



Burning Questions

General Open Burning

What are some of the health effects from backyard trash burning?

Smoke from fires containing synthetic materials can be a serious health threat to you and your neighbors, particularly for those with respiratory conditions such as asthma or emphysema. Potential human health effects include: lung and eye irritation, headaches, dizziness, asthma attacks, and coughing. Burning household trash also produces many toxic chemicals and is one of the largest known sources of dioxins in the nation. The remaining ash contains toxic substances too. These toxins leach into the soil to be taken up by plants or may get into streams, lakes, ponds or groundwater.

Should I check the air quality forecast before conducting allowable outdoor burning?

Yes. Do not burn outdoors on Code Orange, Red or Purple days. DAQ and local air programs issue forecasts for every county in North Carolina. To check the forecast, visit the DAQ forecast web site or call 919-707-8400. Before you burn, you should always KNOW the rules, CHECK the air quality forecast, and GET a burn permit (if applicable) from the ncforestservice.gov.

What are dioxins?

Dioxins are highly toxic, long-lasting organic compounds that are dangerous even at extremely low levels. They have been linked to several health problems, including cancer and developmental and reproductive disorders. Dioxins are formed when products containing carbon and chlorine are burned. Even very small amounts of chlorine can produce dioxins. Trying to prevent dioxins from forming by separating out items high in chlorine content is not effective, since low levels of chlorine are present in most household trash. Burning any man made material is illegal and can be very harmful to human health.

What is the maximum civil penalty for a violation of 15A NCAC 2D .1900 "Open Burning"?

\$25,000 per day, per violation.

Can a person go to jail for violations of 15A NCAC 2D .1900?

Yes. North Carolina General Statute 143.215.6 provides, in addition to the civil penalty mentioned above, a fine up to \$25,000 per day of violation, imprisonment up to six months, or both. These sanctions are provided for persons who willfully or negligently violate any environmental standard pursuant to NCGS 143-215. Repeat offenders are subject to fines and imprisonment terms double these amounts.

Who can enforce the criminal provisions contained in 143.215.6?

Any duly sworn law enforcement officer of an agency having jurisdiction in North Carolina

If I conduct open burning in compliance with 15A NCAC 2D .1900, can I still be sued?

Yes.

Can municipalities and local air quality programs make rules the same or similar to those contained in 15A NCAC 2D .1900 or incorporate 2D .1900 rules by reference?

Yes, as long as local rules are at least as stringent as 15A NCAC 2D .1900

I am aware that an illegal fire is burning on my property but I did not cause it. Am I allowed to let the fire continue burning because I did not cause it?

No. You cannot cause, allow, or permit illegal open burning.

Are there certain restrictions for campfires, bonfires, and other ceremonial fires?

Yes. These fires cannot use synthetic materials, refuse, or salvageable materials for fuel.

If I have camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort, and the North Carolina Forest Service has banned burning in my area, does this also constitute an air quality violation?

No. Unlike the previous categories it is not considered a violation of 15A NCAC 2D .1900, but may be a violation of the North Carolina Forest Service ban itself.

I have public pickup service in my area but it is difficult for me to transport my yard waste to the curb for collection. Am I allowed to burn it?

No. If public pickup service is provided, yard waste may not be burned.

I do not have public pickup service in my area, but private companies offer this service for a fee. Am I allowed to burn my yard waste?

Yes. Fee based services offered by private companies are not considered public pick-up.

May I burn my garbage or other household trash?

No. It is always illegal to burn garbage and household trash.

I live in a managed neighborhood that offers leaf collection. Can the management collect leaves then burn the collected leaves in a central location?

No. Leaves must be burned on the premises where they originate.

My neighbor thinks my yard waste burning stinks. Is this considered a nuisance and can I be prohibited from open burning solely because he/she objects to the odor?

No. Smoke from allowable open burning is not considered a nuisance under the Open Burning Rule as amended by the Regulatory Reform Act of 2014.

My neighbor thinks I am burning yard waste too close to his/her property and my fire may get out of control and damage his/her property. Is it considered a nuisance and can I be prohibited from open burning solely because of this?

No, proximity, in itself is not an issue regarding burning of yard waste.

Open burning related to debris from land clearing

Can I burn closer than 250 feet to a highway?

It is best to find a location that is at least 250 feet way from the edge of the roadway, if possible. However, it depends on whether the wind direction at the time of the burning is initiated and the wind direction as forecasted by the National Weather Service at the time that the burning is initiated are away from any area. Contact your local DAQ regional office to learn more.

I am less than 500 feet from occupied structures but have permission from all residents within 500 feet from where I intend to burn. May I go ahead and burn?

No. Any such request must first be obtained in the form of signed waivers from all occupants within 500 feet, and presented to the appropriate air quality regional supervisor having jurisdiction in your area. Only the appropriate air quality regional supervisor can grant the actual permission to burn. There are seven air quality regions of North Carolina (Asheville, Winston-Salem, Mooresville, Raleigh, Fayetteville, Washington, and Wilmington).

What documentation should I submit to the Regional Supervisor to get permission to burn within 500 feet of occupied structures?

You need a signed waiver from each occupied structure within 500 feet and a clear map showing the location of the burning and each occupied structure.

I have rental houses located on my property where the burning will be conducted. Are the tenants of these houses considered in the 500-foot clearance requirements?

Yes. The Attorney General's Office has rendered an opinion that tenants renting property assume ownership rights associated with that property during the rental period. Therefore, tenants closer than 500 feet are treated the same as anyone else.

I have rental houses but these are not actually located on the property where the burning will occur. Are the tenants of these houses considered in the 500-foot clearance requirements?

Yes. Structures located outside the property where the burning is occurring must be included in the 500 foot setback.

May I use tires to assist in burning my land clearing debris?

No. The open burning of tires is illegal, unhealthy, and can result in significant civil penalty assessments.

What fuels may I use to start my land clearing debris fire?

Kerosene, distillate oil, or diesel fuel.

May I burn my land clearing debris even though some of my neighbors are claiming my activities are a nuisance?

Smoke from allowable burning is not considered a nuisance under the Open Burning Rule as amended by the Regulatory Reform Act of 2014.

Can I move my land clearing debris around my own site in order to obtain the necessary 500 feet clearance or for other reasons to facilitate my efforts?

Yes, as long as the burning is conducted on the same site where the materials originate.

Open Burning

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[Forecasts \(/about/divisions/air-quality/air-quality-enforcement/open-burning/burning-questions/forecasts\)](/about/divisions/air-quality/air-quality-enforcement/open-burning/burning-questions/forecasts)

[Setback Waivers and Forms \(/about/divisions/air-quality/air-quality-enforcement/open-burning/setback-waivers\)](/about/divisions/air-quality/air-quality-enforcement/open-burning/setback-waivers)

[Firefighter Information \(/about/divisions/air-quality/air-quality-compliance/open-burning/firefighter-information\)](/about/divisions/air-quality/air-quality-compliance/open-burning/firefighter-information)

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