

## FACT SHEET



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

### Agricultural Open Burning

Office of Air Quality

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

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#### **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 allows for burning of vegetation from agricultural land for maintenance purposes. Vegetation from a farm, orchard, nursery, tree farm, or drainage ditch may be open burned for maintenance purposes.

#### **Frequently Asked Questions:**

##### ***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 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.
  - IDEM can grant approval under the Open Burning Rule (326 IAC 4-1-4.1) for the burning of natural growth derived from a clearing operation such as removal of natural growth for a change in use of the land. Approval generally requires the use of an air curtain destructor, which is to reduce the particulate matter and smoke resulting from burning clean wood waste.
  - Information about the application and approval process can be found at: <http://www.in.gov/idem/airquality/2413.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 and extinguishing equipment must be available at all times until the fire is completely extinguished.
- Fires shall be extinguished if it creates a nuisance or a hazard.
- Burning may not be conducted during unfavorable weather conditions such as high winds 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 stricter than Indiana's Open Burning Statutes or Rule. Please reach out to your local air pollution control agencies, local 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?**

- Indiana Code 13-17-9-1: <http://www.IN.gov/legislative/ic/code>
- Indiana Administrative Code 326 IAC 4: <http://www.IN.gov/legislative/iac/title326.html>
- IDEM Open Burning Webpage: <http://www.in.gov/idem/airquality/2411.htm>
- IDEMs' Office of Air Quality at 800-451-6027, select option 4