

METROPOLITAN HEALTH DEPARTMENT

REGULATION NO. 1

Prevention, Abatement and Control of Air Control Contaminants From Open Burning

1. **Purpose** - This regulation is adopted for the purpose of preventing, abating, and controlling air pollution caused by air contaminants discharged into the air from open burning.

2. **Definitions** (as used in this regulation)

Air Curtain Destructor - A device employing an air blower with a pit incinerator approved by the Director of Health.

Approved - Means approved in writing by the Director of Health.

Director - The chief administrative officer of the Metropolitan Board of Health or his designated representative.

Open Burning - Any fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

3. **Open Burning Prohibited**

No person shall cause, suffer, allow or permit open burning except as specifically permitted by this regulation.

4. **Exceptions to Prohibition**

Open burning as listed below may be conducted, subject to the specified limitations and provided further that no public nuisance is or will be created by such open burning. This grant of exemption shall in no way relieve the person responsible for such burning from the consequences of or the damages or injuries resulting from such burning.

- a. Domestic burning of leaves and small tree limbs, less than three inches in diameter, at a residence where collection for such material is not available. The determination of availability will be made by the Director. Burning of tree limbs cut as a commercial service by tree surgeons or other persons is prohibited.
- b. Ceremonial or recreational fires of reasonable size and duration. Such fires may not contain material such as rubber, plastics or similar fuse.
- c. Fires set for the training and instruction of public or private fire-fighting

personnel when approval is received from the Director.

- d. Smokeless emergency or safety flares.
 - e. Fires used for disposing of materials grown on that tract land, provided the following conditions are met.
 - 1. Burning is done using an air curtain destructor or other approved device, at suitable sites as approved by the Director, when such devices are operated in a manner satisfactory to the Director, and with a valid permit obtained from the Director.
 - 2. The burning will take place on days and hours designated by the Director. Designated days of burning will always be tentative, and will be regulated according to weather conditions.
 - 3. Within the jurisdiction of the Fire Marshal for the Metropolitan Government of Nashville and Davidson County, permission must be obtained indicating that no safety hazard will be created by this burning.
 - f. Failure to comply with these conditions will result in revocation of the permit.
5. Nothing in this regulation is intended to permit any practice which is a violation of any statute, ordinance or regulation.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF OCTOBER 11, 1989

	Date Submitted to EPA	Date Approved by EPA	Final Federal Register
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