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# **RULES for AIR QUALITY CONTROL Chapter 391-3-1**

**Effective: December 20, 2009**



**Georgia Department of Natural Resources  
Environmental Protection Division  
Air Protection Branch**

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**391-3-1-.02(5)**

**(5) Open Burning.**

**(a) No person shall cause, suffer, allow, or permit open burning in any area of the State except as follows:**

1. Reduction of leaves on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation.
2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
3. The "prescribed burning" of any land by the owners or the owner's designee.
4. [reserved]
5. For recreational purposes or cooking food for immediate human consumption.
6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
7. Acquired structure burns provided that an Authorization to Burn certificate has been issued by the Division.
8. Disposal of vegetative debris from storm damage.
9. For weed abatement, disease, and pest prevention.
10. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
11. Open burning for the purpose of land clearing or construction or right-of-way maintenance provided the following conditions are met:
  - (i) Prevailing winds at the time of the burning are away from the major portion of the area's population;
  - (ii) The location of the burning is at least 1,000 feet from any occupied structure, or lesser distance if approved by the Division;
  - (iii) The amount of dirt on or in the material being burned is minimized;
  - (iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned; and
  - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
12. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.

13. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:

(i) Authorization for such open burning is received from the fire department, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;

(ii) The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by the Division;

(iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air curtain destructors;

(iv) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;

(v) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;

(vi) The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;

(vii) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and

(viii) The air curtain destructor cannot be fired before 10:00 a.m. and the fire must be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

**(b) Specific County Restrictions.**

1. In the counties of Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 2, 5, 6, 10 and 12 under subsection (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset.

2. In the counties of Banks, Barrow, Bibb, Butts, Catoosa, Chattooga, Clarke, Columbia, Crawford, Dawson, Floyd, Gordon, Haralson, Heard, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Peach, Pickens, Pike, Polk, Putnam, Richmond, Troup, Twiggs, Upson, and Walker the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 2, 3, 5, 6, 10 and 12 under subsection (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset.

3. [reserved]

4. Except as noted in subsections 1, 2, and 3 above, in the counties whose total population, as listed in the latest census, exceeds 65,000, the only legal exceptions to the general prohibition against open burning shall be exceptions numbers 1, 2, 3, 5, 6, 7, 10, 12, and 13 under subsection (a) above, provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset and does not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the state as is affected thereby.

**(c) Except for a reasonable period** to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent shall be emitted from any source of open burning listed in subsections (a) and (b) above, except as follows. Prescribed burning, slash burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.

**(d) The Director** may allow open burning prohibited under paragraphs (a) and (b), upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the state of Georgia, or there are no reasonable alternatives to the open burning.

**(e) Prescribed burning** conducted under subparagraph (b)2. is subject to authorization by the Georgia Forestry Commission to include burning restrictions during periods that are conducive to the formation of ozone. Federal facilities which conduct prescribed burning in accordance with subparagraph (b)2. that are not required to obtain authorization from the Georgia Forestry Commission for such burning shall institute measures to ensure that prescribed burning is not conducted during periods conducive to the formation of ozone.

**(f) Definitions.**

1. "Prescribed burning" means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplishes one or more planned land management objectives as specified in paragraphs 12-6-146(3), (4), and (7) of the Georgia Prescribed Burning Act or to mitigate catastrophic wildfires. Burning to facilitate land use changes (such as a change from forest land to residential, commercial, or industrial development or a different agricultural use) is not considered prescribed burning, and should therefore be considered a land clearing operation subject to the provisions of subparagraph 391-3-1-.02(5)(a)11. (Note: This definition includes what was previously defined as prescribed burning and as slash burning.)

2. [Reserved.]

3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire fighting personnel or arson investigators.