

Air Pollution Control Rules Related to Illegal Burning

Definitions

- 5-101(37) "*Forest Land Area*" means at least 25 acres of land that is at least 10% stocked with trees of any size.
- 5-101(44) "*Garbage*" -- waste resulting from distribution, preparation and serving of food.
- 5-101(66) "*Natural Wood*" -- for the purposes of these regulations, *natural wood* means trees, including logs, boles, trunks, branches, limbs, and stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board.
- 5-101(70) "*Open Burning*" -- the burning of any type of combustible material in the open where the products of combustion are emitted directly into the *ambient air* space without passing through a *stack*, chimney, or other enclosure. Burning shall include ignition, permitting or causing ignition and suffering, allowing or maintaining burning.

Prohibitions

5-201 Open Burning Prohibited

- (1) No *person* shall engage in any *open burning* except in conformity with the provisions of Section 5-201, 5-202, and 5-203.
- (2) No *person* shall cause, suffer, allow or permit the *open burning* of *garbage*, tires, rubber, plastic, *waste oil*, asphalt materials, materials containing asbestos, or pressure treated wood, except as may be allowed under subsections (3) and (7) of Section 5-202.

5-202 Permissible Open Burning

When not prohibited by local ordinances or officials having jurisdiction such as local, state or federal fire wardens or other fire prevention officials, the following types of burning are permissible, provided no public or private nuisance is created.

- (1) *Natural wood* fires in conjunction with holiday and festive celebrations.
- (2) Campfires, outdoor grills, and fireplaces for recreation or preparing of food.
- (3) Burning of solid or liquid *fuels* or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighters in the methods of fighting fires when conducted under the direct control and supervision of qualified instructors. Said firefighters shall be residents of the State of Vermont or affiliated with the mutual aid systems within the State of Vermont. Notification by the fire training officer or the fire chief of the training exercise shall be made to the *Air Pollution Control Officer* on prescribed forms at least 14 days prior to the exercise.

- (4) Burning in *forest land areas* of brush, tree cuttings and slash when the cuttings accrue from logging or site clearing operations.
- (5) Burning for the purpose of weed abatement; disease, forest fire and pest prevention or control; and for the purpose of agricultural, forestry or wildlife habitat management.
- (6) On-premise burning of leaves, brush, deadwood, or tree cuttings accrued from normal property maintenance by the owner, his or her agent, or lessee thereof.
- (7) *Open burning*, as follows, if prior approval in writing is obtained from the *Air Pollution Control Officer*. Approvals granted under this subsection shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety or comfort of the public. The requirement for approval in writing may be waived by the *Air Pollution Control Officer* and oral approval may be granted instead when, in his or her judgement, the impacts of the burning will be insignificant.
 - (a) Burning in remote areas, of highly explosive or other dangerous, or unusual materials for which there is no other feasible method of disposal.
 - (b) Burning in remote areas of *natural wood* resulting from the construction or demolition of buildings and other structures originating from within the State.
 - (c) Fires to thwart a hazard which cannot properly be managed by any other means or that are necessary for the protection of public health.
 - (d) Burning of other combustible materials for which there is no other feasible method of disposal.
- (8) Burning of *natural wood* in an area designated by the selectmen or city council, with the permission of the selectmen or city council of that municipality and the fire warden in that jurisdiction, and in conformance with the procedures outlined in Section 5-203 of these regulations.

Solid Waste Management Rules Related to Illegal Burning

Prohibitions

6-302 The following are prohibited:

- (a) Open burning of solid waste except as may be allowed in accordance with the Air Pollution Control Regulations. The Secretary may require any person seeking to conduct the following types of open burning to obtain additional approval for such burning pursuant to Section 6-301(c) of these rules:
 - (1) Burning of structures for the purpose of training firefighters; and
 - (2) Fires to thwart a hazard which cannot properly be managed by any other means or fires that are necessary for the protection of public health.
- (b) Combustion of solid waste in an incinerator unless the incinerator meets all requirements of the Air Pollution Control Regulations and these Rules.