

*** DRAFT – NOT FOR FILING ***

3745-19-01 **Definitions.**

As used in ~~Chapter 3745-19 of the Administrative Code~~ [this chapter](#):

- (A) "Agricultural waste" means any -waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings ([including dismantled/fallen barns](#)); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.
- (B) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.
- (C) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:
 - (1) A tornado.
 - (2) High winds.
 - (3) An earthquake.
 - (4) An explosion.
 - (5) A flood.
 - (6) A hail storm, a rain storm, or an ice storm.
- (D) "Garbage" means any -waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- [\(E\) "Inhabited structure" means any inhabited private dwelling house and any public building which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. Examples would include, but are not limited to, highway rest stops, restaurants, motels, hotels and gas stations.](#)
- ~~(E)~~(F) "Landscape waste" means any plant -waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

*** DRAFT – NOT FOR FILING ***

~~(F)~~(G) "Land clearing waste" means plant -waste material which is removed from land, including plant- waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

~~(G)~~(H) "Ohio EPA" means the Ohio environmental protection agency director or agencies delegated authority by the director of the Ohio environmental protection agency pursuant to section 3704.03 of the Revised Code or the chief of any Ohio environmental protection agency district office.

~~(H)~~(I) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.

~~(I)~~(J) "Residential waste" means any waste material, including landscape ~~wastes~~ waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

~~(J)~~(K) "Restricted area" means the following:

- (1) Except as provided in paragraph ~~(K)~~(K)(2) of this rule, the area within the boundary of any municipal corporation established in accordance with the provisions of Title -7 of the Revised Code, plus a zone extending one thousand feet beyond the boundaries of any such municipal corporation having a population of one thousand to ten thousand persons and a zone extending one mile beyond any such municipal corporation having a population of ten thousand persons or more according to the latest federal census.
- (2) "Restricted area" shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of rule 3745-19-03 of the Administrative Code.

~~(K)~~(L) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in paragraph ~~(K)~~(K) of this rule.

~~(L)~~(M) ~~Incorporation by reference. Referenced materials. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the~~

*** DRAFT – NOT FOR FILING ***

~~specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates. This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this rule has been amended to specify the new dates.~~

(1) Availability. The referenced materials ~~incorporated by reference~~ are available as follows:

~~(a) National Fire Protection Association. Information on the National Protection Association codes may be obtained by contacting association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered www.nfpa.org/catalog/home/index.asp. Copies of the code at most public libraries and "The State Library of Ohio."~~

National Fire Protection Association. Information on the National Protection Association codes may be obtained by contacting the association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered www.nfpa.org/catalog/home/index.asp. Copies of the code exist or are available at most public libraries and "The State Library of Ohio."

(2) ~~Incorporated~~ Referenced materials.

~~(a) NFPA publication 1403; "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures;" November 2001 Edition.~~

NFPA publication 1403; "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures;" published April 30, 2007.