or
- 1.1.2 A permanent, constructed fire chamber that is completely lined with noncombustible material, such as brick, rock, or concrete, the bottom of which may be soil.

#### **SECTION 2 Prohibition of Open Burning**

2.1 No person shall cause, allow, or maintain any open fire except the following:

- 2.1.1 A fire substantially for the cooking of food for non-commercial purposes; however, a fire maintained at a size or duration in excess of that appropriate for the cooking of food, or a fire for which the cooking of food is an inconsequential activity, shall be considered a recreational fire subject to the requirements of section 2.1.3. The cooking of food for non-commercial purposes in a device such as a grill, smoker, or cooker shall not be deemed an open fire subject to this regulation,
- 2.1.2 A fire in a fire pit, provided that:
  - 2.1.2.1 Only untreated firewood is used as fuel, and
  - 2.1.2.2 The fire is no larger than 3 feet long by 3 feet wide by 3 feet high.
- 2.1.3 A fire determined by the District to be for recreational or ceremonial purposes and approved in writing by the District, provided that:
  - 2.1.3.1 A written request, on a form provided by the District, for approval of a recreational or ceremonial fire from the person in charge of the event is received by the District at least 5 working days before the requested date of the event,
  - 2.1.3.2 Only untreated firewood is used as fuel, and
  - 2.1.3.3 The fire is no larger than 5 feet long by 5 feet wide by 5 feet high,
- 2.1.4 A fire for general agricultural production for weed abatement, disease control, or pest prevention or for recognized silvicultural, range, native grassland, or wildlife management practices, provided that open burning is necessary and approved for that purpose by the District, after considering the written recommendation of the Jefferson County Soil and Water Conservation District and the local fire protection district. No such fire may be set when the forecasted average wind speed is greater than 15 miles per hour during the expected period of burning,
- 2.1.5 A fire for controlling a public health hazard, provided that the Louisville Metro Department of Public Health and Wellness has declared open burning to be necessary for this purpose and has submitted a written notice of this determination to the District,

- 2.1.6 A fire set for the prevention of a fire or safety hazard, provided that the local fire protection district or the appropriate regulatory agency having jurisdiction where the hazard exists has declared open burning to be necessary to abate the hazard and has submitted a written notice of this determination to the District,
- 2.1.7 A fire, or a series of fires, set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires that is approved in writing by the District. A written request, on a form provided by the District, for approval of the fire training exercise from the official in charge, or a designee of the official in charge, shall be received by the District at least 5 working days before the date of the first fire,
- 2.1.8 A fire set for the purpose of debris removal necessitated by natural forces, including, but not limited to, a tornado, very severe windstorm, or flood, having caused community-wide damage, that, if the fire were prohibited, would place a severe burden on other disposal methods and that is declared, in writing, to be necessary by the Louisville Metro Mayor and approved in writing by the District. A written request, on a form provided by the District, for approval of a debris removal fire shall be considered by the District on a case-by-case basis. The visible emissions into the outside air from a fire for this purpose shall not be equal to or greater than 40% opacity, and
- 2.1.9 A special-case fire not otherwise addressed in section 2.1, approved in writing by the District on a case-by-case basis. A written request for approval of a special-case fire from the person in charge of the fire shall, if possible, be received by the District at least 10 working days before the requested date of the fire. The request shall include an explanation of why the fire is necessary.
- 2.2 A fire described in sections 2.1.2 to 2.1.9 is prohibited on any day designated by the District as an Air Quality Alert Day, except that a fire set for controlling a public health hazard pursuant to section 2.1.5 may be set if declared necessary by the Louisville Metro Mayor to abate an imminent danger to human health or safety.
- 2.3 A person responsible for a fire described in section 2.1 shall also comply with all applicable provisions of KRS Chapters 149 *Forestry*, 150 *Fish and Wildlife Resources*, or 227 *Fire Prevention and Protection*, any other state law or regulation, any local ordinance, and any District regulation.
- 2.4 Tires, used oil, heavy oil, gasoline, diesel fuel, kerosene, or similar accelerants shall not be used to start or maintain combustion of any fire described in section 2.1.
- 2.5 Burn barrels of any sort are prohibited.
- 2.6 The District may require the submittal of information, on a form provided by the District, regarding a fire allowed by sections 2.1.2 to 2.1.9.
- 2.7 The District may impose limitations or prohibitions on a fire allowed by sections 2.1.2 to 2.1.9, including, but not limited to, the following:
  - 2.7.1 The composition and amount of material to be burned, and the frequency of approved fires,
  - 2.7.2 The time and day for the burning, including an episodic prohibition of burning based upon the forecasted meteorological or air quality conditions of a day for which burning is otherwise approved, and
  - 2.7.3 Where practical, the location of the fire.

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