

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Air Division

**Chapter 335-3-3**  
**Control of Open Burning and Incineration**

**335-3-3-.01      Open Burning**

(1) No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

- (a) Open fires for the cooking of food for human consumption on other than commercial premises;
- (b) Fires for recreational or ceremonial purposes;
- (c) Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;
- (d) Fires for prevention or control of disease or pests;
- (e) Fires for training personnel in the methods of fighting fires, provided that all requirements of ADEM Admin. Code R. 335-3-11-.02(12) are met;
- (f) Fires for the disposal of dangerous materials where there is no practical alternate method of disposal and burning is approved by the Director;
- (g) Fires set for recognized agricultural, silvicultural, range, and wildlife management practices;
- (h) Fires set in salamanders or other devices utilizing only wood, vegetation, coal, propane, kerosene, fuel oil or used oil (used oil as defined in ADEM Admin Code Chapter 335-14-17 as fuel, and used by construction or other workers for heating purposes;
- (i) Open fires specifically or expressly approved by the Director.

(2) Open burning may also be conducted for the purposes listed below and if it meets all the requirements of this paragraph. Authority to conduct open burning under the provisions of this paragraph does not exempt or excuse a person from the consequences, damages, or injuries which may result from such conduct, nor does it exempt or excuse a person from complying with all applicable laws, ordinances, regulations, and orders of governmental entities having jurisdiction, even though the open burning is conducted as specified in this paragraph.

- (a) Open burning of vegetation or untreated wood may be conducted if its is generated by clearing or maintaining land, or from demolition or operations conducted for any of the following purposes:

- (1) Erection of any structure;
  - (2) Construction of any transportation, utility, or communications line;
  - (3) Maintenance of rights-of-way;
  - (4) Development or modification of a recreational or commercial area;
  - (5) Plant husbandry practices.
- (b) Open burning authorized by this paragraph shall comply with the following conditions:
- (1) The burning must take place on the property on which the combustible fuel originates;
  - (2) The location of the burning must be at least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted;
  - (3) The burning must be controlled so as to avoid creating a traffic hazard on any public road, street, or highway as a result of the air contaminants emitted;
  - (4) Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash;
  - (5) Initial burning may be commenced only between the hours of 8:00 a.m. and 3:00 p.m. No combustible materials is to be added to the fire between 3:00 p.m. and 8:00 a.m. the following day;
  - (6) Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a “Drought Emergency” declared by the Governor;
  - (7) The fire shall be attended at all times.
- (c) The Director or his authorized representative may impose additional conditions to cover specific open burning situations where additional controls or requirements are deemed necessary to minimize air pollution.
- (d) Permission to open burn under the provisions of this paragraph is revoked during the months of May, June, July, August, September, and October in Baldwin, DeKalb, Etowah, Jefferson, Lawrence, Madison, Mobile, Montgomery, Morgan, Shelby, Russell, and Talladega Counties.

**Author:** James W. Cooper and John E. Daniel

**Statutory Authority:** Code of Alabama 1975, Secs. 22-28-14, 22-22A-5, 22-22A-5, 22-22A-6, and 22-22A-8.

**History: Effective date:** January 18, 1972.

**Amended:** November 21, 1996, September 25, 1997, September 7, 2000, April 3, 2003, October 2, 2003, March 22, 2005, April 4, 2006.

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1 <sup>st</sup> Revision	OCT 31, 1989	MAR 19, 1990	55 FR 10062
2 <sup>nd</sup> Revision	OCT 30, 1996	AUG 05, 1997	62 FR 30991
3 <sup>rd</sup> Revision	AUG 28, 1997	JAN 07, 1998	63 FR 674
4 <sup>th</sup> Revision	AUG 16, 2000	DEC 08, 2000	65 FR 76938
5 <sup>th</sup> Revision	MAR 13, 2003	APR 24, 2003	68 FR 20075
6 <sup>th</sup> Revision	FEB 23, 2005	DEC 28, 2005	70 FR 76694
7 <sup>th</sup> Revision	SEPT 11, 2003	MAR 09, 2006	71 FR 12138
8 <sup>th</sup> Revision	MAR 09, 2006	JUN 22, 2006	71 FR 35801
9 <sup>th</sup> Revision	JAN 8, 2008	SEP 15, 2008	73 FR 53134

**335-3-3-.02      Incinerators**

(1) Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.

(2) No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse charged; provided that: for incinerators of more than 50 tons per day charging rate, particulate matter in the exhaust gases may not exceed 0.10 pounds per 100 pounds of refuse charged. (*Amended July 26, 1972*)

(3) Emission tests shall be conducted at maximum burning capacity of the incinerator.

(4) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

(5) For the purposes of this Part, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

**Author:** James W. Cooper and John E. Daniel

**Statutory Authority:** Code of Alabama 1975, Secs. 22-28-14, 22-22A-5, 22-22A-5, 22-22A-6, and 22-22A-8.

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**335-3-3-.03      Incineration of Wood, Peanut, and Cotton Ginning Wastes**  
(Amended July 26, 1972)

(1) No person shall cause or permit to be emitted into the open air from any incinerator which incinerates wood, peanut, or cotton ginning wastes, particulate matter in the exhaust gases to exceed 0.40 pounds per 100 pounds of material charged. (Amended July 26, 1972)

(2) Emission tests shall be conducted at maximum burning capacity of the incinerator.

(3) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or other such rate as may be determined by the Director in accordance with good engineering practices. In case of conflict, the determination made by the Director shall govern.

(4) Each incinerator subject to this Part shall be properly designed, equipped, and maintained for its maximum burning capacity and shall be equipped with a temperature recorder which shall be operated continuously with the incinerator; and the temperature records shall be made available for inspection at the request of the director and shall either:

(a) be equipped with an underfire forced air system, which shall be electronically controlled to insure that optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator, and a variable damper, or

(b) consist of an all-metal shell with a refractory lining, circular furnace, and a built-in cinder catching system for either reburning or other disposition; all primary combustion air shall be supplied under pressure through nozzle openings located around the periphery of the lower furnace; over-fire air shall be provided under pressure through ports which shall be directed downward and tangentially in the same direction as the primary air; cinder collection shall be accomplished by the provision of openings through the shell located above the furnace section. (Amended July 26, 1972)

(5) Each incinerator subject to this Rule shall be properly designed, equipped, and maintained for its maximum rated burning capacity and shall be equipped with an underfire forced air system, an over-fire air recirculation secondary construction system, and variable control damper, all of which shall be electronically controlled to insure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator. Each such incinerator shall be equipped with a temperature recorder which shall be operated continuously with the incinerator, and the temperature records shall be made available for inspection at the request of the Director.

**Author:** James W. Cooper and John E. Daniel

**Statutory Authority:** Code of Alabama 1975, Secs. 22-28-14, 22-22A-5, 22-22A-5, 22-22A-6, and 22-22A-8.

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