

Script#2 - The Open Burning Official

Slide 1 – Front DEEP Page

Slide 2 – Title page

Slide 3 – Module Overview

This module will outline the process by which an individual is nominated, trained and certified as a municipal, also referred to as local, Open Burning Official, as well as outlining related duties and responsibilities. The module will cover the following:

- The relevant State Statutory authorities by which local Open Burning Officials are nominated and certified;
- The Certification Process which covers the training, exam and relevant official paperwork and documentation;
- The duties and responsibilities of an Open Burning Official; and
- The Take Aways which summarizes the main points presented in this module.

Slide 4 – Local Open Burning Official

Chapter 446c of the Connecticut General Statutes Section 22a-174(f) provides the framework under which open burning can occur in Connecticut and provides the basis by which individuals are nominated and certified to serve as a local Open Burning Official.

Please take some time now to read the actual statutory language found on this page.

An abstract of the statutory language includes the following:

Per this statute, municipalities can regulate or ban the open burning of brush within its boundaries for any purposes. If open burning is not banned, the municipality must have a local open burning official assigned, trained and certified to administer the municipality's open burning permitting functions and related administrative responsibilities. In addition, municipalities should have an enforcement response process to enforce the open burning laws of the State and/or municipality.

Per this State Statute, the Chief Executive Officer of a municipality can nominate an individual to serve in the capacity of an Open Burning Official and can nominate as many individuals he or she deems necessary to carry out this function.

The Chief Executive Officer must submit an Affidavit to the State of Connecticut's Department of Energy and Environmental Protection, Bureau of Air Management's Open Burning Program. The State Agency must certify the nominated Open Burning Official. Once certified, the local Open Burning Official is then authorized to carry out the provisions of Section 22a-174(f) regulating the control of open burning.

Slide 5 – Local Open Burning Official [Cont]

In Connecticut, a **Chief Executive Officer** of a municipality must be one of the following: (A) the first selectman; (B) chief administrative officer appointed by the Board of Selectmen; (C) a mayor elected by the electors of the municipality; (D) a warden elected by the electors of a borough; (E) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; (F) a chief administrative officer appointed by the mayor. Any municipality having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be ceremonial head of such municipality and shall have such other powers and duties as the charter

prescribes. The powers, duties and term of office of the chief executive officer shall be those prescribed by the general statutes and he shall have such other powers and duties as the charter prescribes.

A **Local Open Burning Official** is the individual nominated by a municipality's Chief Executive Officer and who is certified by the State of Connecticut's Department of Energy and Environmental Protection. The local Open Burning Official is authorized to regulate the control of open burning within the specified municipality.

Connecticut State Statute defines **Municipality** as any town, city or borough, consolidated town and city or consolidated town and borough. 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.

Open burning is the burning of any matter, where smoke and other emissions are released directly into the ambient air without passing through an adequate stack or flue.

Slide 6 – Certification Process

The Certification Process has six steps.

In Step One, the process starts with the Chief Executive Officer nominating an individual to be certified as an Open Burning Official. The nominated individual must take the State Agency's online Open Burning Training Program and then take and pass the exam. The passing exam score is 90%.

In Step Two, the nominated individual takes the training and passes the exam. Should the nominee fail to achieve a passing grade, that individual can re-visit the training modules and can take the exam as many times as is necessary to achieve the passing grade.

In Step Three, the nominated Open Burning Official must print off the passing exam score and sign the exam document, and then submit it to the Chief Executive Officer. The signed exam results will be an attachment to the Affidavit, which is described in the next step of the process.

In Step Four, at the municipal level, the form entitled "*Open Burning Official Certification Program – Affidavit*" needs to be downloaded from the State Agency's website. The Chief Executive Officer and the nominated Open Burning Official must complete this form. Both signatures need to be notarized. The Chief Executive Officer will then send to the State Agency the Affidavit and attached to it, the exam results.

In Step Five, the State Agency's Open Burning Program staff will review for completeness and evaluate for sufficiency the submitted Affidavit and its attachment. **If found sufficient**, the State Agency will send a letter notifying the nominated Open Burning Official that the individual is now "Certified" and can now carry-out the provisions of Connecticut General Statutes Section 22a-174(f) to regulate the control of open burning for that specified municipality. The Chief Executive Officer is copied in this letter. Attached to the Notification letter is a hard-copy one page "*Open Burning Official Certificate*" and a "*Certification Card*". **If found insufficient**, the State Agency will notify the Chief Executive Officer.

In Step Six, the certification period has a defined time period of four years, beginning in 2013. That is, the first four year term begins in 2013 and ends on January 31, 2017. The next certification time period will begin on February 1, 2017 and will end on January 31, 2021, and then so on. For each certification time period, the process begins anew. At any time within a certification time period, the Chief Executive Officer may revoke the nomination and nominate another individual and/or nominate additional individuals to become certified.

Slide 7 - Nominating an Individual to Serve as an Open Burning Official

The nominated individual can be an individual the Chief Executive Officer wants to so nominate. Many municipalities nominate their Fire Marshal, Fire officials, or Health officials, or persons with appropriate backgrounds to serve in this capacity. Great care should be given when nominating an individual to serve in the capacity as an Open Burning Official. The Open Burning Official is responsible for knowing the law, being

knowledgeable about potential impacts of their decisions, and implementing the law on the local level. The municipality's Chief Elected Official is responsible for regulated activities undertaken by the municipality. Should a local Open Burning Official neglect their duties or act beyond the scope of their authority, the State of Connecticut's Department of Energy and Environmental Protection may take an enforcement action against the municipality.

The nominated Open Burning Official cannot serve in a temporary capacity pending certification by the State Agency. The State Agency must certify the nominated individual and only then, can the individual serve in this capacity.

The State strongly encourages municipalities to plan and prepare at the local level for natural disasters. As part of this preparedness, the State Agency recommends that every municipality has a trained and certified Open Burning Official. A primary concern in pre-disaster planning and preparation is the protection of life and property during an event. A well executed disaster recovery effort is critical to ensuring that the most important services of a community are reinstated promptly. Assigning and training local officials for specific disaster recovery tasks is an important step in disaster recovery preparation. Having a local Open Burning Official certified will enable the municipality to address residential open burning issues quickly and appropriately. While the State Agency does not promote open burning as a brush management practice, the open burning of brush and green waste remains an option under the State's Disaster Debris Management Plan. However, open burning should be considered only as a last resort and only under limited circumstances.

Slide 8 – Open Burning Training Program and Exam

Individuals who are nominated to serve as a local Open Burning Official are required to take the State Agency's Open Burning Training and Exam. The online training course and exam can be accessed through the State Agency's Open Burning Program webpage. While the training course and exam are open to all, only those individuals nominated by their respective Chief Executive Officer and who have taken the training and who have passed the exam will be certified by the State Agency. The training has been developed to educate the nominated individual on the law and their respective roles and responsibilities. The exam has been designed to test the competence of the nominated individual through a number of multiple choice and true/false questions.

All relevant materials needed to understand the State's laws concerning open burning and roles and responsibilities in their implementation can be found in the online Open Burning Training Program modules. Important to the training are the source documents that include State statutes, definitions, application/permit templates, guidance documents, and the other related materials referred to in the modules.

Individuals nominated as an Open Burning Official must pass the exam with a score of 90% or better. The exam can be taken as many times necessary to achieve a passing score. The exam results must be printed and signed by the nominated individual who took the exam. This document serves as the attachment to the State Agency's form entitled *Open Burning Official Certification Program – Affidavit* that will need to be completed by both the Chief Executive Officer and the nominated individual.

Independent of the online training modules, it should be noted that certified Open Burning Officials must be knowledgeable of their own respective municipal open burning laws, ordinances and procedures.

Slide 9 – Affidavit

The "*Open Burning Official Certification Program – Affidavit*" form provides the basis for the nomination of an individual to serve in this capacity. If at any time during the Certification period the Chief Executive Officer decides to nominate an individual, this form must be used.

The *Affidavit Form* is a one page document having four main sections:

The first section relates to information concerning the Chief Executive Officer. The Chief Executive Officer enters their name, title, municipality and the name of the individual that is being nominated as the Open

Burning Official. In this section, the Chief Executive Officer indicates that they have given their approval, pending certification by the State of Connecticut's Department of Energy and Environmental Protection, that the nominated individual can issue open burning permits in the municipality. In this section, the Chief Executive Officer further affirms that this individual has been instructed to abide by Connecticut General Statutes Section 22a-174(f), as well as other related statutes and regulations of the State that regulate open burning. In this section, there is a signature block for the Chief Executive Officer to sign and a signature block for a Notary to sign.

The second section relates to information concerning the Nominated Open Burning Official. In this section, the Nominated Open Burning Official enters their name and the municipality in which they would serve in this capacity. In this section, the Nominated Open Burning Official affirms that they will abide by the requirements of the Connecticut General Statutes Section 22a-174(f), as well as other related statutes and regulations of the State of Connecticut that regulate open burning. In this section, there is a signature block for the Nominated Open Burning Official to sign and a signature block for the Notary to sign. This section includes a text block that requires entering the following information concerning the Nominated Open Burning Official: Name; Mailing Address; Phone and Alternate Phone Number; and email.

The third section of the Affidavit Form identifies the documents that are to be mailed to the State Agency for its review and consideration. The documents to be mailed are the completed Notarized Affidavit Form and the attachment consisting of the exam results.

The fourth section provides the address to where the documents are to be mailed. The documents are to be mailed to the State of Connecticut's Department of Energy and Environmental Protection, Bureau of Air Management, Open Burning Program, 79 Elm Street, 5th floor, Hartford, Connecticut.

Slide 10 – Affidavit [Cont]

Once the State Agency's Open Burning Program staff is in receipt of the submitted required documents, the documents will be reviewed for completeness and sufficiency.

To be considered **sufficient**, each of the following must be demonstrated:

- The Affidavit must be completely and accurately filled out;
- The Affidavit must be signed by both the Chief Executive Officer and the nominated Open Burning Official, each signature must be notarized; and
- The Affidavit must have as an attachment the exam results indicating a passing score and sign off by the nominated Open Burning Official.

If the Affidavit and/or the attachment have been determined to be **insufficient**, the State Agency will notify the Chief Executive Officer in writing and will identify the deficiencies. The Chief Executive Officer can resubmit corrected or missing materials to the State Agency for their review and consideration.

If the State Agency has determined that the Affidavit and attachment are **sufficient**, the State Agency will certify the nominated Open Burning Official. The State Agency will mail a cover letter to the nominated Open Burning Official, with a copy to the Chief Executive Officer stating that the individual is now certified as an Open Burning Official. Attached to the letter sent to the newly certified Open Burning Official is a one page document that includes both the "*Open Burning Official Certificate*" and a smaller business sized Certificate Card.

The State Agency maintains a database for all Affidavits and Certifications.

It is noted here that an individual may serve as a local Open Burning Official in more than one municipality. However, the individual will need to be nominated by the municipality's Chief Executive Officer in which he or she will be serving and an Affidavit must be submitted by that Chief Executive Officer. If the individual took

and passed the exam within the current four year certification period, the same exam results can be used as an attachment to the Affidavit.

Slide 11 – Open Burning Official Certificate – Notification Letter

The State Agency’s cover letter to the now newly certified Open Burning Official contains the following information:

- Attached to the letter is their Open Burning Official Certificate and Certificate Card;
- The expiration date of the certification period – month, day, year;
- That they are now authorized to carry out the provisions of Connecticut General Statutes Section 22a-174(f) to regulate the control of open burning within the designated municipality’s boundaries; and
- That prior to the date of expiration of the certification period, the certification process starts anew and follows the same steps - the Chief Executive Officer will need to nominate the individual; the nominee is required to take the training and pass the exam; the Chief Executive Officer must submit the notarized Affidavit and exam attachment to the State Agency; and the State Agency must determine that the submitted documents are deemed sufficient, so as to certify the nominated Open Burning Official.

Slide 12 – Open Burning Official Certificate and Card [cont]

The State Agency’s cover letter includes a one page attachment. Located on the top half of the page is the *Open Burning Official Certificate* and the lower half of the page is the Certificate information printed and sized to a business card layout.

The Open Burning Official Certificate provides the following:

- A narrative which states: *“This certifies that the individual identified below has been certified as an Open Burning Official and is authorized to carry out the provisions of Connecticut General Statutes Section 22a-174(f) to regulate the control of open burning within the specified municipality.”*;
- The name of the individual to whom the Certificate was issued;
- The municipality in which the individual will be serving as an Open Burning Official;
- The date the Certificate was issued; and
- The date as to when the Certificate will expire.

The certificate is signed by a duly authorized representative of the State of Connecticut’s Department of Energy and Environmental Protection.

Slide 13 – Certification Period

The Open Burning Official Certificate is a defined four year term with a hard end date. The four year certification period allows the State Agency to update the State’s Open Burning Training Program and maintain a current list of Open Burning Officials.

The first four year term begins in 2013 and ends on January 31, 2017. The next four year term will be from February 1, 2017 until January 31, 2021, and then, the certification process begins the four year cycle again.

The Open Burning Official’s appointment by the Chief Executive Officer is valid only within the Certification Period.

As shown in the timeline, the periods 2013, 2017 and 2021 have been benchmarked:

- In 2013, the State Agency's online training and online exam is made available. Those individuals nominated to become Open Burning Officials and who take the training and pass the exam, will be certified by the State Agency. The period of certification ends on January 31, 2017.
- Before January 31, 2017, all previously certified Open Burning Officials must begin the process anew if they are to be nominated by their Chief Executive Officer for the new certification period. The new training and exam will be made available in advance so there are no gaps in certification.
- Before January 31, 2021, the process begins again and the new training and exam will be made available in advance so there are no gaps in certification.
- And then so on.

Slide 14– Certification Period [Cont]

Individuals can be certified at any time within the defined four year Certification Period.

For example, a nominated Open Burning Official takes the training, passes the exam and is certified at ANY time during the first defined certification period starting in 2013 to January 31, 2017. An individual can be nominated and certified in the years 2013, 2014, 2015, 2016 but their certification will expire on January 31st, 2017.

Upon expiration of the Certification Period, the Open Burning Official may no longer perform this function for the municipality. The process begins anew - the Chief Executive Officer must nominate an individual to serve as an Open Burning Official; the nominated individual needs to take the training and exam; the Chief Executive Officer and the nominated Open Burning Official need to complete and submit the Affidavit and attached exam results to the State Agency; and the State Agency will review and determine completeness and sufficiency of the documents and if found sufficient, will issue a certificate to the nominated individual.

Slide 15 –Revocation of Appointment

An Open Burning Official's appointment is valid only within the certification period.

However, it should be noted that the Chief Executive Officer can revoke such appointment within the certification period at any time and can revoke the nomination at will. Connecticut General Statutes Section 22a-174(f) does not require cause for removal, it simply states the following: *"The chief executive officer may revoke the nomination."*

The State Agency has developed a template for use by the municipalities for the purpose of revoking an Open Burning Official's Appointment.

The template can be used by the municipality's Chief Executive Officer to inform the Open Burning Official that the letter serves as the official notification that their appointment has been revoked effective on such a month, day, year. The template cites the Connecticut General Statutes Section 22a-174 subsection (f) under which this action has been taken. The letter is signed by the Chief Executive Officer, with a copy of the letter being mailed to the State Agency.

It should be noted that an individual whose status as an Open Burning Official was revoked by a Chief Executive Officer is not precluded from seeking to be nominated and certified in the future.

Slide 16 – Revocation of Certification

Once the State Agency is in receipt of the copy of the revocation letter that was sent from the Chief Executive Officer concerning that municipality's Open Burning Official, the State Agency will then send its' own letter to the Open Burning Official.

The purpose of the letter will be to inform the Open Burning Official that they are no longer “Certified” by the Agency as an Open Burning Official for that specified municipality and that their name will be removed from the State Agency’s record as being listed as a Certified Open Burning Official for that specified municipality.

If the Chief Executive Officer wants to nominate another individual, they may do so at any time. The same process for certification of an Open Burning Official will apply.

Slide 17 – Open Burning Officials’ Duties and Responsibilities: Overview

Connecticut General Statutes Section 22a-174(f) cites that 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.

The local Open Burning Official is responsible for determining permit issuance for certain types of open burning activities as identified in Connecticut General Statutes Section 22a-174(f). Open burning may be engaged in for any of the following purposes if the Open Burning Official with jurisdiction over the area where the burning will occur issues an open burning permit:

- Open burning of brush on Residential Property;
- Fire Training Exercises;
- Eradication or Control of Insect Infestations or Disease;
- Clearing Vegetative Debris following a Natural Disaster;
- Agricultural Purposes; and
- Vegetative Management or Enhancement of Wildlife Habitat or Ecological Sustainability on Municipal Property or on any Privately owned Property Permanently Dedicated as Open Space

At the local level, the majority of the open burning permits issued are for the open burning of brush on residential property.

In addition to permitting functions, the local Open Burning Official is responsible for related administrative duties such as records retention; developing standard operating procedures, forms, and applications; advising the public in an official capacity as needed; and where designated, initiating enforcement actions.

Slide 18 - Duties and Responsibilities: Overview [Cont]

The Municipal Open Burning Official must know and abide by Connecticut’s laws regulating open burning activities.

Connecticut General Statutes and regulations related to open burning that may apply in the execution of their duties include the following:

- Connecticut General Statutes Section 22a-174(f) which provides the basis whereby open burning under certain conditions and purposes can be permitted.
- Connecticut General Statutes Section 23-48 which provides the basis for related open burning enforcement actions, specifically kindling of fire in the open; penalties; and local ordinances.
- Connecticut General Statutes Section 23-49a which provides for the declaration of a burning ban, special burning permit, penalty, and exemptions.
- Regulations of Connecticut State Agencies Section 22a-174-1(19) and (83) which provide definitions for brush and open burning, respectively.

In addition to State Statutes, some municipalities have enacted their own local ordinances. The local Open Burning Official will need to be knowledgeable of, and be able to interpret and administer, such laws and ordinances.

Slide 19 - Duties and Responsibilities

Open burning is strictly regulated by Connecticut law. Through the permitting of this type of activity, municipalities are able to regulate the control of open burning within their boundaries, ensuring public health and safety and minimizing adverse impacts to residents and to the environment.

Open burning can also create smoke and odor nuisances. The open burning of woody brush releases fine particulates into the air. In some cases, the incomplete combustion of the wood can result in frequent periods of excessive smoking and emissions of fine particulate matter. The fine particulates, which when inhaled into the lungs, can aggravate existing heart and lung diseases to cause cardiovascular symptoms, asthma attacks and bronchitis. Potentially hazardous health conditions may be created when smoke impacts neighbors of potentially sensitive groups -younger and older individuals - that may be found in community settings, such as day care centers, schools, and retirement communities. When an open burn is poorly executed or where an open burn gets out of control, lives can be lost and serious injury can result, as well as loss and/or damage to property.

There are alternatives to certain types of open burning activities. The State of Connecticut's Department of Energy and Environmental Protection encourages the use of recycling and alternate methods for disposal of brush. Some alternatives include the legal disposal or recycling of brush; chipping; composting; cutting for forest products; and/or piling the brush to use for protective cover for wildlife. There may be other best management practices that could be used in place of open burning. Examples include the following: using a state and/or regional fire training facility to conduct live fire training exercises; the use of integrated pest management or the use of pesticides/insecticides to address insect or plant diseases; and the use of heavy equipment to eliminate woody growth in orchards or fields.

Slide 20 - Open Burning activities that may be authorized

A brief summary is provided for each of the types of permits that could be issued by a local Open Burning Official.

For the purpose of conducting **Open Burning of Brush on Residential Property**, the open burning is conducted by the resident of the property, or designated agent of the resident, and a permit for such burning has been obtained from the local burning official.

For the purpose of conducting **Fire Training Exercises**, the types of live fire training exercises that are permitted include, but are not limited to, the following: the intentional burning of structures, whole and/or partial burns, motor vehicles and other types of conveyances (i.e., small airplanes); simulated containment fires using dumpster burns; and the suppression of flammable/combustible liquids. These live Fire Training Exercises should be conducted pursuant to the National Fire Protection Association (NFPA) 1403 Standard on Live Fire Training Evolutions. This standard contains the minimum requirements for training all fire suppression personnel engaged in fire fighting operations under live conditions.

Slide 21 - Permits

For the purpose of **Eradication or control of insect infestations or disease**, there are known insects and diseases within Connecticut where the use of open burning may be suited. At this time, the types of insects adversely impacting the State's vegetation include bark beetles and borers, for example the Elm Bark Beetle, and the Emerald Ash Borer. Types of diseases include Branch and Stem Canker Diseases, for example the

Chestnut Blight; Blight and Dieback Diseases, for example Fire Blight; Vascular Diseases, for example Dutch Elm Disease; and Root Diseases, for example Armillaria Root Rot.

For **Agricultural purposes**, Connecticut farmers depend on productive agricultural land to optimize their potential harvest. Overgrown hedgerows, invasive plants, and undesirable growing stock all contribute to loss of productive farmland. The use of open burning for agricultural purposes includes, but is not limited to, the following: the clearing of brush and unwanted plant material from hedgerows and cropland; reclaiming previously active farmland to enhance existing or to establish new farming operations; controlling invasive plant material and invasive plant seed; controlling insects and diseases; pruning and culling fruit trees, bushes and Christmas trees; and conducting frost damage control. Agriculture and farming are defined in Connecticut General Statutes.

Slide 22 – Permits

Permitting open burning for the purpose of **Clearing of vegetative debris following a natural disaster** is an activity that is highly dangerous and one that is rarely, if ever authorized. The types of natural disasters that could impact the State include hurricanes, tornadoes, and ice storms. During a natural hazard event, a portion of the waste stream will be green waste, also referred to as vegetative debris. The most immediate impact of such storms is that a massive amount of living forest biomass turns into dead fuel which dramatically increases fuel loading, a major factor for forest fire risk. The use of this type of permit is for a prescribed burn to be conducted for the purpose of “clearing” vegetative debris from a tract of land on which the debris is located.

Permitting open burning for the purpose of **Vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space** is an activity that is not commonly authorized and very site specific. There are certain landscapes and biological conditions where open burning is used as an ecological management tool for the purpose of achieving a desired ecosystem outcome. Vegetative management means controlling undesirable vegetation; preparing sites for harvesting, planting or seeding; improving plant production quantity and/or quality; restoring native plant communities; and other related needs. Enhancement of wildlife habitat means improving wildlife habitat, specifically for cover, food, water and living space, as well as managing for a targeted wildlife species. Ecological sustainability means managing biological systems so as they remain diverse and productive over time. Privately owned property permanently dedicated as open space means property in which a permanent conservation restriction easement has been placed on the deed and recorded with the Town Clerk’s Office.

Slide 23 - Permit [Cont]

The State Agency has revised the model template application/permit form entitled *Local Open Burning Official, Application and Permit for Open Burning of Brush on Residential Property*. The model template is for use by the local Open Burning Official. This model template may be modified by the Open Burning Official to include any specifications required by the municipality. Modifications cannot be less stringent than Connecticut General Statutes Section 22a-174(f).

The State Agency has developed separate model application/permit forms for the other types of open burning activities that may be authorized by the local Open Burning Official, with one exception. The exception is for open burning for the purpose of clearing vegetative debris following a natural disaster. As indicated previously, this type of activity is highly dangerous and consultation with the State Agency is strongly encouraged if an application were to be submitted to a local Open Burning Official. The model templates may be modified by the local Open Burning Official to include any specifications required by the municipality. However, modifications cannot be less stringent than Connecticut General Statutes Section 22a-174(f).

Slide 24 - Duties and Responsibilities: Permit Application Decisions and Records Retention

The Open Burning Official must retain and maintain the records of the open burning activities under their jurisdiction.

This includes retaining copies of all open burning permits issued, denied or withdrawn for the following activities: residential open burning, fire training, eradication or control of insect infestations or disease, clearing vegetative debris following a natural disaster, agricultural purposes, or vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space.

The records retention period should be for four years and all records are to be kept with the municipality. Municipalities should consult with their records retention schedule.

Slide 25 - Duties and Responsibilities: Campfires, Bonfires and Fire Breaks

In addition to open burning authorized with a permit from the local Open Burning Official and pursuant to Connecticut General Statutes Section 22a-174(f), the following open burning activities may be authorized within a municipality if no further restrictions are imposed by the municipality: Campfires, Bonfires, and Fire Breaks.

The burning of non-processed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning by the municipality.

Campfires and bonfires are not defined by statute. A number of municipalities have enacted local ordinances for the purpose of controlling and regulating this type of open burning. It should be noted that municipalities can enact a local Open Burning Ordinance that can place greater restrictions than found in the Connecticut State Statutes or ban open burning of brush occurring within a municipality.

“Non-processed wood” is considered to be any untreated, natural wood up to and including rough cut lumber.

“Processed wood” is considered to be any wood that has been milled and/or planed and includes recycled wood, and/or glued wood, and/or treated wood, pallets, crates, and/or wood scraps from these types of materials.

“Nuisance” is considered to be the unreasonable, unwarranted, or unlawful use of one’s property in a manner that substantially interferes with the use or enjoyment of another individual’s property, without an actual trespass or physical invasion to the land.

The State’s Open Burning Program considers both campfires and bonfires as recreational burning. For the purpose of providing some commonality in addressing these terms, the following is offered: Recreational burning is considered to mean an attended fire for recreational purposes, cooking, heat, camaraderie or for ceremonial use, with some type of containment to prevent the fire from spreading.

Fire breaks do not require open burning permits. Fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited.

Slide 26 - Duties and Responsibilities: Other [Cont]

The local Open Burning Official does **NOT** issue permits for the burning of brush at a municipal landfill, municipal transfer station or municipal recycling center. For this activity to occur, a permit must be issued by the State of Connecticut’s Department of Energy and Environmental Protection to the municipality seeking such authorization. It is the municipality’s Fire Marshal, with the approval of the Chief Elected Official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located, who must submit the application. The State Agency shall approve or disapprove the Fire Marshal’s proposed application within a reasonable period of time of the filing of such application.

For this type of permitted activity, the open burning of brush can only occur at a municipal landfill, municipal transfer station or municipal recycling center.

It is important to note that municipal brush sent to a contracted facility does not qualify for this type of permit.

Slide 27 - Duties and Responsibilities: Enforcement

State Statutes Sections 22a-174(f); 23-48; and 23-49a and local ordinances are used to enforce the State's open burning laws and where enacted, local burning ordinances.

Municipalities must determine the appropriate enforcement response based on their municipal resources, structure, and available staff. Municipalities are encouraged to have a clear enforcement hierarchy that is well-known and easily available.

To provide for an effective enforcement response, municipalities should designate an enforcement official to enforce requirements and deal with open burning complaints. This designated enforcement official has the authority to enforce the State's open burning laws and local burning regulations.

Municipalities are free to designate an enforcement official of their choosing. The local Open Burning Official **may or may not** be the municipal-designated enforcement official. Others that may be considered to serve in this enforcement role include the following: Fire Marshal; Fire Department Official; Police Department, Peace Officer; and local Health Department Official.

Slide 28 - Duties and Responsibilities: Enforcement [Cont]

Should the Open Burning Official fail to abide by the requirements of Connecticut General Statutes Section 22a-174(f), as well as the other related statutes and regulations of the State of Connecticut that regulate open burning, the State Agency can take enforcement actions against the municipality.

Where a local Open Burning Official neglects their duties or acts beyond the scope of their authority, the State Agency may consider taking enforcement actions against the municipality that could include the following:

- Issuance of a Notice of Violation;
- Issuance of Administrative Orders (includes both Unilateral Order or Consent Order with penalties);
- Referral to the Attorney General's Office or Chief State's Attorney;
- Fines and/or imprisonment under Connecticut General Statutes Sections 23-48 and/or 23-49a.

Slide 29 - Documents used in the Open Burning Program

There are a number of documents that have been developed by the State of Connecticut's Department of Energy and Environmental Protection, Bureau of Air Management's Open Burning Program for the intended use by the State and municipalities. The types of documents that have been developed include guidance documents, forms and model application/permit templates.

Please take the time now to review the table and become familiar with the types and use of the documents that are used in administering the State's Open Burning Program.

Slide 30 - Documents Used in the Open Burning Program

Guidance documents have been prepared by the State of Connecticut's Department of Energy and Environmental Protection, Bureau of Air Management's Open Burning Program. In developing the guidance, assistance was provided by other Department programs such as wildlife and forestry, water permitting, and

other State agencies such as the departments of Public Health and Agriculture, and the Connecticut Agricultural Experiment Station.

The Guidance provides necessary background information to assist the local Open Burning Official when considering an application to conduct an open burn for certain proposed activities. Key contacts have been identified to provide technical assistance that may be called upon by the local Open Burning Official. The following Guidance Documents cover the following:

- Agricultural purposes
- Fire Training Exercises
- Eradication or control of insect infestations or disease.
- Vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space

Model Application/Permit Templates have been prepared for use by the local Open Burning Official for the following proposed open burning activities:

- Open burning of brush on residential property;
- Agricultural purposes
- Fire Training Exercises
- Eradication or control of insect infestations or disease.
- Vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any privately owned property permanently dedicated as open space

There is no permit application template for the clearing of vegetative debris following a natural disaster. The local Open Burning Official should contact the State of Connecticut's Department of Energy and Environmental Protection's Division of Forestry for technical assistance on this type of permit.

Slide 31 - Take Aways

Individuals are NOMINATED to serve in the capacity of an Open Burning Official by a municipality's Chief Executive Officer and are CERTIFIED by a duly authorized representative of the State of Connecticut's Department of Energy and Environmental Protection. The Chief Executive Officer can nominate as many individuals he or she deems necessary to serve in this capacity. The Chief Executive Officer can revoke an Open Burning Official's nomination at will; no cause must be given.

The Open Burning Certification Period has a defined term length of four years, beginning 2013 and ending January 31, 2017. The next certification period will begin February 1, 2017 and will end on January 31, 2021, and the four year term process begins again and continues thereafter. For each distinct four year term certification period, the process of becoming an Open Burning Official begins anew and it is the same process.

The local Open Burning Official is responsible for knowing the State's open burning laws, as well as related local ordinances where enacted, and is authorized to carry out the provisions of Connecticut General Statutes Section 22a-174(f) to regulate the control of open burning within the specified municipality.

The local Open Burning Official is responsible for the issuance or denial of open burning permits for only those types of activities as found in Connecticut General Statutes Section 22a-174(f). Only the local Open Burning Official can issue open burning permits for these types of activities proposed on non-state-owned properties.

The local Open Burning Official cannot issue permits to burn brush at a municipal landfill, municipal transfer station or municipal recycling center. The State of Connecticut's Department of Energy and Environmental Protection is responsible for issuance of this type of permit to the municipality.

Slide 32 - DEEP End Page