

Title 129 - Department of Environmental Quality

Chapter 30 - OPEN FIRES

Effective Date 07/03/2010

001 No person shall cause or allow any open fires.

002 Exceptions:

002.01 Fires set solely as part of a religious activity, for recreational purposes or for outdoor cooking of food for human consumption on non-commercial premises, provided no nuisance or hazard is created.

002.02 Fires set for the purpose of training public and industrial fire fighting personnel.

002.03 Fires set in the operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of Chapter 20, Particulate Emissions; Limitations and Standards.

002.04 Fires set in an agricultural operation where no nuisance or traffic hazard is created. For the purpose of this regulation, "fires set in an agricultural operation" shall mean:

002.04A The burning of any trees or vegetation indigenous to the property of the owner or person in lawful possession of the land; and

002.04B The burning of any agriculturally related material that is potentially hazardous and where disposal by burning is recommended by the manufacturer. Such materials must have been used on the owner's property or person in legal possession of the said property.

002.05 Unless prohibited by local ordinances, fires set to destroy household refuse on residential premises containing ten or less dwelling units, by individuals residing on the premises providing no nuisance or traffic hazard is created.

002.06 For the purpose of plant and wildlife and parks management, provided such burning is conducted by the Nebraska Game Commission, the United States Forest Service, the University of Nebraska, or other groups as determined by the Department.

002.07 Unless prohibited by local ordinances or regulations, fires set in compliance with a general open fire permit or a community open fire permit issued by the Department:

002.07A For the purpose of the destruction of dangerous materials, diseased vegetation or abatement of a fire hazard.

002.07B For the purpose of destruction of trees, brush and other vegetation removed from road and utility right-of-ways.

002.07C For the purpose of the destruction of trees, brush, vegetation and untreated lumber generated as a result of land clearing, and construction activities.

002.07D For the purpose of the destruction of straw used as a winter insulating cover on agricultural products.

002.07E For the purpose of destroying untreated wood and trees at community land

disposal sites. (Materials being burned must be in an area separate from materials not being burned).

002.07F For the purpose of destruction of materials after cleanup from a natural disaster.

002.07G In compliance with rules for air curtain incinerators in Chapter 22, sections 001 and 007.

002.08 Permits for open fires as specified in this regulation will be granted only if there is no other practical means of disposal. Any burning of materials not specified in the burning permit may result in withdrawal of the permit.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

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