

# New York State Department of Environmental Conservation

## Deputy Commissioner & General Counsel

Office of General Counsel, 14<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-1010

Phone: (518) 402-9401 • Fax: (518) 402-9016

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

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To Whom It May Concern:

This is to advise you that, subject to the terms set forth in this letter, the New York State Department of Environmental Conservation (DEC) will exercise its authority to utilize enforcement discretion with respect to certain provisions of 6 NYCRR 215 (Part 215) concerning the regulation of open fires. Part 215 currently prohibits open burning with certain specified exceptions. One of the exceptions allows the on-site burning of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length, by residents of towns with a total population of less than 20,000, between May 15<sup>th</sup> and the following March 15<sup>th</sup>. Currently, the towns themselves are not permitted to burn collected material.

Due to recent weather related issues, in those towns with a total population of less than 20,000, DEC will exercise its discretion not to enforce this prohibition against those towns. Please note that this is a limited exercise of discretion, and DEC will exercise this authority only until June 30, 2012. After that date, those towns eligible for this exercise of enforcement discretion will be subject to all of the prohibitions of Part 215.

Please note that this exercise of enforcement discretion applies only to the burning of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length at municipal locations. All other provisions of Part 215 will be enforced, including the prohibition against the burning of household wastes and other prohibitions not specifically exempted. Nothing herein authorizes the towns that are eligible for this exercise of enforcement discretion to accept wastes for burning which were generated outside the boundaries of such town.

Thank you for your cooperation in this matter. If you have any questions, please call Robert Stanton, P.E., of the Division of Air Resources at (518) 402-8403.

Sincerely,

Steven C. Russo  
Deputy Commissioner  
and General Counsel

c: R. Stanton, P.E.

