

A Guide to Legal and Safe Open Burning of On-Farm Wastes in Tennessee



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INTRODUCTION

Opening burning is strictly prohibited in Tennessee by enforced regulations

<http://www.state.tn.us/sos/rules/1200/1200-03/1200-03-04.pdf> However, exceptions to the general prohibition allow opening burning of limited types of wastes. Tennessee farmers have repeatedly been cited for violating open burning regulations, which indicates that many agricultural producers are either unaware of the open burning prohibition or unclear how the exceptions apply to on-farm wastes. This publication provides guidance to the Tennessee farm community so that open burning can be conducted legally and safely.

Please note that open burning ultimately cannot be conducted without some safety risk and will always create undesirable air pollution and nuisances. If you are interested in more environmentally friendly methods of disposal, such as composting, contact your county University of Tennessee Extension office for assistance.

QUESTIONS AND ANSWERS

Q1. WHAT IS OPEN BURNING?

Open burning is combustion for disposal purposes that occurs without a smoke stack being present. Specific examples are combustion of on-ground piles of waste, waste within fire pits dug into the ground and waste burned in barrels.

Open burning is generally prohibited in Tennessee but exceptions to the prohibition exist for certain materials, as discussed below. Commonsense exceptions include open burning for cooking and comfort heating purposes such as barbecuing, campfires and outdoor fireplaces.

Q2. ARE THERE FINES FOR ILLEGAL OPEN BURNING?

Yes – TDEC can assess a fine of up to \$25,000 per incident if banned material, and are particularly prone to fine violations in which prohibited materials are burned (see Question 3). Under Division of Forestry rules, it is also a Class C misdemeanor, punishable by a 30-day jail term and \$50 fine, to burn even excepted material (see Question 4) without a permit during Tennessee’s fire season (October 15 to May 15).

Q3. ARE THERE MATERIALS FOR WHICH OPEN BURNING IS ALWAYS PROHIBITED?

Yes – the following materials cannot be disposed of by open burning in ANY quantity:

- Trash, household garbage or other household wastes.
- Plastics of any kind.
- Aerosol or chemical cans.
- Paper or newspaper.
- Tires.
- Rubber of any kind.
- Vinyl and asphalt roofing, shingles and siding.
- Anything that contains asbestos.

Examples of on-farm wastes that should never be open burned include:

- Pesticides and herbicides.
- Veterinary supplies.
- Oils or greases.
- Plastic wrapping used for in-field storage of hay or silage.
- Plastic used for weed control on vegetable farms.
- Wiring (e.g., as a means to remove the coating).

Q4. WHAT EXCEPTIONS EXIST TO THE OPEN BURNING PROHIBITION?

The following materials can be disposed of by open burning without notifying the Tennessee Department of Environment and Conservation:

(1) Vegetation grown on your farm. Brush cleared from pastures or vegetation removed from crop fields can be disposed of by open burning. However, open burning of vegetation not grown at the burn site (i.e., on the same farm or property) is strictly prohibited.

(2) Wood waste when open burned greater than 200 feet of an occupied structure other than an on-farm house.

Wood waste includes:

- Bark.
- Sawdust.
- Wood shavings.
- Wood chips.
- Unpainted and unstained dimensional lumber; for example, from an old barn.

Wood waste does **NOT** include:

- Pressure treated lumber.
- Creosote soaked lumber or cross ties.
- Plywood.
- Particleboard.
- Fiberboard.
- Paneling.
- Painted or stained dimensional lumber.
- Paper.
- Cardboard.

Q5. CAN I OPEN BURN MANUFACTURED WOOD OR WOOD FIBER PRODUCTS?

If you abide by and certify compliance with a regulatory setback requirement, you can legally open burn manufactured lumber and uncoated wood fiber products. This exception includes plywood, particleboard, fiberboard and paneling, as well as uncoated paper and cardboard. Lumber treated with chemicals to resist rot and insects is strictly prohibited (e.g., pressure-treated or creosote-soaked lumber). Painted lumber of any kind is also prohibited. You **MUST** make sure even incidental amounts of prohibited materials such as tires and plastics of any kind are **NOT** present.

The burn site **MUST** be at least one-half mile from occupied structures and public areas:

- Occupied neighboring homes no on the same property as the burn site.
- Any public facility such as hospitals, schools and nursing homes (these facilities have populations that are likely sensitive to smoke).
- Airports and federal or state roads or highways (smoke will reduce visibility, creating a safety hazard in these areas).
- Recreational areas including national or state parks and reservations, forests and wildlife areas (smoke could be perceived as an eyesore or nuisance near these areas).

An exception to the occupied structure prohibition includes home(s) located on the same property where the open burning will be conducted.

Anyone considering burning manufactured wood and wood fiber products **MUST** provide the appropriate Tennessee Department of Environment and Conservation Environmental Field Office with a written certification that the one-half mile setback requirement will be followed. This certification must be provided at least 10 working days before open burning is conducted. The certification must also summarize the amount and types of materials to be burned (a simple handwritten note using the form in **Figure 1** should be acceptable). It is also advisable (but not required) to: (1) list the burn site address, your phone number and home address and a date range for the burn and (2) follow the note up with a phone call to make sure TDEC field office staff have an opportunity to preview the burn site and burn materials.

OPEN BURN CERTIFICATION FOR MANUFACTURED LUMBER & WOOD FIBER PRODUCTS

I, _____, plan to open burn approximately (fill-in and circle):

- _____ tons/cubic yards of manufactured lumber products.
- _____ tons/cubic yards of uncoated paper and cardboard.

I will abide by the one-half mile burn site setback required for:

- Occupied structures and public facilities.
- Federal and state highways and airports.
- National and state reservations, parks, forests and wildlife areas.

The burn pile will not contain chemically treated or painted lumber or prohibited materials such as tires, plastics and garbage. Priming materials will be limited to diesel fuel, kerosene, wood wastes and on-site vegetation.

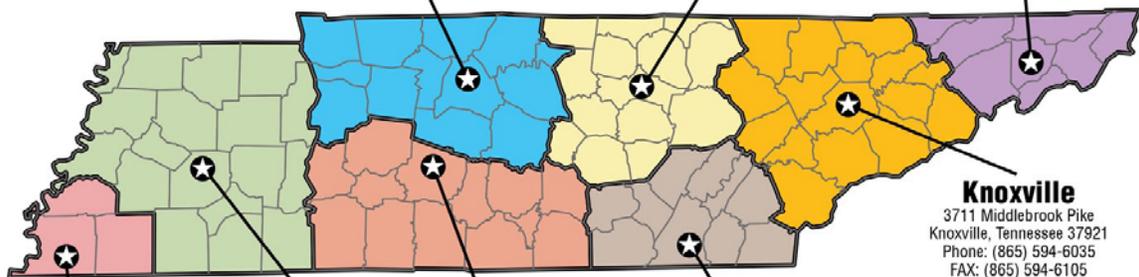
Environmental Field Offices

Have a Question about Tennessee's Environment?
Call 1-888-891-TDEC (8332)
ask.tdec@state.tn.us
www.tn.gov/environment

Nashville
711 R.S. Gass Boulevard
Nashville, Tennessee 37243
Phone: (615) 687-7000
FAX: (615) 687-7078
Barry Brawley, Director
Steve Janes, Admin. Manager

Cookeville
1221 South Willow Avenue
Cookeville, Tennessee 38506
Phone: (931) 432-4015
FAX: (931) 432-6952
Jimmie Lee Clark, Director
Jan Tollett, Admin. Manager

Johnson City
2305 Silverdale Road
Johnson City, Tennessee 37601
Phone: (423) 854-5400
FAX: (423) 854-5401
Mark Braswell, Director
Judy Jarrett, Admin. Manager



Memphis
8383 Wolf Lake Drive
Bartlett, Tennessee 38133
Phone: (901) 371-3000
FAX: (901) 371-3170
Cindy Patton, Director
Lauranda Redmond, Admin. Manager

Jackson
1625 Hollywood Drive
Jackson, Tennessee 38305
Phone: (731) 512-1300
FAX: (731) 661-6283
Rudy Collins, Director
Carol Pollan, Admin. Manager

Columbia
1421 Hampshire Pike
Columbia, Tennessee 38401
Phone: (931) 380-3371
FAX: (931) 380-3397
Joe Holmes, Director
Sheila Colston, Admin. Manager

Chattanooga
Suite 550 – State Office Building
540 McCallie Avenue
Chattanooga, Tennessee 37402
Phone: (423) 634-5745
FAX: (423) 634-6389
Steve Baxter, Director
Andra Kelley, Admin. Manager

Knoxville
3711 Middlebrook Pike
Knoxville, Tennessee 37921
Phone: (865) 594-6035
FAX: (865) 594-6105
Phil Chambers, Director
Cynthia Mabe-Johnson, Admin. Manager



Tennessee Department of Environment and Conservation
Brenda Apple, Senior Director
L&C Annex, 1st Floor
Church Street Nashville, TN 37243
(615) 532-0109

Figure 1. Sample open burn certification for manufactured lumber and wood fiber products and a map showing the locations and addresses of the TDEC Environmental Field Offices.

Q6. DO I NEED TO APPLY FOR A PERMIT?

Maybe. First, call your city and/or county government, because local restrictions and permitting requirements frequently exceed the state standards summarized herein. These local regulations will generally be in the form of county-wide zoning and fire department regulations, but are sometimes formed by the county emergency management agency or the city/county air pollution control authority. If there are location restrictions, a local permit is often required and you can expect to pay a nominal fee. Often, local permits will not be issued until a local authority inspects the burn site and burn materials.

You **WILL** need to obtain a free permit from the Tennessee Division of Forestry (TDF) if open burning meets all three of the following conditions:

- Burning will be conducted during the Tennessee forest fire season on or between October 15 and May 15 (this date range can be extended by the TDF to any other time of year if hazardous burning conditions exist).
- Burning will occur outside of an unincorporated town or city that has otherwise passed ordinances regarding open burning (where local open burning ordinances exist, TDF will not have the authority to issue a burn permit).
- The site is within 500 feet of a forest, grassland or woodland (almost certainly true).

This regulation helps prevent forest fires when open burning poses the most risk. Practically speaking, it means that on-farm open burning should occur between May 16 and October 14 and permits may be denied during some forest fire seasons. Contact the Tennessee Department of Agriculture, Division of Forestry at (615) 837-5520 and ask for the county Division of Forestry phone number or visit their website (<http://burnsafetn.org/>). Your local county office will issue your free open burning permit. It would be a good idea to check with the Division of Forestry anytime you are considering open burning, even outside of the normal forest fire season.

No open burning permit is required by TDEC. However, you do have to provide TDEC with a notice and certification if you will be burning manufactured wood products (see Question 5).

Q7. WHAT MATERIALS CAN BE USED TO PRIME OPEN BURNING PILES?

Kerosene and diesel fuel can be used to start open burning fires for the disposal of approved on-farm wastes. Used motor oil should **NOT** be used to prime open burning fires. “Wood waste” as defined above can also be used to prime open piles of brush and vegetation.

Q8. CAN I DISPOSE OF DEAD ANIMALS USING OPEN BURN PILES?

Yes, **but only if no other safe or practical method of disposal is available**, including principally burial and delivery to an approved landfill. The exception could generally be interpreted to mean an emergency situation to protect human and/or farm animal health and welfare.

Q9. WHAT OTHER THINGS SHOULD I BE CONSIDER WHEN OPEN BURNING?

(1) SAFETY! Never use volatile materials such as gasoline or paint thinner to start an open burn! These materials have repeatedly caused severe burn injuries and even deaths on farms. They are also illegal to use as open burning primers. Safer, less explosive fuels are allowed to prime open burn piles including diesel fuel and kerosene.

(2) FOREST FIRES! Open burning is the leading cause of forest fires in Tennessee. Fires can quickly get out of control if precautions are not taken before you begin:

- Obtain a permit from the Division of Forestry between October 15 and May 15.
- Control the perimeter of the burn site by removing vegetation and scraping the ground down to bare soil with a disk or plow (5 feet wide).
- Have tools and/or a water hose and helpers available to control the fire.
- Watch the weather. It’s best to burn early in the morning when it’s cool, the relative humidity is high and the wind is not gusting. Don’t burn in the middle of a very hot day when the wind is gusting.
- Keep debris piles small, gradually adding to the fires as they burn down. Large piles of burning debris generate intense heat capable of carrying relatively heavy embers up and across control lines away from the fire.
- Don’t burn at night.

- Don't burn on slopes, because embers can more easily start a forest fire.
- Don't burn under overhanging vegetation or where power and phone lines could be damaged by the heat.
- Be courteous and notify your neighbors. They will in turn keep an extra set of eyes on the burn site.
- **ABOSOLUTELY DO NOT** leave the fire until it is completely burned out. It's the law.

(3) LIABILITY! You **ARE** liable for damages caused by open burning even if you abide by all the state and local regulations and permitting requirements. You are also liable for expenses occurred by the Tennessee Division of Forestry for extinguishing forest fires created as a result of legal or illegal open burning.

Q10. CAN I OPEN BURN MATERIALS FROM A NATURAL DISASTER?

Flooding in Middle and West Tennessee during the spring of 2010 deposited large amounts of vegetation and woody waste on farms and destroyed barns and fencing. It is possible to dispose of these wastes by open burning if “no other safe and/or practical means of disposal is available” and “reasonable effort” is made to remove prohibited materials (see Question 3) from destroyed structures such as barns. Other practical means of disposal would include chipping and grinding for land application as mulch, landfilling and on-site burial. A certification to TDEC is not required, but you must still assure that (1) the burn does not cause a traffic hazard due to reduced visibility and (2) air pollution advisories are not in effect in the area of the burn.

SUMMARY

In certain situations, on-farm vegetation and clean wood waste can be efficiently disposed of by open burning. However, safety and compliance with existing regulations designed to protect human health and the environment and avoid nuisances should be given first priority. Be mindful that burning wastes other than on-site vegetation and clean wood waste is always illegal. Only burn approved waste generated on your own farm; never accept waste from another landowner or farmer for disposal, including open burning.

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