

## Massachusetts 310 CMR 7.07 Open Burning

### 7.07: U Open Burning

- (1) No person shall cause, suffer, allow or permit the open burning of any combustible material.
- (2) 310 CMR 7.07(1) shall not apply to:
  - (a) open burning for the purpose of combating or backfiring an existing fire by persons affiliated with an official fire fighting agency;
  - (b) open burning conducted primarily for cooking purposes, or
  - (c) open burning related to the operation of devices such as blowtorches and welding torches, for which no alternative source of heat can be used, provided that such devices do not cause a condition of air pollution.
- (3) Except during periods of adverse meteorological conditions as may be determined by the Department when direct or public notice thereof has been made by the Department through the news media, 310 CMR 7.07(1) shall not apply to open burning conducted for:
  - (a) training or research in fire protection or prevention with specific approval by the Department;
  - (b) activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary and which include but are not limited to, open burning of blueberry patches for pruning purposes, dead raspberry stalks, fruit tree pruning's, and infected beehives for disease control;
  - (c) open burning of brush and trees resulting from agricultural land clearing operations;
  - (d) the disposal of fungus-infected elm wood provided that no suitable alternative method of disposal is available;
  - (e) the disposal of brush, cane, driftwood, and forestry debris excluding grass, hay, leaves, and stumps from January 15 to May 1 of each year. All such open burning shall be conducted:
    1. on land proximate to the place of generation,
    2. at a location greater than 75 feet from any dwelling, and
    3. between ten o'clock A.M. and four o'clock P.M.

No such open burning shall apply to commercial or institutional land clearing for non-agricultural purposes.

Open burning under 310 CMR 7.07(3)(e) shall not be permitted in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall River, Holyoke, Lawrence, Lowell, Malden, Medford, New Bedford, Newton, Somerville, Springfield, Waltham, Watertown, **West Springfield**, and Worcester, or where the Department has notified a city or town that:

1. open burning under this provision may cause or contribute to non-attainment of federal or state ambient air quality standards for particulate matter,
2. open burning under this provision may cause or contribute to a condition of air pollution, or
3. open burning under this provision is not permitted due to continued violations of the provisions for the proper conduct of such open burning. (Such action shall

be taken only after said city or town has been given written notification of such violations and has in the opinion of the Department failed to take appropriate actions to prevent the continuance of such violations.) Upon request of the Department the permitting authority of any City or Town shall notify the Department of the number of permits issued during any burning period.

- (f) the disposal of combustible material with the approval of the Department and after demonstration to the satisfaction of the Department that no alternative suitable method of disposal is available;
- (g) open burning as described in 310 CMR 7.07(3)(a) through 310 CMR 7.07(3)(f) must be conducted:
  - 1. during periods of good atmospheric ventilation,
  - 2. without causing a nuisance,
  - 3. with smoke minimizing starters if starters or starting aids are used, and
  - 4. under the provisions of a properly executed permit issued under the provisions of M.G.L. c. 48, § 13\*
- (4) Except as may be incidental to compliance with the provisions contained in 310 CMR 7.07(2) and 310 CMR 7.07(3) no person shall stack, place, or store combustible material in such manner as to cause or allow presumption by the Department that such material may be subject to reduction by open burning.
- (5) Notwithstanding the provisions of 310 CMR 7.07(3), no person shall cause, suffer, allow or permit open burning at any refuse disposal facility other than an incinerator as described in M.G.L. c. 111, § 150 A.
- (6) 310 CMR 7.07(1) through 7.07(5) are subject to the enforcement provisions specified in 310 CMR 7.52.
  - 1. M.G.L. c. 48, § 13 provides in part:
    - 1. such permits may not be granted for more than two days from the date of issue, and
    - 2. a written record must be maintained for each permit including the date of permit issuance, name and address of the person receiving the permit including the location and type of materials to be burned, and
    - 3. such records must be available for public inspection.