

April Burning Restrictions – Frequently Asked Questions

1. Is crop residue burning restricted in April?

Yes, crop residue burning is restricted for the 16 counties specified in the April Burning Restrictions of K.A.R. 28-19-645a (13 in Flint Hills + Johnson, Sedgwick & Wyandotte). Burning of the tall grass prairie is not considered crop residue burning.

2. Is burning yard waste allowed at an individual residence during April?

Yes, unless restricted by a local ordinance.

3. Are residential trash burn barrels permitted?

Yes, unless restricted by a local ordinance.

4. Can a local fire chief override the April Burning Restrictions of K.A.R. 28-19-645a if requested by a local resident or business?

Yes, if local ordinance is *more stringent*. No, when the purpose of the override is to allow something prohibited under state regulation.

5. Are fire fighter training burns permitted?

Yes, with approval from KDHE. However, it is appropriate to request fire training be scheduled outside of the month of April in the affected counties.

6. Is open burning for land clearing and construction projects allowed in April?

Not in the 13 Flint Hills Counties. In Johnson, Wyandotte and Sedgwick counties, the local authority can approve burning of trees and brush from nonagricultural land clearing and construction project sites; all other open burning in these counties must be approved by KDHE. In the rest of the state, KDHE must approve this burning unless local ordinance is more stringent. It is our intent to discourage nonagricultural burning during the month of April.

7. Are air curtain destructors / incinerators allowed to operate in April?

Yes. Air Curtain Incinerators/Destructors/Trench Burners (with KDHE Class I permits as a special type of incinerator) are allowed to operate in April.

8. What is an example of open burning that might be “deemed to be necessary and in the public interest”?

Fires set to remove dangerous or hazardous liquid materials, debris from an ice storm or a tornado (where landfilling is not feasible) or storage capacity after ice storms or tornados is not sufficient to wait until May or later.

9. What agencies and offices are involved in regulating open burning?

- a. Local fire, emergency response and law enforcement, depending on local ordinance.
- b. The six KDHE District Offices.
- c. The Compliance Section of the Bureau of Air at KDHE in Topeka.

10. Where is the first place a person should call with questions concerning open burning?

The local fire department or law enforcement authority. Next, our KDHE District Office.

11. Which agency has the final authority on regulating open burning?

In most cases, the local fire department if they are more stringent. If local requirements are less stringent than KDHE, the state agency has authority.

12. Are campfires and bonfires allowed in April?

Yes, open burning for cooking or ceremonial purposes, on public or private lands regularly used for recreational purposes.

13. How will the April Burn Restrictions be enforced?

KDHE intends to utilize compliance assistance and public education to get the word out. If there are extenuating circumstances in a particular situation, KDHE may utilize their enforcement authority to address an egregious problem.

14. Is the local permitted open burn site allowed to burn in April?

No, unless KDHE issues a special circumstances or emergency approval specifically for April. Otherwise, all local permitted open burn sites are discouraged from open burning during the month of April, even if a permit had been previously issued. The success of the Flint Hills Smoke Management Plan is contingent on all parties cooperating to reduce smoke impacts.

15. If there are severe storms, can the collected debris be burned?

Yes, with approval from the local authority in Johnson, Sedgwick or Wyandotte counties, or with KDHE approval elsewhere.

If you have additional questions, please contact Douglas Watson (785) 296-0910 or Vivien Smith (785) 296-0757.