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*Health Dept
Environmental Engin
Air Pollution*

IOWA AIR POLLUTION CONTROL COMMISSION
IOWA STATE DEPARTMENT OF HEALTH
Lucas State Office Building
Des Moines, Iowa 50319

Pursuant to authority of section 4.3 and section 4.5 of Chapter 162, Acts of the Sixty-second General Assembly, the following rules relating to abatement and prevention of air pollution by control of open burning are adopted.

(Effective April 10, 1969)

RULES AND REGULATIONS RELATING TO
AIR POLLUTION CONTROL

CHAPTER 1
DEFINITIONS

1.1 (Ch. 162, 62GA) General

1.1(1) Meaning. For the purpose of these rules and regulations, the following terms shall have the meaning indicated in this chapter. The definitions set out in section 2 of Chapter 162, Acts of the 62nd General Assembly, shall be considered to be incorporated verbatim in these rules.

1.1(2) Scope. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except where the context otherwise requires and it is necessary to define the meaning as used in these rules and regulations to avoid misunderstanding.

1.2 (Ch. 162, 62GA) Definition of terms

1.2(1) Backyard Burning. The burning of rubbish originating on the premises by individuals domiciled on the premises.

1.2(2) Chimney or stack. Any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.

1.2(3) Garbage. All solid and semi-solid putrescible and non-putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial byproducts.

1.2(4) Open burning. Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.

1.2(5) Refuse. Garbage, rubbish, and all other putrescible and non-putrescible wastes, except sewage and water-carried trade wastes.

1.2(6) Rubbish. All waste materials of non-putrescible nature.

1.2(7) Salvage operations. Any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.

1.2(8) Trade waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials.

CHAPTER 2 OPEN BURNING

2.1 (Ch. 162, 62GA) Open burning

2.1(1) Open burning of refuse. No person shall allow, cause, or permit open burning of refuse, including trade wastes, except as provided in subsections 2.1(3) and 2.1(4).

2.1(2) Salvage by burning. No person shall conduct a salvage operation by open burning, except as provided in subsection 2.1(3).

2.1(3) Variances. Any person wishing to engage in the open burning of trade wastes, or in a salvage operation by open burning, may make application for a variance.

a. Application for variance. Each application for such variance shall be submitted to the Technical Secretary, accompanied by an affidavit stating the following:

(1) The name, address, and telephone number of the person submitting the affidavit or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the official in charge of the premises where refuse or trade wastes are to be burned, or salvage operations by open burning are to be performed.

(2) The type of business activity involved.

(3) The proposed operating practice, including the type and quantity of trade waste scheduled for disposal by open burning, or the type and number of items scheduled for salvage by open burning.

(4) Whether the open burning is to be conducted in a single instance, intermittently, or continuously.

(5) The exact location where open burning is proposed for disposal of rubbish or trade waste, or for salvage by open burning.

(6) The procedures to be followed to minimize air pollution.

(7) Reasons why no other method can be used for disposal of the trade waste without resulting in a hazard to health or property.

2.1(4) Exemptions. The conditions listed below are exempted from these rules and regulations.

a. Cooking of food. Open fires used only for the cooking of food for human consumption, or for recreational purposes, except for the premises of permanent commercial establishments.

b. Premise fires. Backyard burning, not including garbage, at dwellings of four (4) family units or less. The adoption of more restrictive ordinances or regulations of a governing body of the political subdivision relating to control of backyard burning shall not be precluded by these rules and regulations. Unless otherwise provided by ordinance or regulation, fires for the open burning of plant material grown on the premises or deposited thereon by the elements shall be permitted.

c. Diseased trees. The burning of diseased trees. However, when the burning of diseased trees causes air pollution, the Commission may take appropriate action to secure relocation of the burning operations.

d. Disaster rubbish. The open burning of rubbish produced during community disasters in cases where an officially declared emergency condition exists.

e. Flare stacks. Flare stacks for the combustion of waste gases.

f. Training fires. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.

g. Clearing and grubbing rubbish. The open burning of combustible materials produced in clearing, grubbing, and construction operations, provided that such burning shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building.

2.1(5) Compliance. Nothing in these rules and regulations is intended to permit any practice which is a violation of any statute, ordinance, or regulation.

2.1(6) Effective date. Governmental bodies conducting refuse disposal operations by burning shall submit to the Commission proposals for meeting these rules and regulations within six (6) months after the effective date, and shall comply with these rules and regulations within twelve (12) months after the effective date.

These rules are intended to implement subsection 4.3 and subsection 4.5 of Chapter 162, Acts of the 62nd General Assembly.

These rules shall be effective April 10, 1969.

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