

COUNTY OF



RICH FITZGERALD
COUNTY EXECUTIVE

ALLEGHENY

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On November 5th, 2014, the Allegheny County Health Department (ACHD) passed a revision to its Open Burning regulation. The changes affect all citizens of Allegheny County, and were made in order to better protect public and environmental health.

We are contacting you today to make you aware of the new regulation which ACHD began enforcing on January 1st, 2015. As local municipal officials, we rely on you to help us reach all Allegheny County residents, and to gauge the needs of your constituents.

ACHD inspectors will do their part to respond to citizen complaints and enforce the regulation, however, municipal or local government units are also authorized to enforce this regulation and can often respond while open burning is occurring. ACHD encourages municipalities, local fire departments, and local police departments to work together to minimize nuisance burning.

Open burning in Allegheny County is defined as any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The definition of open burning has been revised to include any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace, or grill. The ACHD open burning regulation has been in place since about 1970 in order to minimize the public health hazards of open burning. Since wood smoke contains fine particulate pollution and air toxics, and can aggravate respiratory and cardiovascular health issues, this revision further strengthens the rule to reduce this impact.

The revised Open Burning regulation gives greater discretion to ACHD, and municipal, inspectors to end fires that are unhealthy, or causing a nuisance. It also sets limits on burning, including limiting fires to a maximum overall size of 3 feet wide by 3 feet long by 2 feet high for wood burning.

The regulation also restricts materials that may be combusted in open burning to clean wood, propane, or natural gas, with exceptions that allow for using charcoal in outdoor fireplaces or grills for the purpose of cooking, and also for using fire logs, paraffin logs or wood pellets in outdoor fireplaces.

Importantly, the regulation restricts all recreational open burning, except for the commercial preparation of food, on air quality action days. This restriction is not applicable to charcoal or propane grills. Air quality action days occur when the Air Quality Index (AQI), a measurement of pollution levels in the region, is at the "orange" or "unhealthy" level. In 2013, there were 15 air quality action days. Allegheny Alerts, a free County notification system, can be used to alert officials and citizens of air quality action days when burning is prohibited. Signups can be made online at www.alleghenycounty.us/alerts. Alerts are free and can be delivered via email, text, or through a free

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Everbridge mobile app. The AQI can also be viewed online at www.airnow.gov or the ACHD website, www.achd.net.

The revisions to the Open Burning regulation are applicable to all municipalities of Allegheny County. ACHD encourages each of you as a municipal official to evaluate the needs of your constituency to determine if a stricter ordinance would be beneficial.

The Group Against Smog and Pollution (GASP), a local environmental advocacy group, has offered to help any municipality interested in adopting a stricter ordinance. Please contact Jamin Bogi at jamin@gasp-pgh.org or (412) 924-0604 for more information.

We encourage you to make your constituency aware of this new regulation, to aid ACHD in enforcement of the regulation, and to evaluate if adoption of a stricter ordinance would benefit your communities. We appreciate all the work you do to help us protect our residents and make Allegheny County one of the most livable communities in the country.

Enclosed you will find a regulation fact sheet and the full regulation.

Please contact us at 412-578-8120 if you have any questions or concerns.

Sincerely,



Jayme Graham
ACHD Air Quality Program Manager

ACHD 24-Hour Complaint line: 412-687-2243
www.achd.net/air/burning/

ACHD Open Burning Regulation

FACT SHEET

- No material other than clean wood, propane, or natural gas may be open burned EXCEPT for:
 - Commercially available fire logs, paraffin logs, or wood pellets;
 - Paper or commercial smokeless fire starters in order to start a fire;
 - Charcoal for the preparation of food only.
- Fires may be no larger than 3' wide by 3' long by 2' high.
- Fires must be at least 15 feet from the nearest neighbor's dwelling or inhabited area, including:
 - Property line
 - Roadway
 - Sidewalk
 - Public access area
- Wood burning activities are prohibited on Air Quality Action days, with the exception of burning for the commercial preparation of food
 - Subscribe to receive email, text, or smart phone app notifications of burn ban days at www.alleghenycounty.us/alerts
- Burning may be prohibited or reduced if it is considered a nuisance, based on the following criteria:
 - The severity of the amount of air pollutants;
 - The duration or frequency of open burning;
 - The topography of the surroundings;
 - The meteorological conditions.
- Open burning permits are available for ceremonies fostering of agriculture, abatement of a public health hazard, and firefighting instruction; however, all permitted open burning is prohibited on Air Quality Action Days.
 - Contact ACHD at (412) 578-7963 for more information

Open Burning Regulation

§2105.50 OPEN BURNING *{Subsection f amended May 8, 2007, effective, August 17, 2007, and amended July 16, 2009, effective July 26, 2009. Subsections a, b, and d amended, and Subsections e and f renumbered, November 13, 2014, effective January 1, 2015.}*

a. General.

1. No person shall conduct, or allow to be conducted, the open burning of any material, except where the Department has issued an open burning permit to such person in accordance with this Section or where the open burning is conducted solely for the purpose of preparation of food for human consumption, recreation, light, or ornament, and in a manner which contributes a negligible amount of air contaminants, and which is in accordance with Subparagraphs A through C, below.
 - A. No material other than clean wood, propane, or natural gas may be burned except as provided for in this subparagraph.
 - i. Charcoal may be used in an outdoor fireplace or grill for the purpose of cooking.
 - ii. Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.
 - iii. Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.
 - B. Any volume of clean wood being burned shall be no larger than 3' wide x 3' long x 2' high and shall be at least 15 feet from the nearest neighbor's dwelling or inhabited area, any property line, roadway, sidewalk, or public access way.
 - C. Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using materials meeting Subparagraph A, above.

2. Any open burning shall be tended by a responsible person at all times.
 3. Wood burning activities shall not be conducted on Air Quality Action Days, with the exception of conducting such burning for the commercial preparation of food.
 4. The Department may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:
 - A. The severity of the amount of air pollutants, or malodorous material;
 - B. The duration or frequency of open burning;
 - C. The topography of the surroundings; and/or
 - D. The meteorological conditions.
 5. This Section shall not allow or permit any open burning which would not otherwise be allowed or permitted under any applicable ordinance or fire code.
- b. **Discovery of Fire.** Immediately upon the discovery of any open burning that is not being conducted in accordance with this Section, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.
- c. **Presumption.** Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such open burning.

d. Permits.

1. The Department may issue a permit for open burning during a period specified by the Department, but only where the open burning is solely for:
 - A. The abatement of a fire or public health hazard when the burning is conducted under the supervision of a public officer;
 - B. The instruction of personnel in fire fighting, except that instruction using only propane does not require a permit;
 - C. The fostering of agriculture;
 - D. The conducting of a ceremony; or,
 - E. Clearing and grubbing wastes subject to, at a minimum, the following requirements:
 - i. Air curtain incineration units shall be used at all times when burning clearing and grubbing wastes.
 - ii. The use of air curtain incineration units shall not be permitted unless approved by the Department in writing with respect to equipment arrangement, design, and existing environmental conditions prior to commencement of burning.
 - iii. Approval for use of an air curtain incineration unit at one site may be granted for a specified period not to exceed three months, but may be extended for additional limited periods upon further written approval by the Department.
 - iv. The application for said permit must be accompanied by a non-refundable permit application fee, by check or money order payable to the "Allegheny County Air Pollution Control Fund," to cover the costs associated with processing, reviewing, and acting upon the application. The amount of the fee shall be set by the Board of Health.
 - v. If operated at commercial, industrial, or institutional facilities, the air curtain incinerator may also be subject to the NSPS requirements of 40 CFR 60 Subpart CCCC or EEEE.
 - F. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

2. The permit application shall be submitted on forms prepared by the Department at least 15 days prior to the proposed burning date(s) and shall specify the types of materials to be burned, and only those types of materials which are approved by the Department in the permit shall be burned.
 3. The Department may issue a permit subject to any additional terms and conditions as are appropriate to further the purposes of this Article, and may deny a permit application or rescind any such permit when it determines that an actual or potential air pollution problem exists.
 4. An approved permit shall be in the possession of the applicant or an authorized representative at the site of the permitted open burning at all times during said open burning and shall be available for inspection upon request by any County personnel, law enforcement officer, or fire protection officer.
 5. Any open burning permit issued by the Department shall immediately be suspended upon the declaration of an alert or localized incident pursuant to Part F of this Article and shall remain suspended for the duration of the alert or localized incident. If the open burning permit expires during such period of suspension, an extension of such permit shall be obtained from the Department prior to burning any materials.
 6. Open burning activities requiring a permit shall not be conducted on Air Quality Action Days.
- e. **Coal Refuse Piles.** In the case of a fire at any coal refuse pile or dump, the person responsible shall:
1. Report such fire immediately to the Department upon discovery;
 2. Immediately extinguish such fire, or demonstrate to the Department's satisfaction that all necessary steps are being taken to extinguish such fires as expeditiously as possible; and
 3. Report the status of such fire to the Department at such intervals as required by the Department.

- f. **Enforcement.** Notwithstanding any other provision of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the burning occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- g. **Violations.** The open burning of any material (except as provided in Paragraph a.1 above) without a permit under this Section or in violation of any condition contained in such permit, or the failure by the person responsible to immediately report and take all reasonable steps to extinguish a coal refuse pile fire, shall be a violation of this Article giving rise to the remedies provided in §2109.02 of this Article.
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REVISED DEFINITION

§2101.20 DEFINITIONS *{Amended November 13, 2014, effective January 1, 2015.}*

"Open burning" means any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace or grill.