PUBLIC

Kansas Department of Health & Environment
Bureau of Air
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 for the sole purpose of training government or industrial personnel in firefighting procedures is subject to regulations enforced by the Kansas Department of Health and Environment ("KDHE"). All structures, including single family residences, to be burned for fire training are subject to the State of Kansas Open Burning Regulations, Kansas Asbestos Control Regulations, and the federal U.S. Environmental Protection Agency ("EPA") National Emission Standards for Hazardous Air Pollutants ("NESHAP") asbestos regulations.

Open Burning

The Kansas open burning regulations prohibit or control the amount and type of open burning allowed in the state to prevent the release of unhealthy air contaminants into the ambient air.

Generally, the Kansas Open Burning Regulation, K.A.R. 28-19-645, prohibits open burning conducted in the state. Exceptions to the prohibition are listed in K.A.R. 28-19-647(a) which allows certain types of open burning operations and K.A.R. 28-19-647(b) which 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 firefighting 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 the asbestos NESHAP regulation 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 structure is demolished by intentional burning, 40 CFR 61.145(c)(10) requires that all friable and nonfriable ACM must be removed in accordance with the requirements of the 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, 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 (Wyandotte, Johnson and Sedgwick 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. The demolition/burn date must be after date of successful completion of the friable ACM abatement project, if ACM was present.

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. 13th Street
Hays, Kansas 67601-2651
(785) 261-6100

KDHE Southwest District Office
302 West McArtor Road
Dodge City, Kansas 67801
(620) 682-7940

KDHE North Central District Office:
2501 Market Place, Ste D
Salina, Kansas 67401-7699
(785) 827-9639

KDHE South Central District Office
300 W. Douglas, Ste 700
Wichita, Kansas 67202
(316) 337-6020

KDHE Northeast District Office:
808 West 24th Street
Lawrence, Kansas 66046-4417
(785) 842-4600

KDHE Southeast District Office
308 West 14th Street
Chanute, Kansas 66720
(620) 431-2390

In Wyandotte, Johnson and Sedgwick Counties, the local health and environmental agencies have been delegated authority to implement these 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 is shown below:

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

City of Wichita Environmental Health
1900 E. 9th Street N
Wichita, Kansas 67214
(316) 268-4422

Johnson County Dept of Health and Environment
11811 S. Sunset Dr., Suite 2700
Olathe, KS 66061
(913) 715-6939

For more information on asbestos regulations and requirements and to obtain copies of the asbestos abatement/demolition notification forms or open burning prohibitions, contact KDHE:

Performance Testing and Asbestos Control Unit
Kansas Department of Health and Environment
1000 SW Jackson, Suite 310, Topeka, KS 66612
(785) 296-6024

Asbestos Information:
http://www.kdheks.gov/asbestos/indexasb.html

Open Burning Regulations:
http://www.ksfire.org/docs/regulations/April_Burn_Restrictions_030111.pdf

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