

SB 46-FN – AS INTRODUCED

2013 SESSION

13-0476  
08/09

SENATE BILL        **46-FN**

AN ACT            relative to air quality violations for outdoor fires.

SPONSORS:        Sen. Reagan, Dist 17; Rep. Duarte, Rock 2; Rep. Danais, Rock 2; Rep. M. Mann,  
Rock 32

COMMITTEE:      Energy and Natural Resources

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ANALYSIS

This bill prohibits outdoor fires within 300 feet of an abutting residence.

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Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to air quality violations for outdoor fires.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Outdoor Fires. Amend RSA 125-C by inserting after section 10-c the following  
2 new section:

3           125-C:10-d Outdoor Fires. No person shall operate any outdoor fire or burning device if an  
4 abutting residence is located less than 300 feet from the fire or device and the smoke plume from  
5 such fire or device crosses the property line.

6           2 Effective Date. This act shall take effect January 1, 2014.

**SB 46 FISCAL NOTE**

AN ACT relative to air quality violations for outdoor fires.

**FISCAL IMPACT:**

The Department of Environmental Services states this bill, **as introduced**, may increase state general fund expenditures by an indeterminable amount in FY 2014 and each year thereafter. The Department of Resources and Economic Development states this bill may increase state restricted expenditures and decrease state restricted revenue by an indeterminable amount in FY 2014 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

**METHODOLOGY:**

The Department of Environmental Services states this bill prohibits outdoor fires within 300 feet of an abutting residence. The Department states it does not receive any general funds for staff to respond to citizen’s complaints specific to open burning. Based on information provided by the Department of Resources and Economic Development, between 80,000 and 100,000 burn permits are issued on an annual basis. The Department of Environmental Services assumes it would need to respond to at least 600 complaints from citizens per year. The Department estimates one staff person is able to manage 300 complaints a year. In addition, the Department states it would need to develop and disseminate educational materials to the public. The Department states two Environmental III positions would need to be added as a result of this bill.

	FY 2014	FY 2015	FY 2016	FY 2017
Environmental III (LG 23, two positions)	\$82,174	\$85,684	\$89,506	\$93,444
Benefits	48,596	52,150	55,980	60,101
Current Expenses	1,900	1,900	1,900	1,900
Equipment	3,000	0	0	0
Office Space	6,958	7,208	7,280	7,426
Office of Technology Costs	7,878	7,182	7,326	7,472
Travel	1,112	1,112	1,112	1,112
Total	\$151,618	\$155,236	\$163,104	\$171,455

The Department states it may have additional costs if staff needs to respond to citizen complaints after 5 pm or on weekends.

The Department of Resources and Economic Development states this bill may result in an increase in complaints or calls for service. The Department responded to 898 fire-related calls for service and issued 225 fire-related enforcement actions, mostly permit infractions. The Department is not able to determine the exact increase to determine the impact on staffing resources. The Department states it operates 19 campgrounds with a total of 1,390 fire pits and grills and operates day-use and wayside areas that have standing grills for picnics and event rentals. The Department indicates many of these locations abut heavily-settled residential areas. The Department states if campers or visitors are asked to cease and desist their campfire and grilling, they may not frequent the campgrounds or day-use areas. This may result in a decrease in park fund revenue.

This bill does not contain authorization or an appropriation for additional positions.