



Maricopa County Air Quality Department
Substantive Policy Statement: SPS-2018-008
Firefighting Instruction Requirements During Restricted-Burn Periods
Issue Date: November 16, 2018

Approved by:

A handwritten signature in black ink that reads "Philip A. McNeely".

Philip A. McNeely, Director

A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the county and does not impose additional requirements or penalties on regulated parties or include confidential information or rules or ordinances adopted pursuant to Arizona Revised Statutes (A.R.S.) Title 49 (The Environment), Chapter 3 (Air Quality). [A.R.S. §§ 11-1601(8), 49-471(17)]

If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement. [A.R.S. § 41-1033]

An applicant for a license subject to A.R.S. Title 11 (Counties), Chapter 11 (County Regulations), Article 1 (General Provisions) may request a county to clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement affecting the procurement of that license by providing the county with a written request that satisfies the requirements of A.R.S. § 11-1609(A). [A.R.S. § 11-1609]

I. Purpose

This substantive policy statement clarifies the firefighting instruction requirements during restricted-burn periods. For the purpose of this substantive policy statement, “firefighting instruction” does not include “firefighting training areas and structures” and “fire extinguisher training”.

II. Applicability

This substantive policy statement applies to any fire set or permitted by any public officer in the performance of official duty for firefighting instruction.

III. Definitions

A. Control Officer – The executive head of the Maricopa County Air Quality Department (MCAQD) authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under A.R.S. § 49-473, or the designated agent.

- B. Director** – The director of the Arizona Department of Environmental Quality (ADEQ).
- C. National Fire Protection Association (NFPA) 1001** – The NFPA standard for fire fighter professional qualification. The standard identifies the minimum requirements for fire fighters whose duties are primarily structural in nature.
- D. Public Officer** – Any elected or appointed officer of a public agency established by charter, ordinance, resolution, state constitution or statute, but excluding members of the legislature.
- E. Restricted-Burn Period** – As defined in Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments), a condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of carbon monoxide (CO), ozone and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer or when there is increased fire danger. As used in the Burn Permit Application Presumptive Permission To Burn, the terms “High Pollution Advisory (HPA) Day” and “a Director-determined No-Burn Day” have the same meaning as “Restricted-Burn Period”, for the purpose of this substantive policy statement.

IV. Discussion

A.R.S. § 49-501 (Unlawful Open Burning; Exceptions; Civil Penalty; Definition) establishes requirements for open burning; fires set for the purpose of firefighting instruction are exempt from these requirements.

Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) also establishes requirements for open burning; fires set for firefighting instruction must be issued a permit and cannot be conducted during restricted-burn periods. However, fires for firefighting instruction must sometimes be conducted during restricted-burn periods.

Firefighting instruction is necessary to test firefighters to ensure they are prepared and qualified to fight fires. Firefighting instruction is pre-scheduled, usually months in advance of the instruction. Restricted-burn periods, on the other hand, cannot be declared more than 48-hours in advance, because they are based on meteorology.

V. Statutory Authority

- A.** A.R.S. § 49-501 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 501-Unlawful Open Burning; Exceptions; Civil Penalty; Definition]

- B. A.R.S. § 49-479 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 479-Rules; Hearing]
- C. A.R.S. § 49-480 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 480-Permits; Fees]

VI. Procedures

The following procedures are specific to fires set for firefighting instruction during a restricted-burn period; these procedures are in addition to and are not meant to contradict or conflict with other procedures or requirements of a burn permit.

Fires set for firefighting instruction during times other than a restricted-burn permit must follow the procedures and requirements in Rule 314 and in the burn permit.

- A. The public officer or the designated agent who grants permission for the setting of a fire for firefighting instruction must have an approved permit from the Control Officer before conducting the fire; the burn permit itself is not permission to burn during a restricted-burn period.
- B. If a fire for firefighting instruction must be conducted during a restricted-burn period, the Control Officer or the designated agent may:
 - 1. Grant permission to conduct the fire, provided both of the following conditions are met:
 - a. The fire must be conducted for NFPA 1001 requirements; and
 - b. The cumulative burn time of the fire must not exceed two hours in a 24-hour period.
 - 2. Deny permission to conduct the fire if the atmospheric conditions that warranted declaring a restricted-burn period worsen and any of the following situations occur:
 - a. Periods of inadequate atmospheric smoke dispersion; or
 - b. Periods of excessive visibility impairment that could adversely affect public safety; or
 - c. Periods when smoke is blown into populated areas so as to create a public nuisance or present a public health hazard.
- C. If after granting permission to conduct the fire the Control Officer or the designated agent has reason to believe atmospheric conditions have changed, the Control Officer will cancel the permission to conduct the fire.

D. After being granted permission to conduct the fire, the public officer or designated agent must:

1. Before conducting the fire, notify the Control Officer and obtain verbal permission to conduct the fire.
2. After conducting the fire, submit to the Control Officer all of the following information, in accordance with required permit conditions:
 - a. Date on which the fire was conducted;
 - b. Location where the fire was conducted;
 - c. Type of fuel burned; and
 - d. Quantity of fuel burned.

VII. Divisions Affected

- A.** Permitting
- B.** Compliance and Enforcement

VIII. References

- A.** Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments)
- B.** A.R.S. § 49-501 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 501-Unlawful Open Burning; Exceptions; Civil Penalty; Definition]

IX. Revision History

| Version | Date | Description |
|----------------|-------------|--------------------|
| 1. | 11-16-2018 | Initial version |
| 2. | | |