



Nebraska Department of Environmental Quality

ENVIRONMENTAL FACT SHEET

11-021

September 2011

2011 FLOOD DAMAGED STRUCTURE DEMOLITION AND DISPOSAL

GUIDANCE RELATED TO STRUCTURE DEMOLITION, ASBESTOS HANDLING, OPEN BURNING, AND SOLID WASTE DISPOSAL

Before proceeding with the demolition and/or burning of a flood-damaged structure, there are a number of essential steps that should be taken to ensure protection of public health and the environment. Title 129 of the Nebraska Air Quality regulations authorizes the Nebraska Department of Environmental Quality (NDEQ) to issue open fire permits for the purpose of the destruction of materials after cleanup from a natural disaster (Chapter 30 002.07F) when there are no other practical means of disposal (Chapter 30 002.08).

It is important to note that failure to follow these steps could jeopardize individual assistance that may be provided by federal or state programs related to 2011 flooding assistance. (See Federal Disaster Assistance list at the end of this document.)

The Nebraska Department of Health and Human Services (NDHHS), Nebraska State Fire Marshal's Office (NSFM), and NDEQ have specific statutory responsibilities when it comes to ensuring proper asbestos inspection and removal, open burning, and solid waste disposal. As part of the response to the 2011 floods, these agencies have put together this fact sheet and attached forms necessary to assist individuals and communities with flood damaged structures that may be disposed of by burning.

If you are considering demolishing and/or burning a structure that has received flood damage, the following procedures must be followed:

1. **Asbestos assessment and proper disposal** – The owner of a structure **must** have an asbestos inspection conducted and, if asbestos is found to be present, have the asbestos removed and properly disposed of **prior to** conducting any demolition, or burning of the structure under a permitted burning exercise. The NDHHS form, "NESHAP Notification of Demolition and Renovation", is attached below. *For assistance on the asbestos regulations contact the Asbestos Program, Nebraska Department of Health and Human Services (NDHHS) at (402) 471-0386.*
2. **An agreement has to be signed** – After the asbestos inspection and removal is completed, the owner who wants to burn a structure **must** contact the local fire

Produced by: Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at www.deq.state.ne.us. This Material is intended for guidance purposes only. It is not meant to substitute for the regulations found in [Title 132 – Integrated Solid Waste Management Regulations](#), [Title 129 – Nebraska Air Quality Regulations](#), or other applicable Nebraska environmental regulations.

department. A legal affidavit of ownership of the structure must be signed by all owners before a notary public giving permission to burn the structure.

3. **Clean out the structure** – The owner of the property must remove and properly dispose of wastes, recycle other materials, and/or reuse items that were in the house prior to burning. This includes items such as appliances and furniture. *For information on disposal or recycling locations contact NDEQ Waste Management Section at (402) 471-4210. [List of Household Hazardous Waste Sites](#) [Integrated Waste List of Permitted Facilities Recycling Directory](#)*

4. **Nebraska State Fire Marshal Permit to Burn request** – State Statutes allow for fire departments to lawfully burn structures for training purposes after obtaining the proper burn permit from the State Fire Marshal’s Agency. Because so many structures in the declared disaster were damaged from the flood conditions resulting in the possibility of mold spores and disease, the State Fire Marshal has made an executive decision to relax a requirement of the structure burn permit in those declared counties. This relaxation will remove the requirement that the fire departments have to use the structure for training purposes.

A fire department will still have to make application for a structure training burn permit using normal and required procedures. Requests to conduct burns of flood damaged structures must be filed by the local fire chief with the Nebraska State Fire Marshal’s Office. The form “Official Application for Permit to Burn a Building” is attached below. *Contact the Nebraska State Fire Marshal at (402) 471-2027 for questions on how the form will be used.*

5. **File a notification with the NDEQ Air Quality Section** – A form must also be filled out by the local fire department and submitted to the NDEQ Air Quality Section. The NDEQ form “Nebraska Fire Training Demolition Notification” is attached below. This notification form will also serve as the application for an Open Burning Permit to be issued by NDEQ. *For questions related to Title 129 or the Notification form, contact the NDEQ Air Quality Compliance Section at (402) 471-2189.*

6. **Proper solid waste disposal** – The final step (after steps 1-5 above have been completed and all other applicable local requirements have been met) involves the remaining ash. Per Title 132 Integrated Solid Waste Management Regulations, after burning the structure, the remaining ash waste must then be collected and properly disposed of at a municipal solid waste landfill, unless an alternate disposal location is approved by NDEQ. Alternate disposal location requests will be reviewed on a case by case basis, and NDEQ will consider whether to approve those requests based on environmental factors and the proximity to existing landfills. It may be possible for landowners to demolish and bury unburned structures on land that is agricultural in nature. *For additional information on the Title 132 solid waste disposal regulations contact the NDEQ Waste Management Section at (402) 471-4210.*

Further guidance and forms can be accessed by contacting any of the respective agencies or by contacting the Nebraska Emergency Management Agency (NEMA) at (402) 471-7421.

Federal Disaster Assistance related to flooding was approved August 12, 2011 for the following counties: Boyd, Burt, Cass, Dakota, Dixon, Douglas, Garden, Knox, Lincoln, Nemaha,

Otoe, Richardson, Sarpy, Scotts Bluff, Thurston and Washington. Structure damage from flooding in counties next to the identified counties will be reviewed on a case-by-case basis.

Attachments:

NESHAP Notification of Demolition and Renovation
Nebraska State Fire Marshal Official Application for Permit to Burn a Building
Nebraska Fire Training Demolition Notification
Nebraska State Fire Marshal Flood Waiver 2011

NESHAP NOTIFICATION OF DEMOLITION AND RENOVATION

Operator Project #:	Postmark Date:	Date Received:	Notification #:	
1. Type of Notification: Original <input type="checkbox"/> Revised <input type="checkbox"/> Canceled <input type="checkbox"/>				
2. Facility Information				
Owner Name:				
Address:				
City:	State:	Zip Code:		
Contact Person:			Phone #:	
Removal Contractor:				
Address:				
City:	State:	Zip Code:		
Contact Person:			Phone #:	
Other Operator:				
Address:				
City:	State:	Zip Code:		
Contact Person:			Phone #:	
3. Type of Operation: Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/>				
4. Is Asbestos Present? Yes <input type="checkbox"/> No <input type="checkbox"/>				
5. Facility Description				
Building Name:				
Address:		City:		
County:	State:	Zip Code:		
Site Location:				
Building Size:		# of Floors:	Age in Years:	
Present Use:			Prior Use:	
6. Procedure, including analytical method, if appropriate, used to detect the presence of asbestos materials:				
7. Approximate amount of asbestos, including: 1. Regulated ACM to be removed 2. Category I ACM not removed 3. Category II ACM not removed	RACM to be Removed	Non-Friable Asbestos Material not to be Removed		Indicate Unit of Measurement Below
		Cat I	Cat II	Unit
Pipes:				Ln. Ft. Ln. M.
Surface Area:				Sq. Ft. Sq. M.
Vol RACM Off Facility Component:				Cu. Ft. Cu. M.
8. Scheduled Asbestos Removal Dates		Start:	Finish:	
9. Scheduled Demolition/Renovation Dates		Start:	Finish:	
10. Description of planned demolition or renovation work, and method(s) to be used:				

NESHAP NOTIFICATION OF DEMOLITION AND RENOVATION

11. Description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation site:

12. Waste Transporter 1

Name:

Address:

City:

State:

Zip Code:

Contact:

Phone #:

Waste Transporter 2

Name:

Address:

City:

State:

Zip Code:

Contact:

Phone #:

13. Waste Disposal Site

Name:

Location:

City:

State:

Zip Code:

Phone #:

14. If demolition is ordered by a government agency, please identify below.

Name:

Title:

Authority:

Date of Order:

Date Ordered to Start:

15. For Emergency Renovations

Date and Hour of Emergency:

Description of the sudden, unexpected event:

Explanation of how the event caused unsafe conditions, would cause equipment damage, or an unreasonable financial burden:

16. Description of procedures to be followed in the event that unexpected asbestos is found, or previously non-friable asbestos materials become crumbled, pulverized, or reduced to powder:

17. I certify that an individual trained in the provisions of the Regulation (40 CFR Part 61, Subpart M) will be on site during the demolition or renovation activity, and evidence that the required training has been accomplished by this person will be available for inspection during normal business hours. (Required one-year after promulgation)

Signature of Owner/Operator

Printed Name

Date

18. I certify that all of the information provided on this form is correct:

Signature of Owner/Operator

Printed Name

Date



Nebraska State Fire Marshal Official Application for Permit to Burn a Building

“28-506 Lawful burning of property/training and safety promotion purposes/permit. Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business or no longer serving any useful value in the area in which situate, and any other combustible material that will serve to be used for test fires to educate and train members of organized fire departments and promote fire safety anywhere in Nebraska. Before any structure may be destroyed by fire for training and educational purposes, it must be reported to the State Fire Marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the organized fire department requesting this type of training for members of its department.”

PRINT THE FOLLOWING INFORMATION

Village or City	County
Building Owner's Name(s)	
Legal Description of Property	
Is this burning for educational and training purposes? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is owner's legal affidavit of ownership/permission to burn signed, notarized, and attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Date of Burning (Required) Month Day Year	Alternate Date of Burning (Optional) Month Day Year

FOR COMPLETION BY LOCAL FIRE CHIEF ONLY

Fire Chief Name	
Fire Department Name	
Mailing Address	
Village or City	Zip Code
Fire Chief Signature	

INSTRUCTIONS

1. Return original application, copy of application, and notarized affidavit to:

State Fire Marshal
 246 South 14th Street
 Lincoln, NE 68508-180

 All THREE forms are required before approval will be given. One will be returned to the Fire Chief after approval is given.
2. Legal affidavit of ownership MUST be signed by all owners BEFORE a Notary Public and be forwarded to this office BEFORE the State Fire Marshal can approve the burning permit.
3. Permission to burn will be granted ONLY to the chief of the local fire department and only AFTER written application is APPROVED by the State Fire Marshal in writing.
4. Burning permit must be in hands of local fire chief BEFORE burning exercise is conducted.
5. Fire Department and/or owner shall assume all liability for damage which might occur due to this burning exercise.
6. Do not burn if it is windy or property to be burned is close to another person's building
7. Fire chief and firefighters, before departing from fire scene, SHALL and MUST extinguish ALL embers very thoroughly to prevent rekindling.

APPROVED THIS	DAY OF	, 20
<hr style="width: 100%;"/> NEBRASKA STATE FIRE MARSHAL or ASSISTANT STATE FIRE MARSHAL		



Nebraska State Fire Marshal Official Application for Permit to Burn a Building

"28-506 Lawful burning of property/training and safety promotion purposes/permit. Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business or no longer serving any useful value in the area in which situate, and any other combustible material that will serve to be used for test fires to educate and train members of organized fire departments and promote fire safety anywhere in Nebraska. Before any structure may be destroyed by fire for training and educational purposes, it must be reported to the State Fire Marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the organized fire department requesting this type of training for members of its department."

PRINT THE FOLLOWING INFORMATION

Village or City		County	
Building Owner's Name(s)			
Legal Description of Property			
Is this burning for educational and training purposes? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is owner's legal affidavit of ownership/permission to burn signed, notarized, and attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Proposed Date of Burning (Required)		Alternate Date of Burning (Optional)	
Month	Day	Year	20
Month	Day	Year	20

FOR COMPLETION BY LOCAL FIRE CHIEF ONLY

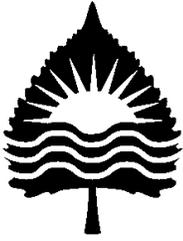
Fire Chief Name	
Fire Department Name	
Mailing Address	
Village or City	Zip Code
Fire Chief Signature	

INSTRUCTIONS

- Return original application, copy of application, and notarized affidavit to:
State Fire Marshal
246 South 14th Street
Lincoln, NE 68508-1804
All THREE forms are required before approval will be given. One will be returned to the Fire Chief after approval is given.
- Legal affidavit of ownership MUST be signed by all owners BEFORE a Notary Public and be forwarded to this office BEFORE the State Fire Marshal can approve the burning permit.
- Permission to burn will be granted ONLY to the chief of the local fire department and only AFTER written application is APPROVED by the State Fire Marshal in writing.
- Burning permit must be in hands of local fire chief BEFORE burning exercise is conducted.
- Fire Department and/or owner shall assume all liability for damage which might occur due to this burning exercise.
- Do not burn if it is windy or property to be burned is close to another person's building
- Fire chief and firefighters, before departing from fire scene, SHALL and MUST extinguish ALL embers very thoroughly to prevent rekindling.

APPROVED THIS DAY OF , 20

NEBRASKA STATE FIRE MARSHAL or ASSISTANT STATE FIRE MARSHAL



NEBRASKA FIRE TRAINING DEMOLITION NOTIFICATION

This form is intended for use by Fire Departments conducting fire training exercises, which will result in the demolition of a structure. This notification must be sent to NDEQ at least 10 working days prior to the site preparation or asbestos removal in accordance with 40 CFR 61.145. The State Fire Marshal must issue a permit for a lawful training exercise.

1. **Type of Notification (circle):** **Original** **Revised** **Canceled**

2. **Fire Department Name :** _____
Address: _____
City: _____ **State:** _____ **Zip:** _____
Contact: _____ **Telephone:** _____

3. **Structure Owner Name:** _____
Address: _____
City: _____ **State:** _____ **Zip:** _____
Contact: _____ **Telephone:** _____

4. **Structure Information:** _____
Address: _____
City: _____ **County:** _____

5. **Structure Size (Square Feet):** _____ **# of Floors:** _____
Age in Years: _____ **Present Use:** _____

6. **Was the structure inspected for asbestos containing materials?(circle) YES NO**
Is asbestos present? YES NO **Quantity of asbestos:** _____
Asbestos removal contractor (if applicable): _____
Asbestos removal dates (if applicable): _____

STATE OF NEBRASKA



Dave Heineman
Governor



STATE FIRE MARSHAL
John Falgione
Fire Marshal

FLOOD 2011

LAWFUL BURNING OF PROPERTY FOR DISTRIBUTION AND PUBLICATION

State Statutes allow for fire departments to lawfully burn structures for training purposes after obtaining the proper burn permit from the State Fire Marshal's Agency. Because so many structures in the declared disaster counties were damaged from the flood conditions resulting in the possibility of mold spores and disease, I have made an executive decision to relax a requirement of the structure burn permit in those declared counties. This relaxation will remove the requirement that the fire departments have to use the structure for training purposes.

A fire department will still have to make application for a structure training burn permit from this office using normal and required procedures. A notation that the structure was flood damaged in 2011 shall be on the burn permit application. This office will review the application, routinely process it and if all criteria are met, the permit will be issued with a notation of the training requirement being waived.

This is being done in the interest of public safety and health to prevent the spread of disease and promote the economic recovery of the citizens of Nebraska.

Issuance of this burn permit does not release anyone from the requirements that may be in place from Nebraska Department of Environmental Quality, Department of Health and Human Services or any other state or federal agency.

A handwritten signature in cursive script that reads "John E. Falgione".

John E. Falgione
State Fire Marshal

MAIN OFFICE
 DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471- 2027

DISTRICT B
438 West Market
Albion, NE 68620-1241
(402) 395-2164

DISTRICT C
200 South Silber
North Platte, NE 69101-4219
(308) 535-8181

Fuels Division
 FLST **Pipeline**
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9465

TRAINING DIVISION
2410 North Wheeler Avenue
Suite 112
Grand Island, NE 68801-2376
(308) 385-6892