



NEW HAMPSHIRE MUNICIPAL ASSOCIATION



SOMETHING'S IN THE AIR - OUTDOOR WOOD BOILERS & OPEN BURNING REGULATIONS

Stephen C. Buckley, Legal Services Counsel, NHMA

Tom Guertin & Linda Magoon, Compliance Assessment Bureau

New Hampshire Department of Environmental Services

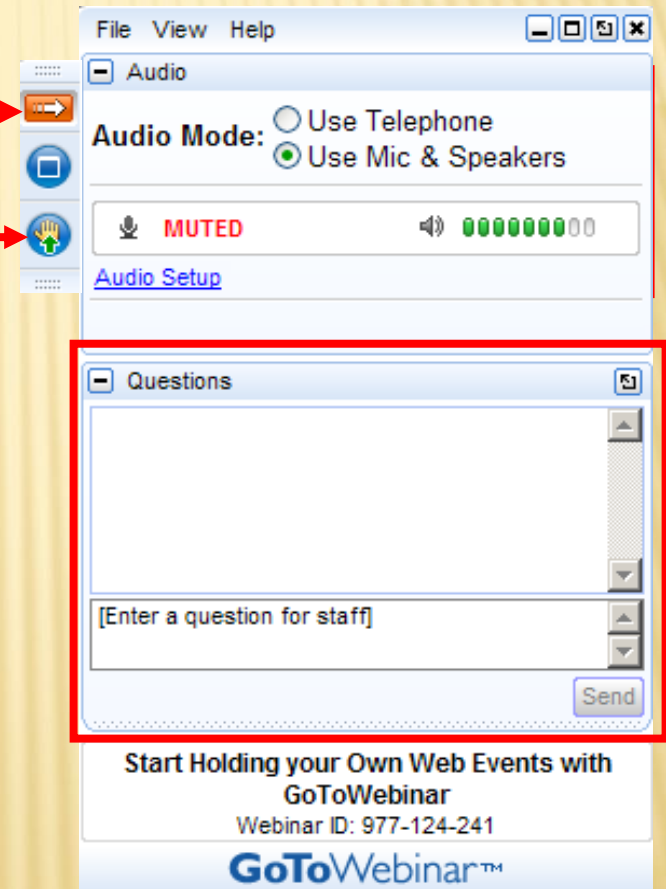
Air Resources Division



February 13, 2019

HOW TO PARTICIPATE TODAY

- Open and close your Panel
- Submit text questions
- Q&A addressed during today's session



The screenshot displays the GoToWebinar interface. The top window is titled 'Audio' and contains the following elements:

- Menu: File View Help
- Audio Mode: Use Telephone, Use Mic & Speakers
- Muted status: A microphone icon followed by the word 'MUTED' in red, and a speaker icon with a volume level indicator (10 bars).
- Link: [Audio Setup](#)

Below the Audio window is the 'Questions' window, which is highlighted with a red border. It contains:

- Input field: A large text area with the placeholder text '[Enter a question for staff]'. A 'Send' button is located at the bottom right of this field.

Two red arrows point from the text instructions to the 'Audio' and 'Questions' panels in the interface.

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GoToWebinar™



Tom Guertin

Compliance Assessment Section Supervisor



Outdoor Wood Boilers



WHAT WE WILL COVER

- × What is an Outdoor Wood Boiler?
- × Laws and Rules that Apply to Outdoor Wood Boilers
- × Statutory Interpretations
- × Impacts on Existing Units
- × Emissions and Labeling
- × Permitted Fuels
- × Municipal Authority
- × Case Studies
- × Questions



WE WILL NOT COVER ...

- ✘ Specific cases with which you may be currently dealing.

If you have an issue, call us at the office and we will address your concerns.



“OUTDOOR WOOD BOILERS”



Classic CL 4030

Classic CL 5036

Classic CL 6048

Classic CL 7260

Pallet Burner

E-Classic 2300



ALSO KNOWN AS:

- ✘ Outdoor Wood-Fired Hydronic Heaters
- ✘ Outdoor Wood Furnaces



OWB LAW



- ✘ RSA 125-R went into effect August 10, 2008
- ✘ Amended July 1, 2017
- ✘ It applies to all units designed to heat water and be installed outside

You can't circumvent the law by installing in a building!





CHANGES TO RSA 125-R:

- ✘ Introduces an EPA Certification
 - + No longer a voluntary program

- ✘ Bans the Purchase, Sale, and Installation of Non-Certified OWBs.
 - + Only units that meet the Step 1 or Phase 2 emission standard of 0.32 lb/MMbtu heat output can be sold and installed in NH



EMISSION STANDARD AND LABELING:

Phase II: (white tag)

- 0.32 lb/MMbtu particulate emission limit
- 90% cleaner than “old” units

Step 1:

- + Same emission Std.
- + Specific label language



PHASE 2 QUALIFIED

U.S. Environmental Protection Agency
Wood-burning Fireplace Program

Phase 2 Qualified models are cleaner and pollute less than those models that have not met this emissions level. Exposure to smoke has been associated with respiratory illness and other health problems. Models that have lower smoke emissions may reduce your risk.

For more information go to www.epa.gov/burnwise

FIREPLACE SMOKE EMISSIONS RANGE

Lower Emissions Higher Emissions
0 12.0
Better Worse

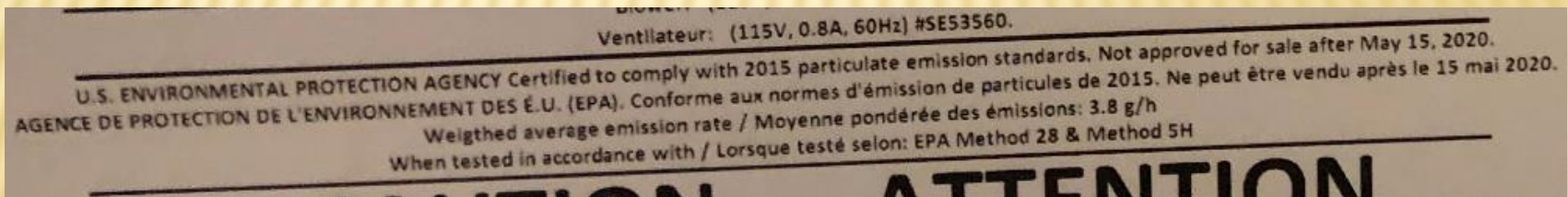
2.93 5.1 EPA PHASE 2 EMISSIONS LEVEL
THIS MODEL

Fireplaces with lower emissions produce less smoke when installed and operated properly.

MANUFACTURER: Earthcore Industries, LLC
MODEL NO: Standard Series 36C
PARTICLE EMISSIONS: 2.93 GRAMS/KG OF WOOD BURNED

For proper operation, catalyst must be replaced every 3 to 5 years.

* EPA has determined, based on testing by an accredited independent laboratory and a certification of conformity by a nationally recognized certification body, that this model qualifies at the Phase 2 emissions level for U.S. EPA's Voluntary Fireplace Program.



Ventilateur: (115V, 0.8A, 60Hz) #SE53560.

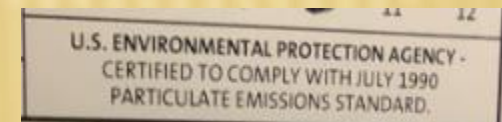
U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards. Not approved for sale after May 15, 2020.

AGENCE DE PROTECTION DE L'ENVIRONNEMENT DES É.U. (EPA). Conforme aux normes d'émission de particules de 2015. Ne peut être vendu après le 15 mai 2020.

Weighted average emission rate / Moyenne pondérée des émissions: 3.8 g/h

When tested in accordance with / Lorsque testé selon: EPA Method 28 & Method 5H

ATTENTION



THE LAW PERMITS SPECIFIC FUELS

- Clean wood (including pallets)
- Wood pellets made from clean wood
- Home heating oil/propane/natural gas which complies with fuel sulfur limits



MUNICIPAL AUTHORITY

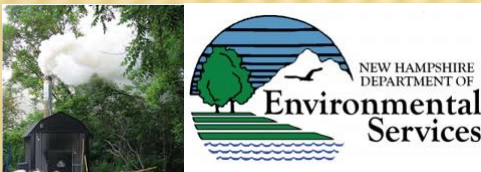
Municipalities have the Authority to...

- + Prevent and Remove Nuisances
- + Adopt and Enforce More Stringent Ordinances



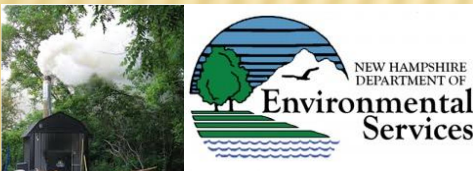
HOW DID THE LAW IMPACT EXISTING UNITS?

- ✘ Units installed prior to 8-10-08 are “Grandfathered” and outside DES jurisdiction
- ✘ If an existing unit is moved, DES considers this to be a NEW installation and subject to the law
- ✘ Loop-hole allowing **ANY** unit to be **installed** as long as set-backs and stack height requirements are met, has been closed



HOW DID THE LAW IMPACT EXISTING UNITS?

- RSA 147 states that if an OWB causes a nuisance or is injurious to public health, the local health officer may, in writing, order that the use of the OWB be discontinued.



HOW DID THE LAW IMPACT EXISTING UNITS?

- ✘ DHHS will Provide Assistance to Local Health Officers
- ✘ DES will provide technical assistance to DHHS and the municipality for the purpose of enforcing the nuisance provisions in RSA 147.



HOW TO DETERMINE IF AN EXISTING INSTALLATION IS LEGAL

Type	Set-Back	Stack Height
Non-Rated	200 ft. from nearest abutting residence	2 ft. higher than the peak of a roof of a residence or place of business located w/in 300 ft.
Phase 1	100 ft. from nearest abutting residence	2 ft. higher than the peak of a roof of a residence or place of business located w/in 300 ft.
Phase 2	50 ft. from the property line	None



CASE STUDY 1: QUEEN ST., BOSCAWEN

- ✘ Non-rated OWB
- ✘ Owner failed to consider a residence w/in 300 ft during installation when determining stack-height
- ✘ DES required owner to raise stack to 25 ft above ground level
- ✘ Inaccurate information from town officials



CASE STUDY 1: QUEEN ST., BOSCAWEN

Before:



CASE STUDY 1: QUEEN ST., BOSCAWEN

After:



CASE STUDY 2: OLD GRANITE RD., OSSIPEE

- ✘ Smoke complaint from neighbor
- ✘ DES determined that installation was prior to the law going into effect
- ✘ Installation was legal and outside DES jurisdiction



CASE STUDY 2: OLD GRANITE RD., OSSIPEE



CASE STUDY 2: OLD GRANITE RD., OSSIPEE



OPEN BURNING

Linda Magoon
NHDES Air Resources Division
Compliance Assessment Bureau

NH Dept. of Environmental Services
Air Resources Division

February 13, 2019



OUR AGENDA

- ✘ What is Open Burning?
- ✘ What open burning activities are allowed vs. prohibited?
- ✘ What materials can I (lawfully) burn?
- ✘ Responding to complaints



OPEN BURNING

- ✘ The burning of combustible material where emissions do not vent through a stack, chimney, or flue, but are released directly into the air.



PROHIBITED MATERIALS

1973 - Tires and Tubes Prohibited

Env-A 1001.07



PROHIBITED MATERIALS

2001 – Banned Residential Trash Burning

RSA 125-N, Dioxin Reduction Program

Env-A 1001.06



Prohibited Materials

Salvaging Operations (*Env-A 1001.08*)



PROHIBITED MATERIALS

Treated Wood Env-A 1001.05

Applies to any **treated** dimensional lumber, plywood and pallets

Cannot be painted, stained, pressure treated, glued, oiled



**Pressure
Treated &
Painted!**



PROHIBITED MATERIALS

- ✘ 2008 Banned the Burning of the Clean Wood Component of Construction & Demolition

RSA 125-C:10-c



Construction and Demolition Debris

Env-A 1001.06



PROHIBITED MATERIALS



WHAT IS C & D?

- ✘ Asphalt
- ✘ Bricks
- ✘ Concrete
- ✘ Drywall
- ✘ Glass
- ✘ Insulation
- ✘ Plaster
- ✘ Yes, Wood



C & D **CANNOT** BE BURNED AS A MEANS OF DISPOSAL

That means:

- ✘ Construction
- ✘ Repair
- ✘ Remodel
- ✘ Demolition



From Structures and Roads
Even if it's untreated (Clean)!!



ACCEPTABLE THINGS

CAMPFIRE



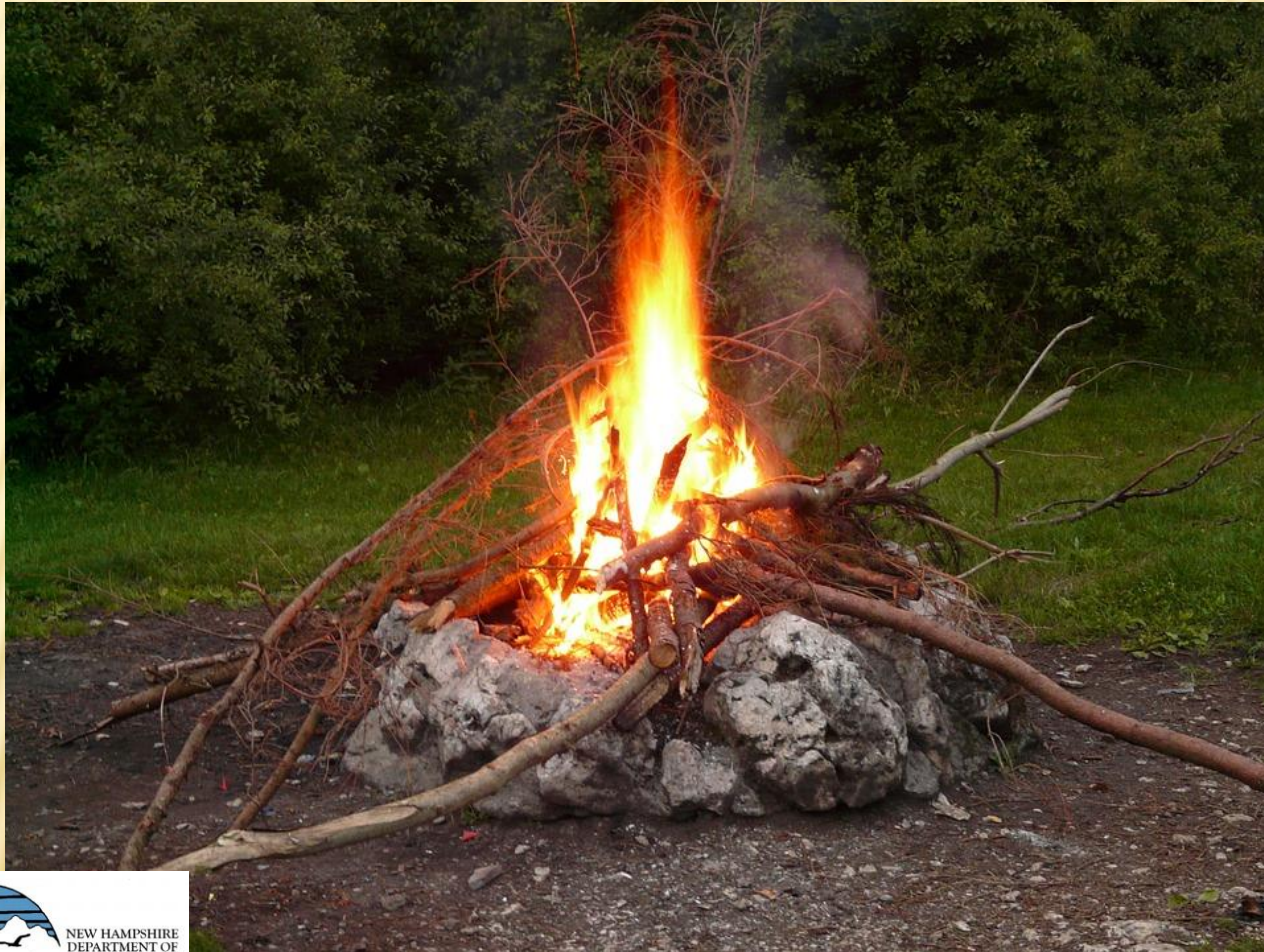
ACCEPTABLE THINGS

COOKING FIRE



ACCEPTABLE THINGS

BRUSH DISPOSAL



CELEBRATIONS



Acceptable Fuel (or, What is Brush?)

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

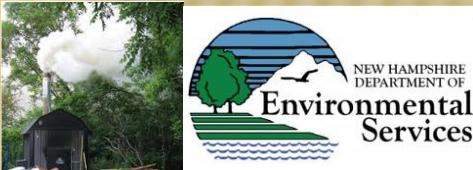


ACCEPTABLE FUEL

- ✘ Discarded pallets



- ✘ Untreated scrap wood from manufacture or construction of furniture, bookcases or other related items



OBTAIN A BURN PERMIT!

- ✘ Obtain a Burn Permit from Local Fire Warden
- ✘ Does your municipality have local burn regulations?



BURN PERMITS (CONT'D)

- ✘ Contact NH Division of Forests and Lands
(603) 271-2214 for more info.



Get your
Fire Permits
online here



COMPLAINT RESPONSE

- ✘ Call us! NHDES investigates outdoor wood boiler and open burning complaints, often with assistance from local officials, fire warden, or state forest rangers
- ✘ Indoor burning - no authority to enter private residences – outreach and education



COMPLAINT RESPONSE



✘ Contact:

Linda Magoon

(603) 271-0907

Linda.Magoon@des.nh.gov



 **AIR COMPLAINT FORM**
Air Resources Division/Compliance Bureau
Voluntary 

The following are guidelines for submitting an air complaint to the NHDES Air Resources Division. For additional information, please go to the [Air Quality Complaints](#) website. The complaint can be submitted to NHDES by calling (603) 271-1370; or using this form and faxing it to (603) 271-7053, emailing it to Linda.Magoon@des.nh.gov, or mailing it to:

NHDES Air Resources Division
Compliance Section - Complaints
PO Box 95
Concord, NH 03302-0095

Please provide as much of the following information as possible when filing a complaint. Please type or print neatly, answer all questions as completely as possible, attach copies of relevant documents (photos, etc.).

I. COMPLAINANT CONTACT INFORMATION (Leave this section blank if you wish to remain anonymous)		
COMPLAINANT'S (YOUR) NAME:		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY/TOWN:	STATE:	ZIP:
How should we contact you?		
<input type="checkbox"/> At above address	<input type="checkbox"/> Phone #:	<input type="checkbox"/> Email:

II. ALLEGED SOURCE OF THE COMPLAINT
BUSINESS NAME (if applicable) or INDIVIDUAL NAME:
STREET ADDRESS:
CITY/TOWN:
PHONE #:

Linda.Magoon@des.nh.gov or phone (603) 271-1370; Fax (603) 271-7053
PO Box 95, Concord, NH 03302-0096
www.des.nh.gov

2017-06-06 Page 1 of 2

MUNICIPAL AUTHORITY

A Fire Chief has the Authority to
Extinguish a fire to prevent or abate
open burn violations

Even if a burn permit was issued!

Even if the ground is covered in snow!!



SUBSCRIBE TO E-NEWS - DES.NH.GOV






Environmental Services








PUBLIC
GOVERNMENT
BUSINESS
A to Z LIST

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- [Rules/Regulatory](#)
- [Contact Us](#)

Welcome!

New Hampshire Department of Environmental Services

[Investigation into the presence of Per- and Polyfluoroalkyl Substances \(PFASs\) in New Hampshire](#)

NHDES Calendar						
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

The Department

- > Commercial's Office
- > Air Resources Division
- > Waste Management Div.
- > Water Division
- > Boards and Committees

Quick Links

- > Administrative Rules
- > Air Quality forecasting
- > Certification/Training
- > Directions to NHDES
- > Disaster Preparedness & Response
- > Emergency Phone #s
- > Employment Opportunities
- > File Review
- > Forms/Applications
- > Geologic Information
- > Grants/Loans
- > Laboratory Services
- > Lake Level Data
- > Legislative Activity
- > Permits
- > Publications/Fact Sheets
- > Public Info/Help
- > Requests for Proposals
- > Telephone Directory

How Do I...

- > become a volunteer?
- > get my water tested?
- > lodge a complaint?
- > report a hazardous spill?
- > report a violation?
- > reduce air pollution?

NHDES News

- > January 15, 2019
Stone Wall Mapping Project Uses New Technology To Honor The Past
- > January 4, 2019
NHDES Recommends Lower Arsenic Level
- > January 2, 2019
NHDES Proposes New PFAS Drinking Water Standards
- > December 28, 2018
NHDES And NH HSEM Reminds Granite States About Ice Jams
- > December 14, 2018
Winnepesaukee River Basin Program Wins Waste Water Plant Of The Year Award (POTY) Award
- > December 13, 2018
NHDES Awards \$4.2 Million In Wetlands Protection Grants
- > November 26, 2018
Drinking Water Project Ribbon Cutting Ceremony

What's New

- > Post-Hazard Event Summary – Ice Jam, South Branch Piscataquog River
- > 2018 Ocean Diesel Grant
- > Drought Management
- > NH Drinking Water And Groundwater Trust Fund Website
- > State Of New Hampshire Air Quality - 2017: Air Pollution Trends, Effects And Regulation
- > State Of New Hampshire Air Quality - 2017: Executive Edition
- > Voluntary Settlement
- > Environmental News Newsletter
- > New Hampshire's Environmental Dashboard

Hot Topics

- > Draft 401 Water Quality Certification For Maintenance Dredge Of Hampton And Seabrook Harbor Available For Public Comment
- > Draft 401 Water Quality Certification For Commercial Development In Seabrook Available For Public Comment
- > Final Phosphorous TMDL For Phillips Pond In Sandown
- > EPA's Review Of The Final Phosphorous TMDL Report For Phillips Pond In Sandown NH
- > EPA's Approval Letter For The Final Phosphorous TMDL Report For Phillips Pond In Sandown, NH
- > **Alert!** Obtaining Emergency Authorization To Repair/ Replace Damaged Culverts
- > New Hampshire National Pollutant Discharge Elimination System Study Commission
- > Approved 401 Water Quality Certification For RHDOT Route 16 Improvements In Dummer
- > Wetlands Bureau Rulemaking And Process Improvement Effort
- > Great Bay Estuary


Adobe Acrobat Reader format. Download a free reader from [Adobe](#).

NHDES is working to make all of our online documents fully accessible. If you have any problems accessing a particular file, please contact us and we will make the

Air Quality

Beach Advisory

Drinking Water Advisory



ALERTS




New Hampshire Environmental Dashboard



Subscribe to eNews





New Hampshire Environmental Councils

E-NEWS

- ✗ Municipal EcoLink
- ✗ Rulemaking Notices
- ✗ Beach Advisories
- ✗ *Environmental News*
- ✗ . . . And more



Join the N.H. Department of Environmental Services e-Mail Mailing List

Choose the news you want to receive from the list below.

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Email Format:

Please specify the newsletters or areas of interest you wish to subscribe to:

- Press Releases (announcements by DES)
- Environmental News (Primary NHDES newsletter)
- GreenWorks (Ideas for a Cleaner Environment)
- Supply Lines with the Source (Newsletter from the DES Drinking Water and Groundwater Bureau)
- The Sampler (DES Volunteer Lake Assessment Program newsletter)
- Wastelines (NH Pollution Prevention Program)
- N.H. Air Rulemaking Notices
- Air Quality Action Day Alerts
- Beach Advisories
- Granite State Clean Cities Coalition Updates
- The Municipal EcoLink (DES e-bulletin for local governments)

RESOURCES: OUTDOOR WOOD BOILERS

- ✘ RSA 125-R – Outdoor Wood Boilers

<http://www.gencourt.state.nh.us/rsa/html/x/125-r/125-r-mrg.htm>

- ✘ NH Fact Sheet URL

<https://www.des.nh.gov/organization/commissioner/pip/factsheets/ard/documents/ard-54.pdf>

- ✘ EPA List of Cleaner Hydronic Heaters

<https://www.epa.gov/compliance/list-epa-certified-hydronic-heaters>

- ✘ Summary of Requirements for Wood-fired Hydronic Heaters

<https://www.epa.gov/sites/production/files/2015-02/documents/20150204fs-hydronic-heaters.pdf>



RESOURCES:

✘ Open Burning: Google “Open Burning NHDES”

Environmental Services

Public | Government | Business | A to Z List

Search this site:

Open Burning Program

- Overview
- Publications
- Rules/Regulatory
- Education/Outreach
- Technical Assistance
- Forms/Applications
- Related Programs
- Resources/Links
- Contact Us

Air Resources Division

- Air Resources Home
- Division Overview
- Programs/Bureaus/Units
- Rules/Regulatory
- Publications
- Contact Us

This Department

- Commissioner's Office
- Air Resources Division
- Waste Management Div.
- Water Division
- Boards and Committees

NHDES Calendar

NHDES Calendar				
	1	2	3	
4	5	6	7	8
9	10	11	12	13
14	15	16	17	18
19	20	21	22	23
24	25	26	27	28
29	30			

Open Burning - Brush Fires, Campfires, Residential Waste, Construction and Demolition Debris

Open burning is - The burning of combustible material where the emissions do not vent through a stack, chimney or flue, but is released directly to the air. Open burning is regulated under RSA 125-C and New Hampshire Code of Administrative Rules, Env-A 1000: *Prevention, Abatement and Control of Open Sources of Air Pollution*. In addition, RSA 125-N prohibits the open burning of household waste. [View...](#)

Publications

- [Open Burning Poster](#)
- [Open Burning of Residential Trash](#) (Fact Sheet ARD-33)
- [Q & A on the Burning of Construction & Demolition Debris](#) (Fact Sheet CD-20)
- [Residential Trash Burning](#) (NHDES brochure)

Rules/Regulatory

- [RSA 1000: Prevention, Abatement and Control of Open Sources Air Pollution](#)
- [RSA 125-C: Prohibits the Combustion of the Wood Component of Construction and Demolition Debris from the Demolition of Structures](#)

Education/Outreach

- [A Clean Campfire: Public Service Announcement for Radio](#) 49
- [Open Burning and Firefighter Training](#)
- [What's In That Smoke?](#)
- [Open Burning Poster](#)
- [Quick Guide to Open Burning](#)
- [Residential Trash Burning](#) (Sample Flyer)
- [Residential Trash Burning](#) (NHDES brochure)
- [Trash Burning Public Service Announcement for television](#) 48
 - [\(print version\)](#)
- [Trash Burning Public Service Announcement for radio](#) 46
 - [\(print version\)](#)

Technical Assistance

- For information on alternatives to backyard burning (proper solid waste management, recycling, composting, etc.), contact the [Solid Waste Technical Assistance Program](#) or call your local town office.

Forms/Applications

- [Air Complaint Form](#)

Related Programs

- [Air Toxics](#)
- [Asbestos Management](#)
- [Particle Pollution \(Particulate Matter\)](#)
- [Regional Help](#)
- [Solid Waste Recycling & Technical Assistance](#)
- [Wood Smoke and Wood Stove/Pellet Stove Filters](#)
- [Live Fire Training and Exercise Training Notification](#)

Resources/Links (Outside Link)

- [RSA Backyard Burn requests site](#)
- [NH Division of Forests and Lands Fire Permits](#)

OneStop
Faster and
Information

ALERTS

Air Quality
Beach Advisory
Drinking Water Advisory

#ThisIsNH

New Hampshire Environmental Dashboard

Public News

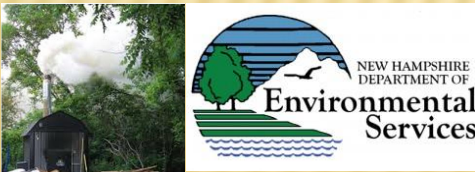
New Hampshire Environmental Councils

NEW HAMPSHIRE DEPARTMENT OF Environmental Services



CONTACT INFORMATION:

- ✘ DES website at
www.des.nh.gov
- ✘ Linda Magoon - (603) 271-0907
 - ▣ linda.magoon@des.nh.gov
- ✘ Tom Guertin – (603) 271-0650
 - + thomas.guertin@des.nh.gov
- ✘ Air Resources Division main number:
(603) 271-1370



QUESTIONS?











Regional Right-to-Know Workshops

\$35 without publication or \$55 with publication

A Guide to Open Government: New Hampshire's Right-to-Know Law

The Right-to-Know Law (RSA Chapter 91-A) affects every aspect of local government in our state. Every board, committee, commission, and advisory committee in every town, city, and village district in New Hampshire must comply with this law, which requires that discussions and actions of these bodies take place in a public meeting, subject to exceptions.



The Right-to-Know Law and Governmental Meetings

6:30 pm—8:30 pm
Tuesday, March 26, 2019

Derry Municipal Center
14 Manning Street
Derry, NH 03038

Join Executive Director Margaret Byrnes and Legal Services Counsel Stephen Buckley who will discuss the requirements for holding a proper public meeting, as well the exceptions to the meeting requirement (the so-called "non-meeting"). Then the attorneys will discuss the purposes for which public bodies may hold a nonpublic session, as well as the procedural requirements for a proper nonpublic session. This workshop will also address difficult "meeting" issues, such as communications outside a meeting and electronic means of communicating, and penalties and remedies provided in RSA Chapter 91-A.

There will be ample time for questions and answers.

Governmental Meetings

6:30 pm—8:30 pm
Tuesday, July 23, 2019

County Hall
12 Court Street
Keene, NH 03431

Governmental Records

1:30 pm—4:00 pm
Tuesday, August 6, 2019

Moultonborough Safety Complex
1035 Whittier Highway
Moultonborough, NH 03254

CHECK OUT NHMA'S PUBLICATION!

A Guide to Open Government: New Hampshire's Right-to-Know Law



- Includes Top Ten Compliance Tips
- Public Meeting & Governmental Records Posters
- Is it a Meeting Flow Chart
- Remote Participation Checklist
- And More!

Who Should Attend?

Everyone in Municipal Government

For registration information, visit www.nhmunipal.org under Calendar of Events.

Questions? Call 800.852.3358 or email NHMAregistrations@nhmunipal.org.





FOR ATTENDING OUR WEBINAR PRESENTATION TODAY!

Mission Statement

The New Hampshire Municipal Association is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.

25 Triangle Park Drive
Concord, NH 03301

www.nhmunicipal.org or
legalinquiries@nhmunicipal.org

603.224.7447

NH Toll Free: 800.852.3358

