record the percent sulfur content from the vendor if the fuel used in an oil, coal, or gas furnace is purchased from a licensed fuel distributor.

(g) Definitions of terms used in this section. The following terms that are used in this section are defined in §49.123:

- Act, air pollutant, ambient air, coal, distillate fuel oil, emission, fuel, fuel oil, gaseous fuel, marine vessel, mobile sources, motor vehicle, nonroad engine, nonroad vehicle, owner or operator, reference method, Regional Administrator, residual fuel oil, solid fuel, source, standard conditions, stationary source, used oil, and wood.

§49.131 General rule for open burning.

(a) What is the purpose of this section? This section limits the types of materials that can be openly burned within the Indian reservation to control emissions of particulate matter and other noxious fumes to the atmosphere and ground-level concentrations of particulate matter. It is EPA’s goal to eliminate open burning disposal practices where alternative methods are feasible and practicable, to encourage the development of alternative disposal methods, to emphasize resource recovery, and to encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible.

(b) Who is affected by this section? This section applies to any person who conducts open burning and to the owner of the property upon which open burning is conducted.

(c) What is exempted from this section? The following open fires are exempted from this section:

1. Outdoor fires set for cultural or traditional purposes;
2. Fires set for cultural or traditional purposes within structures such as sweat houses or lodges;
3. Except during a burn ban under paragraphs (d)(2) and (d)(3) of this section, fires set for recreational purposes provided that no prohibited materials are burned;
4. Except during a burn ban under paragraphs (d)(2) and (d)(3) of this section and with prior permission from the Regional Administrator, open outdoor fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, provided that training fires are not allowed to smolder after the training session has terminated. Prior to igniting any structure, the fire protection service must ensure that the structure does not contain any asbestos or asbestos-containing materials; batteries; stored chemicals such as pesticides, herbicides, fertilizers, paints, glues, sealers, tar, solvents, household cleaners, or photographic reagents; stored linoleum, plastics, rubber, tires, or insulated wire; or hazardous wastes. Before requesting permission from the Regional Administrator, the fire protection service must ensure that the structure does not contain any asbestos or asbestos-containing materials; batteries; stored chemicals such as pesticides, herbicides, fertilizers, paints, glues, sealers, tar, solvents, household cleaners, or photographic reagents; stored linoleum, plastics, rubber, tires, or insulated wire; or hazardous wastes.
5. Except during a burn ban under paragraphs (d)(2) and (d)(3) of this section and with prior permission from the Regional Administrator, one open outdoor fire each year to dispose of fireworks and associated packaging materials. Before requesting permission from the Regional Administrator, the owner or operator must notify any appropriate Tribal air pollution authority and obtain any permissions or approvals required by the Tribe, and by any other governments with applicable laws and ordinances;
6. Except during a burn ban under paragraphs (d)(2) and (d)(3) of this section, open burning for the disposal of diseased animals or other material by order of a public health official.

(d) What are the requirements for open burning? (1) A person must not openly burn, or allow the open burning of, the following materials:

i. Garbage;
ii. Dead animals or parts of dead animals;
iii. Junked motor vehicles or any materials resulting from a salvage operation;
iv. Tires or rubber materials or products;
v. Plastics, plastic products, or styrofoam;
(vi) Asphalt or composition roofing, or any other asphalitic material or product;
(vii) Tar, tarpaper, petroleum products, or paints;
(viii) Paper, paper products, or cardboard other than what is necessary to
start a fire or that is generated at single-family residences or residential
buildings with four or fewer dwelling units and is burned at the residential
site;
(ix) Lumber or timbers treated with
preservatives;
(x) Construction debris or demolition
waste;
(xi) Pesticides, herbicides, fertilizers,
or other chemicals;
(xii) Insulated wire;
(xiii) Batteries;
(xiv) Light bulbs;
(xv) Materials containing mercury
(e.g., thermometers);
(xvi) Asbestos or asbestos-containing
materials;
(xvii) Pathogenic wastes;
(xviii) Hazardous wastes; or
(xix) Any material other than nat-
ural vegetation that normally emits
dense smoke or noxious fumes when
burned.

(2) Except for exempted fires set for
cultural or traditional purposes, all
open burning is prohibited whenever
the Regional Administrator declares a
burn ban due to deteriorating air
quality. A burn ban may be declared whenever the Regional Administrator deter-
nines that air quality levels have ex-
ceeded, or are expected to exceed, 75%
of any national ambient air quality
standard for particulate matter, and
these levels are projected to continue
or reoccur over at least the next 24
hours.

(3) Except for exempted fires set for
cultural or traditional purposes, all
open burning is prohibited whenever
the Regional Administrator issues an
air stagnation advisory or declares an
air pollution alert, warning, or emergency pursuant to §49.137 Rule for air pollution epi-
sodes.

(4) Nothing in this section exempts or
excuses any person from complying
with applicable laws and ordinances of
local fire departments and other gov-
ernmental jurisdictions.

(e) Are there additional requirements
that must be met? (1) A person subject to
this section must conduct open burning
as follows:
(i) All materials to be openly burned
must be kept as dry as possible
through the use of a cover or dry stor-
age:
(ii) Before igniting a burn, non-
combustibles must be separated from
the materials to be openly burned to
the greatest extent practicable;
(iii) Natural or artificially induced
draft must be present, including the
use of blowers or air curtain incinera-
tors where practicable;
(iv) To the greatest extent prac-
ticable, materials to be openly burned
must be separated from the grass or
peat layer; and
(v) A fire must not be allowed to
smolder.

(2) Except for exempted fires set for
cultural or traditional purposes, a per-
son must not initiate any open burning
when:
(i) The Regional Administrator has
declared a burn ban;
(ii) An air stagnation advisory has
been issued or an air pollution alert,
warning, or emergency has been de-
clared by the Regional Administrator.

(3) Except for exempted fires set for
cultural or traditional purposes, any
person conducting open burning when
such an advisory is issued or declara-
tion is made must either immediately
extinguish the fire, or immediately
withhold additional material such that
the fire burns down.

(f) Definitions of terms used in this sec-
tion. The following terms that are used
in this section are defined in §49.123
General provisions: Air pollutant, am-
bient air, emission, open burning, par-
ticulate matter, PM10, PM2.5, Regional
Administrator, stack, and uncombined
water.

§49.132 Rule for general open burning
permits.

(a) What is the purpose of this section?
This section establishes a permitting
program for open burning within the
Indian reservation to control emissions
of particulate matter and other nox-
ious fumes to the atmosphere and
ground-level concentrations of particu-
late matter.