



## Agricultural Open Burning

Office of Air Quality

317-232-0178 • 800-451-6027

[www.idem.IN.gov](http://www.idem.IN.gov)

100 N. Senate Ave., Indianapolis, IN 46204

### **Background:**

Generally, all open burning is prohibited in the state of Indiana. However, Indiana Code (IC) 13-17-9-1 and Open Burning Rule 326 IAC 4-1-3 allows for the burning of vegetation from agricultural land for maintenance purposes, if the open burn occurs in an unincorporated area. In addition, vegetation from a farm, orchard, nursery, tree farm, or drainage ditch may be open burned for maintenance purposes.

### **What can be burned and how?**

- Only vegetation can be burned. Materials such as household trash, plastics, tires, building materials, demolition debris, coated or treated wood, asbestos, or any non-vegetation items **cannot** be burned.
- Agricultural land open burning for maintenance purposes must occur in an unincorporated area and must be conducted on the site where the vegetation was generated.
- The burning of vegetation must be for maintenance purposes only and **not** for clearing land or change in land use.
  - Open burning of natural growth derived from a clearing operation, such as removal of natural growth for a change in use of the land, requires written approval by the Indiana Department of Environmental Management (IDEM) prior to any burning. Approval generally requires the use of an air curtain destructor, which is used to reduce particulate matter emissions and smoke resulting from burning clean wood waste.
  - Information about the open burning approval application process can be found at (see Land Clearing for Development and Change in Land Use): [www.idem.IN.gov/openburning/2395.htm](http://www.idem.IN.gov/openburning/2395.htm)
- Private residences may open burn clean wood products and paper (if not banned by local ordinance) in a noncombustible, well-vented container that is enclosed on the bottom and sides. Residential open burning is subject to additional rules at 326 IAC 4-1-3(b).
- In accordance with 326 IAC 4-1-4.1(c), residential open burning is prohibited in Clark, Floyd, Lake and Porter counties.

### **What conditions must be met for agricultural open burning?**

- Fires must be attended to at all times until completely extinguished and adequate firefighting equipment shall be on-site for extinguishing purposes during the duration of the burn.
- Fires shall be extinguished if it creates a pollution problem, threat to public health, nuisance, or a fire hazard.
- Burning may not be conducted during unfavorable weather conditions such as high winds, temperature inversions (i.e., a layer in the atmosphere in which air temperature increases with height), or air stagnation.
- Burning may not be conducted during a pollution alert or an air quality action day.
- Open burning must comply with local ordinances, including burn bans.

**PLEASE NOTE:** Local ordinances may be more strict than Indiana's Open Burning Statutes or Rule. Please reach out to your local air pollution control agency, fire department, or health department to check for local ordinances that may apply to opening burning in your area.

### **Where can I get more information and copies of the open burning statutes and rules?**

- For more information about open burning and open burning approvals, please contact IDEM's Office of Air Quality, at (800) 451-6027 ext. 3-0178.
- Open burning approval applications should be emailed to [burnapprovals@idem.IN.gov](mailto:burnapprovals@idem.IN.gov).
- Open burning approval application forms may be obtained online at: [www.idem.IN.gov/5157.htm](http://www.idem.IN.gov/5157.htm) (*IDEM Forms Webpage; see Open Burning*)
  - Identification of Potentially Affected Persons (State Form 49635)
  - Request for Use of an Air Curtain Open Pit Destructor (State Form 43688)
  - Request for Variance from 326 IAC 4-1 (Tree Waste or Clean Wood Waste) (State Form 43692)
- Indiana Code 13-17-9-1: [iga.in.gov/legislative/laws/2020/ic/titles/13/#13-17-9-1](http://iga.in.gov/legislative/laws/2020/ic/titles/13/#13-17-9-1)
- Indiana Administrative Code 326 IAC 4: [iac.iga.in.gov/iac/title326.html](http://iac.iga.in.gov/iac/title326.html)
- IDEM Open Burning Webpage: [www.idem.IN.gov/openburning](http://www.idem.IN.gov/openburning)