

Open Burning Fire Training Guidance

General Information

DEP Rule [Ch. 102 \(Word\)](#), Open Burning

The Maine Department of Environmental Protection (DEP) allows municipal, volunteer, and industrial fire departments to conduct live fire training for research or bona fide training on structures. Live fire training must take place under the direct 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, their designee, or an individual qualified as an instructor and designated by the authority having jurisdiction to oversee the live fire training. A written objective for the instruction and training is required and the qualified instructor or sponsoring fire department must ensure that this requirement is met.

Environmental Concerns

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

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 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.



Notification Process

The DEP has created a [live fire training notification form](#); www.maine.gov/dep/government/fire-training.html, 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.

The notification form and written objective for the training shall be electronically submitted to DEPFireTraining@maine.gov 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.

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



Planning and Conducting Live Fire Training Activities

Pre-Burn

Several steps taken prior to burning a structure will increase the possibility that the ash and incompletely burned materials may be disposed of on the property where the structure was 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 of at a facility licensed to accept the material.

If a structure containing lead paint is burned, it is possible that the ash may contain elevated levels of lead. 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. More information on the DEP [lead hazard prevention website](http://www.maine.gov/dep/waste/lead/index.html); www.maine.gov/dep/waste/lead/index.html

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 of properly by a Maine licensed asbestos abatement contractor.

A building demolition form must be completed and sent to the DEP regardless of whether asbestos is identified or not.

More information is available on the [asbestos rules regulations webpage](http://www.maine.gov/dep/waste/asbestos/index.htm); www.maine.gov/dep/waste/asbestos/index.htm



Other Waste Materials: Structures may contain many materials with the potential for creating an environmental hazard, impact air quality and ground and/or surface water, or a nuisance.

These materials must be removed and disposed of, 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. All transportation of waste materials must be done by a non-hazardous waste transporter licensed by the DEP. See the checklist included in the notification form for a list of the most common waste materials expected.



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 of 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.

The options for handling ash/residues from burning a residential structure are:

- A Category 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 the 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;
 - 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).

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 02-039C.M.R. ch. 410 (the Maine Real Estate Commission's Minimum Standards of Practice rule).

Please be aware that live fire training activities and the on-site disposal of ash and debris are not exempt from the Waste Discharge Law (38 M.R.S. §413) or other provisions of State Law



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 for additional guidance regarding on-site disposal, lists of licensed non-hazardous waste transporters and licensed landfills, 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 removed from the structure before the training burn.

Contact staff at the nearest DEP office 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