

**K.A.R. 28-19-648 AGRICULTURAL OPEN BURNING**

(a) Open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management shall be exempt from the prohibition on the open burning of any materials imposed by K.A.R. 28-19-645, provided that the following conditions are met:

(1) the person conducting the burn shall notify the local fire control authority with jurisdiction over the area before the burning begins, unless the appropriate local governing body has established a policy that notification is not required;

(2) a person shall not conduct a burn that creates a traffic safety hazard. If conditions exist that may result in smoke blowing toward a public roadway, the person conducting the burn shall give adequate notification to the highway patrol, sheriff's office or other appropriate state or local traffic control authorities before burning;

(3) a person shall not conduct a burn that creates an airport safety hazard. If smoke may affect visibility at an airport, the person conducting the burn shall give adequate notification to the appropriate airport authorities before burning; and

(4) the person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

(b) Nothing in this regulation shall restrict the authority of local jurisdictions to adopt more restrictive ordinances or resolutions governing agricultural open burning operations. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective March 1, 1996.)

K.A.R. 28-19-648

EPA Rulemakings

CFR: 40 C.F.R. 52.870(c)(32)(i)(B)

FRM: 61 FR 51366 (10/2/96)

PRM: 61 FR 51397 (10/2/96)

State Submission: 5/30/96

State Effective Date: 3/1/96

APDE File: KS-45

Description: The EPA approved a new rule which clarified the conditions under which agricultural open burning operations are exempt from the general prohibition in K.A.R. 28-19-645. The rule further provided that local authorities may adopt additional restrictions or requirements deemed appropriate.

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Difference Between the State and EPA-Approved Regulation

None.