

# **Middletown Fire Protection District**

## **Open Burning Informational Packet**

Middletown Fire Headquarters 502-245-7555

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### **The Middletown Fire Protection District and Open Burning**

Open burning is a permit required activity in Louisville/Jefferson County. The authority having jurisdiction over open burning is the Louisville Metro Air Pollution Control District (APCD). Even fire departments in the Louisville Metro area must apply for a burn permit from the APCD when they want to burn a structure for training purposes.

Please take a moment to educate yourself about open burning, the Air Pollution Control District, and how to get a permit.

The following is information and excerpts about the Louisville Metro Air Pollution Control District and was retrieved from [www.louisvilleky.gov/APCD](http://www.louisvilleky.gov/APCD) on 10/10/2010.

### **What Is Open Burning?**

As defined in APCD Regulation 1.02: Definitions, "open burning" means "the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outside air without passing through a stack, chimney, vent, or other functionally equivalent opening."

While burning a pile of leaves or having a bonfire for a party may seem harmless, any fire releases harmful materials. Emissions from fires include irritating particles (PM<sub>10</sub> and PM<sub>2.5</sub>), toxic chemicals, carbon dioxide (a greenhouse gas), carbon monoxide, oxides of nitrogen and volatile organic compounds. The last two can form ground-level ozone, especially on sunny days. Burning *garbage* can produce much larger quantities of toxic materials, such as dioxins.

These pollutants can

- cause or exacerbate asthma
- cause or exacerbate emphysema
- trigger a heart attack
- cause birth defects
- damage the nervous system
- cause other health problems

Children and the elderly are especially sensitive to the air pollutants produced by fires.

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While sitting around a campfire is cozy and an ancient tradition, this is an urbanized area. With nearly a million people in the metropolitan Louisville area, there would be a significant amount of pollution produced if people could have open fires any time they wanted to. And with any fire, there's the possibility of the fire getting out of control, risking lives, natural resources and property. For these reasons, open burning is generally prohibited in Louisville Metro/Jefferson County. Exceptions are described below.

### **The Rules**

APCD Regulation 1.11: Control of Open Burning prescribes under what conditions open burning is or can be permitted in Louisville Metro/Jefferson County. Fires are also subject to approval from your local fire department. Other laws and regulations may also apply, depending on the circumstances.

- You can have a fire to cook **food** for a non-commercial purpose (but read the regulation for details). You can help your community by *not* cooking out on an Air Quality Alert Day. A fire that is larger than necessary for cooking or is kept burning longer than necessary for cooking is considered a recreational fire. The regulation excludes fires that are kept covered most of the time, as in a covered grill or a smoker. If you are cooking food for a *commercial* purpose, then you need to enclose and properly ventilate the cooking fire with a chimney or similar device. You are operating a restaurant or catering service and you need to follow Louisville Metro Health Department regulations for such a business.
- If you want to hold a **recreational or ceremonial** fire, such as a bonfire, you need to get a permit from APCD at least five working days ahead of time, and notify your local fire department. See the Recreational Fire Permit Application. Note that even with this approval, the fire cannot be held if the wind is faster than 15 mph or it is an Air Quality Alert day. See frequently asked questions about recreational fires.
- **Agricultural** fires for controlling weeds, diseases or pests, etc. can be approved after written recommendations from the Jefferson County Soil and Water Conservation District and the local fire protection district, as can fires for management of forests, orchards, range, native grasslands or wildlife. See the Agricultural Burn Application.
- Fires can be set for fire-fighting training, if approved by APCD at least five working days in advance. See the Fire Training Burn Application.
- With an APCD operating permit, a flare can be used to burn off waste gases. The flare must have a smokeless tip and the opacity of the emissions cannot exceed 20%.
- There are various other exemptions in unusual circumstances. For example, certain materials may be burned in the open if the Health Department has declared that to be necessary for controlling a public health hazard.

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### **Recreational Fires - Frequently Asked Questions (FAQ)**

#### **I want to have a campfire in my backyard. Is that allowed?**

Recreational fires are allowed. Depending on the kind of fire you want to have, a permit may be required.

#### **When do I need a permit?**

You will need a permit if you are having a bonfire or recreational fire that is on the ground, not contained in an acceptable fire pit or fire place.

#### **What types of fires don't need a permit?**

If you are grilling or cooking food for non-commercial purposes, and the fire is the appropriate size for what you are cooking, you will not need a permit.

Recreational fires in a fire pit or outdoor fireplace do not require permits if they fall within the size requirements. Fires can be no larger than 3 ft (90 cm) wide by 3 ft long by 3 ft tall.

Any other kind or size of recreational fire will need a permit.

#### **How do I get a permit?**

Permit application forms are available online, or we can fax or mail one to you. Call (502) 574-6000 and ask for the Compliance Section. Tell them you'd like a burn permit.

#### **What are the requirements for a burn permit?**

The person signing the application is responsible for conducting, controlling and extinguishing the recreational fire. A burn permit is valid only for the address it was issued for. The applicant must extinguish their fire if it causes an undue nuisance to neighboring residents or businesses. A complete list of ALL the requirements is on your burn permit application.

#### **Does it cost money?**

No. APCD supplies burn permits to you free of charge.

#### **What is an approved fire pit?**

A fire pit is a device built or manufactured for small recreational fires. A portable, above ground fire pit should be commercially manufactured and should be assembled and used according to the manufacturer's instructions. A permanently constructed fire pit or fire place must be constructed or completely lined with a non-combustible material such as brick, rock, concrete, or heavy gauge metal.

Most commercially manufactured ones will be acceptable. Constructed fire pits may not be acceptable; check with APCD Compliance Officers when in doubt.

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### **What if I've already built a fire pit? Will it be approved?**

Not necessarily. Fire pits must consist of non-combustible materials. They must be of a size that a fire no larger than 3ft tall by 3 ft wide by 3 ft long can be burned at any one time. If it can't be approved, you still may be able to use it for burning recreational fires with a permit. Check with APCD when in doubt.

### **What can I burn?**

Only clean, dry firewood is allowed for any recreational fire.

Burning of garbage or trash, plastic, rubber, grass or tree trimmings, brush, painted or treated wood or lumber, or any kind of construction or demolition debris is strictly prohibited.

### **When can I burn?**

If you are using an approved fire pit or fireplace you can burn almost any time you want. If the fire is not contained in an approved fire pit, you may only burn when noted on your approved permit. The exception to this is when the wind is blowing at 15 mph or higher, or if there is an Air Quality Alert in effect, or some type of burn ban has been put into effect. These events will be noted on the APCD web site, or you may call for more information (502) 574-6000.

### **What's a chimenea?**

A chimenea is a device, usually made of some type of clay or ceramic material, designed for small fires. These small fireplaces usually have a short chimney of some kind.

### **Why can I have a fire pit and not a barrel?**

A fire pit is designed to hold small recreational fires. This limits the amount, size, and type of materials that can be burned. Most people who use fire pits use them for recreational purposes and use clean dry firewood. Barrels are used largely to dispose of materials not approved by APCD, and will cause large amounts of smoke when used, due to lack of ventilation. Barrels promote disposal of construction materials, trash and yard waste, all prohibited under Air Pollution's regulations

### **I want to have a pig roast. Nothing in your regulation says if I can or can't.**

The regulations allow you to have a cooking fire that is sufficient for the amount of food you are cooking. Therefore, a fire that is large enough to cook a pig is allowed, for cooking purposes only.

### **I want to clean up my yard. Is it ok to burn those branches and trees?**

NO. Yard waste or debris is prohibited. You may use cut dry wood, and you may use kindling for starting a fire. Having a fire with the purpose of disposing of yard waste is not allowed.

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### **What if my neighbor is burning stuff in their yard?**

You can report illegal burn activities to Air Pollution Control District, or you can call the fire department if you feel there is imminent danger. You can report a nuisance to APCD for further investigation.

### **What about homeless people? I see they have fires sometimes.**

Anyone who is out in the weather and needs shelter or warmth should be referred to one of the numerous shelters in Louisville Metro's area. You can call Metro Call at 311 to report someone who might need assistance.

### **Can we have a small fire to keep warm while we're working outside?**

No. Only recreational fires are allowed, and only those in an approved fire pit or outdoor fireplace don't need a permit. Workers outside should use approved heaters for that purpose.

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### **About APCD**

For more than 60 years, the Louisville Metro Air Pollution Control District has worked to ensure cleaner air for the residents of Jefferson County, Kentucky. APCD implements the Federal Clean Air Act in Louisville. As a part of the Louisville Metro Economic Development Department, APCD works in partnership with the U. S. Environmental Protection Agency and the Kentucky Division for Air Quality to protect air quality in Louisville. Additional information on APCD can be found in the Protecting Louisville's Air Quality presentation.

APCD is governed by the Air Pollution Control Board, which includes seven members appointed by the Mayor of Louisville and approved by the Louisville Metro Council. For more information please visit the Air Pollution Control Board page.

### **What We Do**

With a staff of more than 70, APCD employs air quality and environmental professionals, engineers, inspectors, and technicians who operate and maintain air quality monitoring equipment. In addition, the agency is supported by in-house computer services, communications, legal services, records management, accounting and administrative staff.

### **Administration**

The administrative section, which includes the office of the Executive Director, ensures effective and efficient management of all aspects of the agency to help achieve its mission. This section provides internal services such as, information technology support, budgeting and payroll, and grants oversight as well as external services including:

- Filling open records requests
- Coordinating the rulemaking process
- Developing the Jefferson County portion of the state implementation plan

### **Air Monitoring**

The air monitoring section collects and analyzes air quality data. This section monitors ambient air pollution, measures meteorological data, quality assures data, and helps forecasts air quality for Louisville. For more information please visit the Air Monitoring page.

### **Enforcement**

The enforcement section is responsible for enforcing APCD regulations. It coordinates with the agency's engineering and environmental compliance sections ensure industry, commercial business and the public comply with APCD regulations. This section issues notices of violation and works through the Jefferson County Attorney's Office to:

- Settle violations through board orders and agreements
- Resolve violations through administrative hearing
- Prosecute violations of APCD regulations, when necessary.

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### **Engineering**

The engineering section is responsible for permitting point sources of air emissions. It focuses on large “stationary” sources (e.g., utilities and chemical plants) and smaller “area” sources (e.g., dry cleaners and auto body shops). This section provides services to Louisville’s business and industrial communities including:

- Issuing permits
- Reviewing emission inventories
- Monitoring permit compliance
- Conducting on-site inspections
- Implementing the Strategic Toxic Air Reduction (STAR) Program

### **Environmental Compliance**

The environmental compliance section investigates citizen complaints about air pollution. The most common complaints are about bad odors and open burning. Environmental Compliance staffs are duly sworn peace officers with the power to enter and inspect premises for suspected violations of air quality laws. This section is also responsible for permitting and compliance for several common activities including:

- Gasoline dispensing (Stage I/Stage II)
- Removal of asbestos-containing material
- Open burning

### **Environmental Programs**

The environmental programs section provides air quality planning services, assists with policy development, and coordinates agency programs. This section works with a wide variety of stakeholders, including APCD staff, other government agencies, businesses and the general public to provide the following:

- Emission inventory coordination
- Transportation and dispersion modeling
- Development review
- Policy research and analysis
- Stakeholder group coordination
- Public outreach

### **Public Information**

The public information section is responsible for organizing information internally and communicating information about APCD to the public. This section also coordinates APCD’s public outreach and education program called Kentuckiana Air Education (KAIRE).

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### **Air Pollution Control District Contact Information**

Air Pollution Control District  
850 Barret Ave.  
Louisville, KY 40204-1745

**Main Telephone Number:** 502-574-6000  
**APCD Executive Director:** Lauren Anderson,  
502-574-6000  
Fax: 502-574-5306  
**Air Quality Index:** 502-574-3319

Our office hours are Monday - Friday 8:00 a.m. to 5:00 p.m. Eastern Time, except holidays and furlough days. Outside of those hours, you can leave messages at the main telephone number or drop us an e-mail message.

Please contact us if

- You are a citizen concerned about our air quality.
- You are aware of an air pollution problem.
- You think that your business or activity might be regulated or need a permit.
- You have a question about your permits or responsibilities.
- You have any other question about APCD or air pollution control.

### **Contacts by Topic:**

<b>Topic</b>	<b>Contact Info</b>
<b>Air monitoring:</b> To see current air quality, see the current Air Quality Index or call CLAIRE at (502) 574-3319. For all of today's air monitoring data (or any other day's) go to Metro Air Net.	Larry Garrison, Supervisor 502-574-7278 Fax: 502-574-5607
<b>Asbestos Program:</b> questions about asbestos or are planning <b>demolition</b> or <b>remodeling</b> of a building (other than your own private residence).	Diane Hazellief, Supervisor 502-574-7253 Fax: 502-574-5607
<b>Citizen concerns:</b> investigates reports of air pollution problems. To report a problem, contact APCD at 502-574-6000 or MetroCall at 511 (in Louisville/Jefferson County).	Diane Hazellief, Supervisor 502-574-7253 Fax: 502-574-5607
<b>Environmental Programs:</b> transportation and mobile sources, land use planning, voluntary ozone prevention initiatives, pollution prevention, energy efficiency and related issues.	Cynthia Lee, Manager 502-574-7217 Fax: 502-574-5306
<b>Gasoline Systems:</b> inspects and issues permits to gasoline dispensing facilities to ensure that their	Diane Hazellief, Supervisor 502-574-7253



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<b>Topic</b>	<b>Contact Info</b>
equipment meets federal and local requirements.	Fax: 502-574-5607
<b>KAIRE</b> (Kentuckiana Air Education)	KAIRE-502-574-6000
<b>Lawn Care for Cleaner Air:</b> Rebates on air-friendly lawn care equipment and awards for low-polluting, low-maintenance landscaping.	Shane Corbin, Coordinator 502-574-6000 Fax: 502-574-5306
<b>Major development review:</b> Evaluation of the air quality impacts of large real estate development projects.	Tom Pinto, Coordinator Fax: 502-574-6895
<b>Open Records Requests:</b>	See Public Information.
<b>Permits:</b> The Engineering and Enforcement division issues construction permits and operating permits to regulated facilities and conducts periodic inspections to verify compliance. These permits specify emission control devices and/or restrict the quantities of pollutants that may be emitted.	Paul Aud, Engineering Manager 502-574-7234 Fax: 502-574-5306
<b>Public Information and Outreach:</b> The community outreach coordinator responds to media inquiries and acts as primary contact for the most accurate, up-to-date information.	Matt Stull, Public Information 502-574-6712 Fax: 502-574-5306
<b>Regulations:</b> The Air Pollution Control Board issues regulations to control air pollution in Jefferson County; the APCD drafts and enforces these regulations.	Rachael Hamilton 502-574-5218 Fax: 502-574-5306



# Application for Recreational Fire

Subject to Regulation 1.11, § 2.1.2

Louisville Metro Air Pollution Control District

Please fax (574-5607) or mail application to APCD at least 5 working days prior to fire event.

District approval will be faxed or mailed to applicant and Fire Department.

### Requirements for Recreational Fires:

1. A recreational fire shall not be more than 5 feet wide by 5 feet long by 5 feet high in dimensions, and shall not burn for longer than 3 hours, unless permission is granted by Air Pollution Control District. **Recreational fires in a commercially manufactured or permanently built fire pit may be exempt from requiring a permit. Contact APCD for further information.**
2. Only clean, dry, non-treated wood may be burned. No accelerants, such as gasoline, oil, paint thinners, old tires, etc., may be used to start the fire. **Disposing of yard debris, building or construction debris, or household trash is prohibited.**
3. Notify fire department no less than 2 hours prior to a fire event to verify intention to burn.
4. A competent person shall attend and monitor fires constantly, and fire is to be extinguished at the end of the event.
5. Appropriate equipment and water supply must be readily available for use.
6. **If it is an "Air Quality Alert" (Ozone Action) day or the winds exceed 15 mph, the fire event shall not take place. Call 574-3319 to verify Air Quality status prior to burning.**
7. A copy of this form must be approved and signed by the Air Pollution Control District and must be kept at the site of the fire.

The Air Pollution Control District may issue a Notice of Violation for fires or burns that are not approved or do not follow requirements.

Date of Application: \_\_\_\_\_ Date(s) of Event: \_\_\_\_\_ Rain Date(s): \_\_\_\_\_

Start Time of Fire: \_\_\_\_\_  am  pm End Time of Fire: \_\_\_\_\_  am  pm

Fire Type:  ground  manufactured fire pit  built fire pit

No more than three (3) hours duration for permitted fires.

Name of Applicant: \_\_\_\_\_ Name of Organization: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Address of Fire: \_\_\_\_\_

City State Zip

City State Zip

Home Phone # of Applicant: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Daytime/Cell Phone Number: \_\_\_\_\_ Reason or Purpose of Fire: \_\_\_\_\_

Local Fire Department \_\_\_\_\_ Phone # \_\_\_\_\_ Signature \_\_\_\_\_  
(Not Required) Fire Dept. Representative

I have read and agree to follow the requirements listed above. \_\_\_\_\_  
Print name Signature of Applicant

Office Use Only Below This Line

Special Instructions for Applicant: \_\_\_\_\_

Faxed to applicant on \_\_\_\_\_  
Mailed to applicant on \_\_\_\_\_  
Faxed to fire dept. on \_\_\_\_\_  
Mailed to fire dept. on \_\_\_\_\_

Air Pollution Control District  
850 Barret Avenue  
Louisville, Ky 40204  
Phone: 574-6000 Fax: 574-5607

Approved by:  Denied by:

Air Pollution Control District

## **REGULATION 1.11 Control of Open Burning**

### **Air Pollution Control District of Jefferson County Jefferson County, Kentucky**

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation provides for the control of open burning by any person.

#### **SECTION 1 Definitions**

Terms used in this regulation that are not defined in this regulation shall have the meaning given to them in Regulation 1.02 *Definitions*.

1.1 "Fire pit" means either:

- 1.1.1 A portable device that is commercially manufactured for the purpose of building a recreational fire, such as a chimenea or above-ground fire pit, or
- 1.1.2 A permanent, constructed fire chamber that is completely lined with noncombustible material, such as brick, rock, or concrete, the bottom of which may be soil.

#### **SECTION 2 Prohibition of Open Burning**

2.1 No person shall cause, allow, or maintain any open fire except the following:

- 2.1.1 A fire substantially for the cooking of food for non-commercial purposes; however, a fire maintained at a size or duration in excess of that appropriate for the cooking of food, or a fire for which the cooking of food is an inconsequential activity, shall be considered a recreational fire subject to the requirements of section 2.1.3. The cooking of food for non-commercial purposes in a device such as a grill, smoker, or cooker shall not be deemed an open fire subject to this regulation.
- 2.1.2 A fire in a fire pit, provided that:
  - 2.1.2.1 Only untreated firewood is used as fuel, and
  - 2.1.2.2 The fire is no larger than 3 feet long by 3 feet wide by 3 feet high.
- 2.1.3 A fire determined by the District to be for recreational or ceremonial purposes and approved in writing by the District, provided that:
  - 2.1.3.1 A written request, on a form provided by the District, for approval of a recreational or ceremonial fire from the person in charge of the event is received by the District at least 5 working days before the requested date of the event,
  - 2.1.3.2 Only untreated firewood is used as fuel, and
  - 2.1.3.3 The fire is no larger than 5 feet long by 5 feet wide by 5 feet high,
- 2.1.4 A fire for general agricultural production for weed abatement, disease control, or pest prevention or for recognized silvicultural, range, native grassland, or wildlife management practices, provided that open burning is necessary and approved for that purpose by the District, after considering the written recommendation of the Jefferson County Soil and Water Conservation District and the local fire protection district. No such fire may be set when the forecasted average wind speed is greater than 15 miles per hour during the expected period of burning,
- 2.1.5 A fire for controlling a public health hazard, provided that the Louisville Metro Department of Public Health and Wellness has declared open burning to be necessary for this purpose and has submitted a written notice of this determination to the District,

- 2.1.6 A fire set for the prevention of a fire or safety hazard, provided that the local fire protection district or the appropriate regulatory agency having jurisdiction where the hazard exists has declared open burning to be necessary to abate the hazard and has submitted a written notice of this determination to the District,
- 2.1.7 A fire, or a series of fires, set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires that is approved in writing by the District. A written request, on a form provided by the District, for approval of the fire training exercise from the official in charge, or a designee of the official in charge, shall be received by the District at least 5 working days before the date of the first fire,
- 2.1.8 A fire set for the purpose of debris removal necessitated by natural forces, including, but not limited to, a tornado, very severe windstorm, or flood, having caused community-wide damage, that, if the fire were prohibited, would place a severe burden on other disposal methods and that is declared, in writing, to be necessary by the Louisville Metro Mayor and approved in writing by the District. A written request, on a form provided by the District, for approval of a debris removal fire shall be considered by the District on a case-by-case basis. The visible emissions into the outside air from a fire for this purpose shall not be equal to or greater than 40% opacity, and
- 2.1.9 A special-case fire not otherwise addressed in section 2.1, approved in writing by the District on a case-by-case basis. A written request for approval of a special-case fire from the person in charge of the fire shall, if possible, be received by the District at least 10 working days before the requested date of the fire. The request shall include an explanation of why the fire is necessary.
- 2.2 A fire described in sections 2.1.2 to 2.1.9 is prohibited on any day designated by the District as an Air Quality Alert Day, except that a fire set for controlling a public health hazard pursuant to section 2.1.5 may be set if declared necessary by the Louisville Metro Mayor to abate an imminent danger to human health or safety.
- 2.3 A person responsible for a fire described in section 2.1 shall also comply with all applicable provisions of KRS Chapters 149 *Forestry*, 150 *Fish and Wildlife Resources*, or 227 *Fire Prevention and Protection*, any other state law or regulation, any local ordinance, and any District regulation.
- 2.4 Tires, used oil, heavy oil, gasoline, diesel fuel, kerosene, or similar accelerants shall not be used to start or maintain combustion of any fire described in section 2.1.
- 2.5 Burn barrels of any sort are prohibited.
- 2.6 The District may require the submittal of information, on a form provided by the District, regarding a fire allowed by sections 2.1.2 to 2.1.9.
- 2.7 The District may impose limitations or prohibitions on a fire allowed by sections 2.1.2 to 2.1.9, including, but not limited to, the following:
  - 2.7.1 The composition and amount of material to be burned, and the frequency of approved fires,
  - 2.7.2 The time and day for the burning, including an episodic prohibition of burning based upon the forecasted meteorological or air quality conditions of a day for which burning is otherwise approved, and
  - 2.7.3 Where practical, the location of the fire.

Adopted v1/4-19-72; effective 4-19-72; amended v2/10-17-72, v3/9-1-76, v4/2-19-86, v5/12-17-86, v6/1-20-88, v7/12-20-89, v8/2-22-90, v 9/1-15-03, v10/1-16-08.