

GRIC Code – Title 17, Chapter 9	Gila River Indian Community Air Quality Management Program Part V. Section 1.0 Open Burning
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Part V. Area Source Emission Limits

Section 1.0 Open Burning

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1.0 APPLICABILITY

This Section limits the types of materials that can be openly burned within the Community and applies to any person who conducts any open burning within the Community.

2.0 DEFINITIONS

“**Cultural/Religious/Ceremonial fire**” means a fire associated with a Native American ceremony or ritual.

“**Cooking fire**” means a fire set for the domestic cooking of food.

“**Commercial fires**” means fires set for the disposal of vegetative waste resulting from the process of commercial clearing of land five (5) acres or greater.

“**Construction debris**” means waste generated from construction of homes, dwellings or structures or demolishing a home, dwelling or structure and is comprised of wood, metal, fiberglass, tar, tar paper, plastic, and other debris associated with construction of a structure, demolishing a structure or rebuilding a structure.

“**High Winds**” means, for the purposes of a commercial burn permit, winds above ten (10) miles per hour.

“**Nuisance**” means an emission of smoke or other emissions from any open fire that creates a condition that is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property.

“**Open burning**” means the burning of a material that results in the products of combustion being emitted directly into the atmosphere without passing through a stack. Open burning includes burning in burn barrels.

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“**Recreational fire**” means barbeques and campfires, using charcoal, natural gas, propane, or natural wood which occur in designated areas or on private property. Fires used for debris disposal purposes are not considered recreational fires.

“**Residential fire**” means a fire set for the purpose of destroying weeds, brush, small limbs and other yard waste around a home, along a fence line or other small area which does not last for an extended period of time and is usually small in size.

“**Yard waste**” means leaves, grass clippings, garden debris, and smaller chip branches.

3.0 STANDARDS

3.1 General Prohibition. Except as otherwise provided in this Section, no person shall permit, cause, suffer or allow open burning within the exterior boundaries of the Community.

3.2 Exemptions. The following open fires are exempted from the provisions of this Section (these fires are allowed under this Section without a permit):

- A. Fires used only for the domestic cooking of food (indoors and outdoors);
- B. Fires used for cultural, religious or ceremonial purposes;
- C. Fires used only for providing warmth (indoors and outdoors);
- D. Fires set for recreational purposes;
- E. Fires set for branding of animals; and
- F. Fires set by the GRIC Fire Department for purposes of training personnel as long as notice is given to the GRIC DEQ prior to ignition of the fire.

3.3 Prohibitions. Open burning of the following materials is forbidden.

Garbage resulting from the processing, storage, service or consumption of food; asphalt shingles, tar paper; plastic and rubber products; petroleum products (such as waste crankcase oil, transmission oil and oil filters); transformer oils; hazardous material containers including those that contained inorganic pesticides, lead, cadmium, mercury, or arsenic compounds, tires, shredded or chopped tires, construction debris, debris from demolished homes and trailers homes and asbestos containing materials.

3.4 Permit- Authorized Fires. The following fires are allowed but only after acquiring a permit from the DEQ.

- A. Permitted residential fires:

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1. Fires set for the disposal of leaves, lawn clippings, tree trimmings/tree limbs and other yard waste, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.
- B. Permitted commercial fires: Fires set for the disposal of vegetative waste resulting from the process of land clearing, commercial development or other large scale permitted fires.
- C. Permitted agricultural fires: Fires set for weed control or abatement, clearing fields or ditches of vegetation, or the disposal of other naturally grown products of horticulture, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.

4.0 OPEN BURN PERMITS

4.1 Permit Requirements.

- A. Permit applications: Any person seeking a residential or agricultural burn permit shall do so by submitting a burn permit application to the Department of Environmental Quality (DEQ). The Department shall require the applicant to provide the following information in writing:
 1. the applicant’s name, address and telephone number;
 2. the location where the burning is to be conducted;
 3. the type and quantity of material to be burned;
 4. the date(s) when the burning is to be conducted; and
 5. the permittee’s signature.
- B. The Department may required the applicant to comply with the following requirements:
 1. to burn only between the hours of 9:00 am and 3:00 pm from November through February, and during daylight hours from March through October;
 2. to burn only dry materials;
 3. to notify any neighbors within one-quarter of a mile of the area where the burn will occur twenty-four (24) hours prior to burning; and

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4. to have a signed copy of the burn permit available at the site of the burn while burning is ongoing.

C. Additional requirements for commercial burn permits may include:

1. A requirement to cease burning operations during High Winds;

2. A requirement to notify any persons that may be affected by burning operations twenty-four (24) hours prior to burning;

3. A requirement to pay a permit fee;

4. A requirement to notify the GRIC Fire Department before burning;

5. A requirement to provide fire control equipment to prevent the fire from spreading (e.g., water truck etc.); and

6. The methods that will be followed to ignite, maintain and control the burning.

D. Fees: A fee of \$100.00 shall be submitted to the GRIC DEQ with each commercial Open Burning Permit application.

4.2 Permit Conditions. Each residential, agricultural, and commercial permit shall contain a provision that requires all burns to be extinguished when the Department of Environmental Quality, the GRIC Fire Department or the GRIC Department of Public Health makes a determination that inadequate smoke dispersion may cause a potential health problem, an adverse environmental impact, a nuisance or may be detrimental to public safety.

4.3 Permit Denial. A permit to burn shall not be issued if the Department determines that:

A. A practical alternative to burning exists;

B. The Governor of the Gila River Indian Community determines that there is an extreme fire hazard;

C. An air quality emergency exists as described in Part I (General Provisions), Section 2.2 of Title 17, Chapter 9.

D. The application contains a material or operation that does not meet the criteria described in this ordinance or the GRIC Fire Department uniform fire code.