



# PUBLIC

Kansas Department of Health & Environment  
Bureau of Air and Radiation  
1000 SW Jackson, Suite 310, Topeka, Kansas 66612-1366

## Compliance Intentional Burning of Houses & Other Buildings for the Purpose of Fire Training Technical Guidance Document - BAR 2000-02

The open burning of structures related to the training of government or industrial personnel in fire fighting procedures is subject to regulations enforced by the Kansas Department of Health and Environment (KDHE). All structures, including single family residences, are subject to the State of Kansas Open Burning Regulations, Kansas Asbestos Control Regulations, and the federal U.S. Environmental Protection Agency (EPA) asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations when they are to be burned for fire training.

### Open Burning

The purpose of the state open burning regulations is to prevent the release of air contaminants into the ambient air through prohibiting or controlling the amount and type of open burning conducted in the state.

Kansas Open Burning Regulation, K.A.R. 28-19-645, prohibits open burning conducted in the state. K.A.R. 28-19-647(a) allows certain types of open burning operations. K.A.R. 28-19-647(b) authorizes a person to request approval to conduct open burning operations when it is demonstrated that the open burning is:

- (1) necessary, which means there is no other practical means for disposal;
- (2) in the public interest; and
- (3) not prohibited by any local or federal government or fire authority.

K.A.R. 28-19-647(c)(2) considers fires related to the training of government or industrial personnel in fire fighting procedures to be in the public's interest. K.A.R. 28-19-647(d) sets forth the information a person must provide, in writing, to KDHE to conduct an open burning operation. When a person has received approval from KDHE, they must follow the guidelines contained in K.A.R. 28-19-647(e). Subsection (e)(2) specifically prohibits the burning of heavy smoke producing materials, including heavy oils, tires, and tarpaper.

## **Asbestos Materials**

The EPA has promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos. This regulation is found under 40 CFR Part 61, Subpart M. KDHE has adopted this regulation by reference in K.A.R. 28-19-735.

In 40 CFR 61.145, each owner or operator of a demolition or renovation activity and prior to commencement of the demolition or renovation, must thoroughly inspect the affected facility for the presence of asbestos-containing materials (ACM). The EPA regulations require the inspector be accredited, as provided for in 40 CFR Part 763, Subpart E, Appendix C.

Notifications must be submitted to KDHE at least ten working days prior to commencement of the demolition activity. Friable ACM must be removed by Kansas licensed asbestos contractors in accordance with the provisions of K.A.R. 28-50-1 through 28-50-14. Nonfriable ACM may be removed by the owner or operator (demolition contractor) as long as the ACM is removed in a manner which will not make the ACM friable. If a facility is demolished by intentional burning, 40 CFR 61.145(c)(10) requires all ACM, friable and nonfriable, must be removed in accordance with the requirements of NESHAP before burning. EPA has determined that the intentional burning of residential structures or other structures for the purpose of fire training is subject to the NESHAP.

### **Procedures to burn a structure for Fire Training**

The KDHE clearly understands the importance of fire training, especially live fire scenarios. According to the Kansas State Fire Marshal, live fire training exercises are necessary for the proper training of fire fighters on fire and rescue procedures. To simulate actual live fire scenarios, the contents of a typical residential structure which include upholstered items and carpeting, remain in place in a room and the asphaltic roofing shingles are left in place. In most instances, small fires are set for the purpose of rescuing a mannequin and then extinguishing the fire. Several small fires of short duration may be set in the structure over time to allow training of local firefighters. Under live fire training exercises, the entire residential structure is not burned, only fires set within the interior portions of the residence. When live fire exercises are completed, the residential structure can be demolished by using normal demolition techniques. Some fire departments desire to burn the remaining portion of the structure or the entire structure. Under these conditions, all heavy smoke producing materials, such as upholstered items, carpeting and asphaltic materials must first be removed.

When burning houses or other structures for fire training the following steps must be taken prior to these training activities:

(A) For live fire training exercises, the structure is to be thoroughly inspected for the presence of ACM and heavy smoke producing materials. If ACM is present, the ACM must be removed in accordance with the state and federal asbestos regulations. (B) For live fire training, materials such as tarpaper, asphaltic shingles, and carpeting and upholstered items, may be left in the structure if small fires are set within the interior spaces. Some fire departments desire to burn residential structures with the asphaltic roofing materials still in-place on the roof. Under these training exercises, KDHE has granted approval to burn a small section of the roofing materials for on-the-roof fire training. KDHE has defined a small section as being approximately 100 square feet (10 feet by 10 feet) or less of asphaltic roofing material. (C) Prior written approval to burn houses and other structures is required by the open burning regulations. Submit written requests to the KDHE district office or local agency (Shawnee, Wyandotte, Sedgwick and Johnson Counties only) for approval. (D) Submit written notification required by EPA asbestos NESHAP regulations to KDHE in Topeka - Asbestos Demolition Form: ET ASB-10. Written notification to KDHE is required on all structures- including structures that do not contain ACM. Notification must be delivered or postmarked 10 working days prior to demolition/burning. Demolition/burn date must be after completion date of friable ACM removal project

**Submit requests for open burn to:**

Written requests to conduct Open Burning for the purposes of training local fire fighters must be made to the appropriate KDHE district office. The KDHE district offices are listed below:

KDHE Northwest District Office:  
2301 E. 13<sup>th</sup> Street  
Hays, Kansas 67601  
(785) 625-5663

KDHE Northeast District Office:  
808 W. 24<sup>th</sup> Street  
Lawrence, Kansas 66046  
(785) 842-4600

KDHE Northcentral District Office:  
2501-D Market Place  
Salina, Kansas 67401  
(785) 827-9639

KDHE Southcentral District Office  
130 S. Market  
Wichita, Kansas 67202  
(316) 337-6020

KDHE Southwest District Office  
302 W. McArtor  
Dodge City, Kansas 67801  
(316) 225-0596

KDHE Southeast District Office  
1500 W. 7<sup>th</sup>  
Chanute, Kansas 66720  
(316) 431-2390

In the counties of Johnson, Sedgwick, Shawnee, and Wyandotte Counties, the local health and environmental agencies have been delegated authority to implement the air pollution regulations, and should be contacted for Open Burning approvals. These local agencies may also enforce local open burning regulations that may apply to fire training. A listing of the agency and point of contact is shown below:

Mike Boothe  
Johnson County Environmental Department  
11180 Thompson Ave.  
Lenexa, Kansas 66219  
(913) 492-0402

John Stark  
Wichita-Sedgwick County Dept. of Community Health  
1900 E. 9<sup>th</sup> Street  
Wichita, Kansas 67202  
(316) 268-8449

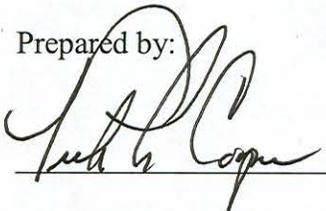
Ed Kalas  
Shawnee County Health Agency  
1615 W. 8<sup>th</sup> Street  
Topeka, Kansas 66601  
(785) 368-2059

Bruce Andersen  
Wyandotte County Health Department  
619 Ann Avenue  
Kansas City, Kansas 66101  
(913) 573-6700

For more information on asbestos-related issues and to obtain copies of the asbestos demolition notification form or open burning prohibitions, contact KDHE:

Radiation and Asbestos Control Section  
Kansas Department of Health and Environment  
1000 SW Jackson, Suite 310, Topeka, KS 66612  
(785) 296-1550

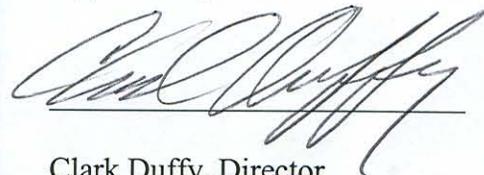
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