

PRESCRIBED BURNING

326 Indiana Administrative Code 4-1



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OVERVIEW

Open Burning Prohibition

- State law, Indiana Administrative Code, & local ordinances

Exempt Open Burning

- Common exempt types of open burning

Open Burning Approvals

- Open burning that would require prior IDEM approval
- Different types of open burning approvals

Overview of the Approval Process

- How to request an open burning approval
- Identifying affected parties
- What to include when creating a burn plan

Ensuring Compliance

- Overview of your burn approval
- Do's & Don'ts



PROHIBITION

- State law ([Indiana Code 13-17-9](#)) & administrative code ([326 IAC 4-1](#)) generally prohibit [open burning](#).
- Many communities have adopted local open burning ordinances that must be complied with when applicable.
 - Local open burning ordinances must be either as stringent as, or more stringent than, the state rules.
- IDEM always encourages [alternative disposal methods](#) such as: upcycle/repurpose, resale, chip/grind, mulch, compost, or wildlife refuge.

Hobart approves controlled burn limit

Law limits fires for land management

CHAS REILLY
Times Correspondent

HOBART — The City Council has adopted an ordinance limiting fires for land management purposes.

According to the measure, controlled burns are permitted in areas with agricultural zoning classifications, and those burns must be at least 1,000 feet away

from any residential area. There are no restrictions for prescribed fires performed by government entities, such as the Indiana Department of Natural Resources, U.S. Forest Service or Natural Park Service, the ordinance states.

The council's ordinance committee last year had examined a similar measure, but it decided to take no action on it at that time because there were no issues caused by fires for land management purposes.

The panel decided to examine the matter again this year following a prescribed burn that occurred in late February on private property near Lake George.

City officials said the controlled burn resulted in numerous calls and concerns about the activity and its proximity to homes.

Councilman Dave Vinzant said the new ordinance prevents unsafe situations that could occur if a prescribed burn wasn't handled properly in a dense area of the city.

Resident Jen Woronecki-Ellis said she encouraged the council to reject the burning ordinance. Woronecki-Ellis said the measure would affect land restoration efforts in many natural areas of the community.

She said the February controlled burn was handled appropriately, and the Hobart Fire Department was notified prior to it taking place.

Woronecki-Ellis said many residents living near the area of the February burn were contacted

following the situation, and they expressed no concerns about the activity. Some indicated they are in favor of controlled burns, she said.

Resident Sandy O'Brien, who has done prescribed burns for more than 20 years in Hobart, was involved in the one that occurred in late February, Woronecki-Ellis said.

She said O'Brien is a "highly skilled professional," and she has received state training for controlled burns.



PROHIBITION (CONT.)

- All types of burning create emissions that adversely impact air quality and the health of Hoosiers and our shared environment.
 - Emissions from burning vegetation:
 - Particulates, CO, CO₂, NO_x, and VOCs
 - Emissions from burning trash:
 - Arsenic, benzene, chromium, dioxins/PCBs, HCl, HCN, lead, mercury, and other hazardous air pollutants (HAPs)
- Businesses are never allowed to burn business waste.
 - Common violators: Landscaping companies, demolition contractors, salvage yards, and “scappers”



COMMON BURNING EXEMPTIONS

- A person may burn vegetation derived from the maintenance of the following land uses:
 - Farm, orchard, nursery, tree farm, cemetery, drainage ditch, and/or unincorporated agriculture land
- Undesirable wooden structures, or wood remnants from the demolition of a predominately wooden structure, in an unincorporated area.
- Residential burning of clean wood waste must be burned in a “burn barrel”*.
 - * No residential burning in Lake, Porter, Clark, or Floyd counties
- Ceremonial/recreational/cooking fires are not to be used for disposal purposes.



Examples of some agencies which *could possibly* meet the exemption requirements from needing to obtain prior approval from IDEM OAQ in order to conduct a prescribed burn.....





EXEMPT PRESCRIBED BURNING

326 IAC 4-1-3(c)(4): **Department of natural resources (DNR) burning**, to facilitate prescribed burning **on DNR controlled properties** for wildlife habitat maintenance, forestry purposes, natural area management, and firefighting or prevention; **burning by municipalities, county governments**, to facilitate prescribed burning for wildlife habitat maintenance, forestry purposes, natural area management, and firefighting or prevention; **United States Department of the Interior burning**, to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Park , for example; and **United States Department of Agriculture, Forest Service burning**, to facilitate wildlife habitat maintenance, forestry purposes, natural area management, ecosystem management, and firefighting or prevention.

Private land management companies are *typically* not exempt.



EXEMPT PRESCRIBED BURNING CONDITIONS

- Burning must be extinguished if it creates a:
 - Pollution problem, threat to public health, nuisance, or fire hazard.
- No burning shall be conducted during unfavorable meteorological conditions such as:
 - High winds, temperature inversions, air stagnation, or when a pollution/ozone action day/air quality action day has been declared.
- All burning must comply with other federal, state, and local laws, rules, or ordinances.
- Adequate firefighting equipment shall be on-site for extinguishing purposes during burning times.
- Only vegetation and clean petroleum products may be burned.



**PRIVATE
LAND
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APPROVAL TYPES

- Prescribed Burn (“PB”) – Native vegetation restoration and/or maintenance purposes
 - Examples: Burning of graminoids, forbs, leaf litter, thatch, invasive species, slash, successional growth/understory, etc.
- Clean Wood (“CW”) – Burning brush piles of vegetation derived from maintenance of natural area
 - Examples: Removing successional growth, target cutting (i.e., *Elaeagnus umbellata*), establishing new trails, cleaning up a recently acquired property, etc.

APPROVAL PROCESS

- Each approval request packet must include:
 - Request form
 - Prescribed Vegetation Burn:
 - [State Form 50864](#) (R4/3-14)
 - Tree Waste or Clean Wood Waste:
 - [State Form 43692](#) (R4/9-09)
 - Identification of Potentially Affected Persons
 - [State Form 49635](#) must be included with EVERY burn request
- If requesting a multi-year approval, a burn plan must also be submitted.
- State forms are available on the IDEM Forms page:
 - www.idem.IN.gov/5157.htm



HOW TO IDENTIFY AFFECTED PARTIES

- County Tax Assessor's Website
 - For obtaining property owner's name & mailing address within 500 feet of the burn site
 - Property address isn't always the same as mailing address
- IndianaMAP
 - Useful for identifying:
 - Railroads, pipelines, and other right-of-way owners
 - Smoke sensitive areas such as schools, hospitals, and airports.



SUBMITTING APPROVAL REQUESTS

- Although requests can be made any time of the year, submitting during the winter/summer is preferred.
 - This is to ensure that the approval's expiration date doesn't fall in the middle of the spring/fall burn season.
- BurnApprovals@idem.IN.gov



BURN PLANS

- Purpose/Goals/Objectives
- Location
- Map
- Burn Duration
- Frequency of Burn
- Notifications
- Vegetation to be Burned
- Smoke/Fire Management
- Meteorological Conditions
- Emergency Planning
- Personnel
- Equipment
- Fire Behavior
- Mop-Up
- Mitigation Statement(s)



COMPLYING WITH YOUR APPROVAL

- Check to ensure the approval is effective before burning
 - Effective date is usually listed as the last condition of the approval letter
- Provide the advanced notifications before each day of burning
 - Notification requirements listed under the “NOTE” portion of the approval (before the conditions)
- Check IDEM’s [SmogWatch](#) & IDHS’ [Burn Ban](#) the day before and the day of the burn
 - No burning when an Air Quality Action Day has been issued
 - AQAD = “Unhealthy for Sensitive Groups” (orange, red, purple, or magenta)

Air Quality Index (AQI) Values	Levels of Health Concern	Colors
<i>When the AQI is in this range:</i>	<i>..air quality conditions are:</i>	<i>...as symbolized by this color:</i>
0 to 50	Good	Green
51 to 100	Moderate	Yellow
101 to 150	Unhealthy for Sensitive Groups	Orange
151 to 200	Unhealthy	Red
201 to 300	Very Unhealthy	Purple
301 to 500	Hazardous	Maroon



COMPLYING WITH YOUR APPROVAL

(CONT.)

- Inspect burn area and remove all trash before burning.
- If the burning creates an air pollution problem, threat to public health, a nuisance, or a fire hazard, it must be extinguished.
- All burning must be extinguished prior to sunset.
 - If smoldering is to continue into nighttime, a mitigation statement must be included with the request.



IDEMLINE

Open Burning:

www.idem.IN.gov/openburning

- Brochures, guidance, ordinances, and state forms
- State law and regulations
- Approval request forms
- Additional information
- Open burning video and tips
- Alternative disposal recommendations

File a Complaint:

www.idem.IN.gov/5274.htm

- Three ways to submit complaints: Online, telephone, and mail



QUESTIONS?

COMMENTS?

SUGGESTIONS?

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