

ARTICLE 4. BURNING REGULATIONS

Rule 1. Open Burning

4-1-0.5 Definitions

- (a) "Farming operation" means that business concerned with the planting, harvesting, and/or marketing of crops and the raising of animals. This does not include nurseries, tree farms, or sod production.
- (b) "Garbage" means all putrescible animal solid, vegetable solid, and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.
- (c) "Incinerator" means a mechanical facility used to burn waste substances where combustion factors of temperature, retention time, and air are controlled.
- (d) "Natural growth" means trees, brush, or other vegetation in its natural state either dead or alive.
- (e) "Noncombustible container" means a container that can withstand a temperature of 1500 degrees F.
- (f) "Open burning" means the combustion of any matter in the open or in an open dump.
- (g) "Open" as used in "open burning" means: (a) the products of combustion are emitted directly into the open air without passing through a stack or chimney; or (b) combustion occurs in a device other than an approved incinerator or boiler.
- (h) "Material" includes all biodegradable and non-biodegradable substances including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood and wood products.
- (i) "Stack" or "chimney" means a flue or conduit connection an enclosed device with the open air which permits particulates or gases to escape.
- (j) "Wood products" means material derived from or consisting of wood or vegetation such as paper, cardboard, rags, board, branches, brush, grass, leaves, and other similar materials.

4-1-2 Prohibition against open burning

These rules are only applicable in Marion County, Indiana

Section 2. No person shall open burn any material except as provided in section 3 or 4.

4-1-3 Exemptions

(a) The following types of fires are permitted:

- (1) Fires celebrating Twelfth Night Ceremonies.
- (2) Fires celebrating school pep rallies.
- (3) Fires celebrating scouting activities.
- (4) Fires used for recreational and cooking purposes, such as campfires.
- (5) Residential burning where the residence contains four (4) or fewer units. Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth ($\frac{1}{4}$) inch square. Burning is prohibited in apartment complexes and mobile home parks. Beginning June 1, 1995, residential open burning is prohibited in the following counties:

- (A) Floyd County.
- (B) Clark County.
- (C) Lake County.
- (D) Porter County.

Variances, as authorized under section 4 of this rule, shall not be approved for residential open burning in the counties listed in this subdivision.

(6) Farm burning, wood products derived from the following farm maintenance operations:

- (A) Burning of fence rows and fields or materials derived there from.
- (B) Burning of natural growth derived from clearing a drainage ditch.
- (C) Burning of limbs and prunings, but only if so diseased or infected as to present a contamination problem.

(7) Waste oil burning where the waste oil has been collected in a properly constructed and located pit as prescribed in 310 IAC 7-1-37(a) of the department of natural resources (DNR), division of oil and gas. Each oil pit may be burned once every two (2) months, and all the oil must be completely burned within thirty (30) minutes after ignition.

(8) DNR burning, in order to facilitate prescribed burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management.

(9) United States Department of the Interior burning, in order to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore.

(b) All exemptions under subsection (a) shall be subject to the following:

- (1) Only wood products shall be burned unless otherwise stated in subsection (a).
- (2) Fires shall be attended at all times until completely extinguished.
- (3) If fires create a nuisance or a fire hazard, they shall be extinguished.
- (4) All residential, farm, and waste oil burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all of the burning material is consumed by sunset.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, or air stagnation.

(Air Pollution Control Board; 326 IAC 4-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2419; filed May 24, 1995, 10:00 a.m.: 18 IR 2408)

4-1-4 Variances

- (a) Burning with prior approval of the Board or its designated agent may be authorized for the following:
- (1) Emergency burning of petroleum products.
 - (2) Burning of refuse consisting of material resulting from a natural disaster.
 - (3) Burning for the purpose of fire training.
 - (4) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land.
 - (5) Burning of highly explosive or other dangerous materials.
- (b) Burning not exempted by Section 3 [326 IAC 4-1-3] may be permitted with prior receipt of a variance application and approval of the Board.

4-1-5 Liability

Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this rule [326 IAC 4-1] on the basis that said fire was set by vandals, accidental, or an act of God.

Rule 2. Incinerators

326 IAC 4-2-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule establishes standards for the use of incinerators which emit regulated pollutants.

(b) This rule does not apply to the following:

- (1) Incinerators in residential units consisting of four (4) or fewer families.
- (2) Sources subject to the following:
 - (A) 40 CFR 60 Subpart Eb*, Large Municipal Waste Combustors for which Construction Commenced after September 20, 1994.
 - (B) 40 CFR 60 Subpart Ec*, Hospital/Medical/Infectious Waste Incinerators for which Construction Commenced after June 20, 1996.
 - (C) 40 CFR 60 Subpart CCCC*, Commercial and Industrial Solid Waste Incineration Units for which Construction Commenced after November 30, 1999.
 - (D) The state plan approved under 40 CFR 62.3640* through 40 CFR 62.3642*, Hospital/Medical/Infectious Waste Incinerators.
 - (E) The state plan approved under 40 CFR 62.3650* through 40 CFR 62.3652*, Large Municipal Waste Combustors.
 - (F) 40 CFR 63 Subpart EEE*, Hazardous Waste Combustors.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 4-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2420; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1597; filed Nov 15, 2002, 11:12 a.m.: 26 IR 1071*)

326 IAC 4-2-2 Incinerators

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-17-3

BURNING REGULATIONS

Sec. 2. (a) All incinerators shall comply with the following requirements:

- (1) Consist of primary and secondary chambers or the equivalent.
- (2) Be equipped with a primary burner unless burning only wood products.
- (3) Comply with 326 IAC 5-1 and 326 IAC 2.
- (4) Be maintained, operated, and burn waste in accordance with the manufacturer's specifications or an operation and maintenance plan as specified in subsection (c).
- (5) Not emit particulate matter in excess of one (1) of the following:
 - (A) Three-tenths (0.3) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with a maximum solid waste capacity of greater than or equal to two hundred (200) pounds per hour.
 - (B) Five-tenths (0.5) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with solid waste capacity less than two hundred (200) pounds per hour.

(6) If any of the requirements of subdivisions (1) through (5) are not met, then the owner or operator shall stop charging the incinerator until adjustments are made that address the underlying cause of the deviation.

(b) An incinerator is exempt from subsection (a)(5) if subject to a more stringent particulate matter emission limit in 40 CFR 52 Subpart P*, State Implementation Plan for Indiana.

(c) An owner or operator developing an operation and maintenance plan pursuant to subsection (a)(4) must comply with the following:

(1) The operation and maintenance plan must be designed to meet the particulate matter emission limitation specified in subsection (a)(5) and include the following:

- (A) Procedures for receiving, handling, and charging waste.
- (B) Procedures for incinerator startup and shutdown.
- (C) Procedures for responding to a malfunction.
- (D) Procedures for maintaining proper combustion air supply levels.
- (E) Procedures for operating the incinerator and associated air pollution control systems.
- (F) Procedures for handling ash.
- (G) A list of wastes that can be burned in the incinerator.

(2) Each incinerator operator shall review the plan before initial implementation of the operation and maintenance plan and annually thereafter.

(3) The operation and maintenance plan must be readily accessible to incinerator operators.

(4) The owner or operator of the incinerator shall notify the department, in writing, thirty (30) days after the operation and maintenance plan is initially developed pursuant to this section.

(d) The owner or operator of the incinerator must make the manufacturer's specifications or the operation and maintenance plan available to the department upon request.

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326 IAC 4-2-3 Portable incinerators (Repealed)

Sec. 3. (*Repealed by Air Pollution Control Board; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1128*)

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