

10 CSR 10-5.070 Open Burning Restrictions

(1) Open Burning Restrictions.

(A) No person shall dispose of household refuse by open burning, or cause, allow or permit open burning of refuse except in areas outside of incorporated municipalities.

(B) All open burning of leaves, brush, or other vegetation shall be prohibited except in areas outside of incorporated municipalities.

(C) No person shall conduct, cause or permit the conduct of a salvage operation by open burning.

(D) No person shall cause or permit the disposal of trade wastes or tires by open burning.

(E) This regulation shall not apply to the following:

1. Fires used for recreational purposes or fires used for the noncommercial preparation of food, such as barbecuing;

2. Flares burning for the combustion of gaseous trade waste;

3. Fires set for the purpose of training fire fighters or industrial employees in fire fighting methods if the director is notified in writing twenty-four (24) hours prior to the fire training. Fire training for industrial employees shall be permitted by the fire department having jurisdiction. 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 or petroleum based products or materials such as asphalt shingles and floor or ceiling tiles are removed prior to fire training; and

4. A prescribed burning for natural source management purposes.

(2) Definitions. Definitions of some of the terms used in this rule may be found in 10 CSR 10-6.020.

(3) Other Restrictions and Provisions.

(A) Effective April 15, 1996, open burning of household refuse shall be a violation of this rule in the entire St. Louis ozone nonattainment area.

(B) Effective April 15, 1996, the open burning of tree leaves or residential brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year.

(C) Piled material to be open burned under subsection (3)(B) shall be limited to a total base area not to exceed sixteen (16) square feet.

(D) Any open burning allowed under the provisions of subsections (3)(A) and (B) of this rule shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m.

(E) Open burning of vegetation for the purpose of weed and pest control or for the purpose of crop production in the course of agricultural operation is permitted. If the burning is conducted between April 15 and September 15 of each calendar year, the person conducting the burning must notify the director in writing at least forty-eight (48) hours prior to commencement of burning. The notification shall include, but not be limited to, the following: name of the person(s) conducting the burning, description of the burning, phone number, and the duration of burning. The department reserves the right to delay the burning in days when the ambient air level for ozone is high.

(F) An open burning permit may be issued by the director on yearly basis for open burning of vegetation at a solid waste processing or disposal facility provided that an air curtain destructor is utilized. The open burning permit shall not be in lieu of obtaining a construction permit, as applicable, under 10 CSR 10-6.060.

(G) Open burning of vegetation grown on the premises undergoing land clearing operations may be permitted under conditions established by the director.

(H) Any person intending to dispose of vegetation by open burning under subsection (3)(F) or (G) shall file a written request with the director. The director will evaluate the request for air quality impact to determine whether the request should be granted. The request shall state the following:

1. The name, address and telephone number of the person submitting the request;
2. The type of business or activity involved;
3. A description of the proposed open burning operations, including the type, quantity and composition of vegetation to be burned;

4. The schedule of burning operations;

5. The exact location where open burning will be conducted to dispose of vegetation;

6. Reasons why no method other than open burning can be used for disposal of vegetation; and

7. Evidence that the proposed open burning has been approved by any fire department which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of subsection (3)(F) or (G).

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EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)
FRM: 65 FR 8060 (2/17/00)
PRM: 61 FR 10968 (3/18/96)
State Submission: 11/12/99
State Final: 10 C.S.R. 10-5 (1/29/95)
APDB File: MO-76
Description: This rule specifies restrictions for open burning of various types of refuse and materials in the St Louis nonattainment area.

CFR: 40 C.F.R. 52.1320(c)
FRM: 49 FR 34484 (8/31/84)
PRM: None
State Submission: 4/17/84
State Proposal: 8 MR 1406 (12/1/83)
State Final: 9 MR 659 (4/2/84)
APDB File: MO-50
Description: The EPA approved a revision to the regulation which: (1) added permit 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)(i)
FRM: 45 FR 17145 (3/18/80)
PRM: 44 FR 52001 (9/6/79)
State Submission: 8/28/78
State Proposal: Unknown
State Final: Unknown
APDB File: MO-03
Description: The EPA approved recodification of the rule from Regulation VI (St. Louis Metropolitan Area) to 10 C.S.R. 10-5.070.

CFR: 40 C.F.R. 52.1320(a)(2)
FRM: 37 FR 10842 (5/31/72)
PRM: None
State Submission: 1/24/72
State Proposal: Unknown
State Final: (effective 3/24/67; revised 9/18/70)
APDB File: MO-00
Description: The EPA approved Regulation VI (St. Louis Metropolitan Area) as part of the original SIP submission.

Difference Between the State and EPA-Approved Regulation

None.