



# Connecticut Department of Energy and Environmental Protection



# OPEN BURNING TRAINING PROGRAM

## MODULE 3: OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY



Connecticut Department of Energy and Environmental Protection

# OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY

## MODULE OUTLINE

*This module covers the permitting process at the municipal level whereby the open burning of brush on residential property can occur.*

*This module will cover the following:*

- Statutory Authority to Conduct Open Burning of Brush on Residential Property
- Model Permitting Process
- Model Application/Permit Template Form and Overview
- Permit is Granted: Day of the Burn
- Enforcement
- Take Aways
- Acknowledgements



# STATUTORY AUTHORITY

## Per Chapter 446c of the Connecticut General Statutes (CGS) Section 22a-174(f):

*The commissioner [“Agency”] 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...except that no burning 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 municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner.*

\* **NOTE:** CGS Section 23-49a prohibits open burning when the **forest fire danger level is high or extreme or during a drought emergency** as declared by the State Forest Fire Warden. The State of Connecticut’s Department of Energy and Environmental Protection’s (referred to as the “State Agency”) has developed model Application/Permit templates for certain authorized types of open burning. For each of these Application/Permit templates and with regard to the Forest Fire Danger, the permit is not valid under the following condition: **“When the Forest Fire Danger Level is high, very high or extreme”**.



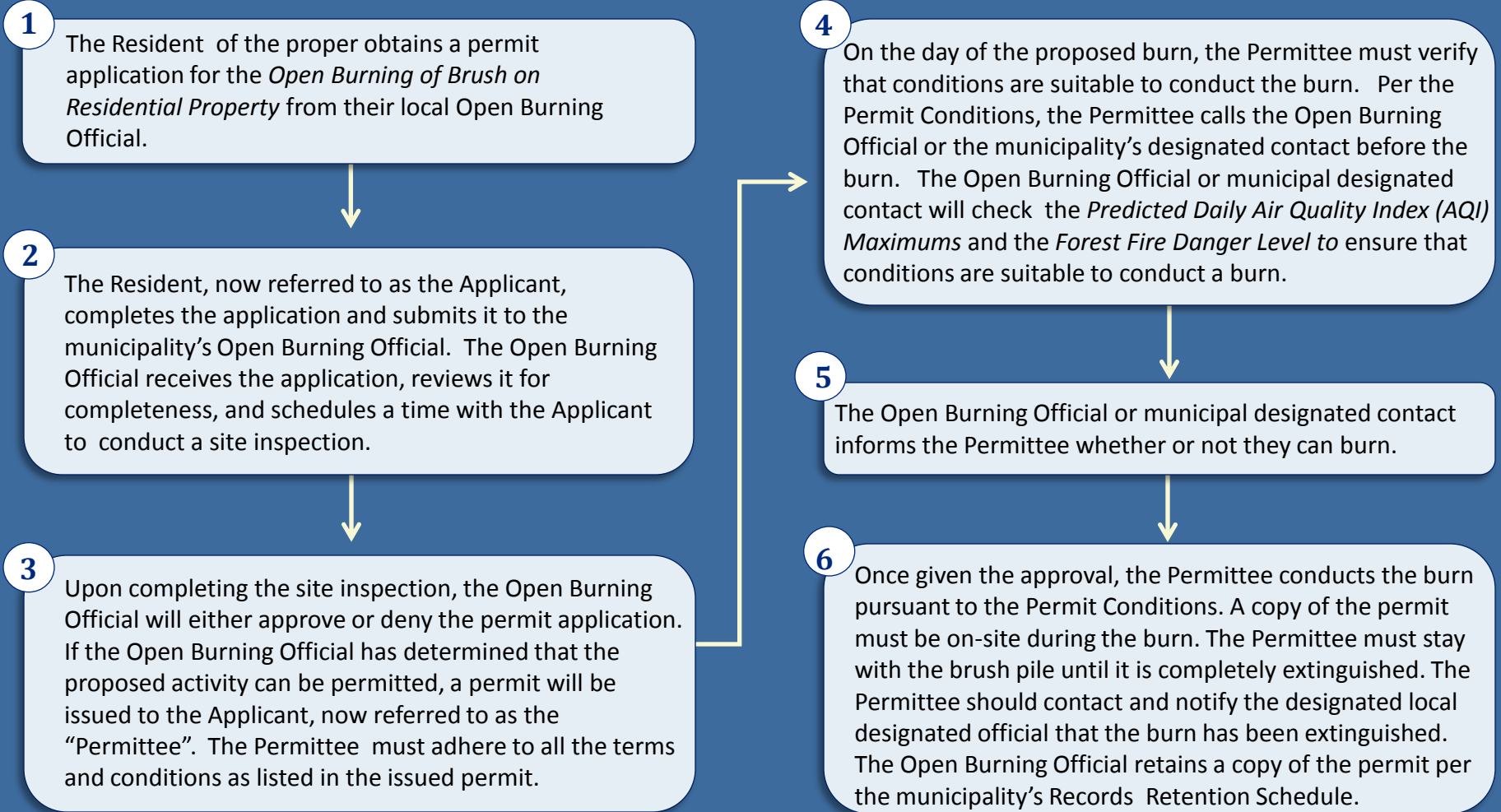
# AUTHORIZED OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY

- CGS Section 22a-174(f) allows for the open burning of brush on residential property.
  - **Only brush can be burned.** “**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 Section 22a-174-1(19))
  - “**Residential property**” means a one to four family dwelling, is used exclusively for residential purposes, and has a Certificate of Occupancy.
- CGS Section 22a-174(f) dictates that the burning is conducted by the Resident of the property or the agent of the Resident.
  - “**Resident**” means an individual seeking to burn on the property where he or she resides.
  - The Resident is the Applicant.
- CGS Section 22a-174(f) requires that a permit for such burning is obtained from the local Open Burning Official of the municipality in which the property is located.
  - The “**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.
  - The local Open Burning Official is the Regulator.
- CGS Section 22a-174(f) and CGS 23-49a identify conditions when no open burning can occur.



# MODEL PERMITTING PROCESS\*:

## OPEN BURNING OF BRUSH ONLY ON RESIDENTIAL PROPERTY



\* This is intended as a model permitting process only. Municipalities must establish their own procedures.



# MODEL APPLICATION/PERMIT TEMPLATE FORM

- The model Application/Permit template form is entitled *Local Open Burning Official, Application and Permit for Open Burning of Brush on Residential Property*. The form was developed by the State Agency for use by the municipality's local Open Burning Officials.

- The model form consists of the following major sections:

#1 Applicant Information, Signature Block and Declaration Statement

#2 Permit Conditions

#3 Decision – Permit is either Granted or the Application is Denied

#4 Signature and Date Block for the local Open Burning Official/Town and Date

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:
		TOWN OF:
APPLICANT INFORMATION		
Applicant Name:	Applicant Signature:	
Applicant's Address:	Home Phone:	
Applicant's Email:	Cell Phone:	
Applicant to Check Box for Declaration: <input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.		
PERMIT CONDITIONS		
<ul style="list-style-type: none"> <li>This is a valid permit only when signed by the Local Open Burning Official.</li> <li>The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>		
<b>This Permit is NOT Valid Under the Following Conditions</b>	<ul style="list-style-type: none"> <li>When national or state ambient air quality standards may be exceeded.</li> <li>Where a hazardous health condition might be created.</li> <li>When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>	
<b>General Conditions:</b>  <b>Applicable to All Permits</b>	<ol style="list-style-type: none"> <li>Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>At no time during the burn should the fire be left unattended.</li> <li>At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>This permit must be immediately available on site during the burn.</li> <li>Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>Burning may not create a nuisance to nearby properties.</li> </ol>	
<b>THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL</b>		
<b>Special Conditions:</b>  <b>Applicable If Checked</b>	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: <input type="checkbox"/> From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements:  <input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions:	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):		
<input type="checkbox"/> This permit is <b>GRANTED</b>		
Local Open Burning Official's Signature:	Town:	Date:



# MODEL APPLICATION/PERMIT TEMPLATE FORM: #1 SIGNATURE AND DECLARATION BY THE APPLICANT

## Applicant Information

- The Resident, referred to as the Applicant, must complete the application in full. The Applicant must print and sign their name, provide the street address of the residential property where the proposed burn is to occur, and provide contact information for home and/or cell phone numbers, and email.
- The Applicant must check the box indicating that they DECLARE 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.

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:  TOWN OF:	
<b>APPLICANT INFORMATION</b>			
Applicant Name:		Applicant Signature:	
Applicant's Address:		Home Phone:	
Applicant's Email:		Cell Phone:	
Applicant to Check Box for Declaration: <input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.			
<b>PERMIT CONDITIONS</b>			
<ul style="list-style-type: none"> <li>This is a valid permit only when signed by the Local Open Burning Official.</li> <li>The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>			
<b>This Permit is NOT Valid Under the Following Conditions</b>	<ul style="list-style-type: none"> <li>When national or state ambient air quality standards may be exceeded.</li> <li>Where a hazardous health condition might be created.</li> <li>When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>		
<b>General Conditions:</b>  <b>Applicable to All Permits</b>	<ol style="list-style-type: none"> <li>Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>At no time during the burn should the fire be left unattended.</li> <li>At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>This permit must be immediately available on site during the burn.</li> <li>Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>Burning may not create a nuisance to nearby properties.</li> </ol>		
<b>THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL</b>			
<b>Special Conditions:</b>  <b>Applicable if Checked</b>	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: <input type="checkbox"/> From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements:  <input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions:		
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):			
<input type="checkbox"/> This permit is <b>GRANTED</b>			
Local Open Burning Official's Signature:		Town:	Date:





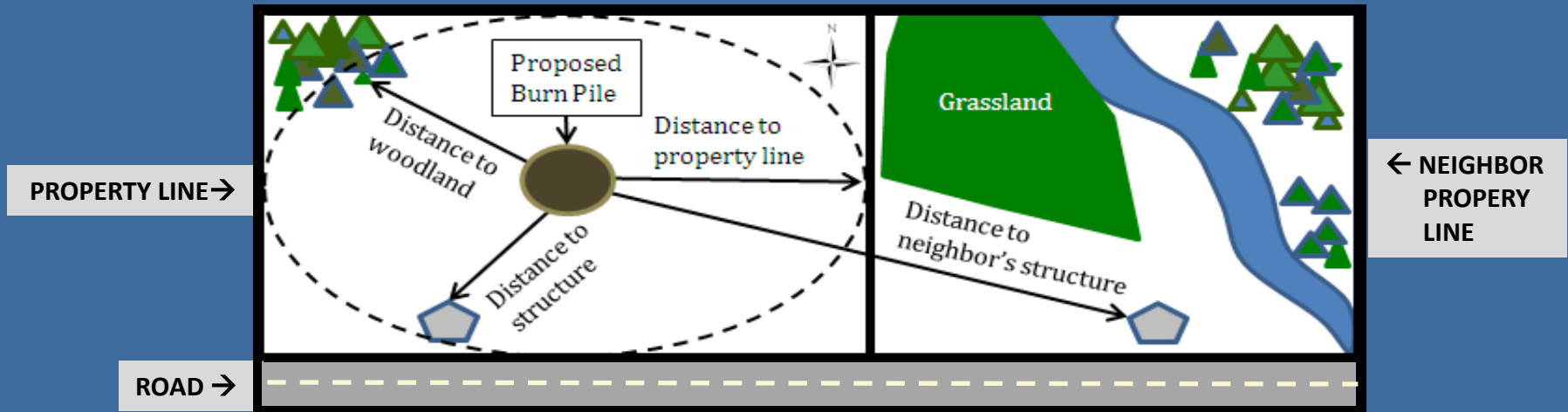
# RECEIPT OF THE APPLICATION FORM

- **Review of the Application** - The local Open Burning Official, who is now in receipt of the application form, must verify that the Applicant has provided the information requested on the form and has checked off the box for the declaration statement. An application can be considered incomplete if any of the following were to be determined: if the application was not been signed by the Applicant; contact information has not been provided; the declaration statement has not been checked; and/or the additional information that was requested by the local Open Burning Official was not provided.
- **Schedule a Site Inspection** - While it is not required, it is a recommendation of the State Agency that a site inspection be conducted for each application. The local Open Burning Official should obtain permission to enter onto the property and schedule with the Applicant, a date and time when a site inspection can be conducted at the property where the proposed burn is to occur. By conducting a site inspection, information that has been submitted by the Applicant in support of this proposed activity can be verified. This also provides an opportunity for the local Open Burning Official to assess the physical characteristics of the property and any potential adverse environmental and public health and safety impacts that may result as a result of open burning.



# SITE INSPECTION

- **Develop a Site Inspection Checklist** - The local Open Burning Official should develop and use a Checklist during site inspections to document and evaluate conditions found on-site that may prove useful in making a decision on a submitted application. A Checklist could include, but not be limited to, the following:
  - Verify that the property is residential and that the Applicant resides on the property.
  - Verify that the proposed burn pile consists of brush only and that the pile contains ONLY brush with a diameter of 3 inches or less.
  - Determine the distance from the proposed burn site to woodland or grassland, and to any other structures or hazards located on the property.



# SITE INSPECTION (CONT.)

- **Checklist Continued:**

- Determine the distance of the proposed burn pile to the property line and if there is a potential that the proposed burn could adversely affect neighbors.
- Verify the number of proposed burn piles and that the pile(s) is adequately sized to be completely consumed within the one day time period (10 A.M. to 5 P.M).
- Determine if all reasonable safety precautions have been identified and taken, including the clearing of grass and trees in the proposed burn area.
- Determine if the resident or the agent of the Resident have means of controlling the fire on site, such as a water source, heavy equipment (i.e., excavator) or other extinguishing method.
- Determine if the resident or the agent of the Resident knows who to call in case the burn gets out of control.
- Determine if the resident or the agent of the Resident has considered an alternative(s) to burning.
- **Detection of non-native invasive insects - signs of Asian Longhorned Beetle or the Emerald Ash Borer. Note: The State actively monitors for the presence of these insects and encourages the public to report possible infestations to State authorities.**



# SITE INSPECTION (CONT.)

## DISCUSSION - Detection of signs of the Asian Longhorned Beetle or the Emerald Ash Borer.

- The State of Connecticut's Department of Energy and Environmental Protection and the Connecticut Agricultural Experiment Station (CAES) have a formalized partnership to address the threat posed by the Asian Longhorned Beetle (ALB) and the Emerald Ash Borer (EAB).
- To date, the Asian Longhorned Beetle has been detected in Massachusetts and New York.
- In 2012, the Emerald Ash Borer was detected in four Connecticut towns, all of which are located in New Haven County. In August 2012, a State quarantine was imposed on all of New Haven County. The quarantine regulates any movement of ash logs, ash materials, ash nursery stock, and hardwood firewood from within New Haven County to any area outside of New Haven County. A Federal quarantine is in effect as well for New Haven county. Through these actions, federal and State authorities are seeking to slow the movement of the Emerald Ash Borer into the remaining parts of the State.



# SITE INSPECTION (CONT.)

## What to Do if You May Have Found Asian Longhorned Beetle (ALB) or the Emerald Ash Borer (EAB):

- First, and most important – if you think you may have found the ALB, or the EAB, do not attempt to move the insect, or to move any wood or other potentially infested material from the site.
  - Take photos and make note of the location, and contact the Connecticut Agricultural Experiment Station. The direct line to the Deputy State Entomologist is **203-974-8474** or by email at [CAES.StateEntomologist@ct.gov](mailto:CAES.StateEntomologist@ct.gov) and send digital photos of suspected ALB or EAB.
- For current updates and more information on the EAB visit: [www.ct.gov/deep/eab](http://www.ct.gov/deep/eab)
- Notification to CAES should not cause a significant delay in the processing of the local application to burn brush. Nor will a finding of the ALB and/or EAB prohibit the burn to occur.



# SITE INSPECTION - ALB/EAB (CONT.)

## Asian Longhorned Beetle

Size (females):

- Length=3/4"-1-1/2"
- Width=3/8"- 1/2"

What to Look for:

- Adult beetles
- Sap oozing from branches
- Circular shaped exit holes



# SITE INSPECTION - ALB/EAB (CONT.)

## Emerald Ash Borer

Size:

- Length=0.3"-0.55"

What to Look for:

- Splitting bark over Galleries
- Woodpecker Damage
- D Shaped Exit Holes
- Serpentine Galleries



# APPLICATION/PERMIT FORM: #2 PERMIT CONDITIONS (CONT.)

## General Statements

- A permit is only valid when signed by the local Open Burning Official.
- The permit does not relieve the Permittee of any legal liability which may be incurred as a result of the fire.
- The failure by the Permittee to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.

## Permit Not Valid Under the Following Conditions

- When national or state ambient air quality standards may be exceeded.
- Where a hazardous health condition might be created.
- When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as reported in the Table entitled “Predicted Daily AQI Maximums” as found on the State Agency’s website.
- When the State’s Forest Fire Danger Level is High, Very High or Extreme, as found on the State Agency’s website.
- When there is an advisory from the State Agency of any air pollution episode.

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:
APPLICANT INFORMATION		TOWN OF:
Applicant Name:	Applicant Signature:	
Applicant's Address:	Home Phone:	
Applicant's Email:	Cell Phone:	
Applicant to Check Box for Declaration:		
<input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.		
PERMIT CONDITIONS		
<ul style="list-style-type: none"> <li>• This is a valid permit only when signed by the Local Open Burning Official.</li> <li>• The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>• Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>		
<b>This Permit is NOT Valid Under the Following Conditions</b>	<ul style="list-style-type: none"> <li>• When national or state ambient air quality standards may be exceeded.</li> <li>• Where a hazardous health condition might be created.</li> <li>• When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled “Predicted Daily AQI Maximums for Month/Day/Year” as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>• When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>• When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>	
<b>General Conditions:</b>  <b>Applicable to All Permits</b>	<ol style="list-style-type: none"> <li>1. Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>2. Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>3. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>4. At no time during the burn should the fire be left unattended.</li> <li>5. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>6. All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>7. This permit must be immediately available on site during the burn.</li> <li>8. Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>9. Burning may not create a nuisance to nearby properties.</li> </ol>	
THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL		
<b>Special Conditions:</b>  <b>Applicable if Checked</b>	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements:  <input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions:	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):		
<input type="checkbox"/> This permit is <b>GRANTED</b>		
Local Open Burning Official's Signature:	Town:	Date:

#2





# APPLICATION/PERMIT FORM: #2 PERMIT CONDITIONS (CONT.)

## General Conditions: Applicable to All Permits

1. Open burning is limited to the burning of brush only, on residential property upon which the Permittee resides. Only brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.
2. Burning must cease if so directed by any member of the Town's Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State of Connecticut's Department of Energy and Environmental Protection.
3. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.
4. At no time during the burn should the fire be left unattended.
5. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.
6. All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.
7. This permit must be immediately available on site during the burn.
8. Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between 5 and 15 miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (See Condition 5 above).
9. Burning may not create a nuisance to nearby properties.



# APPLICATION/PERMIT FORM: #2 PERMIT CONDITIONS (CONT.)

## Special Conditions: Applicable if Checked

- Burning may be initiated only in the presence of the Open Burning Official.
- A fire crew and appropriate apparatus must be stationed at the burning site.
- Burning may not take place when the wind is from the \_\_\_\_\_ direction.
- Burning must be conducted on: \_\_\_ day(s) between the following dates:  
From: \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_
- Final verbal approval must also be obtained on the day of and prior to the burning by calling \_\_\_\_\_.
- List municipal Opening Burning Ordinance Requirements:
- Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future.
- Other conditions:



# APPLICATION/PERMIT FORM: #2 PERMIT CONDITIONS (CONT.)

## Special Conditions (CONT.)

### Discussion on local Open Burning Ordinances and Special Conditions:

- Municipalities can enact local ordinances for the purpose of controlling and regulating the practice of open burning. These local ordinances must be as, or more restrictive than CGS Section 22a-174(f) or as prescribed by the State Agency.
- Under the Special Conditions Section, the local Open Burning Official may enter additional conditions based on language found in that municipality's adopted local Open Burning Ordinance.

*Example: Ordinance from the Town of Ellington →*

#### OPEN BURNING PERMIT ORDINANCE

WHEREAS, it is determined that the public health and safety of the residents of the Town of Ellington and the protection of their property require the regulation of Open Burning in town; and

WHEREAS, the Connecticut General Statutes have authorized the municipality to regulate open burning and issuance of local permits.

The following Ordinance is hereby adopted:

#### 1.0 Scope

- 1.1 This ordinance shall be applicable to the entire town.
- 1.2 This ordinance shall apply to all lands, public and private.
- 1.3 Nothing within this Ordinance shall be construed as restricting the duties and responsibilities of the open burning official as may be prescribed by the general statutes or the Commissioner of Environmental Protection.

#### 2.0 Definitions

- 2.1 *Open Burning*- shall include fires for the control or destruction of BONA FIDE disease and pests, agricultural burning or vegetation management on farms; fires by any resident to dispose of brush on the property where he resides; fires for fire department training; fires authorized by the Fire Marshal at the town landfill or transfer station; clearing of vegetative debris following a natural disaster; fire breaks; habitat or ecological sustainability on municipal property or on privately owned property permanently dedicated as open space and shall include no other fires.



# APPLICATION/PERMIT FORM: #3 DECISION

A Decision is made by the local Open Burning Official to either:

- Deny the Application or
- Grant the Permit.

## The Application is Denied/Reasons:

This section is checked when a determination is made by the local Open Burning Official that the application has been denied. The reasons for a denial can include, but is not limited to, the following:

- The property where the proposed open burning of brush was to occur is not residential and/or the Applicant does not reside at the address listed on the application.
- The Applicant indicated that the intent of the burn was for general lot clearing operations.
- At the time of the site inspection, the burn pile was not constructed, and/or the size and number of pile(s) were not suitable to the general area so as prevent any disturbances to neighbors.

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:
		TOWN OF:
APPLICANT INFORMATION		
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Applicant's Address:	Home Phone:	
Applicant's Email:	Cell Phone:	
Applicant to Check Box for Declaration: <input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.		
PERMIT CONDITIONS		
<ul style="list-style-type: none"> <li>• This is a valid permit only when signed by the Local Open Burning Official.</li> <li>• The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>• Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>		
This Permit is NOT Valid Under the Following Conditions	<ul style="list-style-type: none"> <li>• When national or state ambient air quality standards may be exceeded.</li> <li>• Where a hazardous health condition might be created.</li> <li>• When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>• When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>• When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>	
	<p><b>General Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>2. Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>3. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>4. At no time during the burn should the fire be left unattended.</li> <li>5. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>6. All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>7. This permit must be immediately available on site during the burn.</li> <li>8. Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>9. Burning may not create a nuisance to nearby properties.</li> </ol>	
<b>THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL</b>		
Special Conditions:  Applicable if Checked	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements: _____	
	<input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions: _____	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s): _____		
<input type="checkbox"/> This permit is <b>GRANTED</b>		
Local Open Burning Official's Signature:	Town:	Date:

**#3**



# APPLICATION/PERMIT FORM: #3 DECISION

## Application Denied/Reasons (CONT.):

- The burn pile - contained brush but the brush was greater than 3 inches in diameter at the widest point; and/or contained other materials such as pallets, household waste, tree trunks, treated wood, and other wastes; and/or consisted of material brought onto the site.
- The physical characteristics of the property precludes this type of activity to occur.
- The proximity of the burn location to the adjacent property line could result in potential adverse impacts to air quality and to public health and create a nuisance to the nearby properties.
- Hazards are present where the proposed burn site is located; for example, overhead wires, propane tanks.
- The burn may cause harm to real property, vegetation, or wetlands habitat due to closeness of proximity.
- Conditions exist in the State such that no open burning may occur. For example, State issued advisories of poor air quality and/or when the Forest Fire Danger Level is reported to be high, very high or extreme or during a drought emergency as declared by the State Forest Fire Warden.
- Per a local municipal Open Burning Ordinance, a practical and alternative method for disposal of the material to be burned exists, including but not limited to the following: legal disposal at a permitted municipal solid waste facility; chipping; and piling for protective cover for wildlife.
- Other reasons as may be identified in a municipal Open Burning Ordinance.



# APPLICATION/PERMIT FORM: #3 DECISION

## Application Granted:

- This section is checked when a determination is made by the local Open Burning Official that the application can be granted.
- The Permittee is subject to the permit conditions.
- The Permit is applicable only for the occasion or the purpose for which it has been obtained.

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:
APPLICANT INFORMATION		TOWN OF:
Applicant Name:	Applicant Signature:	
Applicant's Address:	Home Phone:	
Applicant's Email:	Cell Phone:	
Applicant to Check Box for Declaration:		
<input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.		
PERMIT CONDITIONS		
<ul style="list-style-type: none"> <li>• This is a valid permit only when signed by the Local Open Burning Official.</li> <li>• The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>• Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>		
<b>This Permit is NOT Valid Under the Following Conditions</b>	<ul style="list-style-type: none"> <li>• When national or state ambient air quality standards may be exceeded.</li> <li>• Where a hazardous health condition might be created.</li> <li>• When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>• When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>• When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>	
<b>General Conditions:</b>  <b>Applicable to All Permits</b>	<ol style="list-style-type: none"> <li>1. Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>2. Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>3. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>4. At no time during the burn should the fire be left unattended.</li> <li>5. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>6. All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>7. This permit must be immediately available on site during the burn.</li> <li>8. Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>9. Burning may not create a nuisance to nearby properties.</li> </ol>	
<b>THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL</b>		
<b>Special Conditions:</b>  <b>Applicable If Checked</b>	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements:  <input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions:	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):  <input type="checkbox"/> This permit is <b>GRANTED</b>		
Local Open Burning Official's Signature:	Town:	Date:

**#3**



# APPLICATION/PERMIT FORM: #4 SIGNATURE AND DATE BLOCK

## Open Burning Official Signature

- Regardless of the decision, either the denial of the application or the granting of the permit, the local Open Burning Official shall sign and date the form.
- The local Open Burning Official should adhere to their respective municipality's Records Retention Schedule and retain a copy of all permits (approved, denied, withdrawn) from the date of the decision.
- A copy of this document – denial of application or the permit - must be given to the Applicant and/or Permittee.
- The Permittee must have their permit available on site during the burn.

LOCAL OPEN BURNING OFFICIAL APPLICATION AND PERMIT FOR OPEN BURNING OF BRUSH ON RESIDENTIAL PROPERTY		PERMIT NUMBER:
APPLICANT INFORMATION		TOWN OF:
Applicant Name:	Applicant Signature:	
Applicant's Address:	Home Phone:	
Applicant's Email:	Cell Phone:	
<b>Applicant to Check Box for Declaration:</b> <input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY HAS A CERTIFICATE OF OCCUPANCY, AND THAT I WILL ABIDE BY THE CONDITIONS OF THIS PERMIT AS SET FORTH IN THIS DOCUMENT.		
PERMIT CONDITIONS		
<ul style="list-style-type: none"> <li>• This is a valid permit only when signed by the Local Open Burning Official.</li> <li>• The permit DOES NOT relieve the permittee of any legal liability, which may be incurred as a result of the fire.</li> <li>• Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.</li> </ul>		
<b>This Permit is NOT Valid Under the Following Conditions</b>	<ul style="list-style-type: none"> <li>• When national or state ambient air quality standards may be exceeded.</li> <li>• Where a hazardous health condition might be created.</li> <li>• When the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at <a href="http://www.ct.gov/deep/aqi">www.ct.gov/deep/aqi</a></li> <li>• When the Forest Fire Danger Level is high, very high, or extreme, as found at <a href="http://www.ct.gov/deep/forestfiredanger">www.ct.gov/deep/forestfiredanger</a></li> <li>• When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.</li> </ul>	
<b>General Conditions:</b>  <b>Applicable to All Permits</b>	<ol style="list-style-type: none"> <li>1. Open burning is limited to the burning of brush only, on residential property upon which the permittee resides. Only Brush (defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point) may be burned. Burning on property not zoned or classified as residential is prohibited.</li> <li>2. Burning must cease if so directed by any member of the Town Fire Marshal's Office, any Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.</li> <li>3. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li> <li>4. At no time during the burn should the fire be left unattended.</li> <li>5. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li> <li>6. All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li> <li>7. This permit must be immediately available on site during the burn.</li> <li>8. Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted (see Condition 5 above).</li> <li>9. Burning may not create a nuisance to nearby properties.</li> </ol>	
THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL		
<b>Special Conditions:</b>  <b>Applicable If Checked</b>	<input type="checkbox"/> Burning may be initiated only in the presence of the Open Burning Official. <input type="checkbox"/> A fire crew and appropriate apparatus must be stationed at the burning site. <input type="checkbox"/> Burning may not take place when the wind is from the _____ direction. <input type="checkbox"/> Burning must be conducted on: _____ day(s) between the following dates: From: ____/____/____ to ____/____/____ <input type="checkbox"/> Final verbal approval must also be obtained on the day of and prior to the burning by calling _____. <input type="checkbox"/> List municipal Open Burning Ordinance Requirements:  <input type="checkbox"/> Violation of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future. <input type="checkbox"/> Other conditions:	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):		
<input type="checkbox"/> This permit is <b>GRANTED</b>		
Local Open Burning Official's Signature:	Town:	Date:

#4



# PERMIT IS GRANTED: DAY OF THE BURN

## Verification that Conditions are Suitable for a Burn to Proceed:

- For the day on which the proposed burn is to be conducted, the Permittee must verify both of the following conditions (parameters):
  - State's *Predicted Daily Air Quality Index (AQI) Maximums*, and
  - State's *Forest Fire Danger Level*.
    - **NOTE:** If EITHER of these conditions are reported as not being suitable for open burning to occur, the burn **CANNOT** proceed for that day.

**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.

- There may be other factors which a municipality may want to consider before allowing a burn to proceed. These factors include Red Flag Warnings issued by the National Weather Service and/or the availability of local emergency response staff to respond to a call in the event that a burn gets out of control.





# DAY OF THE BURN: STATE'S PREDICTED DAILY AQI MAXIMUMS

## State's Predicted Daily AQI Maximums:

- The State Agency 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 AQI Maximums**.
- **Open Burning is prohibited statewide when the AQI is predicted to be 75 or higher anywhere in the State.**

**For this date, while the AQI level was predicted to be below 75 throughout the State, the Permittee should have PROCEEDED to check and verify the State's Forest Fire Danger Level before conducting an open burn.**

Predicted Daily AQI Maximums for Monday, August 20, 2012 (NA=Not Available)		
Town	Fine Particles (PM <sub>2.5</sub> )	Ozone (O <sub>3</sub> )
<a href="#">Bridgeport</a>	37	
<a href="#">Cornwall</a>	23	41
<a href="#">Danbury</a>	26	42
<a href="#">East Hartford</a>	32	43
<a href="#">Greenwich</a>		49
<a href="#">Groton</a>	23	47
<a href="#">Madison</a>		47
<a href="#">Middletown</a>		44
<a href="#">New Haven</a>	39	41
<a href="#">Stafford</a>		42
<a href="#">Stratford</a>		47
<a href="#">Waterbury</a>	3	
<a href="#">Westport</a>		48

Predicted Daily AQI Maximums for Friday, September 07, 2012 (NA=Not Available)		
Town	Fine Particles (PM <sub>2.5</sub> )	Ozone (O <sub>3</sub> )
<a href="#">Bridgeport</a>	46	
<a href="#">Cornwall</a>	36	77
<a href="#">Danbury</a>	39	109
<a href="#">East Hartford</a>	42	67
<a href="#">Greenwich</a>		104
<a href="#">Groton</a>	29	47
<a href="#">Madison</a>		51
<a href="#">Middletown</a>		54
<a href="#">New Haven</a>	32	67
<a href="#">Stafford</a>		45
<a href="#">Stratford</a>		106
<a href="#">Waterbury</a>	36	
<a href="#">Westport</a>		101

**For this date, the AQI was predicted to be 75 or higher at one or more of the State's monitoring stations. Therefore, OPEN BURNING WAS PROHIBITED in all of Connecticut.**



# DAY OF THE BURN: STATE'S PREDICTED DAILY AQI MAXIMUMS (CONT.)

Connecticut's *Predicted Daily AQI Maximums* can be found on the State Agency's website at [www.ct.gov/deep/aqi](http://www.ct.gov/deep/aqi)

- At this website, go to the Table entitled *Predicted Daily AQI Maximums*.
- Depending on the reporting periods, the Table consists of two to three columns; the headings for these columns are – Town, Fine Particles (reported each day of the year) and Ozone (reported May 1 through September 30).

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

## 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 <sub>2.5</sub> )
<a href="#">Bridgeport</a>	67
<a href="#">Cornwall</a>	40
<a href="#">Danbury</a>	72
<a href="#">East Hartford</a>	82
<a href="#">Groton</a>	57
<a href="#">New Haven</a>	65
<a href="#">Waterbury</a>	70



# DAY OF THE BURN: STATE'S FOREST FIRE DANGER LEVEL

## Forest Fire Danger Level

- Forest fire danger levels are classified as low, moderate, high, very high or extreme.
- **Open burning is PROHIBITED when the Forest Fire Danger Level is rated High, Very High, or Extreme.**
- Throughout the Spring forest fire season (mid- March through May) and at other times of the year when the forest fire danger is high, very high or extreme, the State Agency's Division of Forestry issues daily advisories on forest fire danger levels to the public. After this period, the State Agency continues to monitor the weather as it relates to Forest Fire Danger and will update as needed.
- The State Agency maintains a Forest Fire Danger website at [www.ct.gov/deep/forestfiredanger](http://www.ct.gov/deep/forestfiredanger)

## Example from the webpage:



### 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.**



# OTHER USEFUL INFORMATION – RED FLAG WARNINGS

- **In addition to the Forest Fire Danger Level rating, Red Flag Warnings should be considered prior to conducting a burn.** Red Flag Warnings are issued by the National Weather Service. Connecticut is divided between three different National Weather Service stations.
- **A Red Flag Warning is a warning to the fire fighting community and the public that if there is a fire, the weather conditions can be expected to cause erratic fire behavior.** When a Red Flag Warning is issued, the National Weather Service will recommend against outdoor burns because of dry conditions, low relative humidity and high winds.
- **Red Flag Warnings are:**
  - Not a fire danger rating and they are not synonymous with High, Very High or Extreme fire danger.
  - Are issued when winds will be sustained or there will be frequent gusts above a certain threshold (normally 25 mph). In addition, relative humidity needs to be below 30% and precipitation for the previous five days has to have been less than ¼ inch.
- **A Condition on a locally issued Open Burning Permit restricts open burning when the wind speed exceeds fifteen miles per hour. The wind conditions in a Red Flag Warning would exceed the maximum wind speed in the permit. A Red Flag Warning proves to be a critical indicator that permit conditions would be exceeded and the Permittee should not burn.**



# ENFORCEMENT

## State and Municipal Enforcement Framework:

### ➤ Connecticut General Statutes (CGS)

- Section 22a-174(f): Under this statute, certain situations are identified where open burning is authorized under state law if the required conditions are met. Local law can further restrict the ability of open burning within a municipality.
- Section 23-48: Under this statute, it is a misdemeanor offense to conduct open burning without express authorization under state or local law.
- Section 23-49a: Under this statute, additional prohibitions on open burning are identified when the forest fire danger is declared to be high to extreme. Under this statute, it is a misdemeanor offense.
- The open burning laws of the State or municipality may be enforced by any peace officer within that peace officer's jurisdiction. The Peace Officer would use CGS Sections 23-48 and 23-49a.



# ENFORCEMENT (CONT.)

## Local Ordinances and Enforcement Policies

- **Municipalities have the discretion to choose the municipal officer(s) or employee(s) best able to fulfill the enforcement roles and responsibilities pursuant to State laws and local ordinances.** In some municipalities, the designated official(s) that is responsible for enforcing and ensuring compliance of the open burning laws and ordinances could be the: Fire Marshal; Fire Officials; Open Burning Official; Police Officer; Peace Officer; or Health Officials.
- **For those municipalities that have enacted local Open Burning Ordinances, penalties and fines can be assessed at the local level.** First offenses range from a written notification to monetary penalties.
- **Municipalities should have an Enforcement Policy to assure consistent procedures are applied in the administration of enforcement matters and actions.** Enforcement for this type of activity is conducted at the local level. If a municipality has an Enforcement Policy that outlines the enforcement process going forward, the **types and range of enforcement actions** may include, but not be limited to, the following:
  - In those cases where the fire does not pose significant harm and/or could result in damage to property, the individual conducting the burn could be directed to extinguish the fire and to not repeat the violation;
  - Verbal or written warning can be given if the ordinance allows for it;
  - Issuance of an infraction per a local ordinance;
  - Fine and/or imprisonment per State Statute; or
  - Referral to the State Agency if the violation was egregious.



# ENFORCEMENT (CONT.)

- **Permit Conditions:** When a permit has been granted by the local Open Burning Official, the Permittee must abide by the conditions as found on the issued permit. Failure to adhere to the conditions of the permit may result in penalties and/or enforcement actions.
- **The types of violations** that do occur under this type of activity – the open burning of brush on a residential property - can include, but are not limited to, the following:
  - The resident fails to obtain a permit.
  - The resident obtains a permit but fails to obey conditions of the permit.
  - The Permittee burns material other than brush.
  - The designated enforcement official receives a complaint (i.e., a nuisance complaint) in regards to the burn, inspects and finds that the burn is impacting nearby properties.



# 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 local Open Burning Official can issue permits for the open burning of brush on residential property.
- A Model Application/Permit Template for “Open Burning of Brush Only on Residential Property” has been developed and made available for local Open Burning Officials. The Template can be modified by the local Open Burning Official but cannot be less stringent than CGS Section 22a-174(f).
- The Applicant is the resident of the property and the property should have a Certificate of Occupancy. The material that can be burned must be brush only, not larger than three inches in diameter.
- Once the permit has been granted, the Applicant is now termed the Permittee. The permitted burn can be conducted by the resident of the property or the agent of the resident. All conditions on the permit must be adhered to, and failure to do so may result in enforcement action.
- The State of Connecticut’s Department of Energy and Environmental Protection’s Open Burning Program recommends that the local Open Burning Official conduct a site inspection as part of their fact finding process when considering a permit application.





# TAKE AWAYS

- Each municipality must establish a procedure whereby a Permittee can gain the information needed to determine if conditions are suitable to conduct their permitted open burning activity. **Both the State's Predicted Daily AQI Maximums AND the State's Forest Fire Danger Level must be checked to determine if conditions are suitable to conduct a burn.** If EITHER the State's Predicted Daily AQI Maximums or the State's Forest Fire Danger Level indicate that conditions are not suitable, then no burn can occur for that day. The Model Application/Permit Template has website links for these two criteria.
- The local Open Burning Official can add special conditions to the permit. For example, some municipalities require the Permittee to obtain verbal approval from the Fire Marshal's Office on the day of and prior to the burning; and/or provide notice to the local Fire Department's Dispatch on the day of and prior to the burning. This type of contact is helpful when a Red Flag Warning may in effect for the State and appropriate action can be taken by the Permittee.
- In addition, where local Open Burning Ordinances have been adopted, violation of the terms and conditions of the permit may cause forfeiture of the individual's ability to qualify for a permit in the future.



# ACKNOWLEDGEMENTS

- The Connecticut Agricultural Experiment Station, [www.ct.gov/caes](http://www.ct.gov/caes)
- The Town of Ellington, Connecticut, Open Burning Regulations (Town Ordinance), August 2001.





STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY &  
ENVIRONMENTAL PROTECTION  
79 Elm Street  
Hartford, CT 06106-5127  
[www.ct.gov/deep](http://www.ct.gov/deep)  
Daniel C. Esty, Commissioner

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at 860-418-5910 or [deep.accommodations@ct.gov](mailto:deep.accommodations@ct.gov) if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint.



Connecticut Department of Energy and Environmental Protection