

**RULES
OF THE
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-07-05
OPEN-AIR BURNING PERMIT**

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0080-07-05-.01 PURPOSE.

These rules establish the criteria and procedures for the issuance of open-air burning permits or burn bans as provided at Tennessee Code Annotated Section 39-14-306 and shall be known and cited as the "Tennessee Open-Air Burning-Permit Rules."

Authority: T.C.A. §§ 39-14-306 and 4-3-203. **Administrative History:** Rule filed February 20, 2014; effective July 29, 2014.

0080-07-05-.02 DEFINITIONS.

- (1) "State Forester" means the director of the Division of Forestry or authorized representative.
- (2) "Open-air fire" means any fire, whether or not confined, burning in the outdoors within 500 feet of any forest, grassland, or woodland. Open-air fire includes but is not limited to woody-debris fires, agricultural and silvicultural fires, and cooking and warming fires. Open-air fire does not include ceremonial fires, fireworks, or cooking-grill fires.
- (3) "Permit" means documentation of permission granted by the State Forester or the State Forester's authorized representative allowing the permittee to conduct an open-air fire.
- (4) "Burning-permit season" is from 8 a.m. local time on October 15 through 11:59 p.m. local time on May 15.
- (5) "Hazardous burning conditions" means that the Division of Forestry's parameters for safe open-air fires have been exceeded.
- (6) "Extreme fire hazard conditions" means that the Division of Forestry's parameters indicate that any open-air fire would create a significant public risk.
- (7) "Burning ban" means a declaration by the Commissioner of the Department of Agriculture forbidding any open-air fire in any area of the state.
- (8) "Seasonal permit" means a single permit that is in effect for an extended period.

Authority: T.C.A. §§ 39-14-306, 11-4-301 and 4-3-203. **Administrative History:** Rule filed February 20, 2014; effective July 29, 2014.

0080-07-05-.03 BURNING-PERMIT GENERAL REQUIREMENTS AND LIMITATIONS.

- (1) Permits may be issued by any reasonable means, including by telephone, in person or by Internet.

(Rule 0080-07-05-.03, continued)

- (2) The permit is valid only for the days and hours specified.
- (3) Permit requests shall be refused any time the State Forester or the State Forester's authorized representative determines that open-air fires are unsafe.
- (4) The permit shall only allow burning of vegetation grown on the site, untreated wood waste, or other materials allowed for open burning by rules of the Tennessee Department of Environment and Conservation.
- (5) Each permit shall include a unique identifying number.
- (6) Each permit should include:
 - (a) Name of permittee.
 - (b) Location of burn.
 - (c) Date and time of burn.
 - (d) Material to be burned.
 - (e) Acres to be burned, if applicable.
 - (f) Identity of the permit issuer.
 - (g) Date and time of issuance.
 - (h) Other information required by the Division of Forestry.
- (7) Seasonal permits shall be subject to the same general requirements as nonseasonal permits.
- (8) Seasonal permits may be revoked by the Division of Forestry after notice to the permittee.

Authority: T.C.A. §§ 39-14-306, 11-4-301, 11-4-405 and 4-3-203. **Administrative History:** Rule filed February 20, 2014; effective July 29, 2014.

0080-07-05-.04 COMMISSIONER'S BURNING BAN.

- (1) The State Forester shall immediately notify the Commissioner of the Department of Agriculture when extreme fire hazard conditions exist in any area of the state.
- (2) Prior to issuing a Commissioner's burning ban, the Commissioner shall consult with the county mayor or county executive of any area that will be subject to the burning ban.
- (3) The Commissioner shall make the final determination to issue the burning ban.

Authority: T.C.A. § 39-14-306. **Administrative History:** Rule filed February 20, 2014; effective July 29, 2014.