



Connecticut Department of Energy and Environmental Protection



OPEN BURNING TRAINING PROGRAM

MODULE 1: INTRODUCTION AND OVERVIEW OF THE STATE'S OPEN BURNING LAWS



Connecticut Department of Energy and Environmental Protection

INTRODUCTION AND OVERVIEW OF THE STATE'S OPEN BURNING LAWS

MODULE OUTLINE

This module will present an introduction to the State's Open Burning Training Program and will review the governing State statutory authorities regulating the control of open burning within the State and municipalities. These State statutory authorities include: Connecticut General Statutes (CGS) Sections 22a-174(f); 23-48; and 23-49a. This module will cover municipal powers concerning open burning, including Municipal Open Burning Ordinances.

This module will cover the following:

- Introduction to the State's Open Burning Training Program
- Connecticut General Statutes Sections: 22a-174(f); 23-48; 23-49a.
- Regulations of Connecticut State Agencies Section 22a-174-1 Definitions
- Municipal Powers to Regulate or Ban the Open Burning of Brush
- Take Aways



Regulations of Connecticut State Agencies Section 22a-174-1(83) Definitions – Open Burning

“Open Burning” means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue.



INTRODUCTION TO THE STATE'S OPEN BURNING TRAINING PROGRAM

Open Burning Training Program:

- This web based Open Burning Training Program has been developed by the State Of Connecticut's Department of Energy and Environmental Protection's Bureau of Air Management's Open Burning Program.
- The purpose of the State's web based Training Program is to assist municipalities in meeting the certification requirements for an Open Burning Official and in the administration of an open burning program at the local level. The Training Program covers a broad range of legal, administrative and program specific topics relevant to regulating the control of open burning at the State and local levels.

Who is required to take the State's Open Burning Training and Exam:

- Nominated individuals who are seeking certification to serve as a local Open Burning Official.
 - Per Chapter 446c of the Connecticut General Statutes (CGS) Section 22a-174(f), the Chief Executive Officer of each municipality is responsible for nominating all local Open Burning Officials and has the authority to revoke any nomination. All nominations must be certified by the Commissioner of the State of Connecticut's Department of Energy and Environmental Protection (also referred to in this module as the "State Agency").
 - To become certified, nominated individuals are required to complete all of the State's online Open Burning Training Modules and then, take and pass an online Exam.



INTRODUCTION (CONT.)

Training Program Format – Web Based Training Modules and Web Based Exam:

- The Open Burning Training Program is a web based training program, consisting of six Training Modules and an Exam.
 - The Training Modules are self paced. Individuals can log in and log out at their convenience and can complete the training over a period of time.
 - The Exam consists of twenty questions which include both multiple choice and true or false questions. A passing score is 90% or better.

The Training Modules are to be taken in the following Order:

- **Module 1: Introduction and Overview of the State's Open Burning Laws**
- **Module 2: The Open Burning Official**
- **Module 3: Open Burning of Brush on Residential Property**
- **Module 4: Other Purposes for which Open Burning may be Authorized**
- **Module 5: Open Burning of Brush at Municipal Landfills, Municipal Transfer Stations and Municipal Recycling Centers**
- **Module 6: Enforcement of Open Burning Laws**



INTRODUCTION (CONT.)

Program Consistency Considerations:

- Upon successful completion of the Training Program, municipal Open Burning Officials should conduct a comprehensive assessment and review of their local open burning program to ensure program consistency based on State and local open burning laws. The review and assessment should include, but not be limited to, the following:
 - administrative and enforcement policies and processes;
 - application/permit forms;
 - existing Open Burning Ordinance or lack thereof;
 - completeness and accuracy of information provided to the public concerning open burning;
 - municipal open burning web page sites;
 - management practices of existing materials; and
 - the process by which conditions are determined to be suitable to conduct an open burn, specifically obtaining information on the following two criteria – the State’s *Predicted Air Quality Index Maximums* and the State’s *Forest Fire Danger Level*. **Municipalities must establish a process by which the Permittee can determine and/or verify these two criteria .**

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.**



OVERVIEW OF THE OPEN BURNING LAWS IN CONNECTICUT

Connecticut General Statutes

- **General Statutes of Connecticut, Volume 8, Title 22a Environmental Protection, Chapter 446c Air Pollution Control, Section 22a-174(f):** Powers of the commissioner. Regulations. Fees. Exemptions. General permits. Appeal of commissioner's action regarding a permit application.
- **General Statutes of Connecticut, Volume 8, Title 23 Parks, Forests and Public Shade Trees, Chapter 449 Fire Wardens, Section 23-48:** Kindling fire in the open. Penalty.
- **General Statutes of Connecticut, Volume 8, Title 23 Parks, Forests and Public Shade Trees, Chapter 449 Fire Wardens, Section 23-49a.** Declaration of burning ban; special burning permit; penalty; exemptions.

Regulations of Connecticut State Agencies

- **Regulations of Connecticut State Agencies Section 22a-174-1:** Definitions of general applicability to the air quality regulations. The terms "brush" and "open burning" are defined.

Municipal Ordinances

- Some but not all of Connecticut's municipalities have enacted local Open Burning Ordinances.



CONNECTICUT GENERAL STATUTES SECTION 22a-174(f)

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded; (2) where a hazardous health condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit: Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

KEY

State Authorities

Municipal Authorities

No Open Burning

Other Authorized
Open Burns



Abstract of “State Authorities”:

- The Commissioner of the State of Connecticut’s Department of Energy and Environmental Protection shall allow the open burning of brush on residential property provided that a permit is granted by a local Open Burning Official of the municipality in which the property is located.
- The Commissioner of the State of Connecticut’s Department of Energy and Environmental Protection shall allow the open burning of brush in municipal landfills, municipal transfer stations, and municipal recycling centers provided a permit is granted by the State Agency to the Fire Marshal of the municipality where the facility is located.
 - Municipalities can obtain up to six permits per calendar year.
 - The Applicant is the municipality’s Fire Marshal. The municipality’s Chief Elected Official must also sign the application prior to the application submittal to the State Agency’s Open Burning Program. If a permit is granted by the State, the Fire Marshal is then the Permittee.
 - The State Agency must make a timely decision upon a submitted permit application.
 - The burning of leaves, demolition waste or other solid waste deposited in such landfill is prohibited.

CONNECTICUT GENERAL STATUTES SECTION 22a-174(f)

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded, (2) where a hazardous health condition might be created, (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn, (4) where there is an advisory from the commissioner of any air pollution episode, (5) where prohibited by an ordinance of the municipality, and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit. Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

KEY

State Authorities

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No Open Burning

Other Authorized Open Burns



Connecticut Department of Energy and Environmental Protection



CGS SECTION 22a-174(f) (CONT.)

Abstract of “State Authorities” (CONT.)

- **The State Agency is responsible for authorizing open burning** for certain types of open burning activities **on state-owned property**. These activities include the following:
 - fire training exercises;
 - eradication or control of insect infestations or disease;
 - agricultural purposes;
 - clearing vegetative debris following a natural disaster; and
 - vegetative management, enhancement of wildlife habitat or ecological sustainability.
- The Chief Executive Officer of each municipality is responsible for nominating all local Open Burning Officials and has the authority to revoke any nomination. All Open Burning Official nominations must be certified by the Commissioner of the State of Connecticut’s Department of Energy and Environmental Protection.
- The Commissioner may adopt regulations governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local open burning officials.
 - There are no regulations pursuant to this Section that governs open burning. CGS Section 22a-174(f) provides the basis for the control of open burning.



CGS SECTION 22a-174(f) (CONT.)

Abstract of “Municipal Authorities”:

- The Chief Executive Officer of each municipality is responsible for nominating all local Open Burning Officials.
- The Chief Executive Officer has the authority to revoke any nomination.
- ***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 the open burning of brush is not banned, the municipal Open Burning Official is responsible for issuing open burning permits to residents and others within such municipality for certain specific types of open burning activities which are authorized under CGS Section 22a-174(f).
 - In the administration and implementation of the open burning ordinance at the local level, municipalities must be as or more restrictive than CGS 22-174(f) or as prescribed by the State Agency’s Open Burning Program. Municipalities enforce the open burning laws under CGS Sections 22a-174(f), 23-48, and 23-49a. Municipalities may also enforce through locally enacted Open Burning Ordinances.

CONNECTICUT GENERAL STATUTES SECTION 22a-174(f)

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded, (2) where a hazardous health condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit: Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

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Connecticut Department of Energy and Environmental Protection



CGS SECTION 22a-174(f) (CONT.)

Abstract of “Municipal Authorities” (CONT.)

- Only the **local Open Burning Official can issue open burning permits** for certain specific types of open burning activities proposed on ***non-state-owned properties***. These activities are the following:
 - the burning of brush on a residential property;
 - fire training exercises;
 - eradication or control of insect infestations or disease;
 - agricultural purposes;
 - clearing vegetative debris following a natural disaster; and
 - vegetative management or enhancement of wildlife habitat, or ecological sustainability on municipal property, or any privately-owned property permanently dedicated as open space.
- If a municipality allows open burning of brush within its borders, the resident of the property may apply for a permit from the local Open Burning Official to burn brush. Once a permit has been granted, the resident of the property or the agent of the resident can conduct the open burning of brush pursuant to permit conditions. Brush is defined in the Regulations of Connecticut State Agencies Section 22a-174-1(19) as: shrubs, vegetation or prunings, the diameter of which is not greater than three inches at its widest point.



CGS SECTION 22a-174(f) (CONT.)

Abstract of “Municipal Authorities” (CONT.)

- Municipalities are allowed to conduct open burning of brush at a municipal landfill, municipal transfer station, or municipal recycling center, provided that a permit for such burning is obtained by the local Fire Marshal of the municipality where the facility is located.
 - The permit application, along with the sign-off approval of the chief elected official on the permit application, must be submitted to the Commissioner of the State of Connecticut’s Department of Energy and Environmental Protection by the Fire Marshal.
 - A permit for the open burning of brush at a municipal landfill, municipal transfer station, or municipal recycling center shall be issued no more than six times during any calendar year.
 - The burning of leaves, demolition waste or other solid waste deposited in a landfill is prohibited.



Abstract of “No open burning of brush shall occur under certain conditions”:

- This section identifies certain conditions and/or scenarios when no open burning of brush can occur:

CONNECTICUT GENERAL STATUTES SECTION 22a-174(f)

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded; (2) where a hazardous health condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes or forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit. Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations. In accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

| | | | | |
|-----|-------------------|-----------------------|-----------------|-----------------------------|
| KEY | State Authorities | Municipal Authorities | No Open Burning | Other Authorized Open Burns |
|-----|-------------------|-----------------------|-----------------|-----------------------------|



Connecticut Department of Energy and Environmental Protection

1) ***When national or state ambient air quality standards may be exceeded.***

Background: The federal Environmental Protection Agency (EPA) sets National Ambient Air Quality Standards. The State of Connecticut's Department of Energy and Environmental Protection Bureau of Air Management tracks the level of pollutants in the air each day and forecasts the expected air quality. These forecasted numeric values are used to prepare, on a daily basis, the State's ***Predicted Daily Air Quality Index (AQI) Maximums***. **Open burning is prohibited statewide when the AQI is predicted to be 75 or higher anywhere in the State.**

2) ***Where a hazardous health condition might be created.***

Background: Hazardous health conditions could potentially be created for citizens that may be at risk for increased health impacts if an open burning permit is issued. Examples of areas that might create a hazardous health condition would be locations near nursing homes, hospitals, daycare centers, schools or any location where a citizen has a documented health issue, for example respiratory and /or cardiovascular issues.



CGS SECTION 22a-174(f) (CONT.)

Abstract of “No open burning of brush shall occur under certain conditions” (CONT.)

- 3) ***When the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn.***

Background: The State of Connecticut’s Department of Energy and Environmental Protection Forestry Division broadcasts daily predictions for forest fire danger in the State. Per CGS Section 22a-174 (f) no open burning can occur if the forest fire danger level is extreme. However, in CGS Section 23-49a, **open burning is not allowed if the forest fire danger level is high, very high or extreme.** The State Agency addressed this inconsistency by choosing to abide by the more stringent prohibition of open burning.

- 4) ***Where there is an advisory from the commissioner of any air pollution episode.***

Background: Air pollution episodes are emergency periods when the State Agency expects air pollution levels to exceed the ambient air quality standards by a large amount, creating a potential for increased health impacts. These are rare events where the AQI would significantly exceed 75.

- 5) ***Where prohibited by an ordinance of the municipality.***

Background: A local Ordinance can place greater restrictions than found in this Statute, including a ban of the open burning of brush occurring within a municipality.

- 6) ***In the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner.***

Background: The open burning map is no longer in use by the State Agency and this scenario no longer applies as a condition to prohibit open burning.



CGS SECTION 22a-174(f) (CONT.)

- Prior to conducting a permitted burn, the State's Predicted Daily Air Quality Index (AQI) Maximums, and the State's Forest Fire Danger Level must be checked to determine if conditions are suitable for open burning.
 - **NOTE:** If EITHER of these conditions are reported as not being suitable for open burning to occur, the burn **CANNOT** proceed for that day.

Air Quality Index (AQI)

The U. S. Environmental Protection Agency (EPA) has provided a scale called the Air Quality Index (AQI) for rating air quality. This scale is based on the National Ambient Air Quality Standards (NAAQS). The AQI is not routinely updated on weekends and during holiday periods. On those days, please call the Air Quality Index Hotline at (800) 249-1234 or (860) 424-4167 or link to EPA AIRNow State of Connecticut for the most current air quality information.

[EnviroFlash](#) - Subscribe to receive air quality information by e-mail
[twitter](#) - Follow the air quality forecasts



| Air Quality Labels | |
|---|------------------|
| Forecasted Thursday, February 14, 2013 | Moderate |
| Forecasted Friday, February 15, 2013 | Good to Moderate |

Ozone forecasting for the 2012 season has come to a close. Ozone concentrations from October through April are expected to remain in the GOOD, to occasionally MODERATE range.

[2012 Forecasted Unhealthy Ozone Days](#)

[Annual summary of 8-hour and 1-hour ozone daily maximums](#)

[Health Effects Statements](#) + [Cautionary Statements](#) ⚠

| Predicted Daily AQI Maximums for Friday, February 15, 2013 (NA=Not Available) | |
|---|--|
| Town | Fine Particles (PM _{2.5}) |
| Bridgewater | 67 |
| Cornwall | 40 |
| Danbury | 72 |
| East Hartford | 82 |
| Groton | 57 |
| New Haven | 65 |
| Waterbury | 70 |

Check this Table entitled:
Predicted Daily AQI Maximums for Weekday, Month, Day, Year

Daily Forest Fire Danger Report

The Forest Fire Danger Level for **Friday, August 31, 2012** is **MODERATE**

Next scheduled update: **Friday, September 7th, 2012** unless conditions warrant a return to daily updates.



Open Burning Advisory Matrix

| Condition | Reporting Values | | | |
|-------------------------------------|-------------------------------|-------------------------------|-----------------------------------|-----------------------------------|
| | Below 75 throughout the State | Below 75 throughout the State | 75 or higher at one or more sites | 75 or higher at one or more sites |
| Predicted Daily AQI Maximums | Below 75 throughout the State | Below 75 throughout the State | 75 or higher at one or more sites | 75 or higher at one or more sites |
| Forest Fire Danger Levels | Low, Medium | High, Very High, or Extreme | Low, Medium | High, Very High, or Extreme |
| Open Burning Advisory | Yes, Open Burning Allowed | No Open Burning | No Open Burning | No Open Burning |



Abstract of “Other Authorized Open Burns”

- The burning of nonprocessed wood for Campfires and Bonfires is not prohibited and does not require a permit so long as it does not create a nuisance and is in accordance with any restrictions imposed on such burning by a municipality.
 - Campfires and Bonfires are not defined in State statutes or regulations.
 - **Non-processed wood is considered** to be any untreated, natural wood up to and including rough cut lumber. *Processed wood* is considered to be any wood that has been milled and/or planed and includes recycled wood, and/or glued wood, and/or treated wood, pallets, crates and/or wood scraps from these types of materials.
 - **Nuisance is considered** to be the unreasonable, unwarranted, or unlawful use of one’s property in a manner that substantially interferes with the use or enjoyment of another individual’s real property, without an actual trespass or physical invasion to the land.
 - **Municipalities may impose further restrictions for these types of open burning, and these restrictions can be found in municipal Open Burning Ordinances.** Examples include: limiting the size of such fires; requiring that all such fires have the (written) permission of the property owner prior to ignition; setback distances from structures and/or property lines; lot size; and requiring campfires and/or bonfires to be permitted.
- Fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited and do not require a permit.

CONNECTICUT GENERAL STATUTES SECTION 22a-174(f)

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded, (2) where a hazardous health condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit. Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations. In accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

KEY

State Authorities

Municipal Authorities

No Open Burning

Other Authorized Open Burns



Connecticut Department of Energy and Environmental Protection



CGS SECTION 23-48

CGS Section 23-48. Kindling Fire in the Open. Penalty

Any person who kindles or directs another to kindle a fire in the open air, without proper authorization from state or local authorities or any person who burns materials that are prohibited from being burned by any provision of the general statutes, regulation of the state or local ordinance, shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

Abstract of CGS Section 23-48:

- It is a misdemeanor offense to conduct an open burn without express authorization under State or local law.
- It is a misdemeanor offense to burn materials that are prohibited from being burned by any provision of the Connecticut General Statutes, regulations of the State or local ordinance.
- Any person violating this Statute is subject to fines not more than two hundred dollars or imprisonment not more than six months or both.



CGS SECTION 23-49a

CGS Section 23-49a. Declaration of Burning Ban; Special Burning Permit; penalty; Exemptions.

- a) *No person shall kindle or use fire in the open air within one hundred feet of woodland, brushland, or area containing dried grass that is adjacent to any woodland or brushland, when the forest fire danger, as declared by the State Forest Fire Warden, is high or extreme, or during a drought emergency as declared by the State Forest Fire Warden. When weather conditions indicate that such forest fire danger exists, the State Forest Fire Warden shall make public announcement of the fact, using such news media as may be available and the provisions of this section shall then be in effect until cancelled by said warden.*
- b) *Notwithstanding any provision of subsection (a) of this section to the contrary, an owner of land or an agent of such owner may apply to the State Forest Fire Warden or designee of said warden for a special burning permit during such period of burning ban. If the State Forest Fire Warden or designee is of the opinion that the proposed burning is of immediate necessity, will not be in conflict with local or state regulatory authority, and that the permittee has the necessary equipment and manpower to confine the fire, the State Forest Fire Warden may issue a special burning permit stating the location, time and conditions under which such burning is to be effected.*
- c) *Any person who violates any of the provisions of subsection (a) of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both.*
- d) *Nothing contained in this section shall limit any duly authorized public authority from carrying out their assigned duties where the use of fire is necessary to the reduction of a health or fire hazard.*



CGS SECTION 23-49a (CONT.)

Abstract of CGS Section 23-49a:

- Creates additional prohibitions on open burning when the State Forest Fire Warden declares the following conditions exist within the State: the forest fire danger is **high, very high or extreme** or **during a drought emergency**. The State Forest Fire Warden shall make public announcement of the fact that such forest fire danger exists. Provisions of this section shall be in affect until cancelled by said Warden.
- Notwithstanding any provision of subsection (a) of this section to the contrary, this Section allows an owner of the land or an agent of such owner to apply to the State Forest Fire Warden or designee for a ***special burning permit*** during such period of a burning ban.
 - The applicant for a ***special burning permit*** must demonstrate that: the proposed burn is of immediate necessity; the burn will not be in conflict with federal, state or local regulatory authority; and the applicant has the necessary equipment and manpower to confine the fire. If the State Forest Fire Warden or his designee make a finding that the proposed burning satisfies these three criteria, then the State Forest Fire Warden may issue a special permit stating the location, time and conditions under which such burning is to be effected.



CGS SECTION 23-49a (CONT.)

Abstract of CGS Section 23-49a (CONT.)

- Any person who violates any of the provisions of subsection (a) of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both. It is a misdemeanor offense. Open burning laws of the State or municipality may be enforced by any peace officer within that peace officer's area of jurisdiction.
- Nothing contained in this statute shall limit the ability of any duly authorized public authority from carrying out their assigned duties where the use of fire is necessary to the reduction of a health or fire hazard.



REGULATIONS OF CONNECTICUT STATE AGENCIES

Regulations of Connecticut State Agencies Section 22a-174-1 Definitions

- **RCSA Section 22a -174 -1(19) definition of “brush”:**
 - “Brush” is defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point.
- **RCSA Section 22a-174-1(83) definition of “open burning”:**
 - “Open Burning” means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue.



MUNICIPAL POWERS TO REGULATE OR BAN THE OPEN BURNING OF BRUSH

- Per 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 within their boundaries for any purpose.
 - Municipalities can regulate or ban open burning through permitting, state law and local open burning ordinances.
- Municipalities may enforce the open burning laws under CGS Sections 22a-174(f), 23-48 and 23-49a and may establish other enforcement tools through locally enacted open burning ordinances.
- Municipal Open Burning Ordinances must be as, or more restrictive than Connecticut General Statutes or as prescribed by the State Agency's Open Burning Program. By having a local ordinance in place, municipalities are better able to administer the provisions of the open burning law more effectively and efficiently.
- **Municipalities should revisit their Open Burning Ordinances to ensure consistency with CGS Sections 22a-174(f); 23-48; and 23-49a.**



MUNICIPAL POWERS (CONT.)

- Where local Open Burning Ordinances have been enacted, the organizational structure of the ordinances include, but are not limited to, the following major sections:
 - Purpose and Scope
 - Definitions
 - Administration
 - Regulations
 - Enforcement, Penalty, Appeal and
 - Ordinance History (Public Hearing, Adoption, and Effective Dates).
- In addition to a local Open Burning Ordinance, municipalities are encouraged to have an Open Burning Enforcement Response Strategy to efficiently and effectively manage violations of State and local open burning laws. The Strategy should consider establishing a response structure that covers all periods of the week, for example evenings and weekends.



TAKE AWAYS

- “Open Burning” means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue.
- In Connecticut, the basis for regulating the control of open burning is found in the following: CGS Sections 22a-174(f), 23-48, and 23-49a; RCSA Section 22a-174-1 Definitions (Brush; Open Burning); and municipal Open Burning Ordinances, where adopted.
- Efficient and effective program implementation at the local level requires the certified Open Burning Official to be knowledgeable and conversant of State and local open burning laws. This understanding of the law provides the basis by which the local Open Burning Official can make informed decisions and to ably carry-out their functions and duties, specifically permitting decisions and where delegated, enforcement actions.
- The objective of the State’s Open Burning Training Program is to provide training and guidance to municipal Open Burning Officials so that they can carry out the provisions of CGS Section 22a-174(f) to regulate the control of open burning.
- Once certified, Municipal Open Burning Officials should conduct a comprehensive assessment and review of their local open burning program to ensure program consistency based on State and local open burning laws.



TAKE AWAYS

- *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 to residents within such community. Only the Open Burning Official can issue open burning permits for certain activities as identified in CGS Section 22a-174(f).
- Open burning laws of the State or municipality may be enforced by any peace officer within that peace officer's area of jurisdiction. Municipalities may establish other enforcement tools through locally enacted Open Burning Ordinances.
- The burning of non-processed wood for campfires and bonfires is not prohibited providing that such activity is conducted in a manner consistent with any local restrictions imposed on such burning and that it does not create a nuisance.
- Municipalities are allowed to conduct open burning of brush at a municipal landfill, municipal transfer station, or municipal recycling center, provided a permit for such burning is issued by the Commissioner of the State of Connecticut's Department of Energy and Environmental Protection.
- The Commissioner of the State of Connecticut's Department of Energy and Environmental Protection is responsible for authorizing open burning for certain activities as identified in CGS Section 22a-174(f) *on state-owned properties*.



TAKE AWAYS

- A permit is not valid and no open burning of brush can occur under certain conditions as identified in CGS Sections 22a-174(f) and 23-49a.
 - Prior to conducting an authorized burn, both the State's *Predicted Air Quality Index Maximums* and the State's *Forest Fire Danger Level* must be checked to determine if conditions are suitable for a burn to occur. **Municipalities must establish a process by which the Permittee verifies and/or confirms that these two criteria can allow for open burning to proceed pursuant to their permit.**
 - Municipalities **SHOULD NOT DIRECT** Open Burning 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*. The State of Connecticut's Department of Energy and Environmental Protection has established websites for each:
 - www.ct.gov/deep/aqi
 - www.ct.gov/deep/forestfiredanger
- The State of Connecticut's Department of Energy and Environmental Protection Bureau of Air Management is responsible for administering the State's Open Burning Program.



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