

**DNR REGULATORY AGENDA FOR SFY 2008
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority

Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Open Burning – Exemption for Prescribed Natural Resource Burns

Rule Chapter(s) that may be involved

567 IAC Chapter 23

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This action will add “prescribed natural resource burns” to the list of exemptions from the open burning ban in air quality rules. Prescribed natural resource burns may be conducted for purposes of restoring, reconstructing or managing natural area vegetation such as prairies, grasslands, wetlands, woodlands (including forest and savanna), and wildlife habitat areas.

Costs: Any cost to regulated parties would be minimal. The rule may include that a burn plan be prepared and available at the site of the prescribed burn. However, most groups conducting prescribed burns already prepare burn plans. Some types of burns may require notifying residents or businesses within a certain area of the proposed burn. It is expected that most parties conducting prescribed burns already notify area residents and businesses.

Benefits: The proposed rules will provide recognition of prescribed burns as a legitimate natural resource management tool, and will specify the requirements for minimizing impacts to air quality.

Legal Basis

(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code section 455B.133.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Currently, there is no explicit open burning exemption for prescribed burning. It has been covered under the existing “landscape waste” exemption in the air quality rules. However, prescribed burning has a different objective from most landscape waste burning, which is usually conducted for waste disposal. Prescribed burning is necessary to enhance and regenerate natural area vegetation. Additionally, prescribed burns have distinctly different smoke emissions and air quality impacts from burning landscape waste such as leaves and grass piles.

Other Affected/Interested Rule Making Authorities

EPA, US Forest Service, US Park Service, DED, DOT, DPS, Emergency Management Division, Professional Licensure Division, Linn and Polk county air quality programs, and other county and local entities.

Potential Public Groups Impacted

The Nature Conservancy, Iowa Prairie Network and other private, non-profit land managers. Private owners with natural areas.

Schedule:

(Actions & month/year)

EPC informational item by April 2008
Notice of Intended Action to be filed by May 2008
Public hearings in June & July 2008
Final rule to EPC by August 2008

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