

# **Maine Department of Environmental Protection**

## **Bureaus of Air Quality Control and Remediation and Waste Management**

### **Guidelines for Compliance with Maine Department of Environmental Protection Rules on Open Burning and Solid Waste Management as Applied to Live Fire Instruction and Training Activities**

**Revised August 2012**

- **Overview**

The burning of structures as part of a supervised and legitimate fire training exercise is often a valuable tool for fire department personnel. However, these activities, if not properly carried out, can potentially adversely affect the environment. The purpose of these guidelines and checklist is to allow beneficial live fire instruction and training activities while taking necessary precautions to minimize the impact on the environment. The environmental concerns from live fire instruction and training activities include releases of toxic emissions to the air and surface and groundwater from combustion of waste material and the presence of lead painted and asbestos containing material.

- **Bureau of Air Quality Requirements**

The Bureau of Air Quality requirements allow live fire training for fire departments for research or bona fide instruction and training, not solely for the purpose of disposal of unwanted or previously demolished structures.

The burning of structures is permissible as part of a legitimate fire training exercise and under the direct control and supervision of a qualified instructor and with a written objective for the training, under the Bureau of Air Quality Rule, Open Burning (CMR 06-096 Chapter 102). The qualified instructor or sponsoring fire department should ensure that this requirement is met.

Under this Rule, a qualified instructor means the fire chief or designee or a fire-fighting instructor. Structures burned for instructional purposes must first be emptied of waste materials that are not part of the training objective. When not prohibited by local ordinances, a permit must be obtained from the Town Forest Fire Warden, forest ranger, or local fire prevention official having jurisdiction over the location where the fire is to be set and the burning must be conducted according to the terms and conditions of such permit and no nuisance may be created.

- **Bureau of Remediation and Waste Management, Division of Solid Waste Requirements**

The disposal of ash and demolition debris from the burning of a building is exempt from the licensing requirements of the Solid Waste Management Rule, Landfill Siting, Design and Operation (06-096

CMR 401) provided that all asbestos is removed and disposed of in accordance with department regulations prior to burning, that the resulting ash and residues are not hazardous waste the solid waste is buried above high water on the same parcel of land where it is generated, and is covered with a minimum of 18 inches of soil. Alternatively, the ash may be disposed in a licensed solid waste landfill as non-hazardous waste.

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**NOTE:** If the residues from the burning of the building are buried onsite, the owner of the property may be asked to disclose the on-site burial of solid waste at the time of property sale. If it is known that the building 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 CMR 330, the Maine Real Estate Commission's "Minimum Standards of Practice" rule.

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Ash and residues may not be buried on site if an analysis demonstrates that they are hazardous waste. A building constructed before 1978 is presumed to contain lead paint and the lead painted materials, if present, should be removed to allow for onsite disposal of the residual ash. Failure to do so may result in residual ash and/or demolition debris that will require disposal at a hazardous waste facility licensed to accept such material. Alternatively, the structure may be inspected by a licensed lead inspector who has either certified that the structure does not contain lead painted materials or that any identified lead painted materials have been removed and disposed in accordance with DEP rules.

Contact Division of Solid Waste staff in the Bureau of Remediation and Waste Management in the nearest DEP office for guidance on appropriate analytical procedures to test the ash and residues and disposal options. Currently there are no licensed hazardous waste disposal facilities operating in the State.

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**Note:** The disposal of the residual ash and demolition debris is the responsibility of the landowner on whose property the structure to be burned is located unless responsibility has been legally transferred to another party.

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## CHECKLIST AND ADDITIONAL INFORMATION

The information contained in the attached checklist provides a way for the fire department to document that all relevant steps have been taken to ensure that the live fire exercise for the training of firefighting personnel meets the standards of Maine DEP rules. Please retain the completed checklist in your records for each training exercise.

For additional information, contact the nearest DEP office listed below.

Augusta  
17 State House Station  
Augusta, Maine 04333  
Tel: Air Quality 287-2437  
Solid Waste 287-2651

Portland  
312 Canco Road  
Portland, Maine 04103  
Tel: 822-6300

Bangor  
106 Hogan Road  
Bangor, Maine 04401  
941-4570

Presque Isle  
1235 Central Drive, Skyway Park  
Presque Isle, Maine 04769-2094  
764-0477

# Checklist for Live Fire Instruction and Training Activities

## I. Sponsoring Fire Service Organization Information:

A. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone # \_\_\_\_\_

B. Contact Person:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone # \_\_\_\_\_

## II. Live Fire Instruction and Training Activities Information:

A. Date(s) of the Instruction  
And Training Activities: \_\_\_\_\_

B. Location of the Instruction  
And Training Activities: \_\_\_\_\_

C. Written Objective of the  
Instruction and Training  
Activities: \_\_\_\_\_

D. Instructor Information:

Name: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Type of Instructor:     \_\_\_ Fire chief or designee  
                                  \_\_\_ Fire Fighting Instructor

**III. Landowner Information:**

Name of Owner of acquired structure: \_\_\_\_\_

Mailing Address of Owner: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

**IV. General Requirements: Check the following box when requirements are met:**

- The proposed instruction and training activities are for the purpose of research or bona fide instruction and training of municipal or volunteer firefighters and/or industrial fire fighters in methods of fighting fires and will be conducted under the direct control and supervision of a qualified instructor.
  
- Training plan for the training activity is attached.

**V. Requirements if a Structure Will Be Burned.** Check all boxes when the following requirements have been completed:

- Documentation that a Maine-certified asbestos inspector has performed an asbestos inspection of the structure, and that all identified asbestos-containing materials (if any) have been removed from the structure by a licensed asbestos abatement contractor.
  
- All material with the potential for creating an environmental hazard have been removed and disposed of in compliance with department regulations, including but not limited to:
  - Mercury containing thermostats
  - Fluorescent lamps
  - Fuel oil tanks
  - Paints, solvents, and other liquid containing hazardous ingredients
  - Pesticides, insecticides, fertilizers, and other potentially hazardous solids
  - Tires
  - Residential trash
  - Furniture and appliances not specifically utilized in the training exercise

## VI. Ash and Debris Disposal

- A. If the structure to be burned was constructed prior to 1978, the structure is presumed to contain lead paint and the remaining ash and debris must be analyzed to determine whether the material may be buried on site, disposed at a licensed solid waste landfill or will require disposal at a hazardous waste facility. Contact Division of Solid Waste staff in the Bureau of Remediation and Waste Management in the nearest DEP office for guidance on appropriate analytical procedures to test the ash and residues and disposal options. Currently there are no licensed hazardous waste disposal facilities operating in the State.

Alternatively, if the structure to be burned was constructed prior to 1978, the structure may be inspected by a licensed lead inspector who has either certified that the structure does not contain lead painted materials or that any identified lead painted materials have been removed and disposed in accordance with DEP rules. The ash and debris remaining after the burn may be:

- (1) Buried above high water on the same parcel of land where it is generated, and covered with a minimum of 18 inches of soil; or
- (2) Transported by a licensed non-hazardous waste transporter to a solid waste landfill licensed to accept the material.

- B. If the structure to be burned was constructed after 1978 and there is no other evidence that the structure may contain lead paint, the structure is presumed to not contain lead paint and the remaining ash and debris may be:

- (1) Buried above high water on the same parcel of land where it is generated, and covered with a minimum of 18 inches of soil; or
- (2) Transported by a licensed non-hazardous waste transporter to a solid waste landfill licensed to accept the material.

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**Note:** Some buildings constructed after 1978 may contain lead painted materials and further investigation as to their presence is advised.

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It is the building owner's responsibility to properly dispose of ash and debris upon completion of the live fire instruction and training activities unless responsibility has been legally transferred to another party.