

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Air Division

**Chapter 335-3-3
Control of Open Burning and Incineration**

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335-3-3-.01 Open Burning

- (1) No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:
 - (a) Open fires for the cooking of food for human consumption on other than commercial premises;
 - (b) Fires for recreational or ceremonial purposes;
 - (c) Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;
 - (d) Fires for prevention or control of disease or pests;
 - (e) Fires for training personnel in the methods of fighting fires, provided that all requirements of ADEM Admin. Code R. 335-3-11-.02(12) are met;
 - (f) Fires for the disposal of dangerous materials where there is no practical alternate method of disposal and burning is approved by the Director;
 - (g) Fires set for recognized agricultural, silvicultural, range, and wildlife management practices;
 - (h) Fires set in salamanders or other devices utilizing only wood, vegetation, coal, propane, kerosene, fuel oil or used oil (used oil as defined in ADEM Admin Code Chapter 335-14-17 as fuel, and used by construction or other workers for heating purposes;
 - (i) Open fires specifically or expressly approved by the Director.

- (2) Open burning may also be conducted for the purposes listed below and if it meets all the requirements of this paragraph. Authority to conduct open burning under the provisions of this paragraph does not exempt or excuse a person from the consequences, damages, or injuries which may result from such conduct, nor does it exempt or excuse a person from complying with all applicable laws, ordinances, regulations, and orders of governmental entities having jurisdiction, even though the open burning is conducted as specified in this paragraph.
 - (a) Open burning of vegetation or untreated wood may be conducted if its is generated by clearing or maintaining land, or from demolition or operations conducted for any of the following purposes:

- (1) Erection of any structure;
 - (2) Construction of any transportation, utility, or communications line;
 - (3) Maintenance of rights-of-way;
 - (4) Development or modification of a recreational or commercial area;
 - (5) Plant husbandry practices.
- (b) Open burning authorized by this paragraph shall comply with the following conditions:
- (1) The burning must take place on the property on which the combustible fuel originates;
 - (2) The location of the burning must be at least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted;
 - (3) The burning must be controlled so as to avoid creating a traffic hazard on any public road, street, or highway as a result of the air contaminants emitted;
 - (4) Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash;
 - (5) Initial burning may be commenced only between the hours of 8:00 a.m. and 3:00 p.m. No combustible materials is to be added to the fire between 3:00 p.m. and 8:00 a.m. the following day;
 - (6) Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor;
 - (7) The fire shall be attended at all times.
- (c) The Director or his authorized representative may impose additional conditions to cover specific open burning situations where additional controls or requirements are deemed necessary to minimize air pollution.
- (d) Permission to open burn under the provisions of this paragraph is revoked during the months of May, June, July, August, September, and October in Baldwin, DeKalb, Etowah, Jefferson, Lawrence, Madison, Mobile, Montgomery, Morgan, Shelby, Russell, and Talladega Counties.
- (e) During 2006 only open burning under the provisions of this paragraph is authorized during the months of May, June, July, August, September and October in DeKalb, Etowah, Russell, and Talladega Counties provided that an air curtain incinerator is used to conduct the burning.

Author: James W. Cooper and John E. Daniel

Statutory Authority: Code of Alabama 1975, Secs. 22-28-14, 22-22A-5, 22-22A-5, 22-22A-6, and 22-22A-8.

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6 th Revision	FEB 23, 2005	DEC 28, 2005	70 FR 76694
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335-3-3-.02 Incinerators

- (1) Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.
- (2) No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged; provided that: for incinerators of more than 50 tons per day charging rate, particulate matter in the exhaust gases may not exceed 0.10 pounds per 100 pounds of refuse charged. *(Amended July 26, 1972)*
- (3) Emission tests shall be conducted at maximum burning capacity of the incinerator.
- (4) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.
- (5) For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

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