

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

AIR RESOURCES DIVISION

CHAPTER Env-A 1000 PREVENTION, ABATEMENT, AND CONTROL OF OPEN SOURCE AIR POLLUTION

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Statutory Authority: RSA 125-C:4

PART Env-A 1001 OPEN BURNING

Env-A 1001.01 Open Burning Prohibition. No person, firm, corporation, association, municipal or state agency shall ignite, maintain, or allow ignition or maintenance of the burning of waste except in conformity with the provisions of Env-A 1001.02 and Env-A 1001.03.

Env-A 1001.02 Permissible Open Burning.

(a) When not prohibited by local ordinance or officials having jurisdiction, such as state forest fire wardens, the following types of burning are permissible provided no nuisance is created:

(1) Campfires, outdoor grills, and fireplaces for recreational or preparing of food.

(2) On-premises burning for the purpose of frost prevention, agricultural and forestry improvement.

(3) Burning of solid or liquid fuels or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighters in methods of fighting fires when conducted under the direct control and supervision of qualified instructors. Permission shall be obtained in advance from the district forest rangers or New Hampshire forest fire service.

(4) Fire in conjunction with holiday and festive celebrations and other special occasions.

(b) When not prohibited by local ordinance or officials having jurisdiction, such as state forest fire wardens, and where the particular area has not been designated

non-attainment of National Ambient Air Quality Standards for particulates, the following types of burning are permissible provided no nuisance is created.

(1) Backyard burning of combustible domestic rubbish where no public removal service is available. This provision applies only to on-premises burning of combustible materials in a backyard waste burner having a capacity of 7 cubic feet or less and serving a building containing 4 or less dwelling units.

(2) Residential burning of brush such as leaves, limbs, tree tops and saplings not over 5" in diameter on a noncontinuous basis by an individual land or homeowner from material generated by the owner.

(3) Commercial burning of brush, slash, tree cuttings, not over 5" in diameter, where no other suitable method such as chipping can be utilized. This includes, but is not limited to, land clearing for developments, rights of way and roads.

(4) Burning of clean combustible construction material resulting from demolition of buildings, originating from within the state, provided such burning is done in a specified area approved by state forest fire wardens and local fire officials having jurisdiction such as state forest fire wardens and local fire officials.

(c) In areas which are non-attainment for particulates and when not prohibited by local ordinance or officials having jurisdiction, the types of burning identified in Air 1001.02 (b)(1), (2), (3) and (4) may be allowed but require the written authorization of the agency in advance of that burning.

Env-A 1001.03 Division Authorization for Certain Open Burning. In addition to any other state or local permits that may be required, written authorization in advance shall also be obtained from the division for the following types of open burning:

(a) Burning by cities or towns of clean combustible material from the demolition of buildings, leaves, and brush 5" in diameter or less which originates from within the state; and

(b) Open burning in remote areas of highly explosive or other dangerous materials for which there is:

(1) No other feasible method of disposal; or

(2) For unusual circumstances to be determined on a case-by-case basis as long as such burning does not interfere with state or national ambient air quality standards and on a nonrecurring basis.

(c) The open burning in this section shall only be done in an area approved by the division, state forest fire wardens, and local fire officials.

(d) The written authorization of the division shall include the date, time, and place allowed for the requested open burning and such other requirements as the division deems necessary.

Env-A 1001.04 Tires and Tubes.

(a) For the purposes of this chapter, “tire” means any object, rubber or synthetic, solid, liquid or gas filled, upon which vehicles or machines may be or have been driven or moved. “Tube” means any object, rubber or synthetic, used in conjunction with tires for the purpose of containing or having contained air within a tire cavity.

(b) No person shall cause or allow tires, tubes or any portion thereof to be burned in the ambient air at any area or place for any reason.

(c) Tires and tubes received at any dump which is authorized to burn by Env-A 1001.06 shall be separated from the waste and disposed of by means other than open burning.

Env-A 1001.05 Salvaging Operations. No business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobiles, automobile parts and junk yards, shall burn in the ambient air. A suitable incinerator or other means of compliance, approved by the division shall be employed.

Env-A 1001.06 Solid Waste Disposal Areas. Open burning shall not be permitted at any town, city, county or state solid waste disposal area except as provided in Env-A 1001.03.