

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**REGULATION 61-62.2
PROHIBITION OF OPEN BURNING**

OPEN BURNING IS PROHIBITED EXCEPT AS PROVIDED BELOW:

A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises.

B. Open burning in connection with the preparation of food for immediate consumption.

C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth.

D. Fires purposely set to forest lands for specific management practices in accordance with guidelines acceptable to the Department and as administered by the South Carolina Forestry Commission. Such Management practices shall include:

1. Prescribed burning under existing standards for various management objectives; and

2. Site preparation burning for purposes of clearing an area for regeneration.

E. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

F. Open burning of trees, brush, grass and other vegetable matter for game management purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

G. Open burning in areas other than predominantly residential for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following minimum conditions are followed:

1. The location of the burning must be a sufficient distance but not less than 1000 feet, from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted.

2. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public roadway or a residential, commercial, or industrial site.

3. The amount of dirt on the material being burned must be minimized;

4. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned;

5. The initial burning must be started only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day;

6. No more than two piles 30' x 30' or equivalent may be burned within a six-acre area at one time; and

7. In the case of land clearing, all salvageable timber and pulpwood must be removed.

H. Fires set for the purposes of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of fire-fighting personnel. These will be exempt only if the drills are solely for the purpose of fire-fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval is required only for sites which are not established training sites.

I. Open burning of household trash on the premises of and originating from private residences where services for the disposal of such materials are not available. The location of such burning must be at least 500 feet from any inhabited building.

J. Open burning on the property where it occurs of construction waste from building and construction operations will be exempt only if the following conditions are met:

1. The location of the burning is at least five hundred (500) feet from any occupied structure other than a dwelling or structure located on the property on which the burning is conducted;

2. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any other trade wastes which produce smoke in excess of forty (40) percent opacity are not burned; and

3. The burning is conducted only between the hours of 9:00 a.m. and 3:00 p.m.;

K. Open burning, in remote or specified areas:

1. Of trade waste provided the burning is conducted in accordance with Paragraph G of this regulation. Such burning must be of a non-recurring nature.

2. For non-recurring unusual circumstances.

3. For experimental burning for purposes of data gathering and research.

However, prior approval for these types of burning (in subparagraph K above) must be obtained from the Department.

Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation.

The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above, whenever in the judgment of the Department such is necessary to realize the purpose of this Regulation.

A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in appropriate

legal action.

R. 61-62.2 History - *South Carolina State Register*:
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