

New York laws on open trash burning

BurnBarrel.org



The NY Department of Environmental Conservation (DEC) web site posts regulations **6 NYCRR Part 211, General Provisions: Air Pollution Prohibited** and **6 NYCRR Part 215, Open Fires** which apply to open trash burning. The provisions of Part 215 prohibit most types of open burning in most areas of the state. The major exception is in rural areas for many types of non-food preparation wastes. Part 211 is rather vague and has been difficult to enforce. Excerpts of these regulations applying to open trash burning:

§211.2 Air pollution prohibited. No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

§215.2 Prohibitions. Except as permitted by section 215.3 of this Part, no person shall burn, cause, suffer, allow or permit the burning in an open fire:

(a) of garbage;

(d) for onsite disposal, of rubbish generated by residential activities in any city or village; or in any town with a total town population, including incorporated or unincorporated areas, of greater than 20,000;

§ 215.1 Definitions.

(a) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

(e) Rubbish. Solid or liquid waste material, including but not limited to, paper and paper products; rags; trees or leaves, needles, and branches therefrom; vines; lawn and garden debris; furniture; cans;

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Association of Towns

of the State of New York • **G. Jeffrey Haber, Executive Director**

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New Open Burning Regulations Effective October 14, 2009

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

Yes. Burning household trash is now prohibited statewide in all cases. (Our existing incinerator rule prohibits burning household trash in wood stoves, fireplaces, and outdoor wood boilers.) Leaf piles cannot be burned. DEC recommends that you recycle all appropriate materials (such as newspaper, paper, glass and plastic) and compost your organic kitchen and garden waste.

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

Effective October 14, 2009, all open burning is prohibited in New York, except as follows:

- Barbecue grills, maple sugar arches and similar outdoor cooking devices, using only propane, charcoal, or untreated wood
- Small cooking and camp fires, using only untreated wood
- On-site burning of limbs and branches between May 15th and the following March 15th in any town with a total population less than 20,000
- On-site burning of organic agricultural wastes, but not pesticides, plastics or other non-organic material, on certain agricultural lands
- Liquid petroleum fueled smudge pots to prevent frost damage to crops
- Ceremonial or celebratory bonfires
- Disposal of a flag or religious items
- Burning on an emergency basis of explosive or other dangerous or contraband by police, etc.
- Prescribed burns performed according to state regulations
- Fire training with some restrictions on the use of acquired structures
- Individual open fires to control plant and animal disease outbreaks as approved by DEC upon the request by the Commissioner of Agriculture and Markets
- Open fires as necessary to control invasive plant and insect species

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

The 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.

To report environmental law violations call DEC's 24 hour hotline

1-800-TIPP DEC (Callers may remain anonymous)

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crockery; plastics; cartons; chemicals; paint; grease; sludges; oils and other petroleum products; wood; sawdust, demolition materials; tires; and automobiles and other vehicles and parts, for junk, salvage or disposal. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

Many individual towns and some counties also have their own local laws limiting or banning open trash burning. Several compilations of these laws exist. St. Lawrence County Planning Office, 2001, report to county Legislature on local open burning laws in NY is one that will be added to this web site.