

SPECIAL ATTENTION

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

Statutory Authority: RSA 125-C:4

PART Env-A 1001 OPEN BURNING

Env-A 1001.01 Purpose. The purpose of this part is to regulate emissions of particulate matter and toxic air pollutants from the burning of materials in the open where the products of combustion are discharged directly into the atmosphere rather than through a stack, chimney, or flue, in order to achieve and maintain attainment of the ambient air quality standards in accordance with sections 109 and 110 of the Clean Air Act, and to protect the public health and welfare pursuant to RSA 125-C:1.

Env-A 1001.02 Scope. This part shall apply to any natural person, firm, corporation, association, municipality or state agency that conducts open burning within the state.

Env-A 1001.03 Permissible Burning.

(a) Open burning in any part of the state shall be done only when the following conditions are satisfied:

- (1) When not prohibited by any local ordinance;
- (2) When not prohibited by an official having jurisdiction over open burning;
- (3) When no nuisance is created; and
- (4) When all materials that are burned are in conformance with this part.

(b) Throughout the state, only the following types of burning shall be permissible without authorization from the division:

- (1) Burning of untreated wood, campfire wood, brush or charcoal in a campfire, outdoor grill or outdoor fireplace for recreational purposes or for the preparation of food;
- (2) On-premises burning for the purpose of frost prevention, or agricultural, forestry, or wildlife habitat improvement;
- (3) Burning of solid fuel, liquid fuel, a motor vehicle, or a structure that has been certified to be free of asbestos in accordance with Env-C 400, provided that the following conditions shall be met:

a. The burning shall be conducted to provide bona fide instruction and training of firefighters in methods of fighting fires;

b. The burning shall be conducted under the direct control and supervision of qualified instructors; and

c. Written permission shall have been obtained in advance from the New Hampshire department of resources and economic

development, division of forests and lands, bureau of forest protection; or

(4) Burning of untreated wood, campfire wood or brush in bonfires in conjunction with holiday or festive celebrations.

(c) In an area which has been classified as "attainment" of the ambient air quality standards for particulates pursuant to Env-A 300, the following types of burning shall be permissible without authorization from the division:

(1) Burning of combustible domestic rubbish from a residence where the following conditions exist:

a. There is no public removal service;

b. The burning shall occur on-premises in a waste burner having a capacity of 7 cubic feet or less; and

c. The waste is generated from a residential building containing 4 or less dwelling units;

(2) Periodic on-site burning by the landowner of brush and leaves which originate on-site;

(3) Commercial burning of brush, provided that no other disposal method, such as chipping, can be utilized; or

(4) Burning of untreated wood from the construction or demolition of a building, provided that such burning shall be done in an area which shall be specified and approved by officials having jurisdiction over open burning.

Env-A 1001.04 Division Authorization for Certain Open Burning.

(a) In addition to any other required state or local permits or authorizations, written authorization shall be obtained from the division prior to conducting any of the following types of open burning:

(1) Burning of materials as described in Env-A 1001.03(c), above, in an area of the state that has been classified as "non-attainment" of the ambient air quality standards for particulates pursuant to Env-A 300;

(2) Burning by any city or town of brush or untreated wood from the construction or demolition of a building, provided the material originates within the state; or

(3) Open burning of explosive or dangerous material for which there is no other feasible method of safe disposal.

(b) The open burning in this section shall only be done in an area which is approved by the division and all officials having jurisdiction over open burning.

(c) The written authorization from the division shall include the date, time, and place where the open burning shall be permissible and any conditions and requirements which are necessary to ensure the safeness of the

burning and to properly regulate the emissions.

Env-A 1001.05 Absolute Prohibition Against Burning Tires and Tubes.

(a) No tires, tubes or any portion thereof shall be burned in the ambient air at any place in the state for any reason.

(b) Tires, tubes or any portion thereof which are received at any dump shall be separated from the waste and disposed of by a feasible means other than open burning.

Env-A 1001.06 Absolute Prohibition Against Burning in the Ambient Air at Salvaging or Reclaiming Operations.

(a) A suitable incinerator or other means of compliance approved by the division pursuant to Env-A 1201 shall be employed for all thermal salvaging or reclaiming.

(b) No salvaging or reclaiming operation shall burn anything on-site in the ambient air.

PART Env-A 1002 FUGITIVE DUST

Env-A 1002.01 Purpose. The purpose of this part is to regulate the direct emissions of particulate matter to the atmosphere from activities that involve mining, transportation, storage, use, and removal of mineral material or soil.

Env-A 1002.02 Scope.

(a) This part shall apply to any natural person, firm, corporation, association, municipality or state agency that emits fugitive dust within the state, including those engaged in any of the following:

(1) Commercial mining activities, including the construction, maintenance or operation of a commercial mining or strip mining facility or part thereof;

(2) Construction activities, including building, paving, sweeping, trenching, excavating, filling, or other activity associated with the building of streets, roads, highways, parking lots, shopping centers, housing developments, or other centers of business or residential development;

(3) Maintenance activities, including sweeping, vacuuming, or other activity involved with the upkeep of streets, roads, highways, parking lots, shopping centers, housing developments, or other centers of business or residential development, buildings, bridges, utilities, sewerlines, waterlines, or similar entities;

(4) Demolition activities, including the tearing down of buildings, bridges or other structures; and

(5) Bulk hauling activities, including the transportation and transfer of material over public roads.

(b) This part shall not apply to the following:

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- (1) Application of traction enhancement materials, including sand, and de-icing chemicals such as road salt, that have been applied to roads for public safety;
- (2) Normal usage of gravel or dirt roads;
- (3) Resurfacing activities of existing highways where the removal of surplus sand is not necessary; and
- (4) Agricultural industry activities or operations.

Env-A 1002.03      Precautions to Prevent, Abate, and Control Fugitive Dust. Precautions shall be taken and continued throughout the duration of the activity in order to prevent, abate, and control the emission of fugitive dust. Such precautions shall include wetting, covering, shielding, or vacuuming.