

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 314**

**OUTDOOR FIRES AND COMMERCIAL/INSTITUTIONAL SOLID FUEL BURNING**

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Revised 07/13/1988; Revised 12/19/2001; Revised 04/20/2005; Revised 03/12/2008; Revised 07/25/2012; and **Revised 10/23/2019**

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
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**RULE 314**

**OUTDOOR FIRES AND COMMERCIAL/INSTITUTIONAL SOLID FUEL BURNING**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To limit the emissions of air contaminants produced from open outdoor fires and commercial/institutional solid fuel burning.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of:
- 102.1** Any open outdoor fire;
  - 102.2** Any indoor fire for firefighter training;
  - 102.3** Any appliance used for the cooking, smoking, or flavoring of food that burns solid fuel and is not located at a food establishment with a valid permit to operate from the Maricopa County Environmental Services Department; and
  - 102.4** Any fireplace, woodstove, or chiminea that is located at a commercial or institutional establishment and burns solid fuel.
- 103 EXEMPTIONS:** The provisions of this rule do not apply to:
- 103.1** Equipment and processes used for agricultural flame cultivation, if the fuel used is liquefied propane gas, the resulting flame desiccates the vegetative material without continued application of the flame, and the vegetative material is not burned or combusted.
  - 103.2** Appliances, including but not limited to, grills, ovens, and smokers, that are used exclusively for the cooking, smoking, or flavoring of food, and are located at a food establishment with a valid permit to operate from the Maricopa County Environmental Services Department.
  - 103.3** Any of the following fires or devices that are subject to Ordinance P-26 of these rules:
    - a.** Any residential woodburning device;
    - b.** Any chiminea, outdoor fireplace, and other outdoor device that is located at a residence and burns solid fuel; and
    - c.** Any fire pit or similar outdoor fire that is located at a residence, burns solid fuel, and is used exclusively for recreation or ambiance, or to provide warmth for human beings.
  - 103.4** Any fire or device where the only fuel combusted is natural gas, propane, or liquefied petroleum gas and the fire or device is not used to ignite another type of fuel.

**103.5** The use of consumer fireworks or display fireworks, as defined in A.R.S. § 36-1601.

**SECTION 200 – DEFINITIONS:** For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Regulations, the definitions in this rule take precedence.

**201 AGRICULTURAL OPERATIONS:** Producing or harvesting crops or raising animals for the purposes of marketing for profit or providing a livelihood.

**202 AIR CURTAIN DESTRUCTOR:** A device designed to form a curtain of air over a firebox in which burning occurs that aids in more complete combustion through increases in turbulence and combustion time.

**203 AREA A:** As defined in Arizona Revised Statutes (A.R.S.) § 49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East  
Township 7 North, Range 2 West through Range 5 East  
Township 6 North, Range 5 West through Range 6 East  
Township 5 North, Range 5 West through Range 7 East  
Township 4 North, Range 5 West through Range 8 East  
Township 3 North, Range 5 West through Range 8 East  
Township 2 North, Range 5 West through Range 8 East  
Township 1 North, Range 5 West through Range 7 East  
Township 1 South, Range 5 West through Range 7 East  
Township 2 South, Range 5 West through Range 7 East  
Township 3 South, Range 5 West through Range 1 East  
Township 4 South, Range 5 West through Range 1 East

A map of Area A is available at <https://www.maricopa.gov/2686/Planning-Area-Maps>.

**204 CHARCOAL:** The carbon and hydrocarbon residue that remains after water and other volatile constituents of wood have been removed by pyrolysis.

**205 CHIMINEA:** A device made from clay, aluminum, steel, or another non-combustible material, that is designed to burn solid fuel, and that is used outside to provide warmth or for aesthetic purposes.

**206 COOKING:** The application of heat to plant foods and raw animal foods to raise all parts of the food to the safe internal temperature recommended by the United States Department of Agriculture, or a higher temperature based on the preferences of the person who will consume the food. For the purposes of this rule, cooking does not include the application of heat to ready to eat foods, as defined in Subpart 1-201.10 of the 2017 Food Code published by the U.S. Food & Drug Administration, including but not limited to, hot dogs and marshmallows.

**207 DANGEROUS MATERIAL:** Any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.

- 208 DITCHBANK:** A lateral area not to exceed two and one half feet on either side of a ditch.
- 209 FENCE ROW:** A lateral area not to exceed two and one half feet on either side of the centerline of a fence.
- 210 FIREBOX:** The chamber or compartment inside of an air curtain destructor wherein materials are burned.
- 211 FLAME CULTIVATION:** The practice of using a flame to expose vegetative material to intense heat (approximately 2000°F) for a short duration (approximately 1/10<sup>th</sup> of a second) to vaporize the water in the vegetative cells in order to destroy the photosynthetic process. This practice does not burn or combust the vegetative material.
- 212 FLUE:** Any duct or passage for air or combustion gases, such as a stack or chimney.
- 213 FUEL:** Any material which is burned to produce energy (such as heat), to reduce the volume or mass of solid material, or for firefighter training.
- 214 HIGH TEMPERATURE MECHANICAL BURNER:** A portable device (such as a torch) that combusts propane or another hydrocarbon gas to create a flame that can be continuously maintained and applied until combustion is complete.
- 215 INDOOR FIRE FOR FIREFIGHTER TRAINING:** Any fire ignited inside of a structure for the purposes of training career and volunteer firefighters whose duties are primarily structural in nature.
- 216 MANUFACTURED FIRELOG:** A log that is made from recycled wood, such as sawdust, that is compressed to form a log or mixed with a binder and extruded into a log shape.
- 217 NFPA 1001:** The National Fire Protection Association (NFPA) standard for firefighter professional qualifications. The standard identifies the minimum job performance requirements for career and volunteer firefighters whose duties are primarily structural in nature.
- 218 NON-URBAN AREA OF LOW POPULATION:** Any geographic location where the nearest occupied place is more than 1,320 feet (one-fourth of a mile) away. For the purposes of this definition, an occupied place that is owned by the burn permit applicant will not be considered when determining if the burn location identified on the application is a non-urban area of low population.
- 219 OCCUPIED PLACE:** A location where people are either residing (a residence) or working (a workplace) or any place where people might have an activity (e.g. bus stop, basketball court, or patio). For the purpose of this rule, this definition does not include an occupied place that is owned and occupied by the owner or operator of the open outdoor fire.
- 220 OPEN OUTDOOR FIRE OR OPEN BURNING:** Any combustion of any type of material outdoors, where the products of combustion are not directed through a flue.

- 221 ORCHARD HEATERS:** A device which helps prevent frost damage to fruit trees by heating. An orchard heater consists of a pipeline heater system operated from a central control from which fuel is distributed by a piping system from a centrally located tank.
- 222 OUTDOOR FIRE:** Any open outdoor fire and any combustion of any solid fuel where the products of combustion are vented outdoors. For the purposes of this rule, outdoor fire includes, but is not limited to chimineas, smokers, cooking appliances, and forges where the products of combustion go through a flue or a stack and are discharged outdoors.
- 223 PELLET FUEL:** Refined and densified fuel shaped into small pellets or briquettes that are uniform in size, shape, moisture, density and energy content.
- 224 PROHIBITED MATERIALS:** Aerosol spray cans; animal carcasses; animal waste; antifreeze; asbestos; asphalt, asphalt shingles and other asphalt products; batteries; chemically treated or soaked wood; cleaners; coal; counter tops; electrical wire insulation; explosives or ammunition; fabrics; fiberboard; flammable liquids; flooring; furniture; garbage; grass clippings; hazardous material containers, including those that contain lead, cadmium, mercury, and arsenic compounds; hazardous waste; insulation; landscape waste; painted wood; paper and paper products, including books, magazines, and office records; leaves; liquid or gelatinous hydrocarbons; oleanders; packaging; paints; pesticides, pesticide bags, and pesticide containers; plastic, including plastic bags and other plastic products; polyester products; rags; refuse; rubbish; solvents; stains; tar and tar paper; tires; transformer oils; tree trimmings; varnishes; waste petroleum products, including waste crankcase oil, transmission oil, and oil filters; and any substance that emits dense smoke or obnoxious odors.
- 225 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.
- 226 RESTRICTED-BURN PERIOD:** 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. The Control Officer will declare a restricted-burn period if any of the following standards are likely to be exceeded:
- a. The primary ambient air quality standard for carbon monoxide, eight-hour average, in Rule 510 of these rules;
  - b. The primary ambient air quality standard for ozone, eight-hour average, in Rule 510 of these rules; and
  - c. Either of the following 24-hour average concentrations for particulate matter:
    - (1) PM<sub>10</sub> – 120 micrograms per cubic meter; or
    - (2) PM<sub>2.5</sub> – 30 micrograms per cubic meter.
- 227 SEASONED WOOD:** Wood with a moisture content less than or equal to 20 percent, as determined using a moisture meter that is operated in accordance with the manufacturer's

recommendations. For the purposes of this rule, seasoned wood includes charcoal, pellet fuel, and manufactured firelogs.

- 228 SOLID FUEL:** Any fuel that is in a solid state prior to combustion.
- 229 SUITABLE FOR IMMEDIATE HUMAN CONSUMPTION:** Foods that have been cooked to the safe minimum internal temperature recommended by the United States Department of Agriculture and to the preferences of the person who will consume the food.

### **SECTION 300 – STANDARDS**

**301 PROHIBITION-OPEN OUTDOOR FIRES:** No person may ignite, cause to be ignited, permit to be ignited, suffer, allow, or maintain any fire or device listed in Section 102 of this rule, within the limits of Maricopa County, except as provided in Sections 304 through 322 of this rule.

**302 GENERAL REQUIREMENTS:** The owner or operator of any open outdoor fire listed in Sections 304 through 321 of this rule, or any indoor fire for firefighter training listed in Section 306 of this rule, shall comply with all of the following requirements from the time the fire is ignited until the fire has been completely extinguished:

- 302.1** Fire extinguishing equipment shall be readily available at all times;
- 302.2** An attendant trained in the use of fire extinguishing equipment shall be present at the location of the fire;
- 302.3** No items or materials that will cause the production of black smoke shall be present in or added to an open outdoor fire, however items or materials that will cause the production of black smoke may be added to an indoor fire for firefighter training;
- 302.4** Prohibited materials shall not be burned, except as provided in Sections 319, 320, and 321 of this rule;
- 302.5** The open outdoor fire shall not be used for disposal of dangerous materials unless the owner or operator complies with Section 319 of this rule; and
- 302.6** If vegetative material that is more than six inches in diameter will be burned, a self-contained, above ground air curtain destructor shall be used and the owner or operator shall:
  - a.** Obtain a Title V Permit prior to igniting the open outdoor fire;
  - b.** Obtain an approved site-specific burn plan from the Control Officer, in accordance with Section 407 of this rule; and
  - c.** Comply with the Appendix to Rule 314

**303 PERMIT REQUIREMENTS:** The owner or operator of any open outdoor fire listed in Sections 304 through 310 of this rule, or any indoor fire for firefighter training allowed in Section 306 of this rule, shall comply with all of the following requirements before the open outdoor fire is ignited. These requirements shall not apply to the owner or operator of any open outdoor fire listed in Sections 311 through 321 of this rule. These requirements shall



also not apply to any fireplace, woodstove, or chiminea that is subject to Section 322 of this rule.

**303.1** Obtain a burn permit in accordance with the administrative requirements in Section 400 of this rule before the fire is ignited;

**303.2** After the burn permit has been issued, call the local fire department and the Control Officer each day, before the fire is ignited, to obtain permission to ignite the fire. The Control Officer shall approve or deny permission to burn based on National Weather Service forecasts or other meteorological analyses that indicate expected concentrations of criteria pollutants, the likelihood of stagnation events that may prevent the dispersion of air pollutants, the size of the fire, and the distance between the fire and affected communities.

**303.3** Before the fire is ignited, ensure that the size of the fire will not exceed the size provided on the burn permit application and that the method of burning and the location of the fire match the information provided on the burn permit application.

**304 OPEN OUTDOOR FIRES FOR DISEASE AND/OR PEST PREVENTION:** The owner or operator of an open outdoor fire declared necessary by the Arizona Department of Agriculture, when such fires have been determined essential for the purposes of disease or pest prevention and have been certified by actual investigations conducted by the Arizona Department of Agriculture, shall comply with all of the following requirements.

**304.1** Comply with general requirements in Section 302 of this rule;

**304.2** Comply with the permit requirements in Section 303 of this rule;

**304.3** Comply with the recordkeeping requirements in Section 501.1 of this rule;

**304.4** Not ignite or maintain the open outdoor fire during a restricted-burn period;

**304.5** Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day; and

**304.6** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day.

**305 OPEN OUTDOOR FIRES FOR PREVENTION OF FIRE HAZARDS:** The owner or operator of an open outdoor fire declared necessary, by a public officer in the performance of their official duties, for the control of weeds or for the prevention of fire hazards shall comply with all of the following requirements.

**305.1** Comply with general requirements in Section 302 of this rule;

**305.2** Comply with the permit requirements in Section 303 of this rule;

**305.3** Comply with the recordkeeping requirements in Section 501.1 of this rule;

**305.4** Not ignite or maintain the open outdoor fire during a restricted-burn period;

**305.5** Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day; and

**305.6** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day.

**306 FIRES FOR FIREFIGHTER TRAINING:** The owner or operator of an indoor or open outdoor fire for firefighter training, including but not limited to firefighter training areas and firefighter training structures, shall comply with all of the following requirements.

- 306.1** Comply with general requirements in Section 302 of this rule;
- 306.2** Comply with the permit requirements in Section 303 of this rule;
- 306.3** Comply with the recordkeeping requirements in Section 501.1 of this rule; and
- 306.4** Not ignite or maintain the indoor or open outdoor fire during a restricted-burn period, unless the fire is necessary for NFPA 1001 required training and all of the following requirements are met:
  - a.** The cumulative duration of the indoor or open outdoor fire shall not exceed 2 hours in any 24-hour period;
  - b.** Permission to burn shall be requested in writing and include the date and time of the training, the cumulative duration of the indoor or open outdoor fire; and the type and amount of materials to be burned; and
  - c.** The indoor or open outdoor fire shall not be ignited unless permission is granted in writing by the Control Officer for each day of NFPA 1001 required training. The Control Officer will base the decision to grant or deny permission to burn based on expected meteorological conditions and expected emissions from the indoor or open outdoor fire. The Control Officer may cancel permission to ignite the indoor or open outdoor fire if the Control Officer has reason to believe atmospheric conditions have changed.

**307 OPEN OUTDOOR FIRES FOR BURNING OF AGRICULTURAL DITCHBANKS AND FENCE ROWS:** The owner or operator of an open outdoor fire for burning ditchbanks and fence rows that are located adjacent to agricultural operations, shall comply with all of the following requirements.

- 307.1** Comply with general requirements in Section 302 of this rule;
- 307.2** Comply with the permit requirements in Section 303 of this rule;
- 307.3** Comply with the recordkeeping requirements in Section 501.1 of this rule;
- 307.4** Not ignite or maintain the open outdoor fire during a restricted-burn period;
- 307.5** Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day;
- 307.6** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day;
- 307.7** Extinguish the open outdoor fire if emissions are limiting visibility on a roadway or if visible emissions extend to any occupied place that is not owned or operated by the owner or operator of the open outdoor fire;
- 307.8** Use a high temperature mechanical burner to ignite and maintain the open outdoor fire; and
- 307.9** Only burn vegetative materials.

- 308 OPEN OUTDOOR FIRES FOR WATERSHED REHABILITATION OR CONTROL:** The owner or operator of any open outdoor fire declared necessary by the federal government or any of its departments, agencies, or agents, or the State of Arizona or any of its agencies, departments, or subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation shall comply with all of the following requirements.
- 308.1** Comply with general requirements in Section 302 of this rule;
  - 308.2** Comply with the permit requirements in Section 303 of this rule;
  - 308.3** Comply with the recordkeeping requirements in Section 501.1 of this rule;
  - 308.4** Not ignite or maintain the open outdoor fire during a restricted-burn period;
  - 308.5** Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day; and
  - 308.6** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day.
- 309 OPEN OUTDOOR FIRES FOR DESTRUCTION OF TUMBLEWEEDS:** The owner or operator of an open outdoor fire for the destruction of tumbleweeds to prevent a fire hazard, shall comply with all of the following requirements, as applicable depending on the location of the open outdoor fire.
- 309.1** Within all portions of Maricopa County, the owner or operator shall:
    - a.** Comply with general requirements in Section 302 of this rule;
    - b.** Comply with the permit requirements in Section 303 of this rule;
    - c.** Comply with the recordkeeping requirements in Section 501.1 of this rule;
    - d.** Not ignite or maintain the open outdoor fire during a restricted-burn period;
    - e.** Not ignite the open outdoor fire on a Saturday, Sunday, or any holiday observed by Maricopa County;
    - f.** Cut and place the tumbleweeds in small piles (less than 15 feet in diameter) before igniting the open outdoor fire;
    - g.** Allow the tumbleweeds to dry before igniting the open outdoor fire. If it is not feasible to allow the tumbleweeds to dry, use a high temperature mechanical burner to ignite and maintain the open outdoor fire; and
    - h.** Extinguish the open outdoor fire if emissions are limiting visibility on a roadway, or if visible emissions extend to any occupied place that is not owned or operated by the owner or operator of the open outdoor fire, or if winds are blowing tumbleweeds out of piles.
  - 309.2** Within Area A, the owner or operator shall:
    - a.** Not ignite the open outdoor fire between May 1 and September 30;
    - b.** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day; and

- c. Between April 1 and April 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day.

**309.3** Outside Area A, the owner or operator shall:

- a. Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day; and
- b. Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day.

**310** **OPEN OUTDOOR FIRES FOR AGRICULTURAL LAND CLEARING:** The owner or operator of an open outdoor fire for burning of indigenous scrub for the purpose of agricultural operations in non-urban areas of low population, shall comply with all of the following requirements, as applicable depending on the location of the open outdoor fire.

**310.1** Within all portions of Maricopa County, the owner or operator shall:

- a. Comply with general requirements in Section 302 of this rule;
- b. Comply with the permit requirements in Section 303 of this rule;
- c. Comply with the recordkeeping requirements in Section 501.1 of this rule;
- d. Not ignite or maintain the open outdoor fire during a restricted-burn period; and
- e. Remove all materials other than indigenous scrub, including but not limited to, wood, rubber, tires, dirt, and metal, before igniting the open outdoor fire.

**310.2** Within Area A, the owner or operator shall:

- a. Not ignite the open outdoor fire between May 1 and September 30;
- b. Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day; and
- c. Between April 1 and April 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day.

**310.3** Outside Area A, the owner or operator shall:

- a. Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day; and
- b. Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day.

**311** **OPEN OUTDOOR FIRES FOR WARMTH FOR HUMAN BEINGS:** The owner or operator of an open outdoor fire, that is ignited to provide warmth for human beings, shall comply with all of the following requirements, as applicable depending on the location of the open outdoor fire.

**311.1** Within all portions of Maricopa County, the owner or operator shall:

- a. Comply with general requirements in Section 302 of this rule;

- b. Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared;
- c. Not ignite or maintain the open outdoor fire during a restricted-burn period; and
- d. Only ignite seasoned wood.

**311.2** Within Area A, the owner or operator shall not ignite the open outdoor fire between May 1 and September 30.

**312** **OPEN OUTDOOR FIRES FOR RECREATIONAL PURPOSES:** The owner or operator of an open outdoor fire, that is ignited for recreational purposes, including but not limited to, bonfires, campfires, and fire pits, shall comply with all of the following requirements, as applicable depending on the location of the open outdoor fire.

**312.1** Within all portions of Maricopa County, the owner or operator shall:

- a. Comply with general requirements in Section 302 of this rule;
- b. Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared;
- c. Not ignite or maintain the open outdoor fire during a restricted-burn period; and
- d. Only ignite seasoned wood.

**312.2** Within Area A, the owner or operator shall not ignite the open outdoor fire between May 1 and September 30.

**313** **OPEN OUTDOOR FIRES FOR BRANDING OF ANIMALS:** The owner or operator of an open outdoor fire that is ignited to heat tools used for the branding of animals shall comply with all of the following requirements, as applicable depending on the location of the open outdoor fire.

**313.1** Within all portions of Maricopa County, the owner or operator shall:

- a. Comply with general requirements in Section 302 of this rule;
- b. Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared;
- c. Not ignite or maintain the open outdoor fire during a restricted-burn period; and
- d. Only ignite seasoned wood.

**313.2** Within Area A, the owner or operator shall not ignite the open outdoor fire between May 1 and September 30.

**314** **FIRES FOR COOKING:** The owner or operator of an open outdoor fire that is used for cooking, and the owner or operator of an appliance that burns solid fuel and is used for the cooking, smoking, or flavoring of food, shall comply with all of the following requirements:

**314.1** Comply with general requirements in Section 302 of this rule;

- 314.2** Only ignite seasoned wood;
- 314.3** During a restricted burn period:
- a.** A fire shall only be established to cook, smoke, or flavor food for immediate human consumption;
  - b.** Cooking, smoking, or flavoring of food must begin without delay once the fire has been established;
  - c.** The fire must be extinguished without delay once all parts of the food are suitable for immediate human consumption; and
  - d.** The dimensions of the fire shall not exceed 2 square feet, unless a larger fire is necessary to ensure that all parts of the food will reach the minimum safe internal temperature recommended by the United States Department of Agriculture.
- 315** **OPEN OUTDOOR FIRES FOR ORCHARD HEATERS:** The owner or operator of an open outdoor fire that is ignited for purposes of frost protection in agricultural operations, including but not limited to farms, orchards, and nurseries, shall comply with the general requirements in Section 302 of this rule.
- 316** **OPEN OUTDOOR FIRES FOR PROPER DISPOSAL OF FLAGS:** The owner or operator of an open outdoor fire that is ignited for proper disposal of the flag of the United States in accordance with 4 U.S.C. § 8 shall comply with all of the following requirements:
- 316.1** Comply with general requirements in Section 302 of this rule;
  - 316.2** Only ignite seasoned wood;
  - 316.3** Disposal must begin without delay once the open outdoor fire has been established; and
  - 316.4** The open outdoor fire shall be extinguished without delay once the flag has been reduced to ash.
- 317** **OPEN OUTDOOR FIRES FOR DISPLAY OF PYROTECHNICS:** The owner or operator of an open outdoor fire that is ignited as part of a pyrotechnic display for a musical, cinematic, or theatrical function shall comply with the general requirements for open outdoor fires in Section 302 of this rule.
- 318** **OPEN OUTDOOR FIRES FOR FIRE EXTINGUISHER TRAINING:** The owner or operator of an open outdoor fire that is used for fire extinguisher training shall:
- 318.1** Comply with general requirements in Section 302 of this rule;
  - 318.2** Comply with the recordkeeping requirements in Section 501.1 of this rule;
  - 318.3** Only burn a small amount of flammable liquid in a non-combustible container or on a non-combustible pan;
  - 318.4** Not combust more than 2 gallons of flammable liquid per day;
  - 318.5** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day;

- 318.6 Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day;
- 318.7 Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared; and
- 318.8 Not ignite or maintain the open outdoor fire during a restricted-burn period, unless the fire is necessary for NFPA 1001 required training and all of the following requirements are met:
  - a. The cumulative duration of the open outdoor fire shall not exceed 2 hours in any 24-hour period;
  - b. Permission to burn shall be requested in writing and include the date and time of the training, the cumulative duration of the open outdoor fire; and the type and amount of materials to be burned; and
  - c. The open outdoor fire shall not be ignited unless permission is granted in writing by the Control Officer for each day of NFPA 1001 required training. The Control Officer will base the decision to grant or deny permission to burn based on expected meteorological conditions and expected emissions from the open outdoor fire. The Control Officer may cancel permission to ignite the open outdoor fire if the Control Officer has reason to believe atmospheric conditions have changed.

**319 OPEN OUTDOOR FIRES FOR DISPOSAL OF DANGEROUS MATERIAL:** The owner or operator of an open outdoor fire for disposal of dangerous material shall:

- 319.1 Obtain a permit for an open outdoor fire for the disposal of dangerous materials from the Arizona Department of Environmental Quality;
- 319.2 Comply with general requirements in Section 302 of this rule, except that prohibited materials can be burned;
- 319.3 Burn or dispose of the dangerous material in accordance with A.A.C. R18-2-602;
- 319.4 Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared;
- 319.5 Not ignite or maintain the open outdoor fire during a restricted-burn period;
- 319.6 Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day; and
- 319.7 Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day.

**320 OPEN OUTDOOR FIRES FOR TESTING POTENTIALLY EXPLOSIVE-CONTAINING PRODUCTS IN ACCORDANCE WITH DEPARTMENT OF TRANSPORTATION (DOT) OR DEPARTMENT OF DEFENSE (DOD)**

**GUIDELINES:** The owner or operator of an open outdoor fire for testing potentially explosive containing, flammable, or combustible products (e.g. automotive airbags, rocket

motors, gas generators, and vehicular assemblies) in accordance with DOT or DOD guidelines, shall:

- 320.1 Comply with general requirements in Section 302 of this rule, except that prohibited materials can be burned;
- 320.2 Comply with the permitting requirements in Section 303 of this rule, unless:
  - a. The testing is for purposes of hazard classification, packaging performance, propagation, and/or mass fire;
  - b. The testing area is controlled; and
  - c. Total emissions from all fires ignited for purposes of hazard classification, packaging performance, propagation, and/or mass fire do not exceed any of the permitting thresholds in Rule 200, Section 303.1.
- 320.3 Comply with the recordkeeping requirements in Section 501.2 of this rule;
- 320.4 Calculate emissions from the open outdoor fire using emission factors referenced in AP-42 or using other means of quantification that have been approved by the Control Officer and the Administrator;
- 320.5 Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day;
- 320.6 Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day;
- 320.7 Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared; and
- 320.8 Not ignite or maintain the open outdoor fire during a restricted-burn period, unless the Control Officer has granted permission to burn during the restricted-burn period. Permission to burn during the restricted-burn period shall be obtained prior to igniting the open outdoor fire. The Control Officer will grant permission to burn during a restricted-burn period if emissions from the open outdoor fire will not exceed two pounds of particulate matter per day.

**321 OPEN OUTDOOR FIRES FOR TESTING POTENTIALLY EXPLOSIVE-CONTAINING PRODUCTS FOR COMMERCIAL, MILITARY, OR LAW ENFORCEMENT USE:** The owner or operator of an open outdoor fire for testing potentially explosive products for commercial, military, or law enforcement use shall:

- 321.1 Comply with general requirements in Section 302 of this rule, except the prohibited materials can be burned;
- 321.2 Comply with the permitting requirements in Section 303 of this rule, unless:
  - a. The testing is for purposes of testing potentially explosive products for commercial, military, or law enforcement use;
  - b. The testing area is controlled; and



- c. Total emissions from all fires ignited for purposes of testing potentially explosive products for commercial, military, and law enforcement use do not exceed any of the permitting thresholds in Rule 200, Section 303.1.

- 321.3** Comply with the recordkeeping requirements in Section 501.2 of this rule;
- 321.4** Calculate emissions from the open outdoor fire using emission factors referenced in AP-42 or using other means of quantification that have been approved by the Control Officer and the Administrator.
- 321.5** Between October 1 and March 31, ignite the open outdoor fire after 10:00 a.m. and completely extinguish the open outdoor fire by 5:00 p.m. on the same day;
- 321.6** Between April 1 and September 30, ignite the open outdoor fire after 6:00 a.m. and completely extinguish the open outdoor fire by 6:00 p.m. on the same day;
- 321.7** Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to igniting the open outdoor fire, to determine whether a restricted burn period has been declared; and
- 321.8** Not ignite or maintain the open outdoor fire during a restricted-burn period, unless the Control Officer has granted permission to burn during the restricted-burn period. Permission to burn during the restricted-burn period shall be obtained prior to igniting the open outdoor fire. The Control Officer will grant permission to burn during a restricted-burn period if emissions from the open outdoor fire will not exceed two pounds of particulate matter per day.

**322 FIREPLACES, WOODSTOVES, AND CHIMINEAS AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS:** The owner or operator of any fireplace, woodstove, or chiminea that combusts non-gaseous fuels and is located at a commercial or institutional establishment shall:

- 322.1** Not ignite or combust any prohibited materials;
- 322.2** Only ignite seasoned wood;
- 322.3** Check the burn restrictions advisory webpage or call the air quality hotline each day, prior to burning in the fireplace, woodstove, or chiminea, to determine whether a restricted burn period has been declared; and
- 322.4** Not ignite or burn any non-gaseous fuel in the fireplace, woodstove, or chiminea during a restricted-burn period.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS FOR BURN PERMITS AND BURN PLANS**

- 401 FEES REQUIRED:** A fee shall be charged for a Burn Permit or the approval of each site specific Air Curtain Destructor Burn Plan as set forth in Rule 280 (Fees) of these rules.
- 402 BURN PERMIT APPLICATION:** A person shall file with the Control Officer, on a form prescribed by the Control Officer, a burn permit application and the complete application fee as described in Rule 280 (Fees) of these rules. The Control Officer shall act on a burn permit application and shall notify the applicant within 14 calendar days of the filing of a complete burn permit application.

- 402.1** A separate burn permit application is required for each burn site location. A burn site location is one of the following:
- a. Contiguous areas under the same ownership; or
  - b. A geographic area not exceeding one mile in length or width where all areas on which burning will occur are under the same ownership.
- 402.2** The issuance of a burn permit does not relieve the permittee from any of the requirements of a fire department having jurisdiction, including but not limited to having the burn permit validated by such fire department.
- 402.3** Permission given by a Public Officer for setting any fire given by a public officer in the performance of official duty under Sections 304, 305, or 308 of this rule shall be given in writing and a copy of the written permission shall be transmitted immediately to the Control Officer. The setting of any such fire shall be conducted in a manner and at such times as approved by the Control Officer, unless doing so would defeat the purpose of this exemption. The written permission from the Public Officer shall include one of the following statements:
- a. The open outdoor fire has been determined essential for the purposes of disease or pest prevention and has been certified by actual investigations conducted by the Arizona Department of Agriculture;
  - b. The open outdoor fire is necessary for the control of weeds or for the prevention of fire hazards; or
  - c. The open outdoor fire is necessary for the purposes of watershed rehabilitation or control through vegetative manipulation.
- 402.4** If a person has obtained a Title V Permit, a Non-Title V Permit, or authority to operate under a General Permit under Regulation II (Permits and Fees) of these rules that includes condition(s) regarding open outdoor fires, then such person shall not be required to obtain a separate burn permit from the Control Officer. An owner or operator of an air curtain destructor that has obtained a Title V permit from the ADEQ shall submit a burn plan for each burn site location to the Control Officer as described in Section 407 of this rule.
- 402.5** Each burn permit application shall include all of the following information:
- a. The name, address, and contact information for the burn permit applicant;
  - b. A description of the burn location (including address(es), parcel number(s), or GIS coordinates);
  - c. The date and time when burning will occur;
  - d. The type of material that will be combusted; and
  - e. The name and contact information of the person(s) authorized to ignite and extinguish the open outdoor fire if an order to extinguish open burning is issued.

**403 BURN PERMIT CONDITIONS:** Each burn permit issued under this rule shall include enforceable permit conditions that are relevant for the types of fires that require a burn

permit. The Control Officer may impose any additional permit conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules.

- 404 BURN PERMIT AND BURN PLAN INSPECTIONS:** The Control Officer shall conduct an on-site inspection before issuing a burn permit or approving a burn plan. The purpose of the inspection is to ensure that the information provided in the burn permit application or burn plan application is accurate and complete and that no prohibited materials will be burned, except as provided in Sections 319, 320, and 321 of this rule. After an initial on-site inspection by the Control Officer has been completed, a burn permit may be issued for the same location(s) without having to conduct additional initial on-site inspections. However, periodic unscheduled, on-site inspections may be conducted by the Control Officer.
- 405 BURN PERMIT DENIAL:** The Control Officer shall deny a burn permit application if the material or operations do not meet the criteria described in this rule. If the purpose of burning is removal of indigenous scrub vegetation, the Control Officer shall deny a burn permit application if the Control Officer has previously issued a burn permit for the same geographical location.
- 406 BURN PERMIT TERMS:** A burn permit shall be issued for the following terms:
- 406.1** Disease/Pest Prevention: 30 days from date of issuance
  - 406.2** Fire Hazard: 30 days from date of issuance
  - 406.3** Tumbleweeds: 30 days from date of issuance
  - 406.4** Ditchbank/Fence Row: 1 year from date of issuance
  - 406.5** Fire Fighting Instruction: 1 year from date of issuance
  - 406.6** Indigenous Scrub Vegetation/Agricultural Land Clearance: 30 days from date of issuance
  - 406.7** Watershed Rehabilitation: 30 days from date of issuance
- 407 BURN PLAN APPLICATION AND CONDITIONS:** An owner or operator of an air curtain destructor that has obtained a Title V permit from the ADEQ shall obtain an approved site-specific burn plan for each burn site location. To obtain an approved site-specific burn plan, a person shall file with the Control Officer, on a form prescribed by the Control Officer, a burn plan application and the complete application fee as described in Rule 280 (Fees) of these rules. The Control Officer shall act on a burn plan application and shall notify the applicant within 14 calendar days of the filing of a complete burn plan application.
- 407.1** A separate, site-specific burn plan application is required for each burn site location. A burn site location is one of the following:
    - a.** Contiguous areas under the same ownership; or
    - b.** A geographic area not exceeding one mile in length or width where all areas on which burning will occur are under the same ownership.

- 407.2** A burn plan application shall be site-specific and shall list the following, at a minimum:
- a.** Notification of intent to burn;
  - b.** The anticipated dates and hours of the burn;
  - c.** The type and quantity of fuel that will be used;
  - d.** The type of material burned;
  - e.** The legal location, to the nearest township, range and section or latitude and longitude, to the nearest degree minute, street address, or parcel number;
  - f.** The burn plan posting; and
  - g.** The listing of the air curtain destructor's requirements as outlined in Section A of the Appendix to this rule.
- 407.3** The Control Officer shall conduct an on-site inspection before approving the burn plan application. The purpose of the inspection is to ensure that the information provided in the burn plan application is accurate and complete, and that no prohibited materials will be burned.
- 407.4** The approval of a burn plan does not relieve the permittee from any of the requirements of a fire department having jurisdiction, including but not limited to having the burn plan validated by such fire department.
- 407.5** The Control Officer may impose any conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules.
- 407.6** The Control Officer shall deny a burn plan application if the material or operations do not meet the criteria described in this rule.

## **SECTION 500 – MONITORING AND RECORDS**

### **501 RECORDKEEPING AND REPORTING:**

- 501.1** The owner or operator of an open outdoor fire that is subject to Section 304, 305, 306, 307, 308, 309, 310, 318, or 319 of this rule, shall submit the following information to the Control Officer each time that open burning occurs. This information shall be provided on a daily basis either by writing, fax, or electronically and shall include:
- a.** The date of the burn; and
  - b.** The type and quantity of fuel burned for each date open outdoor burning occurs; and
  - c.** The fire type such as a pile or windrow for each date that open outdoor burning occurs; and
  - d.** The legal location, to the nearest township, range and section, or latitude and longitude, to the nearest degree minute, street address, or parcel number.
- 501.2** The owner or operator of an open outdoor fire that is subject to Section 320 or Section 321 of this rule, shall submit the following information to the Control

Officer for each day that such testing is conducted. This information shall be provided on a daily basis either by writing, fax, or electronically and shall include:

- a.** The date of the testing;
- b.** The time of day of testing;
- c.** The legal location of such testing, to the nearest township, range and section, or latitude and longitude, to the nearest degree minute, street address, or parcel number;
- d.** The unit designation (if applicable) (e.g. part number and test item description);
- e.** The quantity of units tested;
- f.** The type and quantity of material burned;
- g.** The total charge weight per unit tested;
- h.** The total weight of airborne particulate matter and gaseous pollutant effluents produced per test unit;
- i.** The test procedure used;
- j.** The duration of burn of each test unit; and
- k.** The estimated emissions resulting from the testing.

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 314  
OUTDOOR FIRES AND COMMERCIAL/INSTITUTIONAL SOLID FUEL BURNING**

**APPENDIX  
REQUIREMENTS FOR AIR CURTAIN DESTRUCTORS**

**A. Air Curtain Destructor Requirements:**

1. The length of the firebox must not exceed the length of the air curtain.
2. The firebox shall be lined with refractory materials.
3. The depth of the firebox shall be of such a distance to allow all burning material to be below the curtain of air created by the air curtain destructor.
4. The width of the firebox shall not exceed the width of the air curtain.
5. The firebox must have 4 stable, vertical sides.
6. Each time an air curtain destructor is moved, an inspection of the air curtain destructor must be made by the Control Officer prior to burning.

**B. Equipment Set-Up:**

1. An owner or operator of an air curtain destructor shall use a firebox and not a pit or trench to conduct open outdoor burning.
2. The equipment must be positioned so as to allow the blower's airflow to strike at a downward angle no less than 24 inches below the opposite rim of the firebox.
3. There shall be at least 1,000 feet between any two air curtain destructors.
4. An air curtain destructor shall be located at least 500 feet from any residence or building structure.
5. An air curtain destructor shall be located at least 500 feet from any fuel pipeline or fuel storage area.
6. An air curtain destructor shall be located at least 250 feet from any power lines.
7. Material that is not being worked or is being stockpiled to be burned at a later date by using an air curtain destructor shall be kept at least 75 feet from the air curtain destructor while the burn is taking place.

**C. Operation of Blower:**

1. All equipment must be operated and maintained according to manufacturer's specifications and the equipment manual.
2. The blower must be operating when and as long as any material in the firebox is burning.

**D. Loading of the Firebox:**

1. When loading (feeding) the firebox, the material must not extend above the air curtain (blower airflow).
2. The loading of materials into the firebox must be discontinued at a minimum of 2 hours prior to the end of the designated burning hours. The blower must continue to operate until the end of the burning hours or until combustion is completed.
3. Adequate measures must be taken to assure that no emissions emanate from materials left in the firebox (i.e., when combustion is completed). All materials left in the firebox must be extinguished with water or covered over with a minimum of 1 foot of mineral soil.

**E. Firebox Clean-Out:** All materials removed from the firebox must be completely extinguished and all reasonable precautions taken to control emissions.