

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.*

## Flood Damaged Structure Demolition and 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 – Nebraska Air Quality Regulations](#) authorizes the Nebraska Department of Environment and Energy (NDEE) to issue open fire permits for the purpose of the destruction of materials after cleanup from a natural disaster (Title 129, Chapter 30 [§002.07F](#)) when there are no other practical means of disposal (Title 129, 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.

The Nebraska Department of Health and Human Services (NDHHS), Nebraska State Fire Marshal's Office (NSFM), and Nebraska Department of Environment and Energy (NDEE) have specific statutory responsibilities when it comes to ensuring proper: asbestos inspection and removal; open burning; and solid waste disposal. These agencies have put together this guidance document to assist individuals and communities with flood damaged structures that may be disposed by burning.

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

- 1. Asbestos assessment and proper disposal** - Structures which have suffered flood damage and the owner wants to conduct burning must have an asbestos inspection done, have asbestos removed and properly disposed prior to conducting any burning of the structure under an approved burning exercise. The NDHHS form, NESHAP Notification of Demolition and Renovation, can be found on [NDHHS's website](#). *For assistance on the asbestos regulations contact the Asbestos Program, Nebraska Department of Health and Human Services at (402) 417-0386*
- 2. An agreement must be signed** – The owner who wants to burn a structure must contact the local fire department. An agreement must be signed turning over the structure to the local fire department.
- 3. Clean out the structure** – The owner of the property must remove and properly dispose of wastes, recycle other material, and/or reuse items that were in the structure prior to burning. This includes items such as appliances and furniture. *For information on disposal or recycling locations contact NDEE Waste Management Section at (402) 471-4210 or click the following*

links. [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 a declared disaster area may be damaged from flood conditions, resulting in the possibility of mold spores and disease, the State Fire Marshal may make an executive decision to relax a requirement of the structure burn permit in those declared counties. This relaxation would remove the requirement that the fire departments have to use the structure for training purposes. Check with your local fire department following a declared disaster to see if the requirements have been relaxed.

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 NDEE Air Quality Program** – A form must also be filled out and filed with the NDEE Air Quality Program; The NDEE form “Nebraska Fire Training Demolition Notification” is attached below. *For questions related to the form, contact the NDEE Air Quality Compliance Section at (402) 471-2189.*

- 6. Proper solid waste disposal** – After completing the above steps along with any other local requirement, and having conducted a burn, the ash waste must be collected and properly disposed of at a municipal solid waste landfill, unless an alternate disposal location is approved by NDEE. Alternate disposal location requests will be reviewed on a case by case basis, and NDEE will consider whether to approve based on environmental factors and the proximity to existing landfills. It may be possible for landowners to demolish and bury structures on land that is agricultural in nature. *For additional info on the solid waste disposal regulations contact the NDEE Waste Management Section at (402) 471-4210.*

## **RESOURCES:**

- NDEE Home Page <http://dee.ne.gov/>
- Nebraska State Fire Marshal – <http://www.sfm.ne.gov>

## **Contacts:**

- NDEE Waste Management Section (402) 471-4210
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: [NDEE.moreinfo@nebraska.gov](mailto:NDEE.moreinfo@nebraska.gov)

## **NDEE Publications:**

- NDEE Guidance Document – General Asbestos Information
  - NDEE Guidance Document – Natural Disaster Debris Management
  - NDEE Guidance Document – Flood Sediment Clean Up
  - NDEE Report – Nebraska Recycling Directory
- Guidance is available on the NDEE Home Page under “Publications & Forms”*

- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 129 – Nebraska Air Quality Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)

*Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”*

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