



APPLICATION FOR OPEN BURNING VARIANCE
 NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY
 DIVISION OF AIR QUALITY
 SFN 8509 (3-2026)

Instructions: (1) Complete all 3 pages of this form, (2) obtain signatures of acknowledgement from appropriate health unit and fire department personnel, and (3) send completed application to the address listed on the last page.

Applicant's Name	Company Name				Telephone Number
Mailing Address	City			State	Zip Code
Location of Burn Site	¼ Section	Section	Township	Range	County
Description of Material To Be Burned					

Open burning causes air pollution. The Department encourages waste reduction programs and recycling as practical alternatives to disposing of refuse and other combustible material by open burning.

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

“Where upon 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.”

Explain why this request for a variance should qualify as “exceptional circumstances.” (Continue on reverse if necessary)	<u>Burning Will Be Supervised By</u> Name
	Organization
	Telephone Number
	Approximate Burning Date(s)

ASBESTOS – BUILDING INFORMATION

Legal Owner of Building	Address	Telephone Number
Address of Building to be Burned		
In accordance with NDAC 33.1-15-13, if this request is for the burning of a facility, the facility must be inspected for asbestos, a Notification of Demolition and Renovation form (SFN 17987) must be submitted to this Department and all asbestos must be removed prior to burning. In most cases, a facility includes all types of structures except a single-family home or an apartment building having no more than four units.		Date SFN 17987 Form Submitted (if applicable)

TOWNS OR OCCUPIED RESIDENCES WITHIN ONE MILE

Name	Direction From Burn Site	Distance From Burn Site

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 therefrom. I also agree to comply with the conditions of Chapter 33.1-15-04 of the North Dakota Air Pollution Control Rules and the conditions listed on the Variance Approval to Open Burn, if granted by the Department.	
Applicant's Signature	Date

ACKNOWLEDGEMENTS

Local or District Health Unit Signature	Health Unit	Title	Date
Printed			
City or Rural Fire Department Signature	Fire Department	Title	Date
Printed			

NOTE: Unless your local health unit has final authority, written approval must be received from the North Dakota Department of Environmental Quality before burning can take place.

Remarks/Comments (if necessary):

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

1. Oil, rubber, asphalt, hazardous materials and other materials which produce unreasonable amounts of air contaminants may not be burned.
2. The material must be dry enough to burn cleanly.
3. Care must be used to minimize the amount of dirt on the material being burned.
4. The burning must be conducted only when meteorological conditions favor smoke dispersion or air mixing.
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. When burning is in progress, winds must not be blowing toward any nearby city or occupied residence, or toward any airport or landing strip adjacent to the burn location.
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 1 area (Theodore Roosevelt National Park and Lostwood National Wildlife Refuge) 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 hours prior to burning.
10. Burning activities must be attended and supervised at all times when burning is in progress.
11. Burning is prohibited if the fire index is in the “extreme” category as issued by the National Weather Service.
12. 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.
13. The variance must be utilized within sixty days of the Department approval date, unless otherwise approved.

Send completed application to:

North Dakota Department of Environmental Quality
Division of Air Quality
4201 Normandy Street, 2nd Floor
Bismarck, ND 58503-1324
Telephone: (701)328-5188
Fax: (701)328-5200