



Open burning in Kansas — when is it allowed?

Introduction

Open burning is regulated in an effort to prevent the release of contaminants into the air. Burning typically releases very fine particulate matter, carbon monoxide, sulfur oxides, nitrogen oxides, volatile organic compounds, and potentially hazardous air pollutants. These pollutants can promote an increased risk of cancer and lung disease, especially in children and the elderly. Open burning operations also contribute to haze and visibility problems.



What is open burning?

Open burning is the burning of materials where the products of combustion are released directly into the air without going through a stack or chimney from an enclosed chamber. If the products of combustion are reduced or controlled before being released into the air through positive regulation of fuel-to-air ratios,

air screens, or other control techniques, it is considered a modified open burning operation and is not subject to the same regulations.

Open burning, including use of single-chambered incinerators, is no longer allowed in most cases within Kansas. Kansas regulations (K.A.R. 28-19-645) prohibit open burning of wastes, structures, vegetation, or other materials on any premises. Unless you fall under a specific exemption to the regulation (which may **STILL** require a local burn permit) or get a burn approval from the Kansas Department of Health and Environment (KDHE), you may **NOT** practice open burning on your property.

What burning conditions are exempt?

In general, the following operations are exempt from the KDHE open burning prohibition:

- incidental open burning on residential premises containing five or fewer dwelling units, use of burn barrels for household trash only, or burning yard waste
- open burning for cooking or ceremonial purposes
- agricultural open burning of vegetation only for the purpose of crop, range, pasture, wildlife, or watershed management

These operations are subject to local regulations and may require a local burn permit. The issuer of local burn permits varies by city or county, but such permits typically can be obtained by contacting the city hall or county courthouse that has jurisdiction over the site of

the open burn. Local government agencies may have additional restrictions or prohibitions on open burning of waste materials. It is important to note that a local burn permit is not an approval to burn any kind of wastes from a business.

Another exception to the open burning prohibition is if KDHE grants written approval to conduct open burning operations under specific conditions.

April burn restrictions

Effective September 9, 2011, a new regulation was adopted (K.A.R. 28-19-645a) which supercedes K.A.R. 28-19-645 during the month of April only. The intent of this new regulation is to minimize air quality impacts from open burning in support of the *State of Kansas Flint Hills Smoke Management Plan* (SMP). Besides the general exemptions listed above which apply year round, and with a few exceptions discussed below, open burning in April is prohibited in these counties: Butler, Chase, Chautauqua, Cowley, Elk, Geary, Greenwood, Johnson, Lyon, Marion, Morris, Pottawatomie, Riley, Sedgwick, Wabaunsee, and Wyandotte.

Types of open burning activities allowed during April in these specific counties include agricultural burning related to range or pasture management as well as conservation reserve program (CRP) burning activities. Restricted activities do include firefighter training burns and burning of construction debris, crop residues, land clearing debris, and yard waste. KDHE does not consider burning of parks to fall into the agricultural burning exception category. Any other proposed burn activity not explicitly exempted in the regulation is subject to KDHE review and approval. More information regarding open burning and smoke management in Kansas is available at www.kdheks.gov/bar/air-monitor/flinthills.html and www.ksfire.org.

What open burning can be done with approval?

Approval may be granted from KDHE when there is no other practical means of disposal, it is in the public's interest, and it is not prohibited by the local government or local fire authority.

These activities include the following:

- use of safety flares to dispose of flammable liquids and gasses
- firefighter training (contact KDHE for additional specific requirements)
- fires to remove dangerous or hazardous materials
- open burning of trees and brush not related to agricultural purposes, such as clearing land for development
- open burning of only clean wood waste from construction projects carried out at the construction site (does not include engineered wood product wastes such as plywood and pressed-wood products, pressure-treated wood lumber, and painted or stained wood wastes)

To get an open burning approval, a written request is required. Send the request to the KDHE district office that oversees your area. If the proposed burn location is in Wyandotte, Shawnee, Johnson, or Sedgwick counties, send the request to the applicable county health agency (see contact information on page 3). The written request must include contact information of the responsible person (person who owns or controls the property of the burn site); location of burn; amount and type of material to be burned; frequency, duration, and schedule of burning; size of the area in which the burn will be confined; how the material will be ignited; location of public roadways within 1,000 feet; number of occupied homes within 1,000 feet; copies of the local fire authority's approval; and why the burn is necessary and in the public's best interest.

Additional conditions must be met during an approved open burning operation to assure the cleanest burn possible, minimize air pollutant emissions, reduce threat to nearby dwellings and highway travel, and protect health and safety of humans and animals in the area. The person doing the burn must comply with the following:

- Dry the material to be burned to the extent possible and remove matter that will inhibit good combustion.
- Do not burn heavy smoke-producing materials such as oils, tires, and tarpaper.
- Do not burn during the nighttime (two hours before sunset to one hour after sunrise).
- Do not burn during inclement or foggy conditions or on cloudy days (> 0.7 cloud cover, ceiling < 2,000 feet).
- Do not burn when surface wind speed is < 5 mph or > 15 mph.
- Before burning, notify occupants of dwellings within 1,000 feet.
- Before burning, notify appropriate state or local traffic authority if within 1,000 feet of a roadway; if within one mile of an airport, notify airport authority.
- Burn must be supervised until fire is extinguished.

Alternatives to open burning

There are several alternatives to open burning. The best of these is to reduce, reuse, or recycle materials whenever possible. For example, reusing pallets and decreasing overall demand for pallets is the best way to prevent generating wooden pallet waste. Some facilities in Kansas rebuild pallets, and composting is an alternative for materials such as cardboard, wood waste, paper, and food waste. To read more about wood waste alternatives, see the Kansas Small Business Environmental Assistance Program (SBEAP) fact sheet on wood waste reduction at www.sbeap.org/publications/Wood_Waste_FS_06.pdf.

Contact information

KDHE district office addresses and telephone numbers are noted below and are also available at www.kdheks.gov/befs/dist_office.html. In addition, if you live in Johnson, Sedgwick, Shawnee, or Wyandotte counties, you may contact the following county environmental health authorities for more information.

KDHE district offices

Northwest District Office

2301 E 13th Street
Hays, KS 67601-2651
Phone: 785-625-5663

Northeast District Office

800 W 24th Street
Lawrence, KS 66046-4417
Phone: 785-842-4600

Southwest District Office

302 W McArtor Road
Dodge City, KS 67801-6014
Phone: 620-225-0596

South Central District Office

130 S Market, 6th Floor
Wichita, KS 67202-3826
Phone: 316-337-6020

Southeast District Office

1500 W 7th
Chanute, KS 66720-2570
Phone: 620-431-2390

North Central District Office

2501 Market Place, Suite D
Salina, KS 67401
Phone: 785-827-9639

County authorities

Wyandotte County

Department of Air Quality

619 Ann Avenue
Kansas City, KS 66101
Phone: 913-573-6700

Shawnee County Health Agency

1615 SW 8th
Topeka, KS 66606
Phone: 785-368-2000

Wichita Department of Environmental Health

(serves all of Sedgwick County)

1900 E 9th Street
Wichita, KS 67214
Phone: 316-268-8351

Johnson County Environmental Department

11811 S Sunset Dr, Suite 2700
Olathe, KS 66061
Phone: 913-715-6900

Frequently asked questions

Some residents are allowed to burn their household waste in a burn barrel. Can I burn solid waste generated at my business in a burn barrel or dumpster?

The answer is NO. All solid waste generated at a commercial business must either be recycled or disposed at a permitted landfill.

Can clean wood waste generated at a construction site be burned?

KDHE enforces regulations that prohibit the open burning of clean wood waste unless approval has been obtained from KDHE to conduct such burning. KDHE has allowed such burning under specific conditions and guidelines. Clean wood does not include painted or pressure-treated lumber or engineered wood products such as plywood or particle board. KDHE encourages alternatives to burning such as mulching, recycling, or disposal at a permitted construction and demolition (C&D) landfill. Note, residents are also prohibited from open burning of painted or treated lumber, pallets, or wood wastes other than trees and brush, on their property.

Our business burns excess wood waste and pallets behind our building here in the country. We've never had to get a permit/ approval before. Do we need one?

Businesses must have an approval from KDHE to conduct open burning of any kind of business waste. Local burn permits issued by your county organization are not acceptable and do not qualify businesses to burn business waste. Businesses that conduct open burning of clean wood wastes generated on a frequent basis or in large quantities, such as pallets, crating lumber, milling or cabinet manufacturing wood wastes, etc., are encouraged to pursue other methods of disposal such as recycling or composting. If recycling or composting are not feasible, alternatives include installing a KDHE-approved incinerator or air-curtain destructor. For locations of permitted composting facilities in Kansas, contact KDHE Bureau of Waste Management at 785-296-1600.

As a grocery store manager, I burn our packaging cardboard in a small incinerator out the back door of our building. This is not open burning, but is it a problem?

Yes, these small incinerators historically used for disposal of cardboard, or destruction of documents, office wastes, or any other solid waste materials, are not designed to meet stringent air pollutant emission control regulations enacted and enforced by the U.S. Environmental Protection Agency in recent years. If you are still operating one of these older incinerators, you must stop using it, disable the unit (chain/lockout the unit's door, disconnect the gas supply), and find other appropriate means of solid-waste disposal or recycling of these wastes. Recycling of cardboard and shredded documents are environmentally friendly alternatives. Go to www.kansasrecycles.org to help find recycling vendors in your area.

Our company uses a burn-off oven to clean our paint hooks. Can we use this oven to burn other combustible waste at our facility?

If your company uses a burn-off oven to burn paint waste off of paint hooks, the oven cannot be used to burn combustible materials such as wood, cardboard, paint filters, or other waste materials. To burn combustible materials, a KDHE-approved incinerator is required, along with an operating permit.

If you need help in understanding open burning, you may also contact the Kansas SBEAP by calling our toll-free hotline at 800-578-8898, or by visiting our website at www.sbeap.org for confidential and free technical assistance.

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