



Burn Variances and Trade Waste Issues

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The Burn Variance Application

- Short form – 1 page (both sides)
- Filled out by city personnel
- Required to answer all questions on form
- Requires signature of specific persons
 - Are YOU one of those persons?
 - A representative of the city or rural fire dept.
 - A District Health Unit Representative

Burn Variance Application

Please note the actual title of the application in its' entirety

“Application For Open Burning
Variance
Of Clean Wood At Landfills”

The title was officially changed in 2014



**APPLICATION FOR OPEN BURNING VARIANCE
OF CLEAN WOOD AT LANDFILLS**
NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF WASTE MANAGEMENT
SFN 3473 (12-2014)

Telephone: 701-328-5166
Fax Number: 701-328-5200
Website: www.ndhealth.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 33-15-01-07 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:

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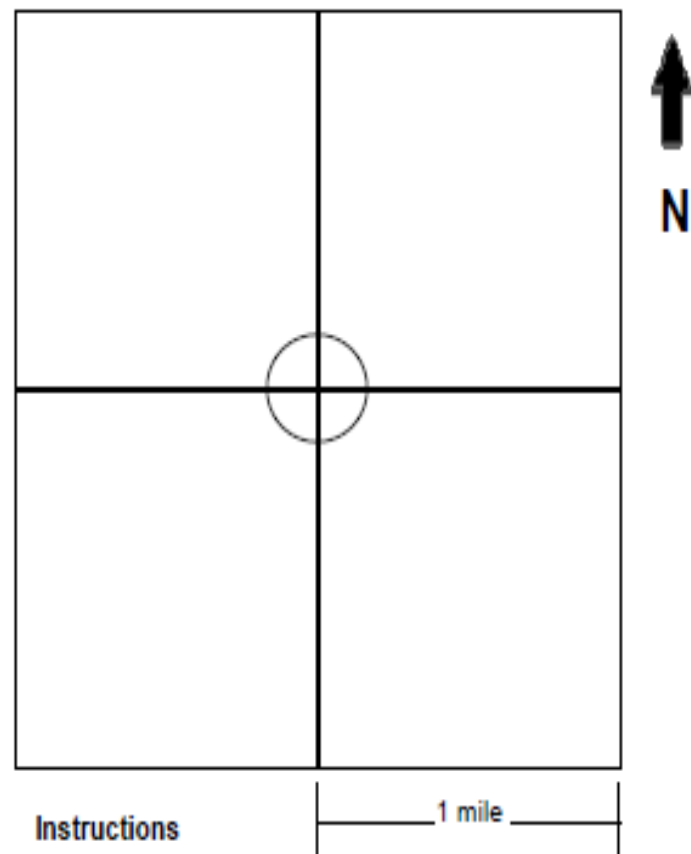
TOWNS OR OCCUPIED RESIDENCES WITHIN ONE MILE:

Name of Occupant	Direction From Burn Site	Distance From Burn Site

Burning will be supervised by:

Amount of time needed to complete burn:

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



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

- ☐ After signing – the city or town must wait for the Approval form to arrive from the Bismarck office**
- ☐ Sending in an application does not guarantee approval. Wait for approval before burning.**
- ☐ Rules on the Approval form should be followed along with those on the Application**
- ☐ Rules are similar on both forms**

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 33-15-19 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.

What to look for if you check a burn pile. . .



What should not be in this pile?





24 11:16 AM





8/5/2016





12 11:22 AM





Sometimes all this seems
like a lot of hoops to jump
through!



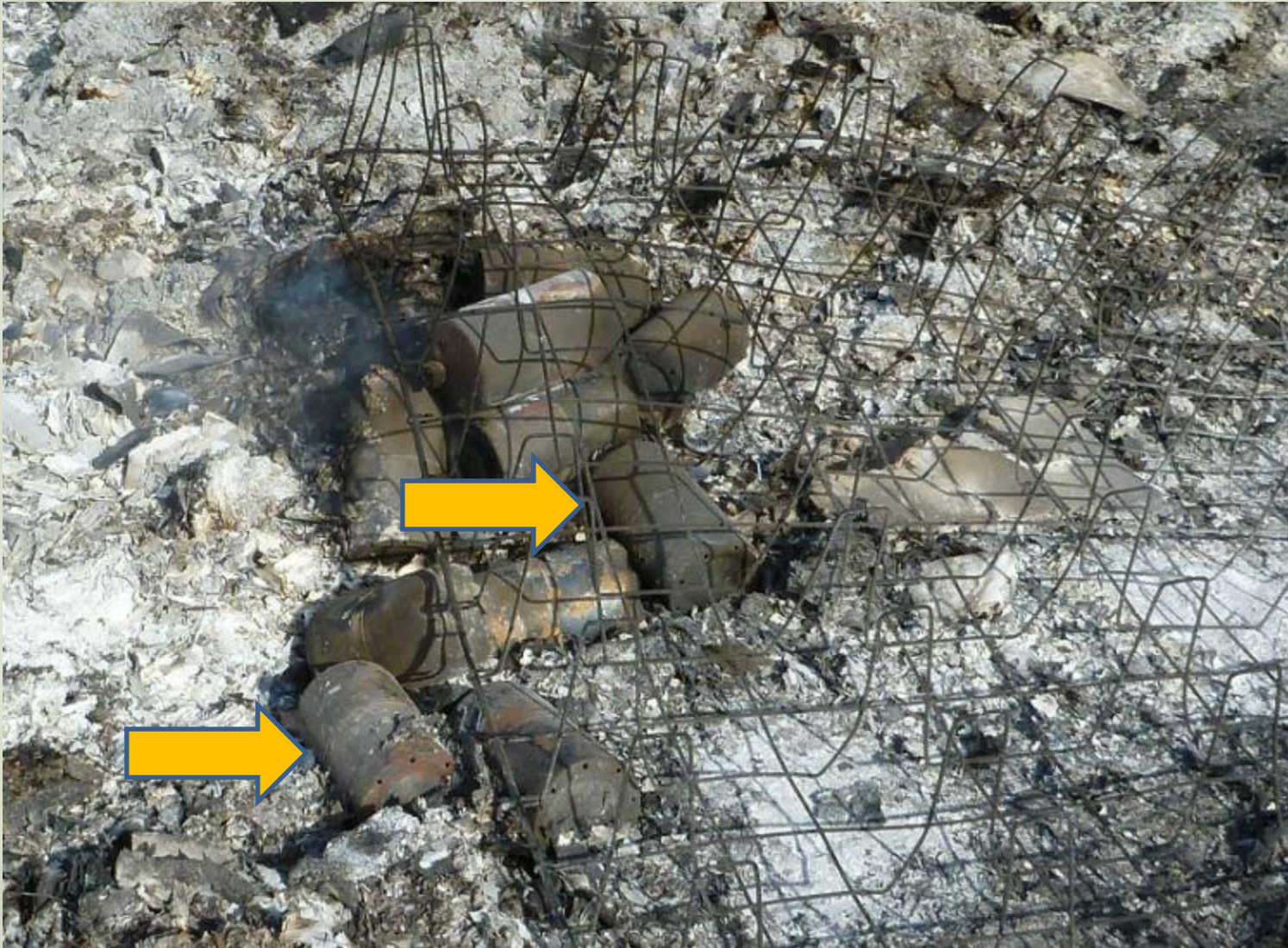
But please follow proper procedures



What was burned in this photo?



What was burned in this photo?



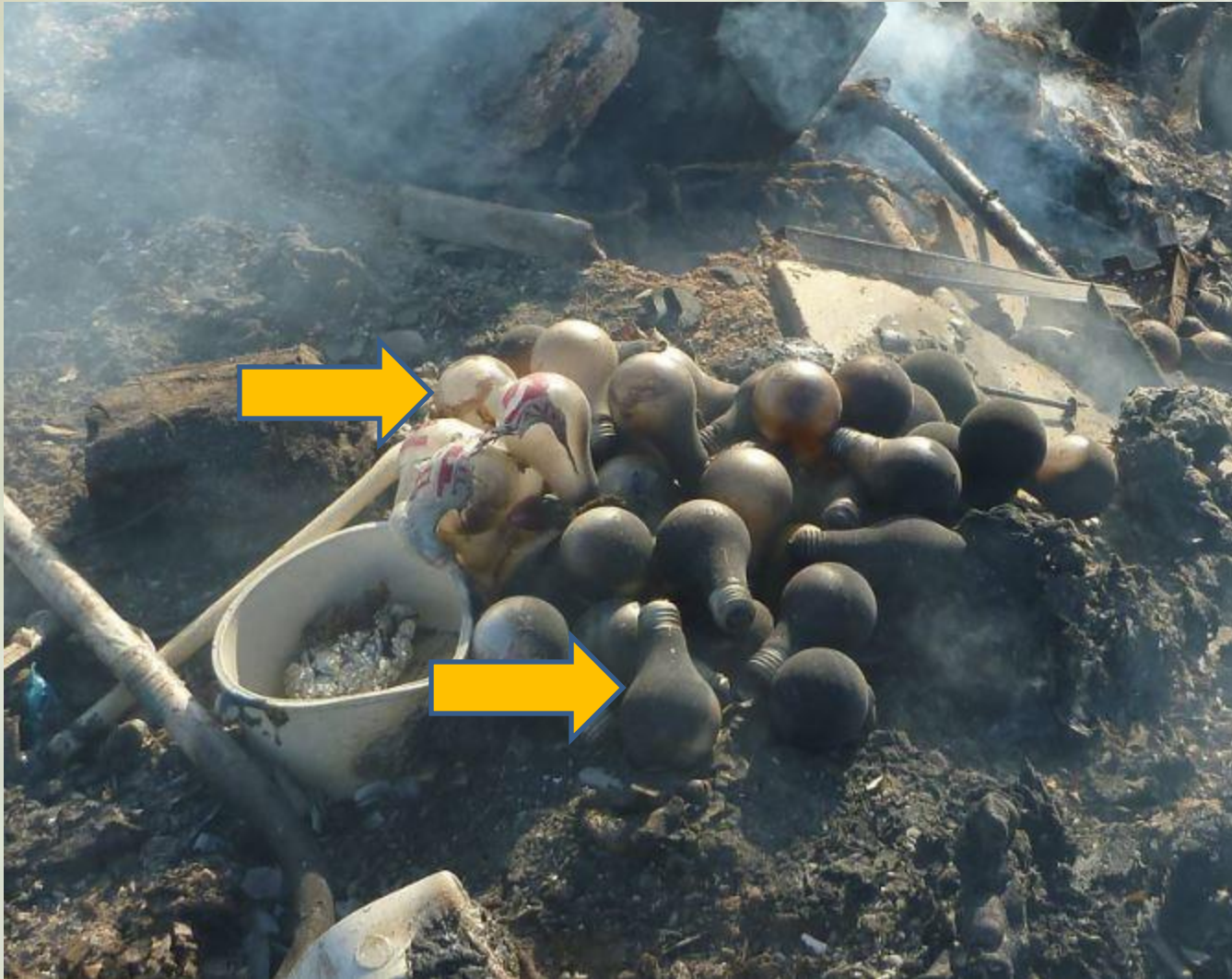
What was burned in this photo?



What was burned in this photo?



What was burned in this photo?



What was burned in this photo?





4 3:57 PM

What do you do if your burn pile contains prohibited items?



What do you do if your burn pile contains prohibited items?

Sort materials and separate into appropriate piles, removing all but the clean burning non-trade-waste wood from the burn pile.



START WITH:

- Access control
 - Monitored dumping
- 
- These keep out prohibited items!

NEXT:

- Fill out paperwork properly
- Mail in
- Wait for approval
- Follow all rules on page 2 of the application!

Things not allowed in the burn pile
at an inert landfill

Insulation

Upholstered furniture

Plastics

Shingles and tar paper

Tires

Insulation

Chemical Containers

Mattresses

Hoses and other rubber products

Should be Prohibited from entry to an inert
landfill

Any type of Battery

Liquids

Dead Animals (carcasses)


Oil (New and used)

Electronics

Trade Waste

What is a Trade Waste?

33-15-01-04. 50. Definitions. "Trade waste" means solid, liquid, or gaseous waste material resulting from construction or the conduct of any business, trade, or industry, or any demolition operation, including wood, wood containing preservatives, plastics, cartons, grease, oil, chemicals, and cinders.



Trade Waste

What is a Trade Waste?

A quick way to remember....

Any waste acquired while conducting business, is considered trade waste.

Trade Waste

What is a Trade Waste?



Trade Waste

Can you burn Trade Waste?

33-15-04-01. Refuse burning restrictions. No person may cause, conduct, or permit open burning of refuse, trade waste, or other combustible material, except as provided for in section 33-15-04-02 or 33-15-10-02, and no person may conduct, cause, or permit the conduct of a salvage operation by open burning.

Trade Waste

But the burn variance application says “clean wood”. Aren’t pallets and branches clean wood?

Considerations: (read your application carefully!)

- Is it an exceptional circumstance?
- The Department encourages better management of wood wastes. Routine trade waste (pallets, manufacturing waste, etc) may not be allowed.

Trade Waste Issues

Where might you encounter trade waste at your inert landfill?



Trade Waste Issues



Trade Waste Issues



Highlights

- Burn variances are only allowed for “exceptional circumstances”
- Allowable items include ONLY clean wood
- Separate grass clippings from wood. They smolder and shouldn't be burned
- Burnable wood piles should contain only trees and branches- avoid stumps with lots of soils
- Trade wastes are not allowed to be burned.

Any Questions?