

IDEM**Nonrule Policy Document**

Indiana Department of Environmental Management
Office of Land Quality
P.O. Box 6015
Indianapolis, IN 46206-6015
OLQ PH: (317) 232-8941

Title: Important Notice Regarding the Yard Waste Disposal Ban
Identification Number: WASTE-0019-NPD
Date Originally Adopted: October 22, 1997
Dates Revised: None
Other Policies Repealed or Amended: None
Citations Affected: IC 13-20-9 (formerly IC 13-7-29), IC 13-20-10-9 (formerly IC 13-7-35-9)
Brief Description of Subject Matter:

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM once the revised nonrule policy document is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

Important Notice Regarding The Yard Waste Disposal Ban

The Yard Waste Disposal Ban:

IC 13-20-9 (formerly IC 13-7-29) states that, "...[A] person may not knowingly deposit vegetative matter resulting from landscaping maintenance or land clearing projects in a solid waste landfill." The ban applies to residential, commercial, and industrial sources. Based on the plain words of the statute, the Department interprets the following:

Materials SUBJECT to the Yard Waste Disposal Ban:

- leaves
- brush
- woody vegetative matter (e.g. twigs; branches; tree stumps) greater than 3 feet in length

Materials EXEMPT from the Yard Waste Disposal Ban:

- grass
- woody vegetative matter (e.g. twigs, branches) that is less than 3 feet in length and is bagged, bundled, or otherwise contained
- very small amounts of vegetative matter that is less than 3 feet in length that is bagged, bundled, or otherwise contained and combined with other solid waste
- Christmas trees
- house plants

- vegetable food scraps
- vegetative by-products not derived from landscaping maintenance or land clearing projects such as from flower shops and funeral homes
- Department-approved composted vegetative matter used as cover material for a solid waste landfill

Vegetative matter that is exempt from the ban can be combined with other solid waste for disposal.

Methane Production Facilities: Solid waste landfills with methane production facilities are no longer exempt from the yard waste disposal ban.

Local Yard Waste Disposal Bans: The changes to the state-mandated yard waste disposal ban will not invalidate existing yard waste disposal bans established by local ordinances or resolutions.

Emergencies: The law allows a county executive to waive the yard waste disposal ban for up to 90 days if an emergency exists, such as a fire, flood, earthquake, wind, storm, drought, or explosion in which there is widespread or severe damage or loss of property.

Open Burning: Open burning of vegetative matter and wood material is allowed only under certain conditions. Please note that open burning of solid waste is prohibited in all circumstances. Contact your local Health Department or Solid Waste Management District for more information about ordinances prohibiting open burning in your area.

Clean-up of Open Dumps: The Department is interpreting vegetative matter resulting from the clean-up of an open dump as material that is not a result of landscaping maintenance or land clearing projects and consequently not subject to the ban.

Out-of-State Disposal: IC 13-20-10-9 (formerly IC 13-7-35-9) prohibits the combining of vegetative matter resulting from landscaping maintenance and land clearing projects that is intended for collection and disposal at a solid waste landfill with another type of solid waste. It is the position of the Department that this prohibition regarding combination of non-exempt vegetative matter with solid waste applies to vegetative matter *collected in Indiana*, even if it is hauled and *disposed of out-of-state*.

Reduction Credit: IDEM encourages the continued development and use of composting facilities and alternative management practices for materials that are now exempt from the ban and materials that remain subject to the ban. Solid Waste Management Districts can continue to claim reduction credit for any vegetative matter that is diverted from final disposal.

Contacts:

Yard waste landfill disposal ban:

- Wendy Hoffspiegel, Legislative Coordinator 317-233-3835
- IDEM Solid Waste Inspectors 317-308-3040

Waiver of disposal ban in case of emergency:

- Aaron Lauster 317-308-3045

Open burning:

- Bill Siefert 317-232-8220