

250-RICR-120-05-4

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 – AIR POLLUTION CONTROL

PART 4 – Open Fires

4.1 Purpose and Authority

4.1.1 Purpose

The purpose of this regulation is to prohibit burning of any material in an open fire at a solid waste facility and/or hazardous waste disposal facility or in connection with any salvage, industrial, commercial or institutional operation.

4.1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

4.2 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

4.3 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

4.4 Definitions

A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:

1. "Hazardous waste disposal facility" means real and personal property acquired, constructed or operated for the purpose of the disposal of hazardous waste.

2. "Open fire" means any fire from which the products of combustion are emitted directly into the open air without passing through a stack.
3. "Solid waste management facility" means any plant, structure, equipment and other real and personal property acquired, constructed or operated for the purpose of processing, treating or disposing of solid wastes but not segregated solid waste.

4.5 Prohibition

It shall be unlawful for any person to burn any material in an open fire at a solid waste management facility and/or hazardous waste disposal facility or in connection with any salvage, industrial, commercial or institutional operation.

4.6 Exemptions

A. The following shall not be subject to this regulation:

1. Open burning for weed abatement or pest control after receiving written approval from the Director.
2. Bonfires composed of clean, untreated wood or cellulose derivatives for festive occasions conducted by an institution.
3. Open burning of solid or liquid fuels or structures for the purpose of instruction and training of municipal, volunteer and industrial firefighters in the method of fighting fires when conducted under the direct control and supervision of qualified instructors after receiving written approval from the Director.
4. Open burning of combustible material after demonstration to the satisfaction of the Director that no alternative and practical method of disposal of said material is available. Alternative disposal methods may include chipping, cutting for forest products, landfilling, piling for protective cover for wildlife and others. Persons wishing to burn must receive written approval from the Director and demonstrate that approval has been granted by the municipality in which burning is to take place. Such burning must be conducted:
 - a. during periods of good atmospheric ventilation.
 - b. without causing a nuisance.
 - c. with smoke minimizing starters if starters or starting aids are used.

4.7 Effect on Local Ordinances

This regulation does not preclude a municipality from prohibiting or attaching any more stringent conditions to any open burning.

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