

Open Burning in Louisiana

Air Permits Division
Louisiana Department of Environmental Quality



OPEN BURNING WORKSHOP



LDEQ's Mission Statement

Mission Statement

The Department's mission is to provide service to the people of Louisiana through comprehensive environmental protection in order to promote and protect health, safety and welfare while considering sound policies regarding employment and economic development.

Vision

To be a respected steward of the State's environment.



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Clean Air Act

Clean Air Act (CAA) and Clean Air Act Amendments (CAAA)

- Established National Ambient Air Quality Standards (NAAQS). The law requires that EPA identify and set standards for pollutants identified as harmful to human health and the environment.
- LDEQ's regulations approved by EPA through State Implementation Plans.

Retention of State Authority:

Title 1 – Air Pollution Prevention and Control:

- Shall not preclude or deny the right to adopt or enforce (1) any standard or limitation of air pollutants or (2) any requirement respecting control or abatement of air pollution so long as it is more stringent than the federal standard.



Clean Air Act and State Implementation Planning (SIPs)

- **As an individual**
 - **Protect your health:** SIPs aim to implement air quality standards, which are created to protect human health, including your health. Therefore, SIPs aim to improve air quality to a degree that is beneficial for the health and well-being of you and your family.
 - **Regulations:** Rules set requirements that may affect your everyday life. In some cases, rules may place restrictions on you by creating requirements that may affect the operation, design and emissions level of your property (i.e. your motor vehicle). In other cases rules may offer you incentives to choose technologies that further the SIP's goal.
- **As a business**
 - **Regulations:** Rules set requirements that may apply to your industry. Regulations may place restrictions on activities and equipment used in your business that affect quality levels. Other regulations may provide incentives that your firm may be able to take advantage of.



OPEN BURNING IS PROHIBITED!

LAC 33:III.1109 (from the Louisiana Environmental Regulatory Code)
No person shall cause or allow the burning of waste or other combustible material on any property owned by him or under his control **except as provided in Subsections C and D.**

Louisiana Burn Ban

This is determined by the Louisiana Department of Agriculture and Forestry (not LDEQ) and is dependent upon weather conditions.



Burn Ban In Effect



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Burning of Waste Prohibited Except as provided...

Subsection C – Statutory Exceptions
There are seven (7) statutory exceptions



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7 Statutory Exceptions (Subsection C)

1. Parishes with Population of 300,000 or less
 - Leaves, grass, twigs, branches, and vines by private property owner for non-commercial purposes. **MUST attend at all times. DOES NOT APPLY IN EAST BATON ROUGE!**
 - These are all parishes EXCEPT
 - Orleans
 - Jefferson
 - East Baton Rouge



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7 Statutory Exceptions (Subsection C)

2. Parishes with a population of 90,000 or less
 - Trees, brush, grass, or other vegetable matter as long as its not within the territorial limits of a city or town or adjacent to a city or town such that the air will be affected by smoke from the burning.
 - See US Census Bureau website to check your parish.



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7 Statutory Exceptions (Subsection C)

- Combining 1 and 2 under Subsection C results in the following:
 - All parishes under 300,000 can burn leaves, twigs, vines on private property if you attend the burning (except East Baton Rouge).
 - Parishes under 90,000 or less can burn trees, branches, limbs or other vegetable matter provided it does not occur in town or affect the air of the city or town.



7 Statutory Exceptions (Subsection C)

3. Burning of trees, branches, limbs, or other wood as a bonfire as authorized in the parishes of St. James, St. John the Baptist, or St. Charles;



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7 Statutory Exceptions (Subsection C)

4. Burning of Agricultural by-products in the fields;
5. Controlled burning of cotton gin agricultural wastes in connection with cotton gin operations;



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7 Statutory Exceptions (Subsection C)

6. Controlled burning in connection with timber stand management;
7. Controlled burning of pasture land or marshland in connection with trapping or livestock production.



Burning of Waste Prohibited Except as provided...

Subsection D – Exceptions to Prohibition

There are Nine (9) Exceptions to Prohibition



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9 Exceptions to Prohibition (Subsection D)

1. Outdoor burning in connection with the preparation of food;
2. Campfires and fires used solely for recreational purposes or for ceremonial occasions;



9 Exceptions to Prohibition (Subsection D)

3. Outdoor burning in rural parks and recreation areas of trees, brush, grass, and other vegetable matter for game management purposes;
4. Small fires, by tradesmen and contractors, in such activities as street repair, installation or repair of sewer, water, electric, telephone mains, and services;



9 Exceptions to Prohibition (Subsection D)

5. Operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame making devices;



9 Exceptions to Prohibition (Subsection D)

6. Outdoor burning of trees, brush, grass, and other vegetable matter for land clearing and right of way maintenance operations IF THE FOLLOWING conditions are met:
 - a) Winds away from town/city;
 - b) At least 1000 ft from dwelling not located on property;
 - c) Minimize dirt on the material being burned;
 - d) Heavy oils, items containing natural or synthetic rubber, or any non-plant material which produce unreasonable amounts of smoke are prohibited;
 - e) Burning must be conducted between 8 am and 5 pm;
 - f) Must be controlled as to not cause a traffic hazard.



9 Exceptions to Prohibition (Subsection D)

7. Training of fire fighters or testing fire fighting equipment as long as the following are met;
 - a) Duration of burning held to minimum required for such purposes;
 - b) Burning conducted between 8 am and 5 pm;
 - c) Must be controlled as to not cause a traffic hazard.



9 Exceptions to Prohibition (Subsection D)



8. Outdoor burning of waste hydrocarbon products at the site of origin when it is not practicable to transport the waste products for sale or reclamation...under the following conditions:
 - a) Must not occur in a town/city or in such proximity to affect the air;
 - b) May only occur between 8 am and 5 pm;
 - c) Burning is controlled such that a traffic hazard is not created.



9 Exceptions to Prohibition (Subsection D)

9. Special situations approvable by exemption by LDEQ prior to the initiation of burning:
 - a) Explosives, pyrophoric, or any other materials where there is no practicable or safe method of disposal;
 - b) Experimental burning for research or data gathering;
 - c) Nonrecurring unusual circumstances or any condition not covered above.



Exclusion from Application of 1109

- If operating in compliance with a Variance issued by LDEQ.



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Outdoor Burning: Other items to keep in mind

- Must follow all other municipal, parish and state laws.
- Liability.
- Smoke management.



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Who Does What?

- LDEQ – State Authority
 - Permitting and variances (businesses/governments/industry)
 - Local governments can be more strict
 - Enforce environmental regulations (commercial and private)
- Department of Agriculture and Forestry
 - Timberland stand burning
 - Statewide Burn Bans with State Fire Marshal due to drought conditions
 - Enforce wildland/timberland fires
 - Train for prescribed agricultural burns
- Louisiana Office of the State Fire Marshal
 - Inspections for fireworks, amusements, boilers
 - Investigate Arson
- Local Governments
 - Zoning and ordinances, can be more strict
 - Enforced by local fire department and various law enforcement branches
 - ALWAYS check with you local government/fire dept. (if you have one) before burning.



Fire Training

- Duration of burning must be held to minimum.
- Contact LDEQ Regional Manager.
- 8AM to 5PM.
- Cannot create a traffic hazard.
- No white goods, electronics or furniture.



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Burning Don'ts

- **Regulated wastes**
 - White goods
 - Electronics
 - Household garbage
 - C&D Debris
 - Tires
 - Hazardous materials
- **Offsite waste**
- **Impair the visibility of Public Roads**



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Single Point of Contact (SPOC)

To Report Environmental Concerns

LDEQ – SPOC Hotline

(225) 342-1234

Toll Free 1-888-763-5424

SPOC office line: (225) 219-3640

Monday - Friday

8:00am to 4:30pm

Outside of Business Hours leave a voicemail

spoc@LA.GOV

For emergencies, contact local emergency responders.



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Useful Links

LDEQ Website:

- www.deq.louisiana.gov

Louisiana Environmental Regulatory Code:

- <https://deq.louisiana.gov/resources/category/regulations-lac-title-33>

Regional Office Contacts:

- <https://deq.louisiana.gov/directory/office/regional-offices>

Air Permits Division:

- <https://deq.louisiana.gov/subhome/air>



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