



# Albemarle County

## Legislation Text

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**File #:** 18-496, **Version:** 1

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**AGENDA DATE:** 10/3/2018

**TITLE:**

Open Air Burning Regulations for Land Clearing and Development Operations

**SUBJECT/PROPOSAL/REQUEST:** Adoption of an ordinance to strengthen County regulations regarding open air burning

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Farley, Eggleston, Oprandy, Lagomarsino

**PRESENTER (S):** Amanda Farley

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board has discussed open-air burning on a number of occasions and approved a draft ordinance on June 6, 2018 that included the Fire Marshal's recommended changes to further restrict commercial open burning by date, time, distance, and number of permits issued, and to require proof of liability insurance for applications for commercial open burning.

**STRATEGIC PLAN:** *Natural Resources Stewardship:* Thoughtfully protect and manage Albemarle County's ecosystem and resources both in the rural and development areas to safeguard the quality of life for current and future generations. *Quality Government Operations:* Ensure the County's capacity to achieve high quality service that achieves Community priorities

**DISCUSSION:** The draft ordinance was forwarded to the Commonwealth's Air Pollution Control Board for approval. The Air Pollution Control Board requested the following changes:  
County Code § 6-402, Adoption of Virginia State Air Pollution Control Board regulations: Add this section to the proposed ordinance and update the site reference of the Regulations for the Control and Abatement of Air Pollution; and  
County Code § 6-404, Prohibitions on burning: Revise paragraph G to clarify the Fire Marshal's authorization.

In addition, revisions were made to County Code § 6-406 to clarify that open burning that is currently permitted on private property shall be limited to materials originating from the premises of the property, and that open burning that is currently permitted for the disposal of debris waste shall be limited to waste originating from and located on the premises.

The Commonwealth Air Pollution Control Board approved the attached proposed ordinance (Attachment B), which includes all of the above revisions.

Staff recognizes that citizens and the Board are also concerned about residential open air burning. Staff plans to return to the Board in November to discuss how to address those concerns.

**BUDGET IMPACT:** The budget impact will be some additional workload, but significant budget impact is not anticipated at this time.

**RECOMMENDATION:**

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment B).

**ATTACHMENTS:**

A - June 6, 2018 Executive Summary w/o attachments

B - Proposed draft ordinance