

Materials to Burn Definitions

Agricultural Structures

The open burning of agricultural structures, provided that the open burning occurs on the premises, and for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department prior to the open burning. All chemicals and asphalt shingles shall be removed. All structures shall be inspected for suspect asbestos content by a state certified asbestos inspector. All asbestos-containing material shall be removed prior to burning. Burning shall be conducted only when weather conditions are favorable with respect to surrounding property. Tires shall not be used to ignite agricultural structures. The asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991, requires that burning of agricultural structures to be conducted in accordance with 40 CFR Section 61.145, "Standard for Demolition and Renovation."

For the purposes of this subrule, "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations. "Agricultural structures," for asbestos NESHAP purposes, includes all of the above, with the exception of a single residential structure on the premises having four or fewer dwelling units, which has been used only for residential purposes.

Landscape Wastes

Fires set for the disposal of landscape wastes including grass, leaves, weeds, trees, tree limbs, natural growth for land clearing, agricultural wastes, etc. providing these fires comply with §10.7 of this ordinance. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Burning shall be conducted when weather conditions are favorable with respect to surrounding property. Rubber tires shall not be used to ignite landscape waste. The open burning of landscape waste is limited to the property where such waste is generated.

Trees and Tree Trimmings

The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department and to the local governmental entity prior to the first instance of open burning at the site. The written waiver shall become effective only upon recording in the office of the recorded of deeds of the county in which the inhabited building is located. When the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the Department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

Disaster Rubbish

The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

Training Fires

For the purpose of this paragraph, a "training fire" is a fire set for the purpose of conducting a bona fide training of public or industrial employees in fire fighting methods. For the purpose of this subparagraph, "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on Live Fire Training Evolutions (2002 Edition), or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:

A training fire on a building is conducted with the building structurally intact

The training fire does not include the controlled burning of a demolished building.

If the training fire is to be conducted on a building, written notification must be provided to the Director and the Department on IDNR Form 542-8010, "Notification of an Iowa Training Fire-Demolition or a Controlled Burn of a Demolished Building," and must be postmarked or delivered to the Director at least ten working days before such action commences.

Notification shall be made in accordance with 40 CFR Section 61.145 as amended through January 16, 1991, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.

All asbestos-containing material shall be removed prior to the training fire.

Asphalt shingles may be burned in a training fire only if notification to the Director contains testing results indicating that none of the layers of asphalt shingles contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt shingles have not been removed, provided that for each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.

Rubber tires and other trash or garbage materials are not allowed substances for inclusion in training fires.

A copy of all asbestos test results shall be submitted to the Department. The Air Pollution Control Officer reserves the authority to inspect the proposed burning premises to verify compliance with the above listed requirements before issuing the open burning permit. The Air Pollution Control Officer may deny any training fire request based on factors such as public health, air quality in the vicinity and effects to the local environment or where evidence suggests that allowing the burning would cause the violation of any National Ambient Air Quality Standards.

Ceremonial Burning

Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bona fide civic, fraternal, religious, educational, or similar organization and must comply with §§10.7 and 10.11 of this ordinance.

Other Burning

Other open burning such as, but not limited to, native prairie management may be allowed on a case by case basis, through the issuing of an open burning permit, provided the Air Pollution Control Officer has determined that the burning will not adversely effect the air quality or will not violate any sections of this Ordinance and is reasonable and practical as compared to other alternatives available.