74:36:06:07. Open burning practices prohibited. The following open burning practices are prohibited:

(1) A person may not burn waste oils, rubber, waste tires, tarpaper, or asphalt shingles. For the purposes of this subdivision, waste oil means any oil that has been refined from crude oil, used, or contaminated by physical or chemical impurities. An exception for crude oil is allowed as a remediation alternative for soils contaminated with crude oil if a person submits the information requested in § 74:10:05:11.04 and the secretary approves the alternative remediation process;

(2) A municipality or county governmental agency may not burn municipal solid waste unless exempted by the small town exemption in accordance with § 74:27:12:25;

(3) A person may not conduct or permit the operation of a salvage operation by open burning, except as allowed in article 74:27; and

(4) A person may not burn railroad ties or wood treated with inorganic arsenicals, pentacholorophenol, or creosols.

Open burning of any other material must be conducted in accordance with all applicable local ordinances and state laws and rules.

Source: SL 1975, ch 16, § 1; 2 SDR 40, effective December 7, 1975; transferred from §§ 34:10:04:02 and 34:10:04:08, 7 SDR 4, effective July 27, 1980; transferred from §§ 44:10:04:02 and 44:10:04:08, effective July 1, 1981; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 17 SDR 170, effective May 13, 1991; transferred from §§ 74:26:04:02 and 74:26:04:08, 19 SDR 157, effective April 22, 1993; 21 SDR 119, effective January 5, 1995; transferred from § 74:36:15:01, 23 SDR 106, effective December 29, 1996; 25 SDR 123, effective April 4, 1999.

General Authority: SDCL 34A-1-6, 34A-1-18.

Law Implemented: SDCL 34A-1-18.

Cross-References: Promulgation of rules -- Factors for consideration -- Scope -- Open burning, SDCL 34A-6-1.6; Open burning restrictions, § 74:27:13:11.

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