



Cape Cod Cranberry Growers' Association

GROWER ADVISORY

Open Burning and Agricultural Exemptions

Waste from the bog operation can rapidly accumulate during routine bog maintenance. A practical solution for cleaning up this waste is often to burn it. Burned material often consists of small trees and brush cleared around the bog edge or for some, burning on the dike itself to reduce pest pressure. Typically such burning has been conducted in the winter or early spring. Open burning is regulated under 310 CMR 7.07 by the DEP and the local fire department under MGL CH48 S13. This advisory will not cover the subtle differences found at the level of the local fire department. Rather, this advisory will focus on what is required by the Department of Environmental Protection (DEP), what exemptions are extended to agriculture, and how local fire departments must be notified.



Department of Environmental Protection Requirements

Under all circumstances open burning must be conducted during periods of good atmospheric ventilation as determined by the DEP. Air quality information can be accessed through the DEP's regional office, Division of Air Quality Control or MassAir Online at www.mass.gov/eea/agencies/massdep/air.

DEP Southeast Regional Office
Division of Air Quality
20 Riverside Drive
Lakeville MA, 02347
508-946-2700

The DEP sets up the parameters for open burning though all permitting is done at the local level (see below). Permits for agricultural burning can be issued by local fire departments 365 days a year. The authorization to burn for residential purposes only takes place between January 15th and May and generally local fire departments are more willing to issue permits during this time. The agricultural exemption (310 CMR 7.07(3)(b)) states that open burning is allowed for activities associated with the normal pursuit of agriculture which the Department has determined necessary with agriculture being defined as those operations which raise commercial foodstuffs and/or livestock on an area larger than one acre. All material to be burned must be generated on-site.

The Department of Environmental Protection discourages burning of any materials in the evening when air stagnation conditions exist. Still night air creates severe air quality problems if burning occurs during the evening hours. This problem ceases when the earth becomes warm after sunrise. Therefore, The Department of Environmental Protection suggests that open burning permits for agriculturally generated materials be effective each day from two hours after sun-rise until 4:00 PM, and that the permits do not allow fires to be started past 12:00 noon. In this way, fires will occur only during the morning and early afternoon hours when ventilation (air movement) is best.

Under all circumstances the following are prohibited:

1. Burning of brush trees, cane and driftwood from commercial or institutional land clearing operations (**NOTE: This does not apply to land destined for or land remaining in agricultural use**).
2. Burning of hay, leaves and stumps.
3. Burning of tires.
4. Burning during adverse weather conditions
5. Stacking, placing or storing combustible material such that DEP may presume it will be burned.

Local Fire Department Requirements

Under all circumstances a permit is required from the local fire department. This is to ensure that open burning is done under safe conditions and so that not too many burnings are being conducted at once. The local fire department must maintain a record for each permit issued 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. This record is readily available for public inspection.

The information in this guide is provided by the Cape Cod Cranberry Growers' Association as a service to its members. The information represents our interpretation of the state requirements and by no means is intended to act as a substitute for reading and following the specific regulatory requirements.

The Massachusetts Open Burning Regulations can be found under:

310 CMR 7.07

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For more information, please contact:

Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
Phone: 508-946-2700
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