

APPENDIX C - OPEN BURNING GUIDELINES

1. WHAT IS OPEN BURNING?

“Open burning” as defined in the Administrative Regulations for the Abatement of Air Pollution, “means the burning of any matter in such a manner that the products of combustion from the burning area are emitting directly into the ambient air without passing through an adequate stack or flue.”

Open burning thus includes burning done in simple outdoor structures as barrels and drums as well as on the ground surface.

2. TYPES OF FIRES ALLOWED, PERMIT NOT REQUIRED

- Barbecues or other outdoor open fire for the cooking of food for human consumption.
- Campfires, bonfires, or other fires for ceremonial or recreational purposes.
- Fires to abate an immediate fire hazard provided that a responsible fire official supervises the abatement fire.
- Fires for training firemen in methods of fighting fires, where only liquid fuels are burned.
- Fires in salamanders or other similar devices used by construction or other workers for heating purposes, which fires are essential to street installation or paving activities, the repairing of utilities, or other similar work.

3. WHAT LAWS APPLY TO OPEN BURNING?

Section 19-508-17 of the Administrative Regulations for the Abatement of Air Pollution (herein after referred to as Regulations) covers open burning. Additionally, Section 19-508-23 of these Regulations prohibits objectionable odors beyond the property line of any source. These Regulations were promulgated by the State Department of Environmental Protection and are authorized by Section 17 of Public Act 76-232 of the 1971 General Assembly.

Secondly, Section 2 of the Public Act of the 1976 General Assembly makes open burning a criminal offense.

4. WHAT RESTRICTIONS APPLY TO OPEN BURNING?

- They must cease burning during an advisory of threatening atmospheric conditions or any other air pollution emergency episode stage; they must cease burning if the forest fire danger is high or extreme and if the open burning is within 100 feet of a woodland, or grassland adjacent to a woodland.

- They must comply with Regulations, and all applicable local ordinances and regulations.
- They must cease burning if so directed by lawful order of the open burning official or the Department of Environmental Protection.
- They must not create objectionable odors or excessive smoke.
- They must take reasonable safety precautions, including clearing of the surrounding area of combustible materials.
- Only clean, unpainted, untreated wood or charcoal may be used on outdoor cooking fires or recreational or ceremonial fires, no construction debris.

5. WHAT PENALTIES MAY BE IMPOSED FOR OPEN BURNING VIOLATIONS?

Any such violation is a misdemeanor (a criminal offense) under Section 2(a) of Public Act 76-232 (1976). Each violation is punishable by a fine of \$50.00 for the first violation, or not more than \$200.00 for each subsequent violation. If a state order is violated under Section 2(b) of Public Act 76-232 (1976), the offense is punishable by a fine of not less than \$250.00 nor more than \$1000.00 or imprisoned not more than six months, and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

Cgs sec 22-6 ch 439

(f) The provisions of sections 22a-45a and 22a-174, subsection (r) of section 22a-208a, sections 22a-349a, 22a-354p, 22a-378a, 22a-411 and 22a-430b and subsection (d) of section 22a-454 which authorize the issuance of general permits shall not affect the authority of the commissioner, under any statute or regulation, to abate pollution or to enforce the laws under his jurisdiction, including the authority to institute legal proceedings. Such proceedings may include summary suspension in accordance with subsection (c) of section 4-182. The commissioner may reissue, modify, revoke or suspend any general permit in accordance with the procedures set forth for the issuance of such permit.

Sec. 22a-174. (Formerly Sec. 19-508). Powers of the commissioner. Regulations. Fees. Exemptions. General permits. Appeal of commissioner's action re permit applications.

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded; (2) where a hazardous health condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of

the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit: Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.