

10 CSR 10-3.030 Open Burning Restrictions

(1) Applicability. This rule shall apply throughout Missouri except in the City of St. Louis and St. Charles, St. Louis, Jefferson, Franklin, Clay, Cass, Buchanan, Ray, Jackson, Platte and Greene Counties.

(2) Definitions of terms specified in this rule may be found in 10 CSR 10-6.020. Staff director as used in this rule refers to the director of the Air Pollution Control Program or his/her designee.

(3) General Provisions. No person may conduct, cause, permit or allow the disposal of trade waste, construction waste, salvage operations waste, or demolition project waste by open burning, except as provided for in section (4). This open burning prohibition includes, but is not limited to, tires, rubber products, asbestos-containing material, hazardous material, styrofoam, plastics, petroleum-based products, treated wood and other refuse.

(4) Exceptions.

(A) The open burning of certain trade wastes and vegetation may be permitted only when it can be shown that an emergency exists which requires open burning, or when it can be shown that open burning is the only safe or feasible method of disposal. Economic considerations shall not be the primary determinant of feasibility. Any person intending to engage in open burning shall file an application with and receive written approval from the staff director. The application shall state the following.

1. The name, address and telephone number of the person submitting the application;

2. The type of business or activity involved;

3. A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and vegetation to be burned and expected composition and amount of air contaminants to be released to the atmosphere where known;

4. The schedule of burning operations;

5. The exact location where open burning will be used to dispose of the trade wastes and vegetation;

6. Reasons why an emergency exists or no method other than open burning is feasible; and

7. Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction. Upon receiving written approval of the application by the staff director, the person may proceed with the operation without being in violation of section (3) of this rule, but approval shall not exempt the applicant from complying with the provisions of any other law, ordinance or rule.

(B) An open burning permit may be issued by the staff director for open burning on a temporary basis at a sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation; provided, that—

1. The sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation has a valid permit issued by the Missouri Department of Natural Resources Solid Waste Management Program, or is approved for open burning by the staff director in cases where a Solid Waste Management Program permit is not required;

2. Only tree trunks, tree limbs, vegetation (excluding leaves or lawn clippings) or untreated waste lumber are burned;

3. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke and shall require the use of an air curtain destructor. The air curtain destructor shall be properly operated so as to minimize emissions and, other than during startup periods, shall not exceed twenty percent (20%) opacity when operating.

4. The distance from the open burning site to the nearest inhabited residence or commercial business is at least two hundred (200) yards or greater distances as determined by the staff director to be required to prevent a nuisance;

5. The open burning will not hinder the operation of the installation itself, ignite material other than that specified in paragraph (4)(B)2. or otherwise create a fire hazard;

6. The fire control authority which has jurisdiction approves the method and site of open burning;

7. The owner or operator complies with all applicable laws, rules and ordinances regulating open burning;

8. The owner or operator submits information to the staff director prior to the issuance of the permit showing that the conditions of this subsection will be met;

9. The staff director may place conditions in the permit concerning times, methods and locations of burning in order to prevent air pollution, nuisance conditions or safety hazards; and

10. The permit may be revoked if the owner or operator fails to comply with the provisions of this subsection or any conditions of the permit, or if a permit issued by the Solid Waste Management Program as specified in paragraph (4)(B)1. is revoked or voided.

(C) This rule shall not apply to the following, except as noted in subsection (4)(D):

1. Burning of household refuse on a residential premises having not more than four (4) dwelling units, provided that the refuse originates on the same premises and excludes tires;

2. Untreated wood waste materials resulting from wood processing facilities in existence as of March 25, 1976, and which do not relocate to a new site and producing less than eight thousand (8,000) board feet or equivalent per day may be open burned if at least two hundred (200) yards from the nearest occupied structure. Untreated wood waste materials resulting from wood processing plants which relocate or from new wood processing facilities not in existence as of September 18, 1970, and producing less than eight thousand (8,000) board feet, or equivalent per day, may be open burned if at least one (1) mile outside the city limits of any incorporated area or municipality and at least two hundred (200) yards from the nearest occupied structure;

3. Open burning of three trunks, tree limbs, and vegetation from land clearing operations, commercial tree trimming and municipal utility tree trimming operations when burning takes place outside the city limits of any incorporated area or municipality and at a distance equal to or greater than two hundred (200) yards from the nearest occupied structure. Commercial tree trimming operations and municipal utility tree trimming operations shall submit a written request to the staff director for an annually renewable open burning permit. The request shall describe the general size, condition, and age of the tree trunks and tree limbs to be open burned. The permit, if issued, shall outline any restrictions and/or conditions placed on the open burning and circumstances for permit revocation or nonrenewal;

4. Fires set on cropland in connection with agricultural or forestry operations related to the growing or harvesting of crops.

5. Fires set for the purpose of training fire fighters and industrial employees in fire fighting methods provided that 1) the training is conducted in strict accordance with National Fire protection Association NFPA 1403, *Standard on Live Fire Training Evolutions in Structures*, for fire fighters and NFPA 600 for industrial employees, 2) asbestos-containing products or materials or petroleum-based products or materials such as asphalt shingles and floor or ceiling tiles are removed prior to fire training, 3) no tires are burned, and 4) the fire is completely extinguished at the end of the training session. The staff director shall be notified in writing a minimum of one (1) week prior to the fire training. In the case of a local fire department accepting buildings for purposes of fire training, it is the responsibility of that fire department to assure all asbestos-containing products or materials, carpeting, and petroleum-based products or materials such as asphalt shingles, linoleum, and floor or ceiling tiles are removed prior to fire training (this provision is not intended to supersede the liability in the NESHAP, 40 CFR part 61, subpart M 61.145(c)(10));

6. Camp fires and other fires used solely for recreational purposes, for ceremonial occasions or for outdoor noncommercial preparation of food;

7. Prescribed burning for natural resource management purposes limited to authorized agencies; or

8. Fires set for the purpose of protecting human health or preventing environmental damage in conjunction with environmental emergency response activities under the direction of the department's environmental emergency response personnel and approved by the staff director.

(D) Nothing in this rule may be construed to permit open burning which causes or constitutes a public health hazard, nuisance, or a hazard to vehicular or air traffic, nor which violates any other rule or statute.

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)(112)
 FRM: 64 FR 15688 (4/1/99)
 PRM: 64 FR 15711 (4/1/99)
 State Submission: 11/13/98
 State Proposal: 23 MR 1390 (7/1/98)
 State Final: 10 C.S.R. 10-6 3 (7/31/98)
 APDB File: MO-152

Description: This revision consolidates open burning restriction provisions into one section, and adds a new provision that requires the use of an air curtain destructor by certain sources and revisions that allow open burning during emergency response situations.

CFR: 40 C.F.R. 52.1320(c)(45)
 FRM: 49 FR 34484 (8/31/84)
 PRM: None
 State Submission: 4/17/84
 State Proposal: 8 MR 1403 (12/1/83)
 State Final: 9 MR 654 (4/2/84)
 APDB File: MO-50

Description: The EPA approved a revision to the regulation which: (1) added requirements for open burning of untreated wood wastes at solid waste disposal and processing installations, and (2) made other editorial changes.

CFR: 40 C.F.R. 52.1320(c)(13)(i) and (ii)
 FRM: 45 FR 17145 (3/18/80)
 PRM: 44 FR 52001 (9/6/79)
 State Submission: 8/28/78
 State Proposal: Recodification: Unknown 2 MR 488 (9/1/77)
 State Final: Recodification: Unknown 3 MR 83 (2/1/78)
 APDB File: MO-03

Description: The EPA approved recodification of the rule from Regulation S-111 to 10 C.S.R. 10-3.030 as well as the transfer of the definition of terms to 10 C.S.R. 10-6.020.

CFR: 40 C.F.R. 52.1320(a)(1)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/24/72
 State Proposal: Unknown
 State Final: (effective 9/18/70; revised 11/9/71)
 APDB File: MO-00

Description: The EPA approved Regulation S-111 as part of the original SIP submission.

Difference Between the State and EPA-Approved Regulation

None.