

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Open Burning for Fire Training Purposes LSA Document #26-113

Overview

The Indiana Department of Environmental Management (IDEM) is proposing amendments to 326 IAC 4-1-3 to add an exemption from obtaining a permit or prior authorization before conducting open burning for fire training purposes. This exemption implements recent statutory changes in IC 13-17-9 and will be available for fire departments, local government units, and the mobile fire training units used by the Indiana Department of Homeland Security (DHS). The purpose of the exemption is to allow open burning for purposes of fire training without requiring the application and approval process for instances of one-time open burns or, in cases like the DHS mobile burn demonstration unit, eliminate the need to receive multi-year approvals to conduct fire training activities. Including the statutory exemption in the rules will clarify the applicability of the open burning requirements and potentially reduce compliance uncertainty. The exemption is added in 326 IAC 4-1-3(a) while changes to subsections (b) and (c) will update and clarify administrative rule language, reorganize some requirements, and eliminate outdated requirements.

During the Notice of First Public Comment Period, IDEM received comments from the U.S. Department of the Army and U.S. Department of the Air Force regarding the addition of an exemption for U.S. military facilities located within Indiana. The commenters requested that U.S. military facilities also receive the exemption to conduct open burning for fire training purposes on property owned or controlled by the U.S. military without a permit or prior authorization. IDEM has accommodated this request by adding new rule language at 326 IAC 4-1-3(a)(3) and 326 IAC 4-1-3(a)(4)(G) specifically for U.S. military fire departments.

IDEM also has made nonsubstantive amendments to the proposed rule since the publication of the First Notice of Public Comment Period that are based on recommendations from the Legislative Services Agency. These amendments are meant to improve the rule language rather than add new requirements or affect existing requirements. Examples of these changes include the following:

- Changing “must not” to “may not”.
- Using the acronym “DHS” instead of “IDHS” when referring to the Indiana Department of Homeland Security.
- Deleting the use of the words “all” or “such” throughout the rule.
- Clarifying and correcting phrases throughout the rule, such as adding “the” or “this” when referring to burning or referring to a single instance as “one (1) time” instead of “a time”.
- Changing words for consistency, such as referring to a “structure” rather than “house” at 326 IAC 4-1-3(c)(8)(E), adding “during burning” at 326 IAC 4-1-3(b)(1), and “as long

as” to “if” at 326 IAC 4-1-3(a)(B)(ii).

Affected Persons

The parties mainly impacted by this rulemaking are DHS, municipal fire departments, volunteer fire departments, and airport fire departments (commercial and military) because they are entities explicitly included in the exemption at IC 13-17-9-1(b) for open burning for fire training purposes. In addition, local units of government that host fire training might be impacted because fire training may occur on property owned or controlled by a local unit of government under IC 13-17-9-3(6). Lastly, U.S. military fire departments are impacted due to the exemption that was added at 326 IAC 4-1-3(a)(3) in response to comments received during the first public comment period.

Reasons for the Rule

IDEM initiated this rulemaking in response to legislative and executive actions that address the requirements for open burning for the purposes of fire training. Statutory changes enacted under House Enrolled Act 1637 (P.L.238-2025) during the 2025 Indiana General Assembly session added an exemption for open burning for fire training purposes at IC 13-17-9-1 and IC 13-17-9-3 that applied to certain fire departments and DHS. In addition, Executive Order 25-38 directed state agencies to identify unduly burdensome environmental regulations, and the report required by Executive Order 25-38 identified the requirement to obtain prior approval for open burning for fire training purposes as a requirement to revisit or remove. In response to these actions by the Indiana General Assembly and the Governor's office, IDEM has decided to initiate a rulemaking that adds an exemption for open burning for fire training purposes for fire departments identified at IC 13-17-9-1(b) and DHS.

Economic Impact of the Rule

The benefits of the proposed rule are likely to outweigh the costs due to the exemption from having to obtain a permit or prior authorization to conduct open burning for fire training purposes for DHS and certain fire departments. The exemption relieves the DHS and fire departments of burdensome application and compliance requirements and likely will result in cost savings. While IC 13-17-9-3(6) and 326 IAC 4-1-3(a)(3)(F) and (G) still include basic conditions for this type of open burning activity, the conditions are less burdensome than the compliance requirements under the application and approval process. The exact amount of these cost savings and benefits is difficult to quantify due to the discretionary nature and variety of open burning activities.

IDEM has attempted to quantify the administrative costs savings associated with the application process. IDEM has estimated that 17 to 27 entities annually will save up to one hour of administrative cost savings each by not having to submit an application for approval, for total cost savings between \$505.58 to \$802.98. Additionally, IDEM may experience between \$1,758.31 to \$2,792.61 administrative cost savings from reviewing 17 to 27 fewer open burning applications annually. Overall, affected entities will be able to reduce costs and focus more resources on fire training activities instead of complying with additional administrative requirements. Accordingly, IDEM believes the benefits of the rule outweigh any costs.

Scheduled Board Action and Hearings

First Public Hearing: October 15, 2026, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (in Indiana), or dwatts1@idem.in.gov.