



Guidance Document for Municipal Open Burning Officials “Open Burning of Brush on Residential Property”

Regulatory Authority

Per Connecticut General Statutes (CGS) Section 22a-174(f), except for actions on state-owned property, municipalities have the authority to regulate or ban the open burning of brush for any purpose within their boundaries. If open burning is not banned, the municipal Open Burning Official is responsible for issuing open burning permits for certain types of activities as identified in this section. One such activity is the open burning of brush on a residential property provided that the open burning is conducted by the resident (or designated agent) of the property and a permit for such burning has been obtained from the local Open Burning Official in which the property is located.

“*Brush*” is defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point. (Regulations of Connecticut State Agencies 22a-174-1(19)).

“*Resident*” means an individual seeking to burn on the property where he or she resides. The “agent of the resident” is an individual who is working on behalf of the resident of the property.

“*Residential property*” means property that is used exclusively for residential purposes; consisting of one to three dwelling units; and has a Certificate of Occupancy.

“*Open Burning Official*” means any person nominated by the chief executive officer of the municipality in which the official will serve and is certified by the State of Connecticut’s Department of Energy and Environmental Protection.

Introduction

Under this type of permitting activity, open burning is limited to the burning of brush only on residential property upon which the permittee resides. The resident is the Applicant. Burning on property not classified as residential is prohibited. This type of permit is not suitable for general lot clearing operations of any kind.

Important Considerations re/Applications

- DEEP has developed a model application/permit template for use by the municipal Open Burning Official. The model template can be modified by a municipality but any modifications made must be as, or more restrictive than CGS Section 22a-174(f) or as prescribed by DEEP’s Open Burning Program. There are certain permit conditions and language that cannot be changed, amended or deleted.
- It is the Applicant’s responsibility to complete the application in full and provide any and all necessary documentation requested so that the municipal Open Burning Official can make an informed decision.
- The Applicant will need to demonstrate that the proposed burn is for a residential property and that it will not impact others in the area and will not pose a threat to property and structures within the immediate area.
- As part of the application process, it is strongly recommended by DEEP that the municipal Open Burning Official conduct a site inspection. The Open Burning Official must obtain permission from the Applicant to enter onto the property and should schedule with the Applicant a date and time when the site inspection can be conducted. For this type of proposed activity, the following checklist has been developed to assist the municipal Open Burning Official when conducting an onsite inspection:
 - Determine if the property is residential and whether or not the Applicant resides on the property;
 - Determine that the proposed burn pile consist of brush only and that the pile contains only brush with a diameter of 3 inches or less;
 - Determine the following: distance from the proposed burn site to woodland or grassland, and to any other structures or hazards located on the property, distance of the proposed burn pile to the property line and if there is a potential that the proposed burn could adversely affect neighbors;
 - Identify the number of proposed burn piles and determine that the pile(s) is/are adequately sized to be completely consumed within the one day time period permit condition;
 - Evaluate if all reasonable safety precautions have been identified and taken, including the clearing of grass and trees in the proposed burn area;
 - Evaluate if the resident or the agent of the resident: has means of controlling the fire on site, such as a water source, heavy equipment (i.e., an excavator) or other extinguishing equipment; knows who to call in case the burn gets out of control; and has considered any alternatives to burning such as stockpiling the brush for animal cover, chipping the materials or hauling the materials to a municipal brush disposal area if one is made available to the resident; and

- Evaluate if there are signs of Asian Longhorned Beetle or the Emerald Ash Borer. If there is a potential siting, photos should be taken and notes should be made as to the location. The Connecticut Agricultural Experiment Station (CAES) should be contacted as well. Notification should not cause a significant delay in the processing of the local application to burn brush, nor will it prohibit the burn.

Model Application/Permit Template

The DEEP Model Application/Permit Template includes the following major sections - **Application Information; Permit Conditions; and Final Decision:**

Application Information to be completed by the Applicant:

- General Applicant information – name, address, phone, email, location of the proposed burn, requested date and time of burn;
- Box indicating that the Applicant declares that they are the resident of the address as entered onto the form, the property has an issued Certificate of Occupancy and that they shall abide by all the conditions as set forth in the permit.

The Applicant will be required to provide additional information if so requested by the municipal Open Burning Official. Requested information could include, but is not limited to, the following: a description of the purpose of the fire. The nature and quantity of the material to be burned, and the requested dates for the proposed burn to occur; a statement providing why practical alternatives are not reasonable; methods that will be used to ignite the fire; considerations made with regard to public safety and health and to the environment; methods that will be used by the Applicant to control and extinguish the fire; and a sketch map showing the proposed burn, location, property line boundaries, and any other important factors such as nearest roads, adjacent structures and occupied dwellings and distances.

Permit Conditions to be completed by the municipal Open Burning Official:

- Permit conditions include General Permit Statements; Permit Not Valid under Certain Conditions; General Conditions Applicable to All Permits; and Special Conditions, Applicable if checked by the municipal Open Burning Official.

Final decision to be completed by the municipal Open Burning Official:

- The municipal Open Burning Official shall make a final determination and must sign and date the application/permit.

Open Burning Considerations: Prior to conducting an open burn, an individual must possess a **valid Open Burning Permit** issued by the municipal Open Burning Official and must **comply** with all permit requirements and conditions. There are two conditions that a valid Open Burning Permit Holder must verify in order to determine if they can or cannot conduct a burn – the [State’s Forest Fire Danger Level](#), and the [State’s Predicted Daily Air Quality Index \(AQI\) Maximums](#).

OPEN BURNING IS PROHIBITED if either of the following conditions is reported for the day of the proposed burn:

- The State’s [Forest Fire Danger](#) is **High, Very High, or Extreme** or
- The AQI is predicted to be **100 or higher anywhere** in the State as indicated in the DEEP Table entitled [Predicted Daily Air Quality Index Maximums](#)

NOTE: Municipalities **SHOULD NOT DIRECT** Open Burning Permit Holders, also referred to as Permittees, **TO CALL** the State of Connecticut’s Department of Energy and Environmental Protection’s Emergency Dispatch Center for the purpose of obtaining the *State’s Predicted Air Quality Index Maximums* and the *State’s Forest Fire Danger Level*. **This information is available through the State Agency’s website.**

Available Resources

State’s Predicted Daily Air Quality Index (AQI) Maximums: www.ct.gov/deep/aqi

State’s Forest Fire Danger Level www.ct.gov/deep/forestfiredanger

Open Burning Training Modules www.ct.gov/deep/openburning

Contacts

- State of Connecticut, DEEP, Bureau of Air Management, Open Burning Program, deep.ctopenburning@ct.gov, 860-424-4152
- CAES, Deputy State Entomologist, CAES.StateEntomologist@ct.gov, 203-974-8474

Disclaimer: Any views outlined in this informational material represent only an abstract summary and in no way should be considered a formal ruling by the CT Department of Energy and Environmental Protection. It is always the obligation of a Permit Holder to be familiar with and to comply with all applicable federal, state, and local requirements.