

# Open Burning

## Fire Training Guidance

### General Information

The Maine Department of Environmental Protection (DEP) allows municipal, volunteer, and industrial fire departments to conduct live fire training for research or bona fide instruction and training on structures. Live fire training must take place under the direct control and supervision of a qualified instructor who has met the requirements of an Instructor II in accordance with NFPA 1041. This may include the local chief, his or her designee, or an individual qualified as an instructor and designated by the authority having jurisdiction to be in charge of the live fire training evolution. A written objective for the instruction and training is required. The qualified instructor or sponsoring fire department must ensure that this requirement is met.

### Environmental Concerns

The environmental concerns from live fire instruction and training activities include releases of toxic emissions to the air and impacts to surface and groundwater from combustion of waste material and the presence of lead painted and asbestos-containing material.

The DEP strongly recommends that prior to the planned event outreach is conducted to inform neighbors and nearby properties that could potentially be impacted by the live fire instruction and training activity. Sites in rural areas are preferred. Structures considered for training burns must be located at least 50' away from waterbodies and have adequate erosion controls installed .



Chapter 102: Open Burning

[www.maine.gov/dep/air/rules](http://www.maine.gov/dep/air/rules)

### Notification Process

The DEP has created a notification form that includes a checklist to aid Fire Departments in documenting all actions taken to ensure the live fire training and instruction exercise meets the pertinent DEP regulations [www.maine.gov/dep/air/compliance/docs/fire-notify.pdf](http://www.maine.gov/dep/air/compliance/docs/fire-notify.pdf). The notification form and written objective for the training shall be electronically submitted or mailed to the Department at least **7 working days prior** to the planned event so a pre-burn inspection by Department staff can be conducted. Staff time and resources will determine availability, so provide adequate time and plan accordingly. A copy of the submitted documents should be retained for your records. Electronic submission email address:

[DEPFireTraining@maine.gov](mailto:DEPFireTraining@maine.gov)

**The intentional burning of a structure or previously demolished structure for disposal purposes is prohibited.**



## Planning and conducting live fire training activities

- **Pre-Burn:** A number of steps taken prior to burning of a structure will increase the possibility that the residues (ash and incompletely burned materials) from a training burn may be disposed on the property where the structure is located, or removed and disposed of at a solid waste landfill licensed to accept the material.

- \* **Lead Paint:** If a structure was constructed prior to 1979, it is presumed to contain lead paint. The structure may be inspected by a licensed lead inspector and identified lead painted materials removed and disposed at a facility licensed to accept the material.
- \* If a structure containing lead paint is burned, the resulting ash must be characterized and may require disposal as a hazardous waste. If a structure was constructed in 1979 or later, it is presumed not to contain lead paint, provided there is no evidence lead paint was used.

[www.maine.gov/dep/waste/lead](http://www.maine.gov/dep/waste/lead)

- \* **Asbestos:** Any structure to be burned for live fire training, including a residential dwelling, needs to have a National Emissions Standards for Hazardous Air Pollutants (NESHAP) inspection by a Maine-certified asbestos inspector. Any



asbestos identified needs to be removed and disposed properly by a Maine licensed asbestos abatement contractor.

- \* **A building demolition form must be completed and sent to the DEP regardless if asbestos is identified or not.**

[www.maine.gov/dep/waste/asbestos](http://www.maine.gov/dep/waste/asbestos)



- \* **Other Waste Materials:** Structures may contain many materials with the potential for creating an environmental hazard, causing impacts to air quality and ground and/or surface water, or a nuisance. These materials must be removed and disposed, in accordance with applicable DEP regulations, prior to the training burn unless a waste material is included in the written training objective. For example, subject to DEP approval, vinyl siding and asphalt shingles may remain in place if part of the training objective. The characterization program for ash/residues will be based on the types of materials planned to be burned. All transportation of waste materials must be done by non-hazardous or hazardous waste transporters licensed by the DEP. See the checklist included in the notification form for a listing of the most common waste materials expected.

- \* [www.maine.gov/dep/waste/hazardouswaste](http://www.maine.gov/dep/waste/hazardouswaste)

- **During the Burn:** If any unexpected materials are noticed during the training burn, they should be documented; removed from the burn area and extinguished, if possible; and disposed at a facility licensed to accept them. Runoff from the burn area must be managed to prevent impacts to surface water.



- **Post-Burn:**

- \* The disposal of ash/residues after the training burn is the responsibility of the property owner, unless responsibility has been legally transferred to another party, as documented in the completed notification form and/or the written objective for the training. Ash/residues that test as hazardous may not be disposed on site, nor is there currently a hazardous waste disposal site in Maine. Hazardous ash will need to be disposed in a state or Canada, that has a licensed hazardous waste landfill licensed to accept the waste.
- \* The options for handling non-hazardous ash/residues from burning a structure are the following:
  - ◆ a non-hazardous waste transporter licensed by the DEP may be hired to

transport the ash for disposal at a landfill licensed to accept this waste; or

- ◆ Ash and other residues from the burning of a structure may be disposed of on the same parcel as the structure, provided the following conditions are met:
  - ✓ materials were removed during the pre-burn stage as documented;
  - ✓ analyses of representative samples of ash/residues demonstrate the ash is non-hazardous;
  - ✓ ash/residues are buried above the high water table on the property; and
  - ✓ ash/residues are completely covered by at least 18 inches of soil (not gravel or rocks).

**NOTE: If the ash and other residues from the burning of a structure are disposed on site, the owner of the property may be asked to disclose the on site disposal at the time of property sale. If it is known the property contained lead paint when burned, the presence of this material on the property must be disclosed at the time of property sale, in accordance with 02-039 C.M.R. ch. 410 (the Maine Real Estate Commission’s Minimum Standards of Practice rule).**

### ***Air Quality***

Contact staff in the Air Quality Compliance Section about the Chapter 102 regulations, air emissions, submission of a notification package, and arranging a pre-burn inspection.

### ***Water Quality***

Contact staff in the Water Quality section about the planned fire training site location and methods to prevent runoff from impacting waterbodies and groundwater.

### ***Solid Waste***

Contact staff in the Solid Materials Management Unit about appropriate sampling and analytical procedures for testing ash and residues; a list of licensed non-hazardous waste transporters, and arranging a pre-burn inspection.

### ***Lead and Asbestos***

Contact staff in the Lead and Asbestos Unit about demolition forms, lead hazards, and management of asbestos-containing materials.

### ***Hazardous Waste***

Contact staff in the Hazardous Waste Management Unit about storage, transportation resources, and disposal options for hazardous waste ash and residues.

Contact staff at the nearest DEP office (see contact numbers below) for guidance and specific information and regulations related to the five program areas covered by these guidelines:

---

## **DEP Offices**

### ***Augusta***

17 State House Station  
28 Tyson Drive  
Augusta Maine  
04333-0017

800 452-1942  
207 287-7688

### ***Bangor***

106 Hogan Road  
Bangor, Maine 04401

888 769-1137  
207 941-4570

### ***Portland***

312 Canco Road  
Portland, Maine 04103

888 769-1036  
207 822-6300

### ***Presque Isle***

1235 Central Drive,  
Skyway Park  
Presque Isle, Maine  
04769-2094

888 769-1053  
207 764-0477