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Open Burning

Nebraska has regulated open burning (fires) since 1972. The Department of Environment and Energy (NDEE) enforces the state regulations pertaining to open fires. The open fire regulations are in Chapter 15 of [Title 129 – Nebraska Air Quality Regulations](#).

“Open fires” is the burning of any matter in such a manner that the products of combustion (for example smoke) resulting from such fires are emitted directly into the air without passing through an adequate stack, duct, or chimney. Open fires create air pollution that can directly affect the health and well-being of people who live or work near an open fire site. The complex mixture of pollutants found in smoke has been linked to increased occurrence of respiratory infection and ear infection, and increased symptoms of respiratory illnesses. Fine particles can cause lung irritation in healthy people. They can also cause respiratory illnesses and worsen asthma in at-risk groups such as children, the elderly and those with pre-existing illness. Air pollution from open fires can cause property damage to nearby residential and commercial properties. In addition to smoke and odors, open fires emit carbon monoxide and nitrogen oxides that contribute to the formation of ground-level ozone (smog).

In general, open fires are prohibited statewide, but there are allowable exceptions that require TWO burn permits be issued prior to the burning activity. The first permit, issued by the NDEE, ensures compliance with Title 129-Nebraska Air Quality Regulations and takes into consideration both environmental and human health effects. The second permit, issued by the local fire authorities, is issued for fire safety purposes. Exceptions to the open burning prohibition in which the NDEE will issue a written permit on a case-by-case basis include

- Destruction of straw used as winter insulation cover on agricultural products;
- Destruction of materials after cleanup of a natural disaster (for example tornados);
- Destruction of trees, brush and untreated lumber as a result of clearing land for construction or clearing for right-of-way; and
- Destruction of trees, brush, and untreated lumber at community sites.
- In compliance with rules for air curtain incinerators in [Title 129, Chapter 14](#)

“Treated” lumber and other wood products is material that has been changed or altered through a chemical process which contain paint, resin, preservatives, or other similar substances. Examples include, but are not limited to

- Painted lumber wood siding (e.g., from a house or other buildings, fences, or interior house trim);
- Glued particleboard or plywood (e.g., cabinets or flooring);
- Creosoted wood (e.g., railroad ties, telephone poles, bridge planks or fence posts);
- Stained wood flooring, doors, trim, cabinets, or decking); and
- Wood preserved with fungicide or pesticide (e.g., shingles, siding, or decking).

There are several types of fires that may be set without prior approval from the NDEE provided they do not cause a public nuisance or traffic hazard. These types of fires still may require a permit from the local fire chief. These include

- Fires set solely as part of a religious activity, for recreational purposes, or for outdoor cooking of food for human consumption on other than commercial premises;
- Fires set for training of public and industrial firefighting personnel. Fire-fighting personnel must complete the appropriate notifications to the NDEE and State Fire Marshal, and must comply with the federal asbestos regulations when conducting fire-training exercises. For further information refer to the “Policies & Guidelines for Fire Training Exercises” guidance document on the NDEE website;
- Fires set in the operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of [Title 129, Chapter 15, Section 001](#);
- Fires set in an agricultural operation for the destruction of trees or vegetation collected from the operation’s property, or for agriculturally related materials that are potentially hazardous and where disposal by burning is recommended by the manufacturer;
- Fires set to destroy household refuse on residential premises containing ten or less dwelling units, by individuals living on the premises (unless prohibited by local ordinances); and
- Fires set for plant or wildlife management, provided such burning is conducted by the Nebraska Game and Parks Commission, the US Forest Service, the University of Nebraska, or other groups as determined by NDEE.

An individual, business, or community may apply for a [burn permit application online](#) from the NDEE Air Quality Program on the NDEE’s website. Two open fire permit applications, general and community, are available. Individuals, businesses, or other entities wishing to conduct open fire activities must submit a General Open Fire Permit Application. The permit application forms are short and require information to be submitted regarding the type of material that will be burned and where and when the open fire will take place. There are no permit fees. General Open Fire Permits are valid for up to six months. A permit extension may be requested and will be evaluated on a case-by-case basis.

A Community Open Fire Permit Application must be submitted for the purpose of destroying trees, brush, and untreated lumber at community sites. If the community site is the same site in which non-burnables are deposited the burn area must be distinctly separate from the disposal area for non-burnables. For example, leaves and grass clippings are placed in a pile separate from the tree and brush pile. Community Open Fire Permits are valid for the life of the burn site.

It takes usually less than two weeks for an application to be processed, at which time an open fire permit will be either issued or denied. Permits will state the period of time when open fires may occur at the location and when the permit expires. NDEE may need to inspect the open fire site prior to a permit being issued.

For information about open fires or to obtain an open fire permit application, please contact the Air Quality Program at (402) 471-2186.

Produced by: Nebraska Department of Environment and Energy, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <http://dee.ne.gov>