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# **Rules for Air Quality Control Chapter 391-3-1**

**Effective: December 26, 2001**



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

**4244 International Parkway, Suite 120  
Atlanta, Georgia 30354  
Phone: 404/363-7000  
Fax: 404/363-7100**

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## **GEORGIA DEPARTMENT OF NATURAL RESOURCES**

The Department of Natural Resources is an equal opportunity employer and offers all persons the opportunity to compete and participate in each area of DNR employment regardless of race, color, religion, sex, national origin, age, handicap, or other non-merit factors.

(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. Destruction of combustible demolition or construction materials either on site or transported to a burning facility upon approval by the Director, unless prohibited by local ordinance and/or regulation;
4. The “prescribed burning” of any forest land by the owners or the owner’s designee;
5. The “slash burning” of any forest land by the owners or the owner’s designee;
6. For recreational purposes or cooking food for immediate human consumption;
7. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity and the guidelines set forth by the Director are strictly observed;
8. Disposal of tree limbs 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. Setting and maintenance by contractors and tradesmen of miscellaneous small fires necessary to such activities as street-paving work installation or repair of utilities, provided that such fires are kept small in size, no smoke emissions exceed 40 percent opacity, and that local ordinances and regulations do not prohibit such actions;
12. (i) Authorization for such open burning is received from the fire department and the Georgia Forestry Office, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;
- (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 dwelling located in a predominantly residential area;
  - (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;
  - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
13. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations;
14. 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 and the Georgia Forestry Office, 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.

(b) Specific County Restrictions.

1. In the counties of Cherokee Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale, 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, 6, 7, 10, 11, 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.
2. Beginning in calendar year 2001, in the counties of Bartow, Carroll, Hall, Newton, 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, 6, 7, 10, 11, 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.
3. Beginning in calendar year 2001, in the counties of Banks, Barrow, Butts, Chattooga, Clarke, Dawson, Floyd, Gordon, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Troup and Upson, 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, 4, 6, 7, 10, 11, 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.
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, 4, 5, 6, 7, 10, 11, 13, and 14 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. If it can be demonstrated that adequate disposal facilities for the particular combustible materials involved are not reasonably available, the other items under subsection (a) may also be allowed upon approval by the Division.

(c) A written notification to a person of a violation at one site shall be considered adequate notice of the rules and regulations and subsequently observed violations by the same person at the same or different site will result in immediately appropriate legal action by the Director.

(d) 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.

(e) During an air pollution episode declared by the proper authorities, no open burning of any kind shall be permitted unless open burning is required in the performance of an official duty of any public office, or a fire is necessary to thwart or prevent a hazard which cannot be properly managed by any other means, or is necessary for the protection of public health.

(f) Definitions.

1. "Prescribed burning" is a fire set under controlled conditions to burn forest under story and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.
2. "Slash burning" is a fire set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.