

61-62.2

Prohibition of Open Burning

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OPEN BURNING IS PROHIBITED EXCEPT AS PROVIDED BELOW:

SECTION I - Exceptions

A. Open burning of leaves, tree branches, or yard trimmings originating on the premises of private residences and burned on those premises.

B. Open burning in connection with the preparation of food for immediate consumption.

C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth. Fires set for the purpose of human warmth must use only clean wood products (woody vegetation, leaves, or wood which is not coated with stain, paint, glue or other coating material, and not treated lumber).

D. Fires purposely set in accordance with Smoke Management Guidelines for Vegetative Debris Burning Operations in South Carolina, administered by the South Carolina Forestry Commission and acceptable to the Department to include the following:

1. Prescribed burning of forest lands for specific management practices;
2. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes; and
3. Open burning of trees, brush, grass, and other vegetable matter for game management purposes.

E. Open burning in areas other than predominantly residential for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following minimum conditions are followed:

1. The location of the burning must be a sufficient distance but not less than one-thousand (1000) feet from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted;
2. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public roadway or a residential, commercial, or industrial site;
3. The material to be burned must have been generated onsite and not moved to the site from another location;
4. The amount of dirt on the material being burned must be minimized;
5. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned;
6. The initial burning must be started only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day;
7. No more than two (2) piles thirty (30) feet by thirty (30) feet or equivalent may be burned within a six (6)-acre area at one time; and
8. In the case of land clearing, all salvageable timber and pulpwood must be removed.

F. Fires set for the purposes of training fire-fighting personnel and conducted at permanent fire-fighter training facilities. Prior Department approval is required in order to obtain the exemption as a permanently established training site. Fires set for the purpose of fire-fighter training at non-permanent locations must receive Department approval prior to the initiation of any burning activity. Materials used for fire-fighter training cannot contain asbestos, heavy oils, asphaltic material, plastic or rubber without express written consent from the Department.

G. Open burning on the property where it occurs of residential construction waste from building and construction operations will be exempt only if the following conditions are met:

1. The material being burned is residential construction waste associated with the building and construction of one and two family dwellings only;
2. The location of the burning is at least five-hundred (500) feet from any occupied structure other than a dwelling or structure located on the property on which the burning is conducted;
3. Heavy oils, treated wood products, asphaltic materials, items containing natural or synthetic rubber, or any other trade wastes which produce smoke in excess of forty (40) percent opacity are not burned;
4. The burning does not occur during the ozone season (April 1 through October 30); and
5. The burning is conducted only between the hours of 9:00 a.m. and 3:00 p.m.

H. Open burning, in remote or specified areas:

1. For non-recurring unusual circumstances.
2. For experimental burning for purposes of data gathering and research.

However, prior approval for these types of burning (in subparagraph H above) must be obtained from the Department.

SECTION II - General

A. A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in appropriate legal action.

B. Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation.

C. The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above whenever in the judgment of the Department such is necessary to realize the purpose of this Regulation.