

EXPLANATION: Matter in (1) Blue Underline is proposed language to be added to the current Open Fires regulation and was presented at the June/July 2019 public workshops; (2) ~~Red Strikethrough~~ is proposed language to be deleted from the current Open Fires regulation and was presented at the June/July 2019 public workshops; (3) Green Underline is proposed language to be added to the June/July 2019 version; (4) ~~Red Double Strikethrough~~ is proposed language to be deleted from the June/July 2019 version.

~~040.035 OPEN FIRES (Amended 4/88, 8/25/93)~~

~~A. As used in this section, "open fire" includes all outdoor fires which are not confined in a District approved incinerator, except those which are set during camping and other recreational activities for the purpose of preparing food or for warmth. It is unlawful to burn, or cause to be burned, any combustible refuse in any outdoor waste burner, unless that burner is an incinerator with a valid Permit to Operate, approved by the Control Officer and in compliance with the provisions of Sections 040.010, 040.046, 040.050 and 040.055. Prescribed burns are governed by the rules of part D of this section.~~

~~B. Except as provided in this section and Section 040.040, no person may burn or cause to be burned, any material in an open fire within the Health District without a valid open burning permit. Under no condition shall an open fire be used to dispose of any vegetative material or other solid waste within the Truckee Meadows hydrographic basin, except as provided under Section 040.035 (C).~~

~~C. Effective September 1, 1993, within the Truckee Meadows hydrographic basin may be issued only to the following persons:~~

~~1. Divisions of local municipalities;~~

~~2. Divisions of state or federal government;~~

~~3. Operators of agricultural facilities greater than 2 acres in size;~~

~~4. Operators of ditch and water delivery facilities;~~

~~5. The owner of any property where the fire control agency and the Air Quality 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.~~

~~6. Open burn permits may be issued to any person for burning to be conducted outside the Truckee Meadows hydrographic basin.~~

~~D. All open burning permits within the Health District must comply with the following terms, conditions and limitations:~~

~~1. Open burn permits within the Health District shall be issued by the appropriate fire control agency. Such permits may only be issued for burning from March 1 through October 31.~~

~~2. The permit shall set forth conditions of burning which will limit the impact of burn related emissions. Materials other than vegetation, such as construction debris, wood, rubber, plastics, household refuse, etc. may not be burned. The fire control agencies shall attach to each open burn permit an information packet which shall be provided by the Air Quality Control Officer.~~

~~3. Open burn permits shall be issued by the fire control agencies only in cases where no reasonable or cost effective alternatives exist.~~

~~4. The fire control agencies shall notify the Air Quality Control Officer of all open burn permits at the time of issuance upon request. The Air Quality Control Officer shall provide a form for making such notification.~~

~~5. Fire control agencies shall notify the Air Quality Control Officer at least five (5) days in advance of any periods for which they plan to allow open burning.~~

~~6. The fire control agencies shall have responsibility for the physical inspection each site and the materials to be burned to determine compliance with fire safety and other applicable codes and requirements prior to the burn.~~

~~7. The open burn permit holder shall contact the local fire control authority to determine if open burning is allowed on the day on which the permittee plans to burn. Open burning permits may be suspended whenever the Air Quality Control Officer determines that adverse meteorological conditions exist.~~

~~8. A copy of the open burn permit shall be available at the site of the open burn and shall be presented to the fire control agency representative and/or Air Quality Control Officer upon request.~~

~~9. All provisions and conditions imposed by the permit must be strictly followed by the permit holder. Failure of the permittee to comply with all such provisions and conditions constitutes a violation of these regulations.~~

~~10. Compliance with all applicable codes and requirements for open burning is the responsibility of the person(s) obtaining and using the open burn permit.~~

~~E. The Control Officer may allow prescribed burning in forest areas during favorable air dispersion conditions. For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions. Prescribed burns shall not be subject to the burn period limitations of **Section 040.035 (C)**~~

~~A prescribed burning permit, issued by the Air Quality Control Officer, shall be required for all prescribed burns. Prescribed burn permits may only be issued to local fire control authorities or managers of the Forest Service, Bureau of Land Management and Nevada Division of Forests for lands under their control and jurisdiction. The Air Quality Control Officer shall review the smoke management portion of the burn prescription and set forth conditions of operation to limit the air quality impacts of burn related emissions.~~

~~Any application for a prescribed burn permit must be submitted at least ten (10) days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn prescription and any other information as required by the Air Quality Control Officer. The burn prescription shall be available at the site of the burn and shall be presented to the Air Quality Control Officer upon request.~~

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 ~~combustible material, substance or refuse~~ 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:
 - i. Recreational fires;
 - ii. Prescribed fires; and
 - iii. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. 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.
4. Open burning is exempt from opacity standards as defined in Section 010.106.
5. 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" ~~or~~ "maintenance" 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.