

16.0 OPEN BURNING

16.1 Open Burning Prohibited

After the effective date of these regulations, no person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted in this section.

16.2 Definitions

“Air Curtain Destructor or Air Curtain Incinerator” is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.

“Air Pollution Emergency Episode” is defined as air pollution alerts, warnings, or emergencies declared by the Knox County Department of Air Quality Management during adverse air dispersion conditions that may result in harm to public health or welfare.

“Natural Disaster” is defined as any event commonly referred to as an “Act of God” and includes, but is not limited to the following weather related or naturally occurring categories of events: tornadoes, hail and wind storms, snow or ice storms, flooding, and earthquakes.

“Open Burning” is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

“Person” is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, agency, authority, commission, department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns.

“Registered Sanitary Landfill” is defined as one approved by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, to which a registration number has been assigned.

“Wood Waste” is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips, and chemically untreated lumber whose “disposition” by open burning is to solely get rid of or destroy. Plant life of a herbaceous nature, such as leaves, whether attached, fallen, and/or collected, evergreen needles, and grasses, are not considered “wood waste”. Additionally, manufactured lumber products, such as

plywood, fiberboard, particleboard, and paneling, are not considered “wood waste”. Painted or artificially stained wood is not considered “wood waste”.

16.3 Exceptions to Prohibition - Without Permit

Open burning, as listed below, may be conducted without permits subject to specified limitations and provided further that no detriment to public health, no land, air, or water traffic hazard is created, and no public nuisance is or will be created by such open burning. This grant of exemption shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

- A. Fire used for cooking food, ceremonial, or recreation purposes, including barbecues, and outdoor fireplaces. This exception does not include commercial food preparation facilities and their operation.
- B. Comfort heating on construction jobs provided the burning is in suitable metal containers and only untreated wood is burned. This is not to be construed to allow burning of painted or chemically treated wood for comfort heating. Open burning for comfort heat is not permitted when the local ambient temperature exceeds 45°F.

16.4 Exceptions to Prohibition - With Permit

Open burning may be allowed when a valid permit has been obtained from the Department for the following purposes prior to the initiation of the open burning providing no detriment to public health, no public nuisance, and no land, air, or water traffic hazard is created. This grant of exemption shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

- A. Open burning may be conducted to clear land of brush wood (of which no part may exceed three (3) inches in diameter) grown on that land provided all applicable conditions are met; including, but not limited to:
 - 1. The land is being maintained for the following purposes:
 - a. Established private residences, consisting of one or two dwelling units.
 - b. Farming operations, growing crops for human or animal consumption or raising livestock for human consumption. Note: commercial nursery operations are not included in this description. Commercial nursery

operations are those businesses where plants (e.g., trees, shrubs, etc.) are grown for transplanting, for use as stocks for budding and grafting, or for sale.

- c. Established church congregational property.
2. The open burning of solid waste, including brush wood, within the City of Knoxville limits is expressly prohibited by City Ordinance Section 13-8. Therefore, open burning to clear land of brush wood grown on that land is prohibited within the City of Knoxville limits.
3. Brush wood may not be burned in piles exceeding 144 cubic feet.
4. This paragraph will not be construed to allow burning of materials cleared to prepare land for any construction purposes.

NOTE: The term "brush wood" excludes leaves, grass clippings, and stumps.

- B. Open fires may be set for the training and instruction of public or private firefighting personnel provided all applicable conditions are met; including, but not limited to:
 1. Application is made not less than 10 days prior to the proposed burn date. Failure to submit completed forms or to supply any requested supplementary information concerning a proposed open burning operation shall constitute just cause for refusing issuance of a permit.
 2. The following certifications must be made with the application, on the date of application:
 - a. Certification that all regulated asbestos containing materials have been removed in accordance with Section 35.2.1-M;
 - b. Certification that all vinyl siding, carpet, vinyl flooring, asphalt roofing materials, and any other materials expressly prohibited in Section 16.6, have been removed. However, the provisions of Section 16.6 as it pertains solely to "plastics", "synthetics", "treated wood", and "wire insulation" are waived for incidental plastic, synthetics, treated wood, or wire insulation materials which are an integral part of a structure used for fire training, such as plastic plumbing, fixtures, and conduit; electrical wiring insulation, connections, switches, and fixtures; interior trim; glues and resins in manufactured wood products; and vinyl window and door frames. Sheathing, decking, roofing, exterior siding and trim, and structural load-bearing members whose composition is primarily rubber or plastics are not considered incidental;
 - c. Certification that the open burning is being conducted solely for fire training purposes; and

- d. Certification that a traffic hazard will not be generated.
- 3. Routine demolition of structures via supervised burning by responsible fire control personnel will not be considered fire training. Therefore, such activity deemed not for fire training purposes is prohibited.
- C. Reserved.
- D. Such other open burning as may be approved by the Director where there is no other practical, safe, and/or lawful method of disposal. Documentation demonstrating why the requirements of Section 16.0 cannot be met must be submitted. The Director will determine whether to approve or disapprove after receipt of the documentation and completion of the staff inspection.
- E. Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of the Knox County Air Quality Management Regulations are met.

16.5 General Open Burning Conditions - With Permit

The provisions of Section 16.5 shall apply to open burning conducted pursuant to Sections 16.4-A, 16.4-B, and 16.4-D.

- A. All open burning shall be between the hours of 9:00 a.m. and 3:00 p.m. and all vestiges of open burning shall be non-existent in the air no later than 4:00 p.m. or as authorized by the Department.
- B. Under adverse meteorological or weather conditions as determined by the Director, and on “air pollution action days”, all permits shall be invalid, and no open burning shall be allowed. “Air pollution action days” are those days on which the Department has determined that air pollution levels may potentially exceed a National Primary Ambient Air Quality Standard. The National Primary Ambient Air Quality Standards are identified in 40 CFR 50.
- C. Permits must be received and maintained on site prior to commencement of and during burning.
- D. All material to be burned must be dry and in other respects be in a state to sustain good combustion.
- E. The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting

from such burning, or of the responsibility of obtaining any other permit from any other agency.

- F. Priming materials used to facilitate open burning shall be limited to #1 or #2 grade fuel oils, wood waste, or other ignition devices approved by the Director.

16.6 Open Burning of Prohibited Materials

None of the exceptions listed in Section 16.3 or 16.4 are to be construed to allow the open burning of leaves, tires, plastics, synthetics, grass clippings, stumps, waste fluids, garbage, treated wood, wire insulation, or construction rubbish including, but not limited to shingles, siding, insulation, asphalt, or coal tar impregnated products, etc.

16.7 Air Curtain destructors and Air Curtain Incinerators Prohibited

Regardless of any other provision in the Knox County Air Quality Management Regulations, the use of any air curtain destructor or air curtain incinerator will be prohibited in Knox County after January 1, 2005. None of the exceptions listed in Section 16.3 or 16.4 (including 16.4.D) are to be construed to allow the use of an air curtain destructor or air curtain incinerator after this date. Exceptions may be made at the discretion of the Department until April 30, 2005.