

Open Burning

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Contact Info

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For open burning, hazardous waste management, and other general air quality questions (i.e. – dust, odor, noise, smoke).

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For open burning and live structural fire training questions.

DEP's Authority

- DEP has the statutory authority to regulate open burning pursuant to M.G.L. c. 111, Section 142 A-E, and the Massachusetts Clean Air Act.
- 310 CMR 7.07 – DEP's Open Burning Regulation ([click here for link to 310 CMR 7.00](#))

Open Burning Regulation

- Homeowners are allowed to burn brush (less than 4" in diameter), cane, driftwood and forestry debris – not including grass, hay, leaves or stumps from January 15th to May 1st of each year if they meet certain conditions.

Open Burning shall be conducted:

- On land proximate to place of generation.
- 75 feet from a dwelling.
- Between 10am and 4 pm.
- During periods of good atmospheric ventilation.
- Without causing a nuisance.
- With smoke minimizing starters.
- Under the provisions of a properly executed permit from the fire department.

Fire Department's Authority

- Heads of fire departments have the statutory authority to grant open burning permits under M.G.L. c. 48, Section 13, Setting of Open Air Fires [Click here to view M.G.L. c. 48, Section 13, Setting of Open Air Fires](#)
- Fire Department's Authority is referenced in [310 CMR 7.07\(3\)\(g\)4.](#) and [527 CMR 10.22\(1\)\].](#)

M.G.L. c. 48, Section 13

- Open burning permits may not be granted for more than two days in advance and a written record shall be maintained.
- Record shall include name, location and type of material burned.
- Records shall be made for public inspection.

Complaints

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

Prohibited Open Burning

- Commercial burning
- Institutional burning
- Burning at landfills/transfer stations/
recycling centers
- Demolition debris
- Open burning not permitted in the City of
Worcester

Commercial Burning

- Commercial burning is prohibited under 310 CMR 7.07 and would include building contractors clearing land to build homes and open burning at golf courses.

Institutional Burning

- Institutional land clearing for non-agricultural purposes is also prohibited and this would include town highway departments and town cemeteries.

Landfills/Transfer Stations/Recycling Centers

- 310 CMR 7.07(5) specifically prohibits open burning at any refuse disposal facility.

Demolition Debris

- 527 CMR 10.22(4) states that permits may be issued for the burning of demolition debris.
- This regulation is currently in the process of being changed per 527 CMR 1.02(2) which states that when any provision of 527 CMR is found to be in conflict with other regulations, the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.
- 310 CMR 7.07 prevails because it is more stringent and therefore burning debris resulting from the demolition of a building is prohibited.

Other Allowable Types of Open Burning with Fire Department Approval

- Christmas trees
- Ceremonial bonfires
- Agricultural

Christmas Trees

- Chapter 111: Section 142G allows the burning of Christmas trees between December 26 and January 7 with Fire Department approval ([click here for link to Chapter 111: Section 142G](#)).
- DEP strongly encourages chipping.

Ceremonial Bonfires

- Chapter 111: Section 142H allows one ceremonial bonfire each year to observe a municipal, state or national event with Fire Department approval ([click here for link to Chapter 111: Section 142H](#)).
- Chapter 111: Section 142I allows bonfires between July 2 and July 6 in observance of Independence Day with Fire Department approval ([click here for link to Chapter 111: Section 142I](#)).

Agricultural Open Burning

- Activities associated with the normal pursuit of agriculture which have been determined by DEP **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 are allowed with Fire Department approval ([click here for link to M.G.L. Chapter 111: Section 142L](#))

DEP Definition of Agriculture

- **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 primarily for commercial foodstuffs and such livestock are raised primarily for commercial foodstuffs or work purposes and consist of an area larger than one acre of land.

Chapter 128: Section 1A.

- This statute defines agriculture much more broadly than DEP's definition ([click here for link to Chapter 128: Section 1A](#)).
- DEP did not adopt this definition for the purposes of 310 CMR 7.07.

Nurseries

- DEP is willing to stretch its definition of agriculture to apply to nurseries. Nurseries would be limited to the same conditions and the same types of material to be burned as other agricultural sources and would need fire department approval.

Agricultural Determinations

- Fire Chiefs are authorized to determine whether or not a particular individual qualifies for the agricultural burning regulation.
- When a fire chief raises a specific question related to the regulation, DEP will make itself available to the chief to resolve the question.

Agricultural Burn Times

- Agricultural open burning can occur all year long, with Fire Department approval, and does not have to be restricted to the January 15th through May 1st time-frame.
- DEP 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. the same afternoon.

Links to Additional Information Regarding Open Burning

- **DEP Policies Pertaining to Open Burning:**
 - [Agricultural Burning](#)
 - [Fire Training](#)
 - [Open Burning](#)
 - [MassDEP's Open Burning FAQ's](#)
- **State Regulations Pertaining to Open Burning:**
 - [310 CMR 7.00 \(MassDEP's Air Pollution Control Regulations\)](#)
 - [527 CMR 1.00 \(Board of](#)
- **Massachusetts General Laws Pertaining to:**
 - [Christmas Trees](#)
 - [Ceremonial Bonfires](#)
 - [Holiday Bonfires](#)
 - [Agricultural burning](#)
 - [Fire Department's Authority re: open burning](#)