

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” is a portable or stationary 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. The use of an air curtain destructor is considered controlled open burning subject to the opacity requirements of Section 17.0 (Regulation of Visible Emissions) of these Regulations.

“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 unconfined burning of combustible material where no equipment has been provided or used for the control of air for combustion.

“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.

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 in Knox County outside the Knoxville City limits 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. Open burning within Knoxville City limits is expressly prohibited by City Ordinance Section 13-8.

- 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 where the land is being maintained for the following purposes:
 - 1. Established private residences, consisting of one or two dwelling units.
 - 2. 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 (trees, shrubs, etc.) are grown for transplanting, for use as stocks for budding and grafting, or for sale.
 - 3. Established church congregational property.

This 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 fire-fighting 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 the structure is free of asbestos;
 - b. Certification that the structure is free of asphalt shingles;
 - c. Certification that the burn is for training purposes;
 - 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 or an elimination of a fire hazard. Therefore, such activity deemed not for training or fire hazard elimination purposes is prohibited.

C. (Reserved)

D. Such other open burning as may be approved by the Director of the Knox County Department of Air Quality Management where there is no other practical , safe, and/or lawful method of disposal. Documentation demonstrating why the requirements of Section 16.0 of these Regulations 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.

Open burning of materials must be conducted in conformity with the following conditions:

1. All material to be burned must be dry and in other respects be in a state to sustain good combustion.
2. No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.

3. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.
4. For open burning exceeding one month in duration, alternate disposal methods must be investigated and a written report of progress must be delivered to the Knox County Department of Air Quality Management.
5. All changes in the types of, or increase in quantities of materials burned must be preceded by notification to the Department for Director's review. The Director will determine whether to approve or disapprove the changes. This notification must be delivered to the Knox County Department of Air Quality Management.
6. Nothing in this Section is intended to preclude, or restrict, the Knox County Department of Air Quality Management from stipulating additional requirements as a condition of permitting or denying a permit as it deems appropriate.

16.5 Open Burning Conditions - With Permit

All open burning shall be between the hours of 9:00 a.m. and 3:00 p.m. or as authorized by the Department.

- A. All vestiges of open burning shall be non-existent in the air no later than 4:00 p.m.
NOTE: Materials may not be burned in piles exceeding 144 cubic feet.
- 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. These 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.

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