ATTENTION EDEN RESIDENTS

We have received information from the New York State Department of Environmental Conservation that, **EFFECTIVE IMMEDIATELY**, burning of leaves is banned in New York State; and if caught, fines between $375 and $15,000 dollars could be imposed. As an alternative to burning leaves, you can either:

1. Compost your leaves.
2. Bring your leaves to the Eden Highway Department.
3. Bag your leaves for pickup by Allied Waste, the Town's garbage pickup service.

If you choose to bring your leaves to the Highway Department, you will need to call first (992-3823) so that someone will be there to accept them. If you want to have Allied Waste pick up your leaves, they must be bagged and you are limited to the number of bags they will pick up. For example, if you have 3 containers of regular garbage (the weekly limit), you can only put out one (1) bag of leaves for that week. However, if you have only 1 or 2 containers of garbage, you may make up the 3 container limit with bags of leaves PLUS one (1) additional bag of leaves for that week.

NY State Open Burning Law

Reported by: Nick Natario
Email: nnatario@wetmtv.com

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OPEN BURNING - In less than a month, it will be illegal to burn waste in barrels and backyard fire pits in New York State.

The Department of Environmental Conservation says the law will go into effect on October 28th.

A DEC spokeswoman says there will be an exception for farmers for agricultural burning.

Other exceptions include ceremonial fires, and burning tree limbs less than six inches across and eight feet long.

However, burning leaves and trash is prohibited.

If caught you could face fines between $375 and $15,000 dollars.

NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Questions and Answers Regarding New Open Burning Regulations Effective October 14, 2009

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. 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. However, this is not allowed from March 16 through May 14 due to the increased risk of wildfires.

See Section 215.3 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. Your rule says firewood must be untreated, some firewood is heat-treated, is that allowed?

Some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood such as pressure-treated lumber and plywood is prohibited.

6. Are open fires allowed to control invasive plant and insect species?

Yes. Case-by-case DEC approval is not required.

7. 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.

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

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

9. 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.

10. Are fire training burning activities allowed?

Yes, with some restrictions on the use of acquired structures and in accordance with guidance from NYS Dept. of State's Office of Fire Prevention and Control. The Fire Services Bureau may be reached at 518-474-6746.

11. Are individual open fires to control plant and animal disease outbreaks allowed?

Yes, as approved case-by-case by DEC, upon the request by the Commissioner of Agriculture and Markets.

12. 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.

13. 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 (see list below). In addition, any local requirements or restrictions would apply.

- Clinton County, the towns of Altona, Ausable, Black Brook, Dannemora, Ellenburg and Saranac;
- Delaware County, the towns of Andes, Colchester, Hancock and Middletown;
- Essex County, all towns
- Franklin County, the towns of Altamont, Belmont, Brighton, Duane, Franklin, Harrietstown, Santa Clara and Waverly;
- Fulton County, the towns of Bleecker, Caroga, Mayfield, Northampton and Stratford;
- Greene County, the towns of Hunter, Jewitt, Lexington and Windham;
- Hamilton County, all towns;
- Herkimer County, the towns of Ohio, Russia, Salisbury and Webb;
- Lewis County, the towns of Crogham, Diana, Grieg, Lyonsdale and Watson;
- Oneida County, the towns of Forestport and Remsen;
- Saratoga County, the towns of Corinth, Day, Edinburg and Hadley;
- Saint Lawrence County, the towns of Clare, Clifton, Colton, Fine, Hopkinton, Parishville, Piercefield and Pitcairn;
- Sullivan County, the towns of Neversink and Rockland;
- Ulster County, the towns of Denning, Gardiner, Hardinburgh, Olive, Rochester, Shandaken, Shawangunk, Wawarsing and Woodstock;
- Warren County, the towns of Bolton, Chester, Hague, Horicon, Johnsburgh, Lake George, Luzerne, Queensbury, Stoney Creek, Thurman and Warrensburgh;
- Washington County, the towns of Dresden, Fort Ann and Putnam.

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

Yes, towns, villages, cities and counties can pass ordinances that are stricter than, and not 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.

15. Can explosives, or other dangerous contraband, be burned?

Yes, on an emergency basis by police or other public safety organizations only.

16. Can brush piles be burned at transfer sites?

No, the practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on site as discussed under question 2 above. Downed limbs and branches generated at a transfer site are also allowed to be burned on site with the same restrictions.

17. Where should I call to report an illegal open fire?

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

The Department has received many questions regarding DEC's implementation of Part 215, regarding open fires. This document is intended to inform the general public about open fire regulation in New York and assist the regulated community in understanding the requirements of Part 215.