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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 Environment and Energy (NDEE) 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 NDEE Air Quality Division. This document will point out who needs to be involved under existing regulation and provide introductory directions. NDEE Title [128 – Nebraska Hazardous Waste Regulations](#) govern hazardous waste requirements pertinent to waste management after the burn. NDEE [Title 129 – Nebraska Air Quality Regulations](#) contain NDEE regulations pertaining to open burning and also adopt 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.

NDEE Titles 128 and 132 may be obtained on the web. They are found at <http://dee.ne.gov> by clicking on “Laws and Regulations”. Asbestos regulation is addressed by Title 178 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 it 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 (Additional Information link #1) 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 NDEE must receive “Nebraska Fire Training Demolition Notification” form (Link under NDEE Publications below) 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 NDEE at least ten working days prior to any demolition action. Note that the Nebraska Fire Training Demolition Notification form and the NESHAP Notice of Demolition form are separate and distinct form requirements. Most fire training exercises do not require a structure be moved; for those facilities the NESHAP 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 to obtain the asbestos inspection. See NDEE’s [“Policies and Guidelines for Fire Training Exercises”](#). Copies of the received “Nebraska Fire Training Demolition Notifications” are now available online. Go to the NDEE 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 NDEE 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” (Additional Info link #2). 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 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, NDEE, 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, Chapter 2, §001 and Chapter 1 §122). Hazardous Waste regulations may apply depending on the structure’s characteristics (Title 128, Chapter 2, §009). 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 NDEE regarding waste disposition. However, it is always a good idea to coordinate first with the permitted landfill to ensure they will allow your waste to be disposed there. Call the Waste Compliance Assistance number if you have any questions.

Note: for the purposes of legitimate fire training the NDEE 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, NDEE and NSFM requirements described above.

RESOURCES:

Useful Websites:

- NDEE Home Page – <http://dee.ne.gov/>
- Nebraska State Fire Marshal – <http://www.sfm.ne.gov/>
- NSFM Training Burns – <https://sfm.nebraska.gov/fire-departments/burn-permits>
- Environmental Protection Agency – <http://www.epa.gov/lawsregs>
- Nebraska Department of Health and Human Services – <http://dhhs.ne.gov>
- NDHHS Asbestos Program – <https://dhhs.ne.gov/Pages/Asbestos.aspx>

NDEE Publications*:

- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 129 – Nebraska Air Quality Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”
- NDEE Environmental Form – “Nebraska Fire Training Demolition Notification”
- NDEE Guidance Document – “Construction and Demolition Waste in Nebraska”
- NDEE Guidance Document – “Policies and Guidelines for Fire Training Exercises”
- NDEE Guidance Document – “Waste Determinations & Hazardous Waste Testing”
Guidance is available on the NDEE Home Page under “Publications & Forms”

Contacts:

- NDEE Main Line (402) 471-2186
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistance (402) 471-8308
- NDEE Air Inspection & Compliance Unit (402) 471-2189
- NDHHS Asbestos Control Program (402) 471-0549
- NSFM Training Burn Permits (402) 471-9471

Additional Information

- 1 **NDHHS’s** Asbestos Project Notification and Building Preparations is located at: <https://dhhs.ne.gov/Pages/Asbestos.aspx>
- 2 **State Fire Marshal’s** Official Application for Permit to Burn a Building & Affidavit is located at: <https://sfm.nebraska.gov/fire-departments/burn-permits>
- 3 **EPA’s** NESHAP Notification of Demolition and Renovation form can be [found on our website](#).