

17.8.604 MATERIALS PROHIBITED FROM OPEN BURNING

(1) The following material may not be disposed of by open burning:

(a) any waste which is moved from the premises where it was generated, except as provided in ARM [17.8.604\(2\)](#), [17.8.611](#), or [17.8.612\(4\)\(a\)](#) or (4)(b);

(b) food wastes;

(c) Styrofoam and other plastics;

(d) wastes generating noxious odors;

(e) wood and wood byproducts that have been coated, painted, stained, treated, or contaminated by a foreign material, unless open burning is allowed under ARM [17.8.614](#) or [17.8.615](#);

(f) poultry litter;

(g) animal droppings;

(h) dead animals or dead animal parts;

(i) tires, except as provided in ARM [17.8.615](#);

(j) rubber materials;

(k) asphalt shingles, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(l) tar paper, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(m) automobile or aircraft bodies and interiors, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(n) insulated wire, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(o) oil or petroleum products, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(p) treated lumber and timbers;

(q) pathogenic wastes;

(r) hazardous wastes, as defined by 40 CFR Part 261, incorporated by reference in ARM [17.8.602](#);

(s) trade wastes, except as provided in ARM [17.8.611](#) or [17.8.612](#);

(t) any materials resulting from a salvage operation;

(u) chemicals, except as provided in ARM [17.8.614](#) or [17.8.615](#);

(v) Christmas tree waste as defined in ARM [17.8.601](#), except as provided in ARM [17.8.613](#);

(w) asbestos or asbestos-containing materials;

(x) standing or demolished structures containing prohibited material, except as provided in ARM [17.8.612](#), [17.8.614](#), or [17.8.615](#); and

(y) paint, except as provided in ARM [17.8.614](#) or [17.8.615](#).

(2) A person may not conduct open burning of any wood waste that is moved from the premises where it was generated, except as provided in ARM [17.8.611](#) or [17.8.612\(4\)\(a\)](#) or (4)(b), or unless the department determines:

(a) the material is wood or wood byproducts that have not been coated, painted, stained, treated, or contaminated by a foreign material; and

(b) alternative methods of disposal are unavailable or infeasible.

(3) A person conducting open burning of wood waste which is moved from the premises where it was generated shall comply with BACT.

(4) A person intending to conduct open burning of wood waste which is moved from the premises where it was generated shall contact the department by calling the number listed in ARM [17.8.601\(1\)](#) prior to conducting open burning.

(5) Except as provided in ARM [17.8.606](#), a person may not open burn any nonprohibited material without first obtaining an air quality open burning permit from the department.

History: [75-2-111](#), [75-2-203](#), MCA; [IMP](#), [75-2-203](#), [75-2-211](#), MCA; [NEW](#), 1982 MAR p. 689, Eff. 4/16/82; [AMD](#), 1991 MAR p. 126, Eff. 2/1/91; [AMD](#), 1994 MAR p. 2528, Eff. 9/9/94; [AMD](#), 1995 MAR p. 535, Eff. 4/14/95; [AMD](#), 1996 MAR p. 1844, Eff. 7/4/96; [TRANS](#), from DHES, 1996 MAR p. 2285; [AMD](#), 2002 MAR p. 3586, Eff. 12/27/02; [AMD](#), 2011 MAR p. 569, Eff. 4/15/11.