



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE ENVIRONMENTAL FIELD OFFICE
3711 MIDDLEBROOK PIKE
KNOXVILLE, TENNESSEE 37921-6538
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ADVISEMENT LETTER

April 5, 2024

CERTIFIED MAIL 9489 0090 0027 6129 2559 83
RETURN RECEIPT REQUESTED

Stanja Chance Geames
William A. Lowe
299 Tobby Hollow Lane
Knoxville, TN 37931

RE: Complaint of Prohibited Open Burning
 Site ID 179850, Complaint 130862, 130922

Dear Landowners,

On March 12, 2024, the Division of Air Pollution Control conducted an investigation at 299 Tobby Hollow Lane in Anderson County (Control Map 108, Parcel 045.04) in response to a complaint of prohibited open burning. The inspector identified one site where prohibited open burning had occurred. Furthermore, the inspector observed burned aluminum cans, paper, fiberglass, cloth, and plastic.

Open burning emits large quantities of toxic pollutants into the air with minimal atmospheric dispersion, which can seriously interfere with air quality and negatively impact human health. With limited exceptions, it is unlawful for any person to cause, suffer, allow or permit open burning in the state of Tennessee.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-04-.03(1) states that, "No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Rule 1200-03-04-.04 EXCEPTIONS TO PROHIBITION."

Furthermore, TAPCR 1200-03-04-.03(4), states that, "The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of Rule 1200-3-4-.04 EXCEPTIONS TO PROHIBITION."

As the property owner, you are responsible for incidents of prohibited open burning that occur on your property, which may include a civil penalty and could result in criminal prosecution. This is

true even if you did not cause, or allow someone else to cause, the prohibited open burning. It is your responsibility to affirmatively take the necessary steps to prevent acts of prohibited open burning on your property.

There are instances when open burning is allowed in the state of Tennessee. For example, fires used for the cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces, are allowed. Additionally, open burning of vegetation grown on the same property as the burn site is allowed, and open burning of untreated wood waste is allowed provided certain legal requirements are met. Please see attached open burning rule. However, please be aware that a Safe Debris Burning Permit may be required by the Division of Forestry within the Tennessee Department of Agriculture. For additional information regarding the Safe Debris Burning Permit visit www.burnsafetn.org. You should also contact the authorities in your area to determine whether there are any local requirements or restrictions on burning.

Having considered the specific facts and circumstances in this matter, the Division of Air Pollution Control has elected to not take any further enforcement action. Instead, you are being issued this Advisement Letter. By issuing this Advisement Letter, the Division of Air Pollution Control is providing you explicit notice regarding the prohibitions and associated penalties for acts of unlawful open burning.

Further instances of prohibited open burning may result in enforcement action and the assessment of a civil penalty. The maximum civil penalty for unlawful acts of open burning is \$25,000. Additionally, prohibited open burning is a Class C misdemeanor and could result in criminal prosecution, punishable by up to 30 days of confinement and a fine of up to \$10,000.

We appreciate your cooperation in maintaining the air quality in Tennessee. If further clarification is needed, feel free to contact me at 865-403-1692 or by email at Jeff.Platt@tn.gov.

Sincerely,

A handwritten signature in black ink that reads "Jeff Platt". The signature is stylized with a large, looped "J" and a cursive "Platt".

Jeff Platt
Inspector
Division of Air Pollution Control
Knoxville Environmental Field Office

Enclosures:

Learn Before You Burn Pamphlet
Open Burning Rule
Guidelines for Open Burning Wood Waste and Vegetation