

Open Air Burning- Explained

To manage open air burning and the associated laws and processes in Albemarle County, burning has been broken down into three categories:

1. **Commercial burning:** Larger scale open-air burning projects that involve land-clearing operations for development. This category of open-air burning always requires a permit and adherence to guidelines identified in Albemarle County Code that are stricter than Virginia State regulations for open-air burning.

Commercial open-air burning has been addressed recently by the Board and, though pertinent to the conversation overall, is not the focus of this work session and therefore will not be discussed specifically in this document.

2. **Certified Burn Program (CBP):** Generally, involves larger tracts of land that are involved in agricultural or farming operations, but may include properties in the ACE program. It involves an annual permit, annual review of burn/site plan and a bi-annual education program. By their very nature, these are usually larger in scale, therefore, the education program provided by the Office of the Fire Marshal includes a review of open-air burn safety, process requirements, legalities, including Virginia and Albemarle County Code requirements, and techniques to limit the impacts of open-air burning on neighbors and the environment. The purpose of this program is to allow property maintenance to avoid invasive plant/animal life, infestations, fire hazard mitigation, storm clean-up or to enhance operations (creation of more farmable/pasture land, protect crops from frost etc.).

Once all requirements are satisfied, an annual open-air burn permit for that property is issued and is specific to approved sites on that property. The permit allows burning of approved materials generated on that property. The certification and permit can be issued to a land owner or an employee specific to an agricultural operation on a property only (no contractors) and is not transferrable to other persons or properties. Any changes in materials, personnel, processes, or locations on the property require additional approval before being allowed.

The success of this program is evidenced by the fact that burns associated with the CBP do not typically generate complaints (2 in the past five years). CBP burns account for approximately 20 permits per year.

3. **Yard Maintenance Open-Air Burning:** Characterized by generally smaller tracts of land and typically involve yard maintenance, including garden trimmings, and leaf disposal. By their very nature, these open-air burns are small. There are currently no permit requirements for this type of open-air burning, but homeowners' burns must adhere to Virginia State and County of Albemarle guidelines pertaining to this type of open-air burning, including air pollution mitigation and fire safety concerns.

General guidelines (derived from State and County code) for yard maintenance open-air burning:

1. The burning shall take place on the premises of the private property.
2. The burning shall take place not less than 300 feet from any occupied building unless the occupants have given prior permission (The permission is not necessary if the occupied building is on the property conducting the burning).
3. The burning shall be attended at all times.
4. A minimum of 50 feet from any other trees or wood line must be maintained.