

RESOLUTION - 5 - 2021


BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GARFIELD COUNTY, MONTANA.

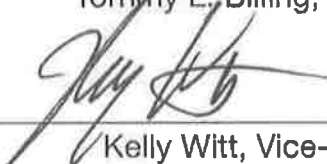
WHEREAS; the Garfield County Commissioners are stating that Burning Permits are required for open burning even when no restrictions in place.


THEREFORE, BE IT RESOLVED, that caution be used with any and all fires. Even without fire restrictions in place, anyone who causes a wild land fire intentionally or through negligence may be held accountable for damage and suppression costs.

PASSED AND APPROVED this 28th day of January, 2021.


GARFIELD COUNTY COMMISSIONERS


Tommy L. Billing, Chairman


Kelly Witt, Vice-Chairman


Jerry Collins, Member

ATTEST:


Jayci Saylor, Clerk and Recorder



GARFIELD COUNTY OPEN BURNING PERMIT

1. NAME _____ 2. PERMIT # _____
 3. MAILING ADDRESS _____ 3. PHONE# _____
 5. LOCATION OF THE BURN _____

6. JURISDICTIONAL AUTHORITY: This permit is for all open burning within the boundaries of Garfield County. Before applying for a Garfield County Open Burning Permit, for any type of burning other than a "Minor Open Burning Source" (as defined in the D.E.Q. regulations), you must first apply for and receive an Open Burning Permit from the Montana Department of Environmental Quality, Air and Waste Management Bureau, (D.E.Q.) Helena, Montana, (406-444-2544).

7. APPLICANT'S RESPONSIBILITY: All open burning must meet Department of Environmental Quality regulations. (See "Garfield County Open Burning Handout" for the list of prohibited materials). All permit holders are held liable for damages and suppression or response costs if they; lose control of their open burning, fail to obtain a permit or fail to notify Garfield County of planned burning activity, as explained on the reverse side of this permit. All permit holders who intend to burn within Garfield County shall notify Garfield/Custer Dispatch, prior to burning by calling phone number 406-232-3411.

8. OUT OF SEASON BURNING: Any person utilizing open burning during the months of September through February must call the toll free Department of Environmental Quality's **Fire Ventilation Forecast**: daily, for burning instructions, at phone #1-800-225-6779, or the Department of Environmental Quality, Helena, Montana at phone number 406-444-2544. Statewide, all burning is generally prohibited during the months of December through February; however, in most areas of Eastern Montana permission is usually granted. Local permits are still required, as are the regulations regarding notification of local authorities of the time and location of the planned burn. (Please review paragraph #7).

9. CLASSIFICATION OF OPEN BURNING SOURCE: (check one) (Reference: D.E.Q. Rules)
MINOR OPEN BURNING SOURCE (17.8.606) REQUIRES ONLY GARFIELD COUNTY PERMIT

<input type="checkbox"/> Essential Agricultural Open Burning Mar. through Aug.	Conditional season Sept. through Feb.
<input type="checkbox"/> Prescribed/Forestry Slash Open Burning Mar. through Nov.	Conditional season Dec. through Feb.
<input type="checkbox"/> General Open Burning other than above Mar. through Aug.	Conditional season Sept. through Feb.
<input type="checkbox"/> Special Open Burning	Designated Period - _____

CONDITIONAL PERMITS: (17.8.612) REQUIRES D.E.Q. AND GARFIELD COUNTY PERMITS

<input type="checkbox"/> Trade Wastes, wood and wood by-products	Single Burn Permit	D.E.Q. Permit # _____
<input type="checkbox"/> Licensed Landfill, untreated wood waste	Single Burn Permit	D.E.Q. Permit # _____

OTHER REGULATED BURNING REQUIRING D.E.Q. AND GARFIELD COUNTY PERMITS

<input type="checkbox"/> Firefighter Training burning	17.8.615	Single Burn Permit	D.E.Q. Permit # _____
<input type="checkbox"/> Emergency open burning	17.8.611	Single Burn Permit	D.E.Q. Permit # _____
<input type="checkbox"/> Major open burning source	17.8.611	Single Burn Permit	D.E.Q. Permit # _____

SIGNATURE OF APPLICANT: The above information is true and correct, to the best of my knowledge. The description of the materials that I intend to burn is as accurate as I can make it. I understand that on the reverse side of this permit is a copy of the "Garfield County Burning Procedure" and that by my signature I acknowledge the liability and responsibility expressed therein.

10. Applicant signature _____ 11. Date ___/___/___
 12. Permit issued by _____

A.R.M. 17.8, Subchapter 6: The Board of County Commissioners intend to enforce the Administrative Rules of Montana: Chapter 17.8, Subchapter 6, which identifies procedural guidelines for open burning within the State of Montana, permitting requirements and defines materials prohibited from burning and hazardous waste. A copy of these Administrative Rules may be obtained from either: the Montana Department of Environmental Quality, Permitting and Compliance Division, Air and Waste Management Bureau, P.O. Box 200901, Helena, Montana 59620-0901. The portion A.R.M. Chapter 17.8, Sub-Chapter 6 (17.8.604), which describes Prohibited Open Burning is reprinted on the handout entitled "*Garfield County Open Burning Handout*". A copy will be provided to each person that obtains a Garfield County Burning Permit.

REGULATIONS: To effectively monitor countywide burning, all persons who wish to burn within the boundaries of Garfield County shall:

1. Make application for and receive approval for the material to be burned, as verified by a Garfield County Burning Permit, obtained at the Disaster and Emergency Services Office, _____, Jordan, Montana.
2. After the permit has been issued, the permit holder must notify the Custer/Garfield 911 Dispatch Center each day burning is planned. Persons may notify the dispatch center in person at _____ or by calling _____.
3. Certain types of burning may require an additional permit from the Montana Department of Environmental Quality, Permitting and Compliance Division, Air and Waste Management Bureau, Helena, Montana.
4. Only non-prohibited materials may be burned under any circumstance.

COST RECOVERY: All charges for equipment and personnel will be as stated in the State of Montana, Department of State Lands' "300 Manual," and the Northern Rockies Coordinating Group's, interagency fire Business Management Handbook."

1. Specific justifications for cost recovery shall be:
 - a. Failure to obtain a permit(s), or
 - b. Failure to provide notification to the Garfield County Disaster and Emergency Services office, of all planned burning resulting in a "false alarm" response of firefighting apparatus and/or personnel.
 - c. Careless and/or negligent action, which result in an escaped fire.
2. The amount billed is based on the total of the hourly rates of each piece of apparatus or equipment and personnel, for the time necessary to regain adequate control of the escaped fire, or respond to the unreported fire. (see 1-b) This amount will be computed beginning with the time of the initial dispatch of the first responding fire apparatus, and the dispatch time of each additional piece of apparatus or support personnel, and will end at the time the apparatus is returned to an available for response status.

LIABILITY AND RESPONSIBILITY: Under Montana State Law 50-63-102 and 50-63-103, M.C.A, you are liable for any damage to the property of others and responsible to pay firefighting costs if your fire becomes "out of control." The applicant assumes all liability for damages from fires authorized by this permit. Any violations void this permit. Duly authorized personnel (Fire Suppression/Law Enforcement Authorities) may enter private property for the purpose of suppression and/or investigating fires and are exempt from any damage resulting from such activities.

GARFIELD COUNTY OPEN BURNING HANDOUT

PROHIBITED OPEN BURNING 17.8.604 WHEN PERMIT REQUIRED

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, including waste moved to a solid waste disposal site, except as provided for in ARM. 17.8.611 OR 17.8.612; (b) food wastes; (c) Styrofoam and other plastics; (d) wastes generating noxious odors, (e) wood and wood byproducts other than painted or stained wood, unless public or private garbage hauler or rural container system is unavailable, or unless open burning is allowed under ARM 17.8.614; (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 salvage operations; (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; and (x) standing or demolished structures, except as provided in ARM 17.8.612, 17.8.614 or 17.8.615;
2. Except as provided in ARM 17.8.606, no person may open burn any non-prohibited material without first obtaining an air quality open burning permit from the department. (History: 75-2-111 and 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.162, 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.)

RECOMMENDATIONS: Careful planning and attention to the following recommendations during the preparations of and management of the burn will increase the likelihood of a safe and successful burn.

1. Allow adequate time to complete the burn. Allowable burning – dawn till dusk, and should not extend into the night.
2. Utilize optimum-burning conditions only. Avoid days with significant or gusty winds. Days in which the relative humidity is low will favor a clean burn, but will also promote rapid fire spread.
3. Pre-plan the area to be burned. Section the area into segments if possible, to allow for better control and rest periods. Identify safe zones and plan escape routes, to be used if the fire spreads too quickly. Use plowed, bare grounds or natural firebreaks. Consider burning into the breeze, from a firebreak, to slow the burning process.
4. Have your fire suppression measures at hand and in operable condition. Water application, dozers, tractor and plow, harrow or disc, wet burlap bag, have all proved invaluable through the years as fire control measures. Have an adequate amount of people to help. Hand tools, such as shovels, rakes, hoes and flappers should be available and in a ready position.
5. Do not wear clothing made of synthetic fabrics; wear wool or cotton clothing with long sleeves. Use gloves and boots, cover your head and wear eye protection if necessary.
6. If your fire appears to become “out of control”, call for help immediately. This will enable assistance and additional equipment to be dispatched early, which means savings to all.
7. Carry through with your burn to completion. No wild land fire should be left unattended. Prior to dusk, extinguish any areas still actively burning or smoldering, patrol the perimeter to insure that it is out. If trees, tree residue, untreated wood waste is to be burned, consider burning the area around the pile one day, and the next day burning the pile.
8. Extinguish any burn creating a public nuisance. Monitor smoke column and drift, traffic visibility, noxious odors, etc.
9. Recreational fires such as barbecues and campfires do not require a permit, but if you think your recreation fire may be noticed, call the fire department and notify them as a courtesy to avoid a possible false response.