



## Fact Sheet - DNR's Rules for Training Fires and Controlled Burns of Demolished Buildings

The purpose of this fact sheet is to explain changes to the Department of Natural Resources (DNR) rules for open burning. Recent rule changes clarified the requirements for structural training fires and added an exemption allowing cities to conduct a limited number of controlled burns of demolished buildings, subject to certain conditions. The rules for these burns were amended March 16, 2005 and became effective April 20, 2005.

### Why did the DNR change the open burning rules?

The Environmental Protection Commission (EPC) adopted the rule changes to implement an amendment to Iowa Code 455B133(10) that was passed as House File 2392 of the 80<sup>th</sup> General Assembly and signed into law. The rules specify the conditions that must be met in order for a city to use the “new” exemption for controlled burning of a demolished building.

### What is the difference between a training fire and a controlled burn of a demolished building?

For purposes of the state’s air quality rules, a training fire on a building must be conducted with the building structurally intact. Additionally, the proposed burn must be for the purposes of bona fide training of public or industrial employees in firefighting methods. The training fire must also be conducted according to the National Fire Protection Association 1403 Standard for Live Training Fire Evolutions (2002 Edition), or a comparable standard. A controlled burn of a demolished building may be conducted on a building that is partially or completely collapsed or mechanically demolished.

### Who may conduct a controlled burn of a demolished building? Where can these take place?

Under state air quality rules, only a **city**, with the approval of the city council, may conduct a controlled burn of a demolished building. If the city does not own the building, and/or enters into agreements with other parties, the city is responsible for ensuring that all air quality rules are followed. The city must control access to all burn sites and must supervise the burns at all times. The controlled burning of a demolished building is **prohibited** with the city limits of Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City, or any other area under a state plan for control of particulate pollution. Additionally, local rules or regulations may prohibit burning of a demolished building.

### Does the DNR issue a permit for these types of burns?

The DNR does not issue permits for training fires or demolished building burns. However, both types of burns require **notification** to the DNR on DNR Form 542-9-8010, “Notification of an Iowa Training Fire-Demolition or a Controlled Burn or a Demolished Building.” Additionally, any cities within Polk or Linn counties must obtain a permit from these local air quality programs. Other local governments may also require permits for these types of burns.

Notification of a training fire must be postmarked or delivered to the DNR at least ten working days before the proposed burn date. For a controlled burn of a demolished building, the city fire department or city official must submit the completed notification at least **10 working days** prior to the demolition, and at least **thirty days** before the proposed burn date. The DNR notification form specifies what information must be submitted, and explains under what conditions these burns may be conducted.

### Does the building to be burned need to be inspected for asbestos?

**Yes.** For both types of burns, a thorough inspection for any asbestos containing materials must be conducted **prior** to demolition. The DNR recommends that the person who conducts the thorough inspection of the facility attend and pass the 3-day Building Inspectors Course developed under the Asbestos Hazard Emergency Response Act

(AHERA) program. The Instructions for DNR notification form 542-8010 contain a more detailed explanation of the asbestos inspection requirements.

**If the building to be burned contains asbestos containing material, must this material be removed?**

**Yes.** All asbestos containing material must be properly removed prior to building demolition. Asbestos removal must be performed in accordance with the requirements contained in “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) [40 CFR, Part 61, Subpart M (Sections 61.145 and 61.150)]. The Instructions for DNR Notification Form 542-8010 contain a more detailed explanation of the asbestos removal requirements.

**What about asphalt roofing material? Can this remain on the building during burning?**

Limits exist on burning asphalt roofing materials in training fires or demolished building burns. Each layer of roofing must be properly analyzed and found to contain no asbestos. If any roofing material is found to contain asbestos, it must be removed prior to building demolition. If the asphalt roofing is found to contain no asbestos, copies of the laboratory reports verifying this must be submitted to the DNR along with the DNR notification form.

During each calendar year, each city is limited to no more than **two** building fires in which **asbestos-free**, asphalt roofing remains during the burn. The two-burn limit on **asbestos-free**, asphalt roofing includes **both** training fires and demolished building burns. If **all** asphalt roofing is removed, the city and/or fire department is not limited on the number of training fires conducted. However, limits exist on the number of demolished building burns that a city may conduct. This limit is explained later in this fact sheet.

**What additional building preparation is required for these burns?**

All asbestos-containing materials must be removed prior to the burn. For training fires, any non-structural materials remaining during the burn must be essential to the fire fighter training exercise. For controlled burns of a demolished building, all non-structural materials must be removed prior to demolition and burning, including rubber tires, chemicals, furniture, carpeting, household appliances, vinyl products (such as flooring or siding), trade waste, garbage, rubbish, landscape waste, and residential waste..

**Why is the controlled burn of a demolished building subject to more restrictions than training fires?**

The DNR needs to ensure that building burns do not adversely impact air quality. Because bone fide training fires serve an essential public safety function, and are thought to be relatively infrequent in each community, there are fewer restrictions on training fires. When additional buildings are burned purely for disposal purposes, this increases the risk that the air pollutants released could impact public health. For these reasons, the DNR placed additional restrictions on the controlled burns of demolished buildings.

**What are the additional restrictions on controlled burns of demolished buildings?**

As explained above, these burns are subject to the same requirements for removing asbestos containing materials and asphalt roofing as apply to training fires. Additionally, only cities may conduct these burns. The cities currently under restrictions for controlling particulate matter, listed above and in the open burning rules, may **not** conduct controlled burns of demolished buildings.

Controlled burns of demolished buildings are also subject to the following requirements (please review the rule for all requirements):

- Documentation of city council approval.
- Notification 10 working days prior to the demolition.
- Notification to the DNR postmarked at least 30 days before the burn;
- A maximum size limit on the buildings to be burned;
- Restrictions limiting the time of day for these burns;
- Restrictions on the burning of non-structural materials;
- Burn location requirements.

- Notification to the chair of the county board of supervisors at least 30 days prior to the date of the burn for any burn conducted outside the city limits.
- Recordkeeping requirements; and
- A limit on the number of burns that a city may conduct in a given area.

**What must be included on the notification submitted for a demolished building burn?**

DNR Form 542-8010 must be submitted for both training fires and a controlled burn of a demolished building. Most of the required information applies to both types of burns.

However, additional information must be submitted for controlled burns of a demolished building, including, but not limited to: the exact location of the burn site, the approximate distance to the nearest neighboring residence or business, the method used by the city to notify citizens of the proposed burn, and an explanation of why alternative methods of debris management are not being used.

**What is the building size limit for a controlled burn of a demolished building? Why was this limit imposed?**

The sum total square feet of building materials for each burn may not exceed **1700 square feet**. For the purpose of this rule, square feet includes both finished and unfinished basements, but does not include unfinished attics, carports, attached garages, and porches unprotected from the weather. This limit was imposed to ensure that current air quality standards for fine particulate pollution are maintained.

**What is the time of day restrictions for controlled burns of a demolished building? Why was this restriction imposed?**

Controlled burns of demolished buildings may only be conducted between the hours of **6 AM and 6 PM**, and only when weather conditions are favorable with respect to the surrounding property. The city must adequately schedule and sufficiently control the burn to ensure that burning is completed by 6 PM. This restriction was imposed to ensure that current air quality standards for fine particulate pollution are maintained.

**What are the requirements for burn sites and the limit on the number of demolished building burns? Why was this limit imposed, and how will it be enforced?**

All burn sites must have controlled access, be supervised by a representative of the city at all times, and the burning may only take place when weather conditions are favorable with respect to surrounding property.

The city clerk must maintain a map of the exact location of each burn, date of each burn, exact square footage of material burned, and a copy of the notification for at least **three** years. This information shall be made available for inspection by the DNR upon request.

For burn sites located within a city, each city may undertake no more than one (1) controlled burn of a demolished building in every 0.6-mile radius circle in a calendar year.

For burn sites located outside of the city, a city may undertake no more than one (1) controlled burn of a demolished building per day. The burn site must be located at least 0.6 miles from any inhabited building (includes both residences and businesses). The city clerk must maintain records of the date each burn and the building size (square feet).

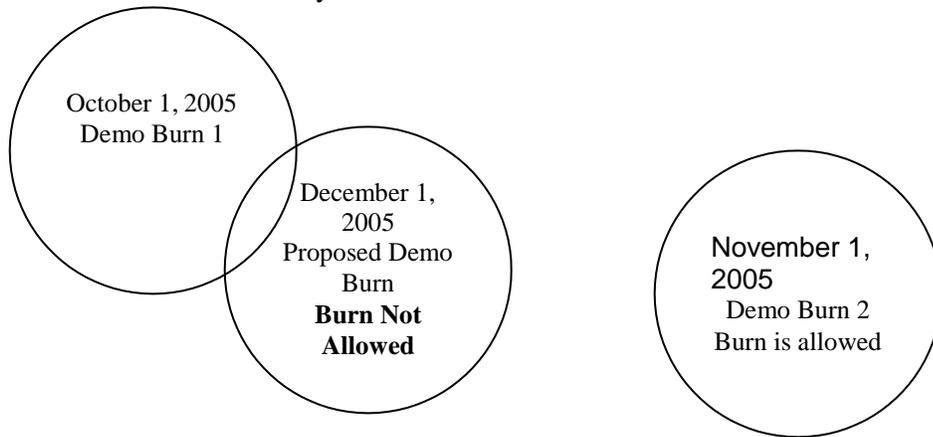
These limits were imposed to ensure that current air quality standards for fine particulate pollution and carbon monoxide are maintained.

**How does the city determine whether burns will result in overlapping 0.6-mile radius circle?**

It is the city’s responsibility to keep a sufficient map and burn information to ensure compliance with these restrictions.

The diagram below illustrates how to draw the circles on a map. The center of each circle is the site of demolished building burn. The radius of each circle represents 0.6 mile. If one circle will overlap another in any calendar year, the burn is not allowed.

It is essential that cities keep accurate maps and records clearly showing the locations, dates and 0.6 mile radius circle for each demolished building burn. Burns meeting the definition of training fires do **not** need to be included under the three burns in three years limit.



### **Are there any exceptions to the limit on the number of demolished building burns?**

The city may request a variance from this requirement. The variance rules are listed under 567 IAC 21.2(1). In order to grant a variance from the open burning rules, the DNR must conduct a review of the ambient air impacts of the request.

In addition to the information required for all variance requests, the city should also submit a completed Notification 542-8010 for the proposed, additional demolished building burn. The DNR will need the information required on Form 542-8010 to determine if an additional burn will cause an adverse air quality impact.

If the DNR cannot determine the burn impacts, or determines that an additional burn will cause adverse air quality impacts, the DNR must deny the city's variance request, and the city may **not** conduct the proposed, additional burn. If the DNR allows the city a variance to conduct an additional burn, it may impose restrictions beyond those required under the demolished building burn exemption.

### **Where can I find the open burning rules?**

The open burning rules, including the requirements for training fires and the controlled burn of a demolished building, are listed in 567 Iowa Administrative Code (IAC) Chapter 23.2. The administrative rules are easily accessed on the Internet at <https://www.legis.iowa.gov/law/administrativeRules/agencies>. Go to 567 (Environmental Protection Division,) and then to Chapter 23.

The open burning rules, as well as this Fact Sheet, DNR Notification 542-8010 and asbestos information, are also available on the DNR Air Quality Bureau website at <https://www.iowadnr.gov/Environmental-Protection/Air-Quality/Asbestos-Training-Fires>.

Policies and statements in this publication are intended solely as guidance, cannot be used to bind the agency, and are not a substitute for reading applicable statutes and rules.