Form R 39
(2-70-10M)

1923

State of Connecticut

Rules and Regulations

OF

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning:

ADMINISTRATIVE REGULATIONS FOR THE ABATEMENT OF AIR POLLUTION SECTION 19-508-17

Rules and Regulations

SECTION 19-508-17 OF THE ADMINISTRATIVE REGULATIONS FOR THE ABATEMENT OF AIR POLLUTION IS REPEALED AND THE FOLLOWING IS SUBSTITUTED IN LIEU THEREOF:

19-508-17 CONTROL OF OPEN BURNING

(a) DEFINITIONS. AS USED IN SUBSECTIONS (a) THROUGH (g) INCLUSIVE:

(i) "BRUSH" MEANS SHRUBS, VEGETATION, OR PRUNINGS THE DIAMETER OF WHICH IS NOT GREATER THAN THREE INCHES AT THE WIDEST POINT.

(ii) "DESIGNEE" MEANS ANY PERSON EMPLOYED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATED BY THE COMMISSIONER.

(iii) "FIREMAN (FIREMEN)" MEANS ANY PERSON WHOSE FULL-TIME OCCUPATION IS FIGHTING FIRES OR WHO ENGAGES IN FIRE FIGHTING UNDER THE IMMEDIATE SUPERVISION OF A PERSON WHOSE FULL-TIME OCCUPATION IS FIGHTING FIRES.

(iv) "OPEN BURNING OFFICIAL" MEANS ANY PERSON

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DESIGNATED AND CERTIFIED BY THE COMMISSIONER PURSUANT TO SUBSECTION (g) OF THIS SECTION.

(v) "RESIDENT" MEANS AN INDIVIDUAL SEEKING TO BURN ON THE PROPERTY WHERE HE RESIDES.

(b) CERTIFICATE FOR OPEN BURNING

(b)(1) CERTIFICATES UNDER THIS REGULATION SHALL NOT BE REQUIRED FOR THE FOLLOWING FIRES:

(i) BARBECUES OR OTHER OUTDOOR OPEN FIRES FOR THE COOKING OF FOOD FOR HUMAN CONSUMPTION;

(ii) CAMPFIRES, BONFIRES, AND OTHER FIRES FOR CEREMONIAL OR RECREATIONAL PURPOSES;

(iii) FIRES TO ABATE AN IMMEDIATE FIRE HAZARD PROVIDED THAT THE ABATEMENT FIRE IS SUPERVISED BY A RESPONSIBLE FIRE OFFICIAL;

(iv) FIRES FOR TRAINING FIREMEN IN METHODS OF FIGHTING FIRES, WHERE ONLY LIQUID FUELS ARE BURNED;

(v) 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.

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(b)(2) THE COMMISSIONER, OR HIS DESIGNEE OR THE CERTIFIED OPEN BURNING OFFICIAL MAY ISSUE, SUBJECT TO THE PROVISIONS OF SUBSECTION (e), A CERTIFICATE FOR THE FOLLOWING FIRES:

(i) FIRES FOR THE PREVENTION, CONTROL, OR DESTRUCTION OF DISEASES AND PESTS, AND AGRICULTURAL BURNING FOR VEGETATION MANAGEMENT.

(ii) FIRES BY ANY RESIDENT TO DISPOSE OF BRUSH ON THE PROPERTY WHERE HE RESIDES.

(b)(3) THE COMMISSIONER OR HIS DESIGNEE MAY ISSUE, SUBJECT TO THE PROVISIONS OF SUBSECTION (e), A CERTIFICATE FOR THE FOLLOWING FIRES:

(i) FIRES FOR THE DISPOSAL OF DANGEROUS MATERIAL SUCH AS TOXIC GASES, WHERE THERE IS NO REASONABLE ALTERNATIVE METHOD.

(ii) FIRES TO THWART A HAZARD WHICH CANNOT PROPERLY BE MANAGED BY ANY OTHER MEANS OR IS NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH.

(iii) FIRES IN SALT WATER MARSHES.

(iv) FIRE-TRAINING EXERCISES, OTHER THAN THOSE SUBJECT TO (b)(1)(iv). IN REVIEWING ANY APPLICATION FOR SUCH A CERTIFICATE THE PROVISIONS

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OF SECTION (d)(iv) SHALL NOT BE APPLIED.

(v) ANY OTHER FIRES NOT SPECIFIED IN SUBSECTION (b)(2).

(c) APPLICATIONS FOR OPEN BURNING CERTIFICATES.

(c)(1) EXCEPT AS SPECIFIED IN SUBSECTION (b)(1), NO PERSON SHALL SET, CAUSE OR PERMIT AN OPEN FIRE WITHOUT OBTAINING AN OPEN BURNING CERTIFICATE FROM THE COMMISSIONER, OR HIS DESIGNEE OR THE CERTIFIED OPEN BURNING OFFICIAL.

(c)(2) A PERMIT APPLICATION FOR ANY FIRE DESCRIBED IN SUBSECTION (b)(2) OR (b)(3) SHALL BE MADE BY THE APPLICANT ON FORMS FURNISHED BY THE COMMISSIONER, AND EACH APPLICATION SHALL DESCRIBE THE PURPOSE OF THE FIRE, THE NATURE AND QUANTITY OF THE MATERIAL TO BE BURNED, AND SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REQUIRE.

(c)(3) A CERTIFICATE ISSUED UNDER THIS SUBSECTION SHALL BE APPLICABLE ONLY FOR THE OCCASION OR THE PURPOSE FOR WHICH IT HAS BEEN OBTAINED.

(d) STANDARDS FOR OPEN BURNING CERTIFICATES. THE COMMISSIONER, OR HIS DESIGNEE OR THE CERTIFIED OPEN BURNING OFFICIAL, SHALL NOT ISSUE A CERTIFICATE REQUESTED UNDER SUBSECTION (c) WHEN HE DETERMINES THAT:

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(i) A HAZARDOUS HEALTH CONDITION WILL BE CREATED BY SUCH BURNING; OR

(ii) THE FIRE CONSTITUTES A SALVAGE OPERATION BY OPEN BURNING; OR

(iii) A PRACTICAL AND ALTERNATIVE METHOD FOR THE DISPOSAL OF THE MATERIAL TO BE BURNED EXISTS, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING TECHNIQUES: CHIPPING, CUTTING FOR FOREST PRODUCTS, LANDFILLING, PILING FOR PROTECTIVE COVER FOR WILDLIFE AND STOCKPILING (NOT APPLICABLE TO BURNING OF BRUSH AS SPECIFIED IN SUBSECTION (b)(2)(ii)); OR

(iv) SUCH OPEN BURNING WOULD INTERFERE WITH OR PREVENT THE ATTAINMENT OR MAINTENANCE OF A RELEVANT AMBIENT AIR QUALITY STANDARD; OR

(v) THE FOREST FIRE DANGER, AS DETERMINED BY THE STATE FOREST FIRE WARDEN, IS HIGH OR EXTREME AND THE AREA IS WITHIN 100 FEET OF A WOODLAND OR GRASSLAND.

(vi) AN ADVISORY OF AN AIR POLLUTION EMERGENCY EPISODE STAGE IS IN EFFECT PURSUANT TO SECTION 19-508-6 OF THESE REGULATIONS.

(vii) GARBAGE, PAPER, GRASS, METALS, PLASTICS, LEAVES, RUBBER, PAINTED MATERIALS OR DEMOLITION WASTE IS TO BE BURNED.

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(e) CONDITIONS ON OPEN BURNING CERTIFICATES. CERTIFICATES APPROVED UNDER SUBSECTION (c) SHALL BE SUBJECT TO SUCH REASONABLE CONDITIONS AS ARE NECESSARY TO AVOID A NUISANCE OR TO PROTECT THE HEALTH, SAFETY, OR COMFORT OF THE PUBLIC, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING:

(i) ONLY MATERIALS AND QUANTITIES SPECIFIED ON THE CERTIFICATE MAY BE BURNED;

(ii) THE COMMISSIONER MAY SPECIFY ON ANY PERMIT THE HOURS AND DAYS DURING WHICH OPEN BURNING IS ALLOWED.

(iii) EXCEPT FOR FIRE TRAINING EXERCISES, BURNING SHALL ONLY BE PERMITTED ON SUNNY OR PARTLY SUNNY DAYS WHEN WIND SPEED IS 5 TO 15 MILES PER HOUR;

(iv) A COPY OF THE CERTIFICATE SHALL BE KEPT IN THE POSSESSION OF THE APPLICANT AT THE BURNING SITE AT ALL TIMES DURING THE BURNING;

(v) THE COMMISSIONER OR HIS DESIGNEE OR THE OPEN BURNING OFFICIAL MAY REVOKE IN WRITING ANY CERTIFICATE OR ADD ANY REASONABLE, SPECIFICALLY IDENTIFIED CONDITIONS IF CIRCUMSTANCES INDICATE THAT AIR POLLUTION STANDARDS WILL BE VIOLATED.

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(f) EFFECT ON LOCAL ORDINANCES. THESE REGULATIONS DO NOT PRECLUDE A MUNICIPALITY FROM PROHIBITING OR ATTACHING ANY MORE STRINGENT CONDITIONS TO ANY OPEN BURNING.

(g) CERTIFIED OPEN BURNING OFFICIALS. THE COMMISSIONER MAY ESTABLISH AND MAINTAIN A PROGRAM FOR THE TRAINING OF LOCAL OPEN BURNING OFFICIALS. A LOCAL OPEN BURNING OFFICIAL SHALL BE NOMINATED ONLY BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY IN WHICH THE OFFICIAL WILL SERVE. NOMINATION OF THE LOCAL OPEN BURNING OFFICIAL ENTITLES HIM TO PARTICIPATE IN THE TRAINING PROGRAM. THE COMMISSIONER MAY CERTIFY AS LOCAL OPEN BURNING OFFICIAL ANY PERSON PROPERLY NOMINATED WHO SUCCESSFULLY COMPLETES THE TRAINING PROGRAM. BETWEEN TRAINING PROGRAMS AND UPON APPROVAL BY THE COMMISSIONER, A NOMINATED OFFICIAL MAY SERVE IN A TEMPORARY CAPACITY. THE NOMINATION MAY BE REVOKED BY THE CHIEF EXECUTIVE OF THE MUNICIPALITY IN WHICH THE LOCAL OPEN BURNING OFFICIAL SERVES ACCORDING TO LOCAL PRACTICE, PROCEDURE, CUSTOM OR ORDINANCE.

PURPOSE: TO AMEND SECTION 19-508-17 OF THE ADMINISTRATIVE REGULATIONS FOR THE ABATEMENT OF AIR POLLUTION TO INCLUDE GUIDELINES PRESENTLY ISSUED BY THE DEPARTMENT.

Strike out form or phrases when inapplicable

Be it known that the within and foregoing rules and regulations are made, adopted and promulgated ~~are repealed~~ by the undersigned pursuant to Section 19-508-17 of the 1971 Supplement to General Statutes ~~Public Act No~~ ~~of the~~ ~~Public Acts after~~ the publication in the Connecticut Law Journal on May 20 19 75 of the notice of the proposal to adopt them the holding of an advertised public hearing on June 24 19 75 , on the issuance thereof and after consideration of all relevant matter presented as an amendment to ~~in repeal and substitution of certain sections of~~ ~~and are no longer part~~ ~~of~~ the rules and regulations of his Department, pertaining to ABATEMENT OF AIR POLLUTION.

In Witness Whereof, I have hereunto set my hand and seal this 31st day of October 1975 .

Joseph N. Gill L. S.

(Title of office)

Strike out form or phrases when inapplicable

~~Be it known that the within and foregoing rules and regulations have been made, adopted and promulgated have been repealed by at a meeting held on the day of 19 , pursuant to Section of the Supplement to the General Statutes, Public Act No. of the Public Acts, after publication in the Connecticut Law Journal on 19 , of the notice of the proposal to adopt them the holding of an advertised public hearing on 19 , on the issuance thereof and after consideration of all relevant matter presented as an amendment to in repeal and substitution of certain sections of and are no longer part of the rules and regulations of said Board Commission pertaining to~~

~~In Witness Whereof, I have hereunto set my hand and seal this day of 19 .~~

~~L. S.~~

~~Secretary~~

~~Received and filed in triplicate, this day of 19 , in accordance with Section 4-45 of the General Statutes, Revision of 1958, as amended.~~

~~Secretary of the State~~

~~BY:~~

Approved: NOV 10 1975 19

Deputy Attorney General

~~This is to certify that the within and foregoing rules and regulations have been published in the Connecticut Law Journal on the day of 19 .~~

Attest:

Commission on Official Legal Publications