

## **Orange County, Florida**

### **Open Burning Frequently Asked Questions**

The Clean Air Act (CAA) requires the U. S. Environmental Protection Agency (EPA) to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. The Orange County Environmental Protection Division's Air Quality Management section is a locally delegated program which is responsible for enforcing the federal Clean Air Act, related Florida Statutes, and the Orange County Code of Ordinances related to air quality control.

#### **Why is open burning regulated by Orange County?**

The Code of Ordinances for Orange County, Chapter 15, Article III, Division 3 states the Orange County Board of County Commissioners finds that regulation of open burning and outdoor heating devices will significantly reduce air pollution. The intent is to reduce or eliminate deleterious and nuisance effects of air pollution caused by open burning.

#### **What is Open Burning?**

Open burning means the burning of matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. This definition does not include the burning of tobacco products in the form of cigarettes, cigars, and pipe tobacco when ignited for personal consumption.

#### **What are the Air Pollutants from Open Burning?**

Smoke from burning wood is made up of a complex mixture of gases and fine particles, which are also called particle pollution or particulate matter. In addition to particle pollution, wood smoke contains several toxic harmful air pollutants including: benzene, formaldehyde, acrolein and polycyclic aromatic hydrocarbons (PAHs). Outdoor recreational fires can become a considerable source of fine-particle air pollution – especially in some metro areas. Children and teenagers, older adults, and people with heart or lung disease – including asthma and COPD – can be particularly sensitive to the health effects of particle pollution in wood smoke.

For more information on Health and Environmental Effects of Particulate Matter (PM): <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>.

#### **Can I Burn My Yard Waste and Tree Cutting Debris?**

The burning of yard waste and tree cutting debris generated on residential properties is prohibited, except if the burning is conducted using a permitted air curtain incinerator operated in compliance with the provisions of F.A.C. Rule 62-296.401, and any other terms of the incinerator's air permit or, prior to conducting the open burning of tree cutting debris, the person responsible for the burning activity shall obtain an open burning authorization from the division of forestry (Florida Forest Service).

#### **How Do I Contact the Division of Forestry (Florida Forest Service)?**

To request a burn authorization, call the Orlando District Field Unit at 407-888-8760.

**What if the Division of Forestry (Florida Forest Service) tells me to contact Orange County EPD to get authorization to burn my yard waste and tree cutting debris?**

The Orange County EPD's Air Quality Management section will not authorize open burning of yard waste or tree cutting debris. This material should be put out for yard waste pick up from the resident's solid waste company. Contact your waste hauler for specific requirements related to yard waste pick up.

**What is Land Clearing Debris?**

Land clearing debris means uprooted or cleared vegetation resulting from a land clearing operations, including any untreated wood generated by the land clearing operation (e.g., untreated fence posts).

**Can I Burn My Land Clearing Debris?**

- (a) Open burning of land clearing debris is allowed provided:
  1. The open burning is restricted to the site where the land clearing debris is generated; and
  2. The fire is ignited after 9:00 a.m.; and
  3. The fire is completely extinguished one (1) hour before sunset; and
  4. The fire is attended by qualified personnel, and adequate fire extinguishing equipment is available at all times; and
  5. The moisture content and composition of material to be burned is favorable to good burning which will minimize smoke; and
  6. Prior to conducting the open burning, the person responsible for the burning activity contacts the division of forestry (Florida Forest Service) and the local firefighting authority having jurisdiction regarding the planned burning activity.
- (b) If the open burning resulting from the land clearing operation is creating a nuisance, as determined by the environmental protection officer or the local firefighting authority having jurisdiction, then the environmental protection officer and the chief of the local firefighting authority having jurisdiction have the authority to suspend or defer open burning or require the use of an air curtain incinerator.
- (c) Except as provided above in this section, open burning of any other land clearing debris shall be conducted using an air curtain incinerator operated in compliance with F.A.C. Rule 62-210.300, or F.A.C. Rule 62-296.401, and all applicable terms of the incinerator's air permit.

**Can I Burn My Storm-Generated Debris?**

Storm-generated debris, including hurricane debris, must be put out for curbside removal or be hauled to a designated storm/hurricane debris location (Drop-Off-Sites) that the local government has provided to the public(<http://www.ocfl.net/EmergencySafety/EmergencyCommunications.aspx>).

### **What Cannot Be Burned?**

Open burning of biological waste, hazardous waste, asbestos-containing materials or devices, mercury-containing materials or devices, pharmaceuticals, tires and rubber material, residual oil, used oil, asphalt, roofing material, treated wood, tar, plastics, waste pesticide containers, garbage, trash or household paper products is prohibited.

### **What is Recreational Open Burning and When is it Allowed?**

Open burning of vegetative debris and untreated wood in a campfire, ceremonial bonfire, outdoor fireplace, or other contained outdoor heating or cooking device, or on cold days for warming of outdoor workers, is allowed provided: **(All conditions a – h must be met)**

- (a) The fire does not violate subsection 15-89.1(a)(1) **no objectionable odor** and (2) **≥20% opacity**; and
- (b) The total fuel area does not exceed three (3) feet in diameter and two (2) feet in height, unless the fire is contained in an outdoor fireplace, a barbecue grill or a barbecue pit; and
- (c) The fire is located at least twenty-five (25) feet from any building or combustible structure; and
- (d) Conditions that could cause the fire to spread to within twenty-five (25) feet of a structure shall be eliminated prior to ignition; and
- (e) The fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use; and
- (f) The environmental protection officer and the local firefighting authority having jurisdiction shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous; and
- (g) For other than one-family and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion or within ten (10) feet of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted; and
- (h) Notwithstanding the requirements set forth in this section, ceremonial bonfires exceeding these provisions may be required to be permitted and approved by the local firefighting authority having jurisdiction and may require fees and additional services.

### **What is Vegetative Debris?**

Vegetative Debris includes shrubs, palm fronds, tree trimmings, grass and leaves, twigs or cut up branches. **It should be noted** that much of this debris will cause objectionable odors and smoke emissions in excess of 20 % opacity which would violate section 15.89-1(a)(1) and (2); therefore, it is strongly suggested that the debris be put out for curbside pick-up.

### **How Do I Get Information About Yard Waste Pick-Up?**

<http://www.orangecountyfl.net/WaterGarbageRecycling/GreenClean.aspx>

### **Why is a Burn Ban in place?**

Chapter 18 of the Orange County Code of Ordinances (Fire Prevention and Protection) allows the county to prohibit any and all open fires during certain drought conditions except for those expressly permitted, or exempted, by this section or Florida Statute. A burn ban will automatically activate when fire hazards conditions exist. Enforcement of a burn ban shall begin once the required notification of the public of the burn ban has been completed and shall continue until the burn ban automatically enters inactive status in accordance with this section.

Fire hazard conditions: Those certain drought conditions that automatically activate a burn ban, more specifically when Orange County's Keetch Byram Drought Index County Averages map calculation, as published by the Florida Forest Service (or future state office or agency which provides drought information"), meets or exceeds 500. (<https://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Wildland-Fire/Current-Wildfire-Conditions2>)

### **When is the Burn Ban Over?**

Deactivation of burn ban occurs when:

- (1) An active burn ban is automatically deactivated once fire hazard conditions have ceased for at least seven (7) consecutive days.
- (2) Enforcement of burn ban. Enforcement of a burn ban shall cease once the burn ban automatically enters into inactive status in accordance with this section.