

Milton Township Fire Department

Open Burning Policy

Individuals wishing to burn in Craig Beach Village and Milton Township are subject to both state and local EPA and fire regulations.

The Village of Craig Beach has adopted the State of Ohio's Burn Regulations in regards to Open Burning.

I. STATE EPA REGULATIONS

The Ohio Environmental Protection Agency has adopted Open Burning Standards for the entire state. These rules are applicable to all of Milton Township, but apply differently depending on the location of the land where the burning is to take place.

“Open Burning” in the Ohio EPA regulations means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.

A. BURNING IN RESTRICTED AREAS

Ohio Administrative Code Section 3745-19-03 relates to open burning in restricted areas. A “restricted area” is defined as all property within a municipal corporation, and an additional zone extending 1,000 feet beyond the boundaries of any municipal corporation with a population of less than 10,000 persons. Where the municipal corporation has a population greater than 10,000 persons, the restricted zone extends to one mile beyond the municipal corporation's boundaries.

Therefore, property located within the Village of Craig Beach and property located within 1,000 feet of the Village of Craig Beach is within a restricted area.

Individuals may not cause or allow open burning in a restricted area except as specifically permitted by the Ohio Administrative Code. **The Code does permit open burning, without notification to the EPA, for the following purposes:**

1. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

2. Bonfires, campfire, and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
 - a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
 - b) They are not used for waste disposal purposes; and
 - c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

These fires may not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

Additional open burning is permitted under the Administrative Code, **if prior notification is given to the Ohio EPA**, and meets one of the following purposes for open burning:

1. Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, that open burning is the only appropriate disposal method.
2. Bonfires or campfires used for ceremonial purposes that do not meet the requirements for bonfires or campfires set forth above, provided the following conditions are met:
 - a) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours.
 - b) They are not used for waste disposal purposes; and
 - c) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

An individual or landowner may also dispose of agricultural waste generated on the premises if the following conditions are observed:

1. The fire is set only when atmospheric conditions will readily dissipate contaminants.
2. The fire does not create a visibility hazard on roadways, railroad tracks or air fields;
3. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
4. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
5. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products. Again, prior notification must be given to the Ohio EPA in accordance with the Ohio Administrative Code to burn agricultural waste generated on the premises.

“Agricultural waste” is defined as any waste material generated by crop, horticulture, or livestock production practices, and includes such items as woody debris and plant matter from

stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste, buildings, garbage, dead animals, animal waste, motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

“Landscape waste” means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

“Land clearing waste” is defined as plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

Because most property within the restricted area is not outside of the 1,000 feet distance requirement, it is unlikely that a permit will be granted for the burning of land clearing waste within the restricted areas of Craig Beach Village and Milton Township.

B. BURNING IN UNRESTRICTED AREAS

Those areas in Milton Township outside of the 1,000 foot or one mile limitations are in an unrestricted area.

Similar to the restricted area regulations, individuals or homeowners **may burn in an unrestricted area without notification to or permission from the Ohio EPA, for the following purposes:**

1. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.
2. Bonfires, campfires and other outdoor fireplace equipment, whether cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes if the following conditions are met:
 - a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any dry burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
 - b) They are not used for waste disposal purposes;
 - c) They have a total fuel area of three feet or less in diameter, and two feet or less in height except when such fires used for ceremonial purposes, may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.
3. Disposal of agricultural waste generated on the premises if the following conditions are observed:

- a) The fire is set only when atmospheric conditions will readily dissipate contaminants;
 - b) The fire does not create a visibility hazard on roadways, railroad tracks or air fields;
 - c) The fire is located at a point on the premises not less than 1,000 feet from any inhabited building not located on said premises;
 - d) The waste is stacked and dried to provide the best practicable condition for efficient burning; and
 - e) No materials are burned which contain rubber, grease, asphalt, or liquid petroleum products.
4. Open burning is also permitted for the prevention or control of disease or pests with written or verbal verification of the Ohio EPA or from the local Health Department that open burning is the only appropriate disposal method.

C. OBTAINING EPA PERMISSION

When permission to burn is required by the EPA, an application must be submitted, in writing, at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. The application must be on a form required by the Ohio EPA. Permission to burn will not be granted by the EPA unless the applicant demonstrates that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect on adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to minimize air pollutants. Permission to open burn must be obtained for each specific project.

D. EPA SANCTIONS AND PENALTIES

Violations of the any of the conditions set forth by the EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

Individuals or property owners violating the EPA rules may be assessed a fine by the Director of the EPA of not more than \$250.00 per day for each separate violation of the rules for open burning on residential property, and not more than \$1,000.00 per day for each separate violation of the rules for open burning on industrial, commercial, institutional, or municipal property.

In addition, the Director of the EPA may request the Attorney General to initiate legal action to seek penalties of not more than \$25,000.00 for each day of each violation of the EPA rules.

Finally, even when the EPA rules do permit open burning, or even when permission is granted by the Ohio EPA, individuals or landowners must still comply with any other section of the Ohio

Revised Code, any regulation of the State Fire Marshal's office, or any local ordinance or regulation dealing with open burning.

To view the EPA rules in their entirety, go to www.codes.ohio.gov/oac/3745-19.

Additional information may also be obtained by contacting the Mahoning-Trumbull Air Pollution Control Agency, A Division of the Youngstown City Health District, Oakhill Renaissance Place, 2nd Floor - Room 25, 345 Oak Hill Avenue, Youngstown, Ohio 44502-1454. Phone (330) 743-3333 ext 282. Fax (330) 744-1928.

This policy was adopted by the Milton Township Board of Trustees on October 19, 2010