



DEPT. OF WATER, ENERGY, AND ENVIRONMENT

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Fire Training Burns

This Guidance Document provides information on conducting fire training burns on existing structures in Nebraska. The Nebraska Department of Water, Energy, and Environment (DWEE) often gets questions on what the rules are for conducting a training burn. Burning of existing structures must be conducted as fire training burns or be specifically permitted by the DWEE Air Quality Program. This document will point out who needs to be involved under existing regulation and provide introductory directions. DWEE Title 128 – Nebraska Hazardous Waste Regulations governs hazardous waste requirements pertinent to waste management after the burn. DWEE Title 129 – Nebraska Air Quality Regulations contains DWEE regulations pertaining to open burning and also adopts the federal asbestos regulations found at 40 CFR 61 Subpart M on the Environmental Protection Agency (EPA) website. Other departments that have rules impacting fire training burns are listed below.

DWEE Titles 128 and 129 may be obtained on the web. Asbestos regulation is addressed by Title 178 Nebraska Administrative Code (NAC) 22, which is on the Nebraska Department of Health & Human Services (NDHHS) website and the 40 CFR 61 series, which can be found on the EPA website. The Nebraska State Fire Marshal (NSFM) fire training burn requirements are governed by statute and can be found at the NSFM website. All the websites are listed in the references at the end of this document.

Frequently Asked Questions:

What do I need to do to use a condemned or obsolete building for a fire training exercise?

Plan Ahead! The very first thing you must do is have the structure inspected by a licensed asbestos inspector to ensure the structure does not contain asbestos. If the structure does contain asbestos, it must be removed in accordance with NDHHS regulations (Title 178 NAC 22, Para 005.01C 2). This is a NDHHS requirement.

Why is that so important, and what do I do next?

1. NDHHS Title 178 NAC 22-005 requires the structure be inspected by a licensed, asbestos inspector to ensure the structure is free of Regulated Asbestos Containing Materials (RACM). Title 129, Title 178, and the federal asbestos regulations require RACM be removed prior to intentional burning of a “facility” as defined by the federal regulations. Any structure becomes a “facility” once the fire department attains control of the structure. If the structure contains three

or more square feet or three or more linear feet of asbestos containing material, the “Asbestos Project Notification” Form 5 must be completed and submitted to NDHHS at least ten working days in advance of the project start date (the asbestos removal). Follow the general instructions supplied with Form 5. Fire departments are not required to enclose the \$200 notification fee for projects that are fire training.

2. You must do all this because that information is required by federal regulation (40 CFR 61.145). Based on that federal regulation, the DWEE must receive the “Nebraska Fire Training Demolition Notification” form at least ten working days prior to site preparation or asbestos removal.

In addition, whenever a structure under the control of the fire department is to be demolished and moved to a safer burning site prior to the fire training exercise, a NESHAP Notification of Demolition and Renovation form must be submitted to the DWEE at least ten working days prior to any demolition action. Note that these forms are separate and distinct form requirements. Most fire training exercises do not require a structure to be moved; for those facilities a NESHAP Notification of Demolition and Renovation form will not need to be completed.

Either the original owner or the fire department who takes ownership to do the fire training exercise is responsible for obtaining the asbestos inspection. See DWEE’s “Policies and Guidelines for Fire Training Exercises.” Copies of the received “Nebraska Fire Training Demolition Notifications” are now available online. Go to the DWEE website, select “Maps & Data” in the left-hand column. In the center section scroll down to “Air Quality Data” and select “Asbestos Fire Training Demolition Notification”.

3. Call the Air Inspection & Compliance number or the NDHHS number if you have questions.

OK, the asbestos inspection is complete and the DWEE notification form was sent in. What now?

Get a good head start because the local fire department will need to complete the “Nebraska Fire Marshal Official Application for Permit to Burn the Building” form. This form includes a notarized affidavit that affirms the legal owner allows the fire department to burn the structure in question. The attached form can also be obtained at the NSFM website. This affidavit must accompany the Application for Permit. Call the NSFM number if you have questions.

Important: The structure cannot be demolished or burned for fire training until regulated asbestos containing materials have been properly removed from the structure and you have received the NSFM’s Permit to Burn. The NDHHS, NWDEE, and NSFM requirements are separate and cannot be combined. Each agency must receive the applicable forms.

The burn was approved and completed. Are we done yet?

Nope, the exercise is not quite finished. After the burn is completed, the ash and debris must be taken to a municipal solid waste landfill (Title 132). Hazardous Waste regulations may apply depending on the structure’s characteristics (Title 128). A house transferred to a fire department for training is no longer considered a household. The hazardous waste regulations will rarely be a problem if the contents of the structure were removed for proper disposal as required. Also see **Building Preparations** in the “Live Fire Training: Structural Standard Operating Procedure” which can be located on the NSFM website in its entirety. There are no notifications that need to be sent to the DWEE regarding waste disposal

However, it is always a good idea to coordinate first with the permitted landfill to ensure they will allow your waste to be disposed of there. Call the Waste Compliance Assistance number if you have any questions.

Note: for the purposes of legitimate fire training, the DWEE and the NSFM have agreed that a pile of material derived from a properly prepared structure or structures is considered a structure for fire training burn purposes. If there are multiple structures, each individual structure must have completed all the NDHHS, DWEE and NSFM requirements described above.

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