

Open Burning in Massachusetts: General Prohibitions

Under all circumstances the following is prohibited:

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

Large piles that will not readily burn or are of such size that they will not be totally out by 4:00 p.m. are prohibited. Tree trunks and limbs greater than 4" in diameter are not considered brush.

Complaints about smoke, soot or ash deposits occurring in neighboring property are grounds for revocation of a permit.

Agricultural Burning

Massachusetts Department of Environmental Protection

Massachusetts Farm Bureau Federation

This is to serve as guidance for all parties involved in the open burning of material generated by agricultural operations. The fire chiefs, the Department of Environmental Protection (MassDEP) and the agricultural community all have significant interest in this issue. Confusion has existed in the past relative to the authority of various groups and what constitutes agricultural burning and what time of the day this burning should take place.

MassDEP has stated that agriculture, for the purpose of 310 CMR 7.07, means those practices involved with the cultivation of soil for purposes of crop production and/or the raising of livestock when such crops are produced for commercial food stocks and such livestock is raised for commercial food stuff or for work purposes. Agricultural operations are those that raise commercial food stuff or livestock and consist of an area larger than one acre of land.

Regulation 310 CMR 7.07 (3)(b) specifies that open burning is allowed for activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary. This includes, but is not limited to, the open burning of blueberry patches for pruning, dead raspberry stocks, fruit tree pruning and affected beehives for disease control. Regulation 310 CMR 7.07 (3)(c) allows open burning of brush and trees resulting from agricultural land clearing operations. These two regulations are the pertinent ones for agricultural considerations.

The local fire chiefs are authorized to determine whether or not a particular individual qualifies within the agricultural burning regulation. When a fire chief raises a specific question related to these regulations, MassDEP will make itself available to the chief to resolve the question.

A second issue, which has arisen, is relative to the time of day when open burning is allowed for the destruction of agriculturally generated material. Regulation 310 CMR 7.07 (3)(e) allows the open burning of brush, cane, and driftwood and forestry debris from January 15 to May 1 and, among other requirements, specifies that the burning must take place between 10:00 a.m. and 4:00 p.m. This specific time and date regulation applies ONLY to 310 CMR 7.07 (3)(e). Sections b and c – the agricultural burning sections – have no time or date limitations associated with them. However, MassDEP does not allow the burning of material during the evening hours when air stagnation conditions exist. Nocturnal inversions create some very severe air quality problems. These nocturnal inversions do not end until the earth has begun to warm from the sun after sunrise. MassDEP has determined that open burning permits, for the destruction of agriculturally generated material, be effective two hours after sunrise with the requirement that all fires be extinguished by 4:00 p.m. that same afternoon. In this way the fires will occur only during the morning and early afternoon hours when ventilation is best.

Fire Training Policy

Massachusetts Department of Environmental Protection

Massachusetts Fire Chiefs' Association

Fire training is a necessary activity for all fire departments in the Commonwealth. New and existing members of the fire department must, for public safety reasons, keep up on the methods used to combat fires. This activity requires controlled situations to enable firemen to be able to do their job in a better way.

Current air pollution control regulations, specifically regulation 7.07 (3) (a) allows open burning for training or research in fire protection or prevention with specific approval by MassDEP. In some instances, however, the approval by the Department has not been expeditious and has not been consistent among the MassDEP regions. This guideline will outline the requirements set by MassDEP for approval of fire training activities. It is hoped that the fire chiefs will be able to take this document and utilize it in setting up their fire training activities. It has been developed in association with the Massachusetts Firefighting Academy.

Firefighting activities are concerned with the protection of property and public safety. The fire training activities the Department has witnessed have been the burning of dwellings. The dwellings are set up to simulate real life situations. The dwellings that are used are abandoned and are donated by their owners. The fire departments generally utilize short burns; using the building as many time as is practical. At the conclusion of the training activities the remainder of the building is burned with the structure falling into the cellar hole.

In reviewing the fire training activities the Department feels that the activities should be available to all fire departments; should be conducted in a manner that will not create undue air quality problems; and should take into account specific circumstances unique to the site in question. The local fire department, when conducting a training exercise, should notify, at least two weeks in advance, all of the residents in the surrounding area. While the "area" is a vague term, a one half-mile radius would be appropriate. The notice should include a description of what will be taking place and an estimate of the time that the activity will occur. The notice should inform the residents within that area that the activity will take into account the fire training exercise's impacts on sensitive population. Sensitive populations include: nursing homes, rest homes, schools, and residences of people with respiratory problems and bed ridden individuals. The residents of the area should be given a period of time, after receiving notice, in which to inform the fire department of their unique problem. The fire department shall make note of any reported unique problems and shall check wind direction on the day of the proposed training activity to ensure that the smoke will not impact these individuals.

Some fire departments are organized on a "volunteer" or "call" basis. In these instances the firemen have other jobs, which preclude their taking part in a fire training exercise during daylight hours. The fire training exercises for those departments must occur on the weekends and occasionally in the evening. It is the Department's feeling that the lighting of a fire in the

evening hours will create undue air pollution. There are sufficient occasions on Saturday and Sunday during daylight hours to perform this training when atmospheric conditions will be more conducive to proper ventilation of the pollutants. Evening inversions create severe air quality problems especially when fire-training exercises are conducted at night. The period of two hours after sunrise until sunset is considered to be daylight.

This guidance is to be used by the fire department and MassDEP in the conduct and planning of fire training activities. When possible, written schedules should be supplied to the appropriate MassDEP Regional Offices and followed up by a telephone call close to the time of the training.