

Subpart IV - Temporary Bans on Open Burning

§401. Burn Ban.

- A. The Director has the authority under Section 1105(B) of the Navajo Nation Air Quality Pollution Prevention and Control Act to declare a ban on open burning on all or parts of the Navajo Nation whenever the Director determines that the accumulation of air pollutants in a particular area threatens the public health, welfare, or the environment.
- B. The Director may declare a ban on open burning when the Director determines that air quality levels have exceeded, or are expected to exceed, 75% of any national ambient air quality standard for particulate matter, and those levels are projected to continue or reoccur over at least the next twenty-four hours.
- C. The Director also may declare a ban on open burning in conjunction with issuing an air stagnation advisory, an air pollution alert, an air pollution warning, or an air pollution emergency, as defined in this subpart.

§402. Air Stagnation Advisory.

The Director may declare an air stagnation advisory whenever meteorological conditions over a large area are conducive to the buildup of air pollutants.

§403. Air Pollution Alert.

- A. The Director may declare an air pollution alert when any one of the following level is reached, or is projected to be reached, at any monitoring site and the meteorological conditions are such that the level is expected to continue or reoccur over the next 24 hours:
 1. Particulate matter (PM₁₀): 350 micrograms per cubic meter, 24-hour average;
 2. Carbon monoxide (CO): 17 milligrams per cubic meter (15ppm), 8-hour average;
 3. Sulfur dioxide (SO₂): 800 micrograms per cubic meter (0.3ppm), 24-hour average;
 4. Ozone (O₃): 400 micrograms per cubic meter (0.2ppm), 1-hour average;
 5. Nitrogen dioxide (NO₂): 1,130 micrograms per cubic meter (0.6ppm), 1-hour average; and 282 micrograms per cubic meter (0.15ppm), 24-hour average.

§404. Air Pollution Warning.

- A. The Director may declare an air pollution warning when any one of the following levels is reached, or is projected to be reached, at any monitoring site and the meteorological conditions are such that the level is expected to continue or reoccur over the next 24 hours:
 1. Particulate matter (PM₁₀): 420 micrograms per cubic meter, 24-hour average;
 2. Carbon monoxide (CO): 34 milligrams per cubic meter (30ppm), 8-hour average;
 3. Sulfur dioxide (SO₂): 1,600 micrograms per cubic meter (0.6ppm), 24-hour average;
 4. Ozone (O₃): 800 micrograms per cubic meter (0.4ppm), 1-hour average;
 5. Nitrogen dioxide (NO₂): 2,260 micrograms per cubic meter (1.2ppm), 1-hour average; and 565 micrograms per cubic meter (0.3ppm), 24-hour average.

§405. Air Pollution Emergency.

- A. The Director may declare an air pollution emergency when any one of the following levels is reached, or is projected to be reached, at any monitoring site and the meteorological conditions are such that the level is expected to continue or reoccur over the next 24 hours:
 1. Particulate matter (PM₁₀): 500 micrograms per cubic meter, 24-hour average;
 2. Carbon monoxide (CO): 46 milligrams per cubic meter (40ppm), 8-hour average;
 3. Sulfur dioxide (SO₂): 2,100 micrograms per cubic meter (0.8ppm), 24-hour average;

4. Ozone (O₃): 1,000 micrograms per cubic meter (0.5ppm), 1-hour average;
5. Nitrogen dioxide (NO₂): 3,000 micrograms per cubic meter (1.6ppm), 1-hour average; and 750 micrograms per cubic meter (0.3ppm), 24-hour average.

§406. Effect on Ban on Open Burning.

- A. When the Director issues a ban on open burning, all open burning is prohibited except for the following:
 1. Residential fires for heating and cooking;
 2. Outdoor fires set for cultural or traditional purposes;
 3. Fire set for cultural or traditional purposes within structures such as Hogans and sweat houses;
 4. Agricultural burning, unless a burn ban is imposed pursuant to §409;
 5. Forestry or silvicultural burning, unless a burn ban is imposed pursuant to §409.
- B. When a burn ban is in effect, any person conducting open burning when such a declaration is made must either immediately extinguish the fire or immediately withhold additional material such that the fire burns out, even if the person has an Open Burn Permit allowing open burning on the day or days when such a declaration is made.
- C. Persons with a valid Open Burn Permit for the period or part of the period during which the ban is in effect will be allowed to carry out the open burn under an Open Burn Permit on the first day after such declaration has been terminated pursuant to §407.

§407. Termination.

Once issued, a ban on open burning will remain in effect until the Director makes a new determination and terminates the ban.

§408. Announcements.

The Director will request that an announcement of a ban on open burning be made, with or without an air stagnation advisory, air pollution alert, air pollution warning, or air pollution emergency, by being broadcast on local radio and television stations in the affected area and posted on the Navajo Nation EPA website. The announcement will indicate the air pollution levels exist that could potentially be harmful to human health, welfare, or the environment and, in addition to announcing the burn ban, may recommend actions that people may take to reduce exposure and reduce emissions from air pollutants. In addition to refraining from open burning pursuant to §406 people should, among other actions, refrain from using wood stoves and fireplaces unless they are their only source of heat. People also should reduce their use of motor vehicles to the extent possible. Industrial sources should curtail operations or switch to a cleaner fuel, if possible.

§409. Coordination.

The Director will coordinate issuance of a burn ban, air stagnation advisory, air pollution alert, air pollution warning, or air pollution emergency with adjacent jurisdictions when appropriate. The Director also will coordinate with and obtain the concurrence of the Navajo Nation Land Department, Navajo Nation Parks Department, National Park Service, National Forest Service, or Bureau of Land Management, as the case may be, if it appears necessary to ban agricultural burning or forestry and silvicultural burning.