

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
AIR QUALITY CONTROL, CHAPTER 391-3-1**

Rule 391-3-1-.02(5), “Open Burning,” is being amended.

Purpose: This rule is being revised to clarify the exemption for leaves by changing “leaves” to “leaf piles” and adding “yard debris” and “hand-piled natural vegetation” to the exemption. This will make our rule consistent with the permitting requirements in the Georgia Forest Fire Protection Act, Section 12-6-90. This rule is also being revised to reduce the number of counties currently subject to year-round open burning restrictions and to revert to the list of counties prior to the release of the 2020 Census. The 2020 Census showed that the population in three additional summer burn ban counties had exceeded the 65,000-population threshold that was used to define an urban area, resulting in Catoosa, Jackson, and Spalding Counties becoming subject to year-round open burning restrictions. The 27 counties previously identified in the year-round open burning restrictions were included to attain and maintain the 2008 ozone standard. Since the Atlanta area is currently well below the 2008 ozone standard, it was determined that the addition of these three new counties to year-round open burning restrictions was unnecessary. Therefore, the rule is being amended to remove Catoosa, Jackson, and Spalding counties from the list of counties subject to the restrictions and return to the previous list of counties which can be defined as counties with a population exceeding 65,000 as of the 2010 Census.

Main Features: Subparagraph (5)(a)1. is being updated to remove “leaves” and add “leaf piles, yard debris, or hand-piled natural vegetation” as exemptions from the open burning ban. Subparagraph (5)(b)4. is being updated to remove “latest census” and replace it with “2010 Census” and to add the list of 27 counties subject to the year-round open burning restrictions, which are the counties that had populations exceeding 65,000 in the 2010 Census. Subparagraphs (5)(b)4. and (5)(c) are being revised to replace “subsections” with “subparagraphs.”

STATEMENT OF RATIONALE
Rules for Air Quality Control

Rule 391-3-1-.02(5) – Open Burning.

The basis of this rule is to restrict open burning throughout the State with specific exceptions. The purpose of this revision is to amend the exception for open burning of leaves to include leaf piles, yard debris, and hand-piled natural vegetation and to amend the specific county restrictions to limit year-round open burning restrictions to counties subject to the summer burning restrictions that had a population exceeding 65,000 as listed in the 2010 Census. The rule is also being amended to correct language.

These revisions do not incur any additional costs to the regulated industry or the public.