

27 January 2010

**RE: Burning Prohibition of Demolition Materials**

It has come to the Department's attention that a number of municipalities in the Province are still allowing or are considering allowing the burning of demolition waste from derelict structures such as old or abandoned houses, barns, sheds, etc. Previous correspondence from the Department dated April 24, 2008 to all municipalities in the Province clearly stated that such practice was prohibited as it is in direct contravention of Section 12 of the *Air Pollution Control Regulations, 2004* which states:

12. (1) A person shall not burn or permit the burning of any material listed in Schedule E in a fire.

(2) Notwithstanding subsection (1), a person may burn or permit the burning of materials listed in Schedule E in a fire with the written approval of the minister.

**Schedule E**

Materials Prohibited from Burning in a Fire

(a) tires	(k) manure
(b) plastics	(l) rubber
(c) treated lumber	(m) tar paper
(d) asphalt and asphalt products	(n) railway ties
(e) drywall	(o) paint and paint products
(f) demolition waste	(p) fuel and lubricant containers
(g) hazardous waste	(q) used oil
(h) biomedical waste	(r) animal cadavers
(i) domestic waste	(s) hazardous substances
(j) trash, garbage, or other waste from commercial, industrial or municipal operations	(t) materials disposed of as part of the removal or decontamination of equipment, buildings or other structures

Pursuant to the subsection 12(2) of the Regulations, a permit to burn will only be issued by the Department if, in the opinion of the minister, the burning of materials listed in Schedule E poses a lesser safety or environmental risk than to do otherwise.

If an individual wishes to demolish a structure, the Department **will not** approve the burning of the structure as a means of demolition. Similarly an approval **will not** be issued for the burning of demolition waste if a structure was demolished using normal practices. However if, for example, a structure is falling off the edge of a cliff and it is unsafe to demolish the structure using normal demolition practices, the Department **may consider** issuing a permit to an individual to burn the structure as a means of demolition subject to other conditions being met.

We ask that all responsible officials in your municipality, including fire protection personnel, be cognizant of and comply with this burning prohibition when issuing demolition and / or construction permits.

A complete copy of the *Air Pollution Control Regulations, 2004* can be obtained at:  
<http://assembly.nl.ca/Legislation/sr/regulations/rc040039.htm>

If you require any clarification on this regulatory prohibition, please contact the Department at 709 729 2556.



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Derrick Maddocks  
Director