

ENVIRONMENTAL Fact Sheet



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Frequently Asked Questions on Open Burning

Open burning is the burning of combustible material in an outside fire where the emissions (smoke) do not pass through a chimney, but are released directly into the air. The NH Department of Environmental Services regulates open burning under RSA 125-C, *Air Pollution Control*, RSA 125-N, *Dioxin Emissions Reductions and Control Program*, and New Hampshire Code of Administrative Rules Env-A 1000, *Prevention Abatement and Control of Open Sources of Air Pollution*. The following are some frequently asked questions about open burning.

Do open burning laws apply to everyone?

Yes. The laws apply to any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision.

What is the purpose of open burning laws?

To protect the air, soil and water by prohibiting the burning of those materials that when burned produce harmful air pollution and ash.

What type of Open Burning is allowed?

Open burning is limited to:

- Campfires, outdoor grills, or outdoor fireplaces.
- On-site burning by a landowner of brush or untreated wood, provided the material originates on-site.
- Bonfires in conjunction with holiday or festive celebrations.
- On-site burning for the purpose of forestry, agriculture or wildlife improvement.
- Burning by any city or town of brush.

What can I burn?

Env-A 1001.05 allows burning of the following items:

- Untreated wood (only on the property of generation).
- Campfire wood.
- Brush (5-inches in diameter or less, and only on the property of generation).
- Charcoal.

Can I burn my Christmas tree?

Yes, it is considered brush (and by definition be less than 5 inches in diameter) and can be burned. You must remove all decorations and tinsel prior to burning.

What is untreated wood?

Env-A 101.211 defines "Untreated wood" as any timber, board or sawn dimensional lumber which has not been treated, coated or preserved. This term does not include construction and demolition debris or any manufactured building material, such as plywood or wafer board.

Can I burn untreated wood scraps?

Yes. Untreated wood not generated from the construction, remodeling, repair or demolition of structures or roads may be burned. For example, scrap wood resulting from construction of furniture, bookcases and other related items as well as wood from discarded pallets may be burned. Wood from the demolition of an outside fence cannot be burned.

What is Construction and Demolition (C&D) Debris?

RSA 149-M:4, IV-a defines C&D 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:

- Wood
- Wall coverings
- Asphalt pavement
- Bricks, concrete and other masonry materials
- Roofing shingles
- Dry wall and plaster
- Fixtures
- Glass
- Plumbing

Can I burn Construction and Demolition debris (C&D)?

No. In 2007, the New Hampshire Legislature passed a law (RSA 125-C:10-c) that prohibits the burning of any component of C&D. The wood component of C&D projects such as the demolition of a building wall or outside fence or deck cannot be burned even if it is thought to be untreated since it is considered C&D. This law is enforced under Env-A 1001.09.

Can I burn domestic waste materials?

No. RSA 125-N:4 prohibits the residential open burning of combustible domestic waste. This law is enforced under Env-A 1001.06. Domestic waste 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

Additionally, Env-A 1001.07 prohibits the burning of tires and tubes, and Env-A 1001.08 prohibits the open burning for salvaging or reclaiming operations such as burning plastic off wires for the copper or burning tires for the steel.

Do I need a permit for open burning?

Yes. You must obtain a permit from the NH Division of Forests and Lands per RSA 227-L, *Woodland Fire Control*, and you must check with the local municipality to determine what other restrictions may apply.

NHDES does not issue permits for open burning but allows open burning when:

- It is conducted in accordance with the more stringent of all applicable state and local ordinances,

including but not limited to RSA 125-C:10-c and RSA 227-L.

- It is authorized by an official having jurisdiction over open burning.
- Only materials allowed by law or rule are burned.

What materials can be used to start a fire?

Fire starters made from paper, cardboard, sawdust, wax and similar substances are allowed, as is items such as uncoated cardboard (plain brown cardboard), untreated wood kindling, clean pallets, and lighter fluid can be used to start a fire.

Who has the authority to extinguish an illegal fire?

The fire chief or fire warden has the authority to extinguish or require that an illegal fire be extinguished pursuant to RSA 154:2,II, even when the ground is covered with snow, and without consultation of the NHDES if the fire chief or fire warden determine that the fire violates any state or local law. The NHDES has the authority to require that the fire be extinguished if it violates any NHDES laws and will refer the matter to the fire chief or fire warden if it believes that the fire may be in violation of RSA 227-L.

Can my local transfer station burn C&D?

Only accidentally. The *incidental* combustion at a municipal transfer station subject to regulation under RSA 149-M, of incidental C&D within a brush pile is not a violation of RSA 125-C:10-c. Incidental combustion is defined as the unintentional and unknowing burning of material within a brush pile. Therefore, intentionally placing material in a fire, or to start the fire is not considered incidental.

As a business, can I burn brush from a landscaping or land clearing project?

Yes. Env-A 1001.05 allows brush to be burned at the property from which it is generated as long as it is done in compliance with all other state and local laws. Alternatively, the brush can be chipped for mulch or transported to the local municipal transfer station for burning. Per Env-A 1001.05, the brush must be burned at the place of generation or at the local transfer station. It cannot be transported to another property for burning.

Can I burn C&D or domestic waste within a chiminea, outdoor fireplace/stove, or burn barrel?

No. Burning of any C&D or domestic waste within any device constitutes incineration and is subject to NHDES permitting requirements for incinerators.

How should I properly dispose C&D?

All C&D must be disposed of at a permitted transfer station, landfill, or a C&D processing facility.

Are firefighter instruction and training activities still allowed?

The open burning of solid fuel, liquid fuel, a motor vehicle, or a structure is permissible as long as it is for bona fide firefighter instruction and training purposes. These activities are valued emergency response training and must be conducted in accordance with Env-A 1003. This includes submitting a completed Form ARD-1003, conducting the burn by a NH certified fire instructor, and removing harmful materials prior to conducting the burn.

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.