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# ENVIRONMENTAL Fact Sheet

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## Q & A on the Burning of Construction & Demolition Debris

*A Guide for Fire Wardens, Solid Waste Facility Operators and Municipal Officials*

### **What is the definition of construction and demolition debris?**

Construction and demolition debris (C&D) is defined in state law as any waste building materials and rubble that are solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. Specifically, the definition includes:

- Asphalt pavement
- Bricks
- Concrete and other masonry materials
- Dry wall
- Fixtures
- Glass
- Non-asbestos insulation or roofing shingles
- Plaster
- Plumbing
- Wall coverings
- Wood

### **Can construction and demolition debris be burned as a means of disposal?**

No! Currently, state regulations (Env-A 1000) prohibit the burning of all components of C&D. Prior to 2007, the burning of clean, untreated wood from C&D activities was permitted, though the burning of painted, treated or composite wood products was not. However, in 2007 the New Hampshire Legislature passed a law that prohibits the combustion of the clean wood component of C&D debris. Now, the combustion of all wood components of C&D is prohibited, including any painted, treated or composite wood product and all clean wood such as dimensional lumber.

### **What is considered “combustion”?**

Combustion means the burning of material in a stove, boiler, furnace, outdoor fireplace, any outdoor fire pit, bonfire or any manner where the material is consumed by fire.

### **To whom does the law apply?**

The law applies to any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof.

The law also applies to municipal waste combustion facilities. However, the prohibition does not apply to the “incidental combustion” of such materials at these facilities.

**Are there any exemptions to the law?**

Yes. The law does not apply to the “incidental combustion,” under the supervision of a solid waste operator, of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.

**Are firefighter instruction and training activities still allowed?**

Yes. The open burning of solid fuel, liquid fuel, a motor vehicle, or a structure is still permissible as long as it is for bona fide firefighter instruction and training purposes in accordance with Env-A 1003, which includes submitting Form ARD-1003, Live Fire Instruction and Training Activities Notification.

**Can brush still be burned?**

Yes. Tree tops, limbs, saplings, and tree cuttings, including attached leaves, which are 5 inches in diameter or less, can still be burned.

**Can wood scraps be burned?**

Yes. *Clean* wood that is not generated from the construction, remodeling, repair or demolition of *structures or roads* can be burned. For instance, scrap wood resulting from the manufacture or construction of furniture, bookcases and other related items as well as wood from discarded pallets can be burned. Wood from the demolition of an outside fence cannot be burned.

**Are campfires still allowed?**

Yes. Campfires are still allowed, provided that none of the C&D materials listed above are burned, and provided that the proper permits are obtained.

**Is a burn permit required?**

Yes. RSA 227-L requires that prior to engaging in any of the acceptable burning listed above, a burn permit must be obtained from the local forest fire warden in the town where the burning will occur. Burn permits and the permit form, and related informational brochures, include permit requirements and conditions. No other changes are anticipated for the issuance of open burning permits.

**How should construction and demolition debris be properly disposed of?**

All construction and demolition debris must either be transferred to a permitted landfill or a C&D processing facility.

**Are there any other laws or rules that prohibit open burning of other waste materials?**

Yes. RSA 125-N prohibits the residential open burning of combustible domestic waste, which includes:

- Animal, vegetable and kitchen waste
- Coated or laminated papers
- Coated or treated cardboard
- Household trash
- Oily rags
- Packaging materials
- Painted or treated wood
- Plastics
- Rubber

Env-A 1001.07 prohibits the burning of tires and tubes. Env-A 1001.08 prohibits the open burning for salvaging or reclaiming operations.

**For more information**

For more information on the proper disposal or reuse of C&D materials, contact the NHDES Solid Waste Management Bureau at (603) 271-2925. For more information on air emissions, air permit requirements and open burning, contact the NHDES Air Resources Division at (603) 271-1370.