

Open Burning

To Burn or Not to Burn? Townships Have
the Final Say ... to Some Extent

Courtesy of the Pennsylvania Township News

Drive through a rural area of Pennsylvania in just about any season of the year, and you are almost sure to see a plume of smoke rising through the trees from a backyard burn barrel. For many folks, especially in municipalities without curbside trash collection or mandated recycling, burning is the easiest way to get rid of household trash and yard waste.

Many townships have adopted ordinances restricting open burning and have come under fire from residents who feel it is their right to dispose of trash and yard waste in that manner. In other places, opponents of the practice say the state does not allow open burning of any kind. All of which leads to the question: What are townships allowed to do about open burning? That's where the picture gets a little, well, smoky.

On one hand, the Solid Waste Management Act states that no open burning may be done without a permit from the state Department of Environmental Protection. However, DEP does not issue permits for open burning, leading to the conclusion that open burning is banned under the act.

On the other hand, Title 25 of the Pennsylvania Code states that open burning is banned only in a handful of designated air basins. Outside of air basins, open burning is allowed with certain restrictions, and even those are subject to exceptions, such as fires set for agricultural, cooking, recreational, and ceremonial purposes.

Townships that are mandated to recycle under the Recycling Act of 1988, or Act 101, face other criteria when it comes to allowing open burning.

Because all of this gets rather confusing, the *Pennsylvania Township News*, the monthly magazine of the Pennsylvania State Association of Township Supervisors, decided to try to clear the air on the open burning issue and get some straight answers.

No statewide prohibition

“There is no statewide prohibition on burning of residential waste,” says Ron Ruman of the state Department of Environmental Protection’s Communications Office. There are restrictions, however.

For example, a township that is mandated to recycle under Act 101 or that receives recycling grants must enact an ordinance that prohibits the burning of any materials it recycles, Ruman says. Certain materials are also restricted statewide, he says, including demolition and construction waste, furniture, tires, mattresses and box springs, appliances, batteries, and petroleum products.

And then there’s Title 25 of the Pennsylvania Code. It states that open burning is allowed outside of designated air basins, as long as the smoke cannot be seen or smelled outside of the property where the burning is taking place; does not “interfere with the reasonable enjoyment of life or property”; does not cause damage to vegetation or property; and is not harmful to human or animal health. Exceptions to the restrictions include fires set:

- to prevent or abate a fire hazard, when approved by DEP and set by or under the supervision of a public officer;
- to instruct firefighting personnel, when approved by DEP;
- to prevent and control disease or pests, when approved by DEP;
- in conjunction with the production of agricultural commodities in their raw state on farms;
- to burn household waste generated in a home occupied by no more than two families;
- for recreational or ceremonial purposes; and
- for cooking food.

But the bottom line is that it is up to township supervisors to decide the open burning issue for their community, as long as they do not defy state laws, Ruman says. "It is a local issue," he says. "In Pennsylvania, we have a very strong tradition of local government."

DEP's fact sheet on open burning states the issue plainly: "Under state law, local officials have the authority to address the needs of their communities by enacting open burning ordinances for household waste with requirements that are equal to or more stringent than state regulations."

In other words, a township may ban all open burning if it wants to do so, which Ruman says is what DEP prefers because of the environmental impact. In fact, the Professional Recyclers of Pennsylvania cite the following as environmental hazards linked to open burning:

- An EPA study found that a single household burn barrel may release as many toxic chemicals as a large municipal incinerator.
- Products and packages containing vinyl produce hydrogen chloride gas when they burn, which combines with water to form hydrochloric acid in human lungs. Burning also produces toxic dioxin chemicals.
- Children are particularly sensitive to the toxins from burn barrels, absorbing up to six times the amount of byproducts that adults absorb from the same air.
- Burning releases at least seven known cancer-causing agents into the air, including one believed to be a major factor in lung cancer.
- Open burning has been linked to numerous health problems, including sudden infant death syndrome, asthma, and other respiratory ailments.

"The truth is that burning trash and yard waste is not good for air quality," Ruman says. "We strongly encourage both individuals and municipalities to find alternatives to burning."

Finding alternatives

So there you have it. While DEP encourages alternatives to burning of household trash and yard waste, such as composting, in the end, it is up to local governments to regulate the practice

in their communities as long as they follow at least the minimum of the state statutes, Ruman says.

With once-rural townships becoming more and more developed, open burning is more of an issue, he says.

“Burning is not as isolated as it once was,” he adds. “The more we can encourage folks to find other ways to dispose of trash and yard waste, the better.”