

Summary of April Open Burning Restrictions  
For Johnson, Sedgwick, Wyandotte and Thirteen Flint Hills Counties

Kansas Administrative Regulation (K.A.R.) 28-19-645a, Open Burning Restrictions for Certain Counties During the Month of April, is a new regulation in support of the State of Kansas Flint Hills Smoke Management Plan (SMP) that was formally adopted by the Kansas Department of Health and Environment (KDHE) on December 29, 2010. This regulation was proposed in parallel as a temporary and as a permanent regulation in an effort to have the regulatory component of the SMP in place for the Flint Hills burn season this March-April 2011.

**The temporary regulation was approved on March 1, 2011.** To ensure the April burning restrictions are in place after 2011, KDHE has proposed a permanent regulation that is identical to the temporary regulation mentioned above. The process of adopting a permanent regulation includes a public comment period and a public hearing. The public comment period will open on March 10, 2011, and will conclude on May 23, 2011. The public hearing will be held at 10:00 AM on May 23, 2011, in Room 530 of the Curtis State Office Building in Topeka.

Burning that will continue to be allowed in these counties during April include agricultural burning related to the management of prairie or grasslands (range or pasture management) and conservation reserve program (CRP) burning activities. Restricted activities include burning of materials such as land clearing debris, crop residues, construction debris, fire fighter training burns, and yard waste. Existing exemptions in K.A.R. 28-19-647(a)(1) and (a)(2) have been retained in the proposed new regulation as K.A.R. 28-19-645a(b)(2) and allow for the following: (1) open burning on a residential premise containing five or less dwelling units and incidental to the normal habitation of the dwelling units; and (2) open burning for cooking or ceremonial purposes on public or private lands regularly used for recreational purposes. Other exemptions may be considered on a case-by-case basis for certain activities, of which the burning of storm debris would be a good example of a possible qualifying exemption.

Burn activities not explicitly exempted in the new regulation will be subject to review and approval by the KDHE. Any proposed burn activity must be proven to be necessary, to be in the public interest, and not to be prohibited by any local government or local fire authority.

April burn activities involving nonagricultural land clearing debris and construction debris in Johnson, Wyandotte, and Sedgwick counties will be subject to review and approval by the respective local authorities.

The thirteen Flint Hills counties are Riley, Pottawatomie, Geary, Wabunsee, Morris, Lyon, Chase, Marion, Butler, Greenwood, Elk, Cowley and Chatauqua.