

SENATE JOINT RESOLUTION 9
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 93)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution to nullify portions of an administrative rule
2 relating to open burning of certain agricultural and other
3 wastes and providing an effective date.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.J.R. 9

1 Section 1. 567 Iowa administrative code, rule 23.2,
2 subrule 3, paragraphs d, g, h, and i, are nullified to read as
3 follows:

4 d. LANDSCAPE WASTE. The disposal by open burning of
5 landscape waste originating on the premises. However, ~~the~~
6 ~~burning-of-landscape-waste-produced-in-clearing, grubbing-and~~
7 ~~construction-operations-shall-be-limited-to-areas-located-at~~
8 ~~least-one-fourth-mile-from-any-inhabited-building.~~ Rubber
9 tires shall not be used to ignite landscape waste.

10 g. TRAINING FIRES. Fires set for the purpose of bona fide
11 training of public or industrial employees in fire fighting
12 methods, ~~provided-that-written-notification-is-postmarked-or~~
13 ~~delivered-to-the-director-at-least-ten-working-days-before~~
14 ~~such-action-commences.~~ Notification shall be made in
15 accordance with 40 CFR Section 61.145, "Standard for
16 demolition and renovation", of the asbestos National Emission
17 Standards for Hazardous Air Pollutants, as amended through
18 March 5, 1992. ~~All asphalt roofing and asbestos-containing~~
19 ~~materials shall be removed prior to the training fire.~~

20 h. PAPER OR PLASTIC PESTICIDE CONTAINERS AND SEED CORN
21 BAGS. The disposal by open burning of paper or plastic
22 pesticide containers (except those formerly containing organic
23 forms of beryllium, selenium, mercury, lead, cadmium or
24 arsenic) and seed corn bags resulting from farming activities
25 occurring on the premises. Such open burning shall be limited
26 to areas located at least one-fourth mile from any inhabited
27 building, livestock area, wildlife area, or water source. ~~The~~
28 ~~amount-of-paper-or-plastic-pesticide-containers-and-seed-corn~~
29 ~~bags-that-can-be-disposed-of-by-open-burning-shall-not-exceed~~
30 ~~one-day's-accumulation-or-50-pounds, whichever is less.~~
31 However, when the burning of paper or plastic pesticide
32 containers or seed corn bags causes a nuisance, the director
33 may take action to secure relocation of the burning operation.
34 Since the concentration levels of pesticide combustion
35 products near the fire may be hazardous, the person conducting

1 the open burning should take precautions to avoid inhalation
2 of the pesticide combustion products.

3 i. AGRICULTURAL STRUCTURES. The open burning of
4 agricultural structures ~~outside-of-cities-or-towns~~, provided
5 the open burning occurs on the premises, all chemicals and
6 ~~asphalt-shingles~~ are removed, burning is conducted only when
7 weather conditions are favorable with respect to surrounding
8 property, and permission from the local fire chief is secured
9 in advance of the burning. Rubber tires shall not be used to
10 ignite agricultural structures.

11 For the purposes of this subrule, "agricultural structures"
12 means barns, machine sheds, storage cribs, animal confinement
13 buildings, and homes located on the premises and used in
14 conjunction with crop production, livestock or poultry raising
15 and feeding operations.

16 Sec. 2. This joint resolution, being deemed of immediate
17 importance, takes effect upon enactment.

18 EXPLANATION

19 This joint resolution nullifies portions of an
20 administrative rule of the department of natural resources
21 which prohibits open burning, but provides exemptions to the
22 prohibition.

23 In addition, the resolution nullifies a provision which
24 limits burning of landscape waste produced in clearing,
25 grubbing, and construction operations to areas located at
26 least one-fourth mile from any inhabited building. The
27 resolution nullifies a provision requiring that written
28 notification be provided to the director of the department of
29 natural resources at least 10 days prior to setting a training
30 fire for fire fighter training and nullifies a provision
31 requiring that asphalt roofing and asbestos-containing
32 materials must be removed prior to the training fire.

33 The resolution nullifies a restriction on the open burning
34 of paper or plastic pesticide containers and seed corn bags
35 resulting from farming activities which limits the burning to

1 areas at least one-fourth mile from an inhabited building,
2 livestock area, wildlife area, or water source and limits the
3 amount of paper, plastic pesticide containers and seed corn
4 bags that can be burned to 50 pounds.

5 Finally, the resolution nullifies a provision which limits
6 the open burning of agricultural structures to those areas
7 outside of cities or towns and nullifies a requirement that
8 all asphalt shingles be removed prior to the burning of the
9 agricultural structure.

10 The resolution is effective upon enactment.

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Priebe
Giannetta
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SSB-93

Agriculture
Succeeded By
SF/HE 9

SENATE JOINT RESOLUTION
BY (PROPOSED COMMITTEE ON
AGRICULTURE RESOLUTION
BY CHAIRPERSON PRIEBE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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16 demolition and renovation" ~~of-the-asbestos-National-Emission~~
17 ~~Standards-for-Hazardous-Air-Pollutants, as amended through~~
18 ~~March-5-1992.~~ All asphalt roofing and asbestos-containing
19 materials shall be removed prior to the training fire.

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