

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 07 Open Fires

Authority: Environment Article, Title 2, Annotated Code of Maryland

26.11.07.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Excessive lodging" means a condition of farmland where embedding of the previous crop causes the normal use of harvesting, tillage, or planting equipment to be impossible or impracticable.
- (2) "Forest resource management practices" means the technical application of scientific objectives that conserve, protect, and enhance the quality, quantity, productivity, and biological diversity of the forest resources of Maryland.
- (3) "Open fire" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.
- (4) "Public collection of refuse" means the service provided by any governmental agency or commercial enterprise for the pickup on a regularly scheduled basis of refuse from groups of individual homes, businesses, apartment buildings, or other establishments.
- (5) "Safety determinations" means the testing, training, or demonstrations with explosives, propellants, incendiaries, or military devices involving an open flame.

26.11.07.02 General.

A person may not cause or permit an open fire except as provided in Regulations .03-----.05 of this chapter.

26.11.07.03 Control Officer May Authorize Certain Open Fires.

A. In Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester counties...

B. In Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City during the period September 1 through May 31 of the following year:

(1) Subject to review by the Department, the control officer, upon receipt of an application made on forms provided by the Department or local fire control agency, may issue or approve a permit in writing allowing an open fire, provided all of the following conditions are met:

- (a) The control officer is satisfied that there is no practical alternate method for the disposal of the material to be burned or to conduct the desired activity;**
- (b) A hazardous condition or air pollution or nuisance will not be created;**
- (c) In Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City, burning may not be done within 500 yards (457 meters) of one or more occupied buildings or heavily travelled public roadway;**
- (d) Fire control laws or regulations of other governmental agencies will not be violated;**
- (e) Materials which produce dense smoke when burned, including, but not limited to, tires and roofing material, will not be burned;**
- (f) All other conditions the control officer may impose to minimize creation of smoke, to prevent nuisances and air pollution, and to protect the health, safety, comfort, and property of any persons shall be satisfied;**
- (g) The material to be burned shall have originated on the premises on which it is to be burned;**

(2) The following exceptions apply:

- (a) Methods of disposal by burning acceptable to the Department may be approved for use when distance limitations cannot be met;**
- (b) A permit may be granted for fires set in the course of agricultural operations in growing crops or raising fowl or animals or in accepted forestry practice, when distance limitations cannot be met; this provision may not be construed as allowing the burning of ordinary household or barnyard trash in areas where provision is made for public collection of refuse.**

C. Prohibition on Open Burning.

(1) In Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City, open burning is prohibited during the period from June 1 through August 31 of each year, beginning June 1, 1995.

(2) Exceptions. The provisions of §C(1) of this regulation do not apply to:

- (a) Cooking of food on other than commercial premises or cooking of food which is subject to COMAR 26.11.18.06;**
- (b) Open fires for recreational purposes such as campfires;**
- (c) Fires authorized under Regulation .04 of this chapter.**

26.11.07.04 Public Officers May Authorize Certain Fires.

Public officers, in the performance of their official duties, may set an open fire or give permission for an open fire, with concurrence of the control officer, if:

- A. All reasonable means are employed to minimize smoke; and
- B. The fire is necessary for one or more of the following reasons or purposes:
 - (1) For the prevention of a fire hazard that cannot be abated by other means;
 - (2) For the instruction of public fire fighters or industrial employees under supervision of the appropriate fire control official;
 - (3) For the protection of public health or safety when other means for disposing of hazardous waste materials are not available including the burning of hazardous waste authorized under federal law or COMAR 26.13.02.07;
 - (4) For burning pest-infested crops or products and agricultural burning that is necessary for animal disease control;
 - (5) For good forest resource management practices as approved by the Department of Natural Resources-Forest Service;
 - (6) For burning excessive lodging for the purpose of recropping as approved by the Department of Agriculture or local extension offices;
 - (7) For the purpose of testing fire fighter training systems fueled by natural gas or propane provided that the:
 - (a) Source maintains records of the total amount of fuel used and the date of the open fire;
 - (b) Total combined fuel usage for all systems at the premises does not exceed 5,000 gallons of propane and natural gas combined per week; and
 - (c) Open fire does not constitute a major source of VOC or NO_x.

26.11.07.05 Open Fires Allowed Without Authorization of Control Officer or Public Officer.

A. Except as provided in Regulation .03C of this chapter, in Allegany, Calvert, Caroline, Cecil, Charles, Dorchester, Garrett, Frederick, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico, and Worcester counties...

B. In Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, and Prince George's counties and Baltimore City and during the period from September 1 of any year through May 31 of the following year, open fires otherwise conforming to other governmental fire control ordinances, provided no nuisance or air pollution is created, are allowed without permission under Regulation .03 or .04 of this chapter as follows:

- (1) In those areas where no provision is made for public collection of leaves, the open burning of leaves originating on the premises, by householders, is permitted, provided that no nuisance is created and that the fires are located no closer than 300 feet (91.4 meters) from any neighboring habitable dwelling or place where people work or congregate;
- (2) In those areas where no provision is made for public collection of refuse, burning of ordinary household trash originating on the premises, excluding commercial establishments, by householders is permitted provided that:
 - (a) Materials are not burned which create dense smoke (emissions of greater than 40 percent opacity),
 - (b) The fires are located no closer than 300 feet (91.4 meters) from any neighboring habitable dwelling or place where people work or congregate;
- (3) Cooking of food on other than commercial premises or cooking of food which is subject to COMAR 26.11.18.06;
- (4) Recreational purposes, such as campfires;
- (5) Oil or gas fired salamanders or similar devices designated specifically for space heating or warming of outdoor workers, etc., provided no visible emissions are created.

26.11.07.9999

Administrative History

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For the history of this subtitle before June 18, 1980, see the Administrative History of COMAR 26.11.01.

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