

PROHIBITED EMISSIONS

040.035 OPEN BURNING (Amended 4/88, 8/25/93; Renamed and Revised 09/26/19)

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.
3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Open burns include all outdoor fires with the exception of:
 - a. Recreational fires;
 - b. Prescribed fires; and
 - c. Fires set for training purposes as defined in Section 040.040.

1. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
2. Smoke from open burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Open burning will not be allowed if concentrations of any pollutant are exceeded, or expected to exceed any NAAQS.
3. Open burning is exempt from opacity standards as defined in Section 010.106.
4. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all open burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Open burning within Washoe County shall meet local fire control agency requirements. Fire control agencies shall consider the following criteria when approving open burning and determining permissible burn days:
 - a. Consideration of reasonable alternatives to burning and;
 - b. Current and forecasted air quality conditions and;
 - c. Current and forecasted weather conditions and;
 - d. Potential nuisances from smoke and;
 - e. Consideration of smoke impacts from all approved open burns.
2. Open burning is not allowed for properties located within: 1) a PM or CO “non-attainment” area as specified in 40 CFR 81.329, or 2) areas with an EPA approved Maintenance Plan for PM or CO, except under one of the following conditions:
 - a. Properties 2 acres in size or greater;
 - b. Divisions of state or federal government;
 - c. Divisions of local municipalities;
 - d. Canal and irrigation companies;
 - e. The owner of any property where the fire control agency and the Control Officer jointly determine based on an on-site inspection that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. No persons shall conduct open burning without approval from the local fire control agency.
2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year’s open burning program. The report shall be submitted annually each year for the previous calendar year activities