APPLICATION FOR OPEN BURNING VARIANCE OF CLEAN WOOD AT LANDFILLS

NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WASTE MANAGEMENT
SFN 3473 (6-2019)

Telephone: 701-328-5166
Fax Number: 701-328-5200
Website: https://deq.nd.gov/WM

Clear Fields

Instructions: (1) Complete both sides of this form, (2) Obtain signatures of approval from appropriate health unit or North Dakota Department of Health inspector and fire department personnel, and (3) Send completed form to the address listed below.

Applicant's Name:			Company Name:		Telephone Number:
Mailing Address:			City:	State:	ZIP Code:
Location of burn site:	1/4 Section:	Section:	Township:	Range:	County:
Description of materials to be burned:					

The North Dakota Air Pollution Rules, North Dakota Administrative Code (NDAC) Chapter 33.1-15-01-07 allows variances in instances of **"exceptional circumstances"** as follows:

1. Whereupon written application of the responsible person or persons the department finds that by reason of exceptional circumstances strict conformity with any provisions of this article would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the department may permit a variance from this article upon such conditions and within such time limitations as it may prescribe for prevention, control, or abatement of air pollution in harmony with the intent of the state and any applicable federal laws.

2. No variance may permit or authorize the creation or continuation of a public nuisance, or a danger to public health or safety.

Due to considerations on pollution, the Department encourages better management for wood wastes, such as waste reduction, reuse of wood materials (such as lumber, pallets, use as firewood for heating, etc.), grinding the materials to make a mulch or compost medium, and/or utilizing a permitted air curtain destructor. **Routine trade waste (pallets, manufacturing waste, etc.) may not be allowed. Additional guidance is available from the Department.**

To obtain a variance under these provisions, the Department requests that applicants state what the "exceptional circumstances" are that necessitate a variance. We also request a description of what actions are being taken to reduce the need for variances. For our consideration of any variance request, please describe the justification and the waste reduction measures below (narrative may also be attached to variance application):

Exceptional circumstance for variance:
Measures taken and/or planned to reduce, reuse or recycle waste:

TOWNS OR OCCUPIED RESIDENCES WITHIN ONE MILE:

Name of Occupant	Direction From Burn Site	Distance From Burn Site

Burning will be supervised by:	Amount of time needed to complete burn:

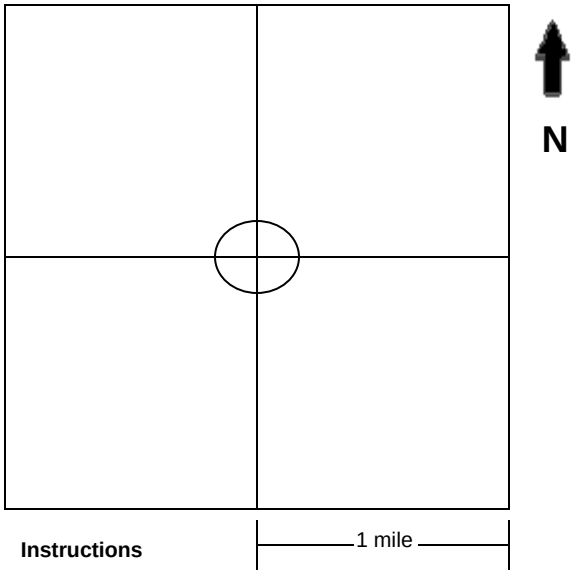
APPLICANT AND COORDINATION SIGNATURES:

I, the undersigned, understand that approval to conduct open burning does not exempt or excuse any person from the consequences, damages, or injuries which may result from it. I also agree to comply with the conditions of Chapter 33.1-15-04 of the North Dakota Air Pollution Control Rules and conditions listed on the Variance Approval to Open Burn if granted by the Department:

Applicant's Name:		Date:
District Health Unit or NDDEQ Inspector Approval:	Title:	Date:
City or Rural Fire Department Approval:	Title:	Date:

Send completed application to: North Dakota Department of Environmental Quality
Division of Waste Management
918 E. Divide Ave. - 3rd Floor
Bismarck, ND 58501-1947

Use this area for comments, remarks, diagrams and maps if necessary.



Instructions

Locating the burn site at the center, identify all occupied residences that are located within one mile of the burn site..

A VARIANCE APPROVAL TO OPEN BURN IS SUBJECT TO THE FOLLOWING:

1. Oil, rubber, asphalt, asphalt shingles, upholstered furniture, plastics, fabrics, insulation, foam, treated wood, electronics, appliances, household waste, hazardous materials, batteries, chemicals, and other materials which produce unreasonable amounts of air contaminants may not be burned.
2. Grass and leaves which smolder and do not burn readily shall not be burned. The material must be dry enough to burn cleanly and shall not contain noncombustible matter or items such as metal, glass, plaster, sheetrock, concrete, brick etc.
3. Care must be used to minimize the amount of dirt on the material being burned.
4. The initial burning may begin only between three hours after sunrise and three hours before sunset, and additional fuel may not be intentionally added to the fire at times outside those limits.
5. The burning must be conducted in such a manner to ensure that the fire will not spread to any material not approved for burning.
6. Prevailing winds at the time of burning at the above location must be away from any nearby city or occupied residence and must be away from any airport or landing strip within one mile (1.61 kilometers).
7. The burning may not be conducted adjacent to any highway or public road so as to create a traffic hazard.
8. The burning may not be conducted in such proximity to any Class I area that the visibility of such area is adversely impacted, as defined in Chapter 33.1-15-19 of the North Dakota Air Pollution Control Rules.
9. The local/appropriate fire department must be notified at least two (2) hours prior to burning.
10. Notification to the Department is required prior to starting the burn.
11. Burning activities must be attended and supervised at all times burning is in progress.
12. Burning is prohibited if the fire index is in the “extreme” category as issued by the National Weather Service.
13. If state or local fire officials determine conditions to be unsafe for open burning, such burning must cease until conditions are deemed to be safe by such officials.
14. The variance must be utilized within sixty (60) days of the Department approval date.