

OPEN BURNING
IN MASSACHUSETTS

Unless open burning is being conducted for the purpose of:

- combating or backfiring an existing fire by persons affiliated with an official firefighting agency; or
- is being used primarily for cooking purposes

The following conditions **MUST BE MET**:

(1) Possession of a valid permit from the local fire department or fire warden. **NOTE:**

- Such permits may not be valid for more than two days from the date of issuance
- A written record must be maintained for each permit including the name and address of the person receiving the permit, the date of permit issuance, and the location and type of materials to be burned
- Such records must be available for public inspection

(2) Open burning must be conducted:

- during periods of good atmospheric ventilation* (consult DEP's regional office as needed)
- without causing a nuisance*
- with smoke minimizing starters if used

Open burning permits may be issued for:

- (a) Training or research in fire protection or prevention with specific approval by the Department of Environmental Protection (DEP).
- (b) Activities associated with the normal pursuit of agriculture** which have been determined by DEP as necessary.
- (c) Open burning of brush and trees resulting from agricultural land clearing operations.
- (d) Disposal of brush, cane, driftwood and forestry debris - excluding grass, hay, leaves, and stumps. All such open burning must be conducted:

1. from January 15 to May 1 of each year
2. on land proximate to the place of generation
3. at a location greater than 75 feet from any dwelling, and
4. between 10:00 AM and 4:00 PM

* As determined by the Department of Environmental Protection (DEP)

** Agriculture is defined as the raising of crops and livestock for commercial foodstuffs.

IMPORTANT: No open burning permits for the burning of brush, cane, driftwood, and forestry debris may be issued in the following communities:

| | | | | |
|-----------|-----------|------------|-------------|------------------|
| Arlington | Cambridge | Fall River | Malden | Springfield |
| Belmont | Chelsea | Holyoke | Medford | Waltham |
| Boston | Chicopee | Lawrence | New Bedford | Watertown |
| Brookline | Everett | Lowell | Newton | West Springfield |
| | | | Somerville | Worcester |

UNDER ALL CIRCUMSTANCES THE FOLLOWING IS PROHIBITED:

1. Burning of brush, trees, cane and driftwood from commercial or institutional land clearing operations.
2. Burning of grass, hay, leaves, and stumps.
3. Burning of tires.
4. Burning during adverse meteorological conditions.
5. Burning at landfills or refuse disposal facilities other than DEP approved incinerators.
6. Stacking, placing or storing combustible material such that DEP may presume that it will be burned.

For further information or assistance contact:

DEP (Department of Environmental Protection)

Bureau of Waste Prevention

1 Winter Street

Boston, MA 02108

(617) 292-5500 or (617) 292-5953 Fax (617) 292-5778

Web Site: www.state.ma.us/dep

DEP Regional Air Quality Offices

Southeast Region

Gary Moran, Regional Director

20 Riverside Drive, Lakeville MA 02347

Phone: (508) 946-2700

Fax: (508) 947-6557

Central Region

Martin Suuberg, Regional Director

627 Main St, Worcester MA 01608

Phone: (508) 792-7650

Fax: (508) 792-7621

Northeast Region

Ed Kunce, Regional Director

1 Winter St., Boston, MA 02108

Phone: (617) 654-6500

Fax: (617) 574-6880

Western Region

Michael Gorski, Regional Director

436 Dwight St, 5th Floor

Springfield, MA 01103

Phone: (413) 784-1100

Fax: (413) 784-1149

Massachusetts Regulation Defining Allowable Open Burning in the State (310 CMR 7.07)

7.07: U Open Burning

1. No person shall cause, suffer, allow or permit the open burning of any combustible material.
2. 310 CMR 7.07 (1) shall not apply to:
 - a. open burning for the purpose of combating or backfiring an existing fire by persons affiliated with an official fire fighting agency.
 - b. open burning conducted primarily for cooking purposes, or
 - c. open burning related to the operation of devices such as blowtorches and welding torches, for which no alternative source of heat can be used, provided that such devices do not cause a condition of air pollution.
3. Except during periods of adverse meteorological conditions as may be determined by the Department when direct or public notice thereof has been made by the Department through the news media, 310 CMR 7.07(1) shall not apply to open burning conducted for:
 - a. training of research in fire protection or prevention with specific approval of the Department;
 - b. activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary and which include but are not limited to, open burning of blueberry patches for pruning purposes, dead raspberry stalks, fruit tree prunings, and infected beehives for disease control.
 - c. open burning of brush and trees resulting from agricultural land clearing operations;
 - d. the disposal of fungus-infected elm wood provided that no suitable alternative method of disposal is available;
 - e. the disposal of brush, cane, driftwood, and forestry debris excluding grass hay, leaves,
 1. on land proximate to the place of generation,
 2. at a location greater than 75 feet from any dwelling and
 3. between ten o'clock A.M. and four o'clock P.M.No such open burning shall apply to commercial or institutional land clearing for non-agricultural purposes.
Open burning under 310 CMR 7.07(3)(e) shall not be permitted in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall river, Holyoke, Lawrence, Lowell, Malden, Medford, New Bedford, Newton, Somerville, Springfield, Waltham, Watertown, West Springfield, and Worcester, or where the Department has notified a city or town that:
 1. open burning under this provision may cause or contribute to non-attainment of federal or state ambient air quality standards for total suspended particulate,
 2. open burning under this provision may cause or contribute to a condition of air pollution, or
 3. open burning under this provision is not permitted due to continued violations of the provisions for the proper conduct of such open burning.

(Such action shall be taken only after said city or town has been given written notification of such violations and has in the opinion of the Department failed to take appropriate actions to prevent the continuance of such violations.)

Upon request of the Department the permitting authority of any City or Town shall notify the Department of the number of permits issued during any burning period.

- f. the disposal of combustible material with the approval of the Department and after demonstration to the satisfaction of the Department that no alternative suitable method of disposal is available;
 - g. open burning as described in 310 CMR 7.07(3)(a) through 310 CMR 7.07(3)(f) must be conducted;
 1. during periods of good atmospheric ventilation.
 2. without causing a nuisance.
 3. with smoke minimizing starters if starters or starting aids are used and
 4. under the provisions of a properly executed permit issued under provisions of M.G.L. c. 48, s. 13*
4. Except as may be incidental to compliance with the provisions contained in 310 CMR 7.07(2) and 310 CMR 7.07(3)
 5. Notwithstanding the provisions of 310 CMR 7.07(3), no person shall cause, suffer, allow or permit open burning at any refuse disposal facility other than an incinerator as described in Section 150A of Chapter 111 of the General Laws.
 6. 310 CMR 7.07(1) through 7.07(5) are subject to the enforcement provisions specified in 310 CMR 7.52

AGRICULTURAL BURNING GUIDELINES

These guidelines define agricultural burning and discuss the implementation of state regulations on open burning.

BURNING FOR AGRICULTURAL PURPOSES:

Regulation 7.07 (3) (b) states that open burning is allowed for activities associated with the normal pursuit of agriculture which the Department has determined necessary, which include but are not limited to pruning of blueberry diseased beehives. Regulation 7.07 (3) (c) allows open burning of brush and trees for agricultural land clearing.

Regulation 310 CMR 7.07 defines agriculture as those practices involved with the cultivation of soil for purposes of crop production and/or the raising of livestock when such crops are produced primarily for commercial food, and such livestock are raised primarily for commercial foodstuffs or for work purposes. Agricultural operations as defined as those operations which raise commercial foodstuffs and/or livestock on an area larger than one acre.

Using the above guidelines, fire chiefs in local communities should determine whether particular activities qualify for open burning under the regulations. If you have any questions concerning qualifications, contact the Regional Division of Environmental Protection / Bureau of Waste Prevention Office nearest you.

BURNING TIME FRAME:

Regulation 7.07 (3) (e) allows the disposal of brush, cane, driftwood, and forestry debris from January 15 to May 1. It specifies that burning will take place between 10:00 AM and 4:00 PM along with other requirements. Open burning during these hours applies only to Section (e) of Regulation 7.07 (3); Sections (b), (c), and (d) give no time periods for open burning.

The department discourages burning of any materials in the evening when air stagnation conditions exist. Nocturnal inversions create severe air quality problems if burning occurs during the evening hours. The nocturnal inversion ceases when the earth becomes warm after sunrise. Therefore, the Department suggests that open burning permits for agriculturally generated materials be effective each day from two hours after sun-rise until 4 PM, and that the permits do not allow fires to be started past 12 noon. In this way, fires will occur only during the morning and early afternoon hours when ventilation (air movement) is best.

The Department requires that fire chiefs remain aware of air quality and atmospheric ventilation during the period for which a permit is issued. Call the DEP Regional Office nearest you for air quality updates before issuing a permit.

For further guidance on implementing open burning regulations, contact any DEP Regional Office