

COLORADO OPEN BURNING REQUIREMENTS

Why does the State require permits for open burning?

The State of Colorado regulates open burning to help protect public health and the environment in Colorado.

Burning wood and vegetative products produces an array of harmful chemicals. Carbon monoxide, hydrocarbons, formaldehyde and hundreds of additional chemicals are released when wood and other products are burned. Burning plastics, tires, chemically treated wood products and other man-made materials also produces this type of air pollution. Tiny pieces of material, commonly called particulate matter, are created in the burning process and can be inhaled into our lungs.

The air pollutants produced by burning wood and vegetative material can irritate the lungs, cause breathing problems, trigger asthma attacks, increase the chances of respiratory infection, heart attacks and strokes, and cause cancer.

Who needs a State permit to burn?

Colorado Regulation No. 9 (Open Burning, Prescribed Fire, and Permitting) requires that no person shall conduct any open burning activity not exempted from state regulations without first obtaining a permit from the State Air Pollution Control Division (Division), or from a local agency authorized by the Division to issue burning permits.

Any business or resident wishing to conduct an open burn must comply with State open burning regulations, in addition to any local ordinances or regulations.

Who does NOT need a State permit to burn?

Unless you meet one of the following exemptions, you must obtain a burn permit from the Division or authorized local agency:

- Non-commercial burning of private household trash in particulate matter attainment areas (unless local ordinances prohibit such burning). Private household trash is paper, cardboard, and untreated wood products. It is NOT food wastes, plastics, coated or treated wood products, rubber, tree limbs, shrub and garden trimmings, or other vegetation.
- Fires used for noncommercial cooking of food.
- Fires used for instructional, training, or recreational purposes.
- Safety flares used to signal danger.
- Agricultural open burning.
- Non-commercial burning of trash in unincorporated areas of counties of less than 25,000 population.

Although exempted burns are not required to obtain a State permit, it is recommended that the appropriate local fire authority and/or health department be notified so that the local agency can be informed of the burn activity and issue a permit if local regulations apply.

Who issues State open burning permits?

The Division and authorized local agencies issue State open burning permits. The authorized local agencies in Colorado include:

- Boulder County
- Broomfield County
- Eagle County
- El Paso County
- Grand County
- Jefferson County
- Kiowa County
- Lake County
- Larimer County
- Las Animas-Huerfano County
- Mesa County
- Pueblo County
- Routt County
- Summit County
- Weld County

Many cities and counties have adopted local rules and ordinances related to open burning. Any person seeking a State permit for an open burn should also check with any appropriate fire control office, local agency, or other officials regarding specific local requirements for open burns, prior to applying for a State open burning permit.

What is agricultural open burning?

The burning of cover vegetation for the purpose of preparing the soil for crop production, weed control, maintenance of water conveyance structures related to agricultural operations, and other agricultural cultivation purposes.

Open burning of animal parts or carcasses is NOT agricultural burning (unless the State Agricultural Commission declares a public health emergency that requires the burning of diseased animal carcasses).

Open burning of household trash, wood, and yard debris on agricultural land is NOT agricultural burning and is NOT exempt from State permitting requirements.

Types of open burning for which State open burning permits are typically issued.

- Burning of yard waste that does NOT include salvageable wood or tree stumps.
- Burning of slash piles.
- Permits for other types of open burning are considered on a case-by-case basis.

Types of open burning for which State open burning permits are typically NOT issued.

- Burning of material that contains food wastes, plastic, coated or treated wood products, rubber, insulation, tires, car bodies, insulated wire, motor oil, aerosol cans, hazardous or toxic materials, or other materials that will produce substantial amounts of smoke and particulates.
- Burning of wood residue, which includes bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing.
- Burning of construction debris (includes both clean and treated wood).
- Burning of buildings or structures for demolition purposes.
- Burning of material for which a practical alternative method of disposal exists.
- Permits for some of these materials may be issued on a case-by-case basis.

What factors does the State consider when issuing a burn permit?

- The potential contribution of the proposed burn to air pollution.
- The potential impact from the smoke on the health and welfare of the public.
- Location and proximity of the proposed burn to other structures.
- Meteorological conditions on the day of the proposed burn.
- Compliance by the applicant with fire protection and safety requirements.
- Whether a practical alternative for the disposal of the material is available.
- Size of the burn. A prescribed fire permit (also issued by the Division) must be obtained for larger open burns. Burns meeting the following size requirements should apply for a State open burning permit; larger burns need a State prescribed fire permit.

Broadcast burns: less than 10 acres of grass OR less than 5 acres vegetation

Pile Burn: no more than 50 total piles per project (all fires must be out cold prior to sunset).

What authority does the Division have to require State open burning permits in addition to any local permits that may be required?

The Colorado Air Pollution Prevention and Control Act (C.R.S. 25-7-1) grants the Division authority to issue open burn permits and enforce State open burning regulations. C.R.S. 25-7-128(5) also states that the application, operation, and enforcement of valid local air pollution laws shall be completely independent of the application, operation, and enforcement of State air quality control regulations.

What are some alternatives to open burning?

- Reusing
- Composting
- Recycling
- Disposal at a landfill

How do I apply for a State open burning permit, what does it cost, and how long will it take?

Complete a State Open Burning Permit Application and submit it by email, fax, or mail. There is no charge to obtain a State open burning permit, and applications are typically processed within 1-3 days. The application can be found online at:

<http://www.cdphe.state.co.us/ap/downpermitforms/ApplicationOpenBurning.doc>

Or by calling the Division at: **(303) 692-3268**

Completed applications can be emailed to:

cdpheAPOpenburning@cdphe.state.co.us

Further Questions?

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