

TITLE 326 AIR POLLUTION CONTROL DIVISION

LSA Document #26-113

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from May 6, 2026, through June 5, 2026, on IDEM's draft rule language. IDEM received comments from the following parties:

Michael Ackerman, U.S. Department of the Air Force (MA)

Michael Khalamayzer, U.S. Department of the Army (MK)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: Indiana's Open Burning for Fire Training Purposes regulation proposes to amend the requirements in 326 Indiana Administrative Code (IAC) 4-1-3 by adding an exemption for certain fire training facilities that conduct open burning for the purpose of fire training. The proposed rule includes a list of exempted fire departments including Indiana department of homeland security, municipal fire departments, airport fire departments, and volunteer fire departments. There is no express exemption for the military or Department of War (DOW) military service branch fire-fighting departments or emergency services. We would like to respectfully request IDEM's consideration of such an exemption for military services and fire training occurring on DOW owned or controlled property.

Such an exemption would save time and money for the military and IDEM and would ensure military installations such as Naval Support Activity Crane, Grissom Air Reserve Base, and Camp Atterbury need not submit recurring applications for identical, routine fire training activities. (MA)

Comment: Indiana's Open Burning for Fire Training Purposes regulation proposes to amend the requirements in 326 Indiana Administrative Code (IAC) 4-1-3 by adding an exemption for certain fire training facilities that conduct open burning for the purpose of fire training. In reviewing the proposed regulation, I noticed that a list of exempted fire departments was included (namely, the Indiana Department of Homeland Security, municipal fire department, airport fire department, and volunteer fire department); however, there is no express *[sic]* exemption for Department of War (DOW) or National Guard fire training facilities located on DOW-owned or -controlled property. Currently, burns for the purpose of fire training on military installations and facilities may be authorized by the issuance of an approval by the commissioner or the commissioner's designated agent after consideration of an approval application. This means military installations such as Naval Support Activity Crane, Grissom Air Reserve Base, and Camp Atterbury must submit recurring applications for identical, routine training activities.

Accordingly, on behalf of DOW, I respectfully request DOW and National Guard fire departments and fire-training facilities that perform open burning for fire training purposes on DOW-owned or -controlled property, be included within the list of exemptions. Extending this exemption to military services will eliminate redundant administrative burdens and ensure regulatory consistency across all professional firefighting entities in Indiana while directly

supporting military training and readiness. (MK)

Response: IDEM appreciates the commenters raising this issue. In response to these comments, IDEM has added an exemption at 326 IAC 4-1-3(a)(3) for U.S. military fire departments that conduct open burning for fire training purposes at property owned or controlled by the U.S. military. To meet the exemption, the entities must comply with the requirements in 326 IAC 4-1-3(a)(4), including specific requirements for U.S. military fire departments at 326 IAC 4-1-3(a)(4)(G).