

*** DRAFT – NOT FOR FILING ***

3745-19-05 **Permission to individuals and notification to the Ohio EPA.**

(A) Permission:

- (1) An application for permission to open burn shall be submitted in writing at least ten working days before the fire is to be set. Approval for permission to open burn may be granted before that time period. Saturday, Sunday, and legal holidays shall not be considered ~~a working-day days.~~ -It shall be in such form and contain such information as required by the Ohio EPA.
- (2) Except as provided in ~~paragraph paragraphs~~ (A)(6) and (A)(7) of this rule, such applications shall contain, ~~as at~~ at a minimum, information regarding:
 - (a) The purpose of the proposed burning;
 - (b) The ~~nature of quantities of material to~~ quantity or acreage and the nature of the materials to be burned;
 - (c) The date or dates when such burning will take place;
 - (d) The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
 - (e) The methods or actions which will be taken to reduce the emissions of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of ~~Chapter 3745-19 of the Administrative Code~~this chapter.
- (4) Except as provided in paragraph (A)(6) of this rule, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
- (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

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- (6) The Ohio department of commerce, division of state fire marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to paragraph (A)(1) of this rule shall contain information as required in paragraph (A)(2) of this rule, except the information required in paragraphs (A)(2)(c) and (A)(2)(d) of this rule need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. –Saturday, Sunday, and legal holidays shall not be considered ~~a~~ working ~~day~~ days.
- (7) For open burning defined under paragraph (D)(2) of rule 3745-19-03 and paragraph (C)(2) of rule 3745-19-04 of the Administrative Code, permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with rule 3745-20-03 of the Administrative Code.

(B) Notification:

- (1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered ~~a~~ working ~~day~~ days. -It shall be in such form and contain such information as shall be required by the Ohio EPA.
- (2) Such notification shall inform the Ohio EPA regarding:
- (a) The purpose of the proposed burning;
 - (b) The nature and quantities of materials to be burned;
 - (c) The date or dates when such burning will take place; and
 - (d) The location of the burning site.
- (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under ~~Chapter 3745-19 of the Administrative Code~~ this chapter and the Ohio EPA shall notify the applicant to this effect.