

Definitions

Open Fire - Any outdoor fire or outdoor smoke producing process from which air contaminants are emitted directly into the outdoor atmosphere. Open fires include burning in barrels or modified barrels. Open fires do not include burning in outdoor furnaces or boilers that are used to heat buildings when the devices are actually used for such purpose.

Camp Fire - A camp fire or any other outdoor open fire less than three feet in height, and less than four feet in length and width or diameter.

Agricultural Land - The land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a *commercial horse boarding operation* and *timber processing*. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Agricultural Waste - Any waste from naturally grown products such as vines, trees and branches from orchards, leaves and stubble. In addition, any fully organic waste either grown or generated on the premises, including but not limited to paper feed bags, wood shavings used for livestock bedding, baling twine, and other non-plastic materials. Agricultural waste does not include pesticide containers, fertilizer bags, large plastic storage bags (including bags commonly known as "Ag bags"), offal, tires, plastic feed bags, and other plastic or synthetic materials.

The following is a sample list of items that **may not** be burned:

- Household trash
- Chemically treated wood
- Paper / Newspaper
- Furniture / Flooring / Appliances
- All Plastics / Metals / Glass
- Leaves / Stumps / Roots
- Tires / Rubber / Roofing materials
- Drywall / Insulation / Painted wood
- Organic kitchen waste

All open burning is prohibited in New York **except**:

- Campfires less than 3 feet in height and 4 feet in diameter
- Small cooking fires containing charcoal or clean, dry, untreated or unpainted wood
- Official ceremonial or celebratory bonfires
- Agricultural wastes on Agricultural lands (see definition)

In order to minimize the risk of wildfire:

- never leave a fire unattended;
- always make sure a fire is completely out;
- do not build a fire on windy days;
- always have water and a rake or shovel on hand;



Oswego Town Fire Dept
343-2030 or www.otvfd.com

A Guide to NYS Open Burning Regulations

Effective:
October 14, 2009



All Information is from:
www.dec.ny.gov

New York State Open Burning Regulations

1. Do the new regulations on open burning make burning household trash in burn barrels or piles illegal?

Yes. Burning trash is now **prohibited** statewide in all cases. Our existing incinerator rule already prohibits burning household trash in wood stoves, fireplaces, and outdoor wood boilers. DEC recommends that you recycle all appropriate materials (such as newspaper, paper, glass and plastic) and compost your organic kitchen and garden waste.

2. What are the new regulations on open burning in New York State?

Effective on October 14, 2009, all open burning is prohibited in New York with several exceptions including the following:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, dry, untreated or unpainted wood can be burned.
- Ceremonial or celebratory bonfires are allowed.

In towns with a total population less than 20,000, you may burn tree limbs with attached leaves. The limbs must be less than 6 inches in diameter and 8 feet in length (also referred to as brush). However, this is **not allowed from March 16 through May 14** due to the increased risk of wildfires.

See Section 215.3 online for a full list of exceptions.

3. Why has the DEC changed the regulations allowing open burning in New York State?

Open burning of household trash releases dangerous compounds including arsenic, carbon monoxide, benzene, styrene, formaldehyde, lead, hydrogen cyanide and dioxin, among others. Open burning is also the single greatest cause of wildfires in New York.

4. Can I burn leaves if I live in a rural area?

No, burning leaves is banned in New York State. We encourage you to compost leaves.

5. Can agricultural wastes be burned?

Yes, organic agricultural wastes may be burned on-site where they are grown or generated including brush and wood produced by clearing fields and other activities. The fire must be located on contiguous agricultural land larger than 5 acres, and the materials capable of being fully burned within 24 hours.

The burning of pesticides, plastics or other non-organic material is prohibited.

6. Can prescribed burns be performed?

Yes. Prescribed burns, the burning of forest land to achieve a vegetative or wildlife management goal, can be performed but only in accordance with DEC regulations. Check with your regional DEC office.

All information in this pamphlet and more is available at www.dec.ny.gov

7. Can I dispose of a flag or religious item in an open fire?

Yes, in a small-sized fire if it is not otherwise prohibited by law or regulation.

8. Are permits for open fires still required in some parts of the state?

Yes. While a permit is not required under this regulation, the Environmental Conservation Law (ECL) still requires that a permit be obtained from the Department if you plan to burn brush under the exception and you live in a town which is totally or partially located within the boundaries of the Adirondack and Catskill Parks which is designated as a "Fire Town" under the ECL. In addition, any local requirements or restrictions would apply.

9. Can a town prohibit open burning that the state allows?

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and no inconsistent with, the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires.

10. Can I burn liquid petroleum fueled smudge pots to prevent frost damage to crops?

Yes. However, burning tires and other waste for smudge is not allowed.

To report environmental law violations call 1-800-TIPP DEC (1-800-847-7332).