



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

To: Interested Parties

From: Phil Perry, Chief ^{PRP}
Compliance & Enforcement Branch
Office of Air Quality

Subject: Notice of Decision - Open Burning Approval Granted Pursuant to 326 IAC 4-1

Please be advised that on behalf of the Commissioner of the Indiana Department of Environmental Management, I have issued a decision regarding an application for open burning approval pursuant to 326 IAC 4-1.

Notice of Right to Administrative Review

If you wish to challenge this action, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. An identification of each petitioner's interest in the subject of the petition.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the determination; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The facts, terms or conditions of the action for which the petitioner requests review.
7. The identity of any persons represented by the petitioner.
8. The identity of the person against whom administrative review is sought.
9. A copy of the action that is the basis of the petition.
10. A statement identifying petitioner's attorney or other representative, if any.

(continued next page)

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have an action stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-0850 or see OEA's website at <http://www.in.gov/oea>.

What if you are not satisfied with this decision and you want to file an appeal?

Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing.”

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved or adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Environmental Adjudication (OEA) was established by state law – see Indiana Code (IC) 4-21.5-7 – and is a separate state agency independent of IDEM. The jurisdiction of the OEA is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OEA, your appeal may be considered by an Environmental Law Judge.

What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (Or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a “Petition for Administrative Review” (appeal), you may wish to specifically request that the action be “stayed” (temporarily halted) because most appeals do not allow for an automatic “stay.” If, after an evidentiary hearing, a “stay” is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not “stayed” the IDEM-approved activity will be allowed to continue during the appeal process.

(See reverse side)

Where can you file an appeal?

If you wish to file an appeal, you must do so in writing. There are no standard forms to fill out and submit, so you must state your case in a letter (called a petition for administrative review) to the Indiana Office of Environmental Adjudication (OEA). Do not send the original copy of your appeal request to IDEM. Instead, send or deliver your letter to:

The Indiana Office of Environmental Adjudication
100 North Senate Ave.
Indiana Government Center North
Room N501E
Indianapolis, IN 46204

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal (petition for administrative review) must be received by the Office of Environmental Adjudication in a timely manner. Different types of permit approvals have different deadlines for filing an appeal. The accompanying Notice of Decision (NOD) explains how to determine the due date for filing an appeal for this particular permit decision. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to the OEA by the close-of-business on the due date. (If the due date falls on a day when the Office of Environmental Adjudication (OEA) is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OEA is open.); or
- 2) Given to a private carrier who will deliver it to the OEA on your behalf, (and from whom you must obtain a receipt dated on or before the due date); or
- 3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the due date; or
- 4) Faxed to the OEA at 317/233-9372 before the close-of-business of the due date, provided that the original signed "Petition for Administrative Review" is also sent, or delivered, to the OEA in a timely manner.

What are the costs associated with filing an appeal?

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. However, OEA does charge a fifteen cent (\$.15) per page fee for copies of any documents you may request. Another cost that could be associated with your appeal would be for attorney's fees. Although you have the option to act as your own attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

What can you expect from the Office of Environmental Adjudication (OEA) after you file for an appeal?

The OEA will provide you with notice of any prehearing conferences, preliminary hearings, hearings, "stays," or orders disposing of the review of this decision. In addition, you may contact the OEA by phone at 317/232-8591 with any scheduling questions. However, technical questions should be directed to IDEM at the number indicated on the Notice of Decision.

Do not expect to discuss details of your case with the OEA other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OEA is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.



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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

September 17, 2021

Tania Daffron, Battalion Chief
City of Bloomington Fire Department
PO BOX 100
Bloomington, Indiana 47402
DaffroTa@bloomington.in.gov

Re: Approval FT-261952 Pursuant to 326 IAC 4-1
APPROVED

Battalion Chief Daffron:

You are hereby notified that your request for an approval from 326 IAC 4-1 is approved to conduct live fire training using the structures located at 1211 & 1213 S. High Street, Bloomington, Monroe County. In addition, within the structure at 1213 S. High Street, the carpeting may be left in place on the 2 basement staircases and the 1 staircase leading to the second story in order to minimize damage to turnout gear. Adequate measures must be taken to ensure the carpeting does not catch fire during the training and all carpeting must be removed prior to the final burning of the structure.

NOTE: The following contacts must be notified at least twenty-four (24) hours in advance of the date and time of the burning:

- Monroe County Health Department
- Monroe County Sheriff's Department
- IDHS Fire & Public Safety Academy – Wade Walling, Director
- IDEM SERO - Mark Amick

Following are the conditions for burning:

1. All asbestos-containing materials (ACM), asphalt roofing (including backer paper), and vinyl siding (including foam board insulation) must be removed before the intentional burning of any structure. These materials may not be burned and must be disposed of in an approved landfill.
2. Mercury switches and fluorescent bulbs must be removed from the structure and recycled or disposed of in a properly permitted municipal solid waste facility. It is recommended that they be sent to a local household waste collection location. For additional information, contact your solid waste management district (SWMD), visit www.idem.IN.gov/recycle, or contact IDEM at the numbers above.
3. If at any time the fire creates an air pollution problem, a threat to public health, a nuisance, or a fire hazard, the burning shall be extinguished.
4. No burning shall be conducted:
 - (a) When an Air Quality Action Day (AQAD) has been issued for ozone and/or PM_{2.5}. An AQAD is declared when health levels are forecasted to be "Unhealthy for Sensitive Groups" or greater;
 - (a) When an open burning ban has been declared by either state or local officials (www.IN.gov/dhs/burnban/); or
 - (b) During unfavorable meteorological conditions (high winds, temperature inversions, and/or air stagnation).Visit apps.idem.in.gov/smogwatch/Today.aspx, or contact Mark Derf at (317) 233-5682, for additional information.
5. Burning shall be conducted during daylight hours only and all fires shall be extinguished prior to sunset.
6. This approval letter shall be made available at the burning site to state or local officials upon request.
7. Burning may take place within one hundred (100) feet of a structure or power line; or three hundred (300) feet of a frequently traveled road, fuel storage area, or pipeline only if adequate precautions are taken. Wind speed, direction, mixing height, and transport winds shall be considered prior to beginning the burn so that there is minimal or no impact to nearby roads, structures, power lines, fuel storage areas, or pipelines.
8. All burning must comply with other federal, state, and local laws, regulations, and ordinances, including 40 CFR 61 Subpart M (National Emissions Standards for Asbestos).
9. Prior to the commencement of any demolition or renovation activities at the structure, the owner or operator must use an Indiana licensed asbestos inspector to inspect the structure thoroughly for the presence of asbestos-containing materials (ACM). All ACM must be removed prior to preparing the structure for the demolition (intentional burning). Depending on the types and amounts of ACM discovered by the licensed inspector, an Indiana licensed asbestos contractor using licensed personnel may be required to have the ACM removed in accordance with applicable state and federal rules and regulations (326 IAC 14-10, 326 IAC 18-1, and 40 CFR 61 Subpart M).

State Form 44593 "Notification of Demolition and Renovation Operations" must be submitted **10 business days** before the commencement of either the asbestos removal, or the intentional burning. This notification form must be submitted even if no asbestos is present. Please do not include copies of the asbestos inspection report when submitting the asbestos notification. Retain a copy of the report for your records so that it may be made available upon request.

Notifications can be submitted by any of the following methods:

- (a) E-Mail: AsbestosDemoReno@idem.IN.gov
- (b) Fax: (317) 233-3257
- (c) Mail/Hand Delivered:
IDEM, OAQ - Asbestos
100 N. Senate Ave., Room N1003
Indianapolis, IN 46204

Please be aware that upon submitting a notification, IDEM will assess a fee of \$50 for each structure being demolished. It is not necessary to include this fee when submitting the required notification. IDEM issues invoices to building owners/operators on a quarterly basis.

Visit IDEM's Asbestos website, www.idem.IN.gov/asbestos, for further guidance including instructions on how to search for licensed asbestos inspectors & contractors, obtaining necessary forms, and additional billing information.

10. This approval does not become effective until after fifteen days from the date of publication in *The Herald Times*.

This approval will expire September 15, 2022.

If you have any questions concerning this letter, please contact Brock Jones at (317)518-8279 or (800)451-6027, ext.3-2721 (toll free within Indiana), BJones2@idem.IN.gov, or write to him at the above address.

Sincerely,



Janusz Johnson, Chief
Compliance and Enforcement Branch
Office of Air Quality

Enclosures

Approval FT-261952

cc: Monroe County Health Department (healthdept2@co.monroe.in.us)
Monroe County Sheriff's Department (sheriffsoffice@co.monroe.in.us)
Property Owner: Privet Drive LLC (EvanMartin03@yahoo.com)
IDHS Fire & Public Safety Academy: ATTN – Director Walling (WWalling@dhs.IN.gov)
ACSI (Asbestos), IDEM OAQ
Mark Amick, IDEM SERO (MAmick@idem.IN.gov)
Daniel Ross, IDEM SERO (DRoss@idem.IN.gov)
Brock Jones, IDEM OAQ (BJones2@idem.IN.gov)



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September 17, 2021

ATTENTION: Legal Advertising, Public Notices
The Herald Times
P.O. Box 909
Bloomington, Indiana 47402
publicnotice@heraldt.com

Enclosed, please find one (1) Indiana Department of Environmental Management Notice of Public Comment for an approval from 326 IAC 4-1 to conduct live fire training to City of Bloomington Fire Department.

Since our agency must comply with the requirement which calls for a 15 day Notice Period, we request that you print this Notice one time as soon as possible.

We are required by the Auditor's Office to request that you place the Federal ID Number on this claim. Please send a notarized form and clipping showing the date of publication along with the billing to, Attn: Trudy Price, MC 50-10A, Room 1340, Indiana Department of Environmental Management, 100 North Senate Avenue, Indianapolis, Indiana 46204.

If you have any questions concerning this letter, please contact me at (317)518-8279 or (800)451-6027, ext. 3-2721 (toll free within Indiana), BJones2@idem.IN.gov, or write to me at the above address.

Sincerely,

Brock Jones
Compliance Section II
Office of Air Quality

Enclosures
Approval FT-261952

NOTICE OF OPEN BURNING APPROVAL
FT-261952

Notice is hereby given that an approval from 326 IAC 4-1 has been issued to the City of Bloomington Fire Department, to conduct live fire training using the structures located at 1211 & 1213 S. High Street, Bloomington, Monroe County. In addition, within the structure at 1213 S. High Street, the carpeting may be left in place on the 2 basement staircases and the 1 staircase leading to the second story in order to minimize damage to turnout gear. Adequate measures must be taken to ensure the carpeting does not catch fire during the training and all carpeting must be removed prior to the final burning of the structure.

Any affected person wishing to challenge this decision is required by Indiana Code Section (IC) 4-21.5-3-7 to file a petition for administrative review. (Please note that a "petition for administrative review" is not a compilation of interested party signatures but is a legal document, the requirements of which are described in IC 4-21.5-3-7.) The petition must be submitted in writing to N-501E, Indianapolis, Indiana 46204, within fifteen (15) days of the publication of this newspaper notice.

Pursuant to IC 13-14-8-11 (formerly IC 13-7-7-6), IC 4-21.5-3-5 and IC 4-21.5-3-7, this decision will become effective fifteen (15) days after the publication date of this newspaper notice or, in the case of individuals who have received personal notifications, eighteen (18) days after the mailing date of this Notice of Approval unless a petition for review is submitted by an affected party. Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide an interested party with notice of any pre-hearing conferences, preliminary hearing, or orders disposing of the review of this decision if a written request is submitted to the Office of Environmental Adjudication. Further information regarding the appeal process is available at <https://www.in.gov/oea/2370.htm>.

A copy of the Approval decision is available for inspection and copying at the following:

- Monroe County Health Department, 119 W. 7th Street, Bloomington
- Monroe County Public Library, 303 E. Kirkwood Avenue, Bloomington
- Indiana Department of Environmental Management (IDEM) Virtual File Cabinet (VFC) at vfc.idem.in.gov
 - The Approval can be found in VFC by using the following search criteria:
 - *Program*: OAQ
 - *Document Type*: Compliance
 - *FullText Search*: FT-261952



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September 17, 2021

TO: Monroe County Public Library
303 E. Kirkwood Avenue
Bloomington, Indiana 47408-3534
mwood@mcpl.info

FROM: Janusz Johnson, Chief
Compliance and Enforcement Branch
Office of Air Quality

RE: Open Burning Approval: Fire Training

In an effort to better disseminate approval information to the public for their review and comment, the Indiana Department of Environmental Management requests the use of the services of libraries statewide. Enclosed is a copy of the approval to conduct live fire training issued to the City of Bloomington Fire Department. Please allow patrons to access this information for reading or copying. These are not copyright documents, and your current policies regarding photocopy charges apply. We ask that this document be maintained for at least 15 days from the date of publication in *The Herald Times*. You are not responsible for collecting or responding to comments or questions regarding the approval. Any comments or questions should be directed to the staff member noted in the approval or sent to:

Department of Environmental Management
Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

An approval notice will be published in the local newspaper. In this notice, your library will be designated as a location where the public review can take place.

Thank you for your assistance in better informing the public about the Department's activities.

If you have any questions concerning this letter, please contact Brock Jones at (317)518-8279 or (800)451-6027, ext.3-2721 (toll free within Indiana), BJones2@idem.IN.gov, or write to him at the above address.

Enclosures
Approval FT-261952