



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

Mail Code 401-07

P.O. Box 402

Trenton, NJ 08625-0402

TEL (609) 292-2885

FAX (609) 292-7695

CHRIS CHRISTIE

*Governor*

KIM GUADAGNO

*Lt. Governor*

BOB MARTIN

*Commissioner*

### ADMINISTRATIVE ORDER NO. 2017-20

WHEREAS, various municipalities throughout New Jersey have a long-standing traditional one-time post-Christmas tree burning bonfire, and wish to continue this tradition; and

WHEREAS, the Department of Environmental Protection (DEP or Department) has many diverse constituencies, including municipalities with which DEP works for environmental and public health and safety protection; and

WHEREAS, post-Christmas tree burning bonfires implicate certain DEP environmental regulations; and

WHEREAS, the Department has discretionary enforcement authority under DEP's enabling statute and under various State environmental statutes, including but not limited to N.J.S.A. 13:1B-3, N.J.S.A. 26:2C-1 et seq., N.J.S.A. 13:1E-1 et seq., and N.J.S.A. 13:9-1 et seq.;

WHEREAS, these one-time events individually and in the aggregate will not have a material impact on the environment;

NOW, THEREFORE, I hereby exercise the Department's statutory discretion to refrain from taking enforcement action for any violation of regulatory requirements and/or restrictions, specifically those contained in DEP rules and regulations implementing the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the State Forest Fire Service Act, N.J.S.A. 13:9-1 et seq., as they may apply to any one-time post-Christmas tree burning bonfires, provided all of the following conditions are met:

1. All post-Christmas tree burning bonfires must be conducted in accordance with all required municipal and/or Department of Community Affairs permits, including a permit from the appropriate municipal fire official/department and/or the Division of Fire Safety, as appropriate, and must be conducted in accordance with all applicable municipal requirements and applicable provisions of the Uniform Fire Code, New Jersey Administrative Code, Title 5, Chapters 70-76;
2. All post-Christmas tree burning bonfires must occur as part of a once-per-year municipal-sponsored event;

3. No post-Christmas tree burning bonfires shall occur on State property.
4. Any municipality conducting any such post-Christmas tree burning event shall be responsible for ensuring that all reasonable and "best practices" measures, including but not limited to fire suppression, protective of human health and safety are implemented in connection with the bonfires.

THIS ORDER shall take effect immediately and remain in effect until January 15, 2018.

Dated: 12/22/2017

  
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Bob Martin, Commissioner