



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

### MEMORANDUM

**TO:** Regional Directors  
Regional Air Compliance Managers  
Regional Air Permit Managers  
Regional Enforcement Managers  
Regional PREP Coordinators  
Regional Solid Waste Managers  
Central Office Air, PREP, and Solid Waste Managers

**CC:** Jeff Steers, Director of Central Operations *MC*

**FROM:** Michael G. Dowd, Director, Air & Renewable Energy Division

**SUBJECT:** ACG-012: Air Compliance Guidance for the Approval of Open Burning for Firefighter Training and Instruction Pursuant to 9VAC5-130-40 A 2

**DATE:** August 15, 2018

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#### Purpose:

The purpose of this guidance is to document the process for approving open burning for firefighter training and instruction in accordance with 9VAC5-130-40 A 2<sup>1</sup>. Questions or comments concerning this guidance should be directed to DEQ's Office of Air Compliance Coordination.

#### Applicability:

This guidance is applicable to open burning for firefighter training and instruction proposed in volatile organic compound (VOC) emissions control areas as defined in 9VAC5-20-206<sup>2</sup>.

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<sup>1</sup> <https://law.lis.virginia.gov/admincode/title9/agency5/chapter130/section40/>

<sup>2</sup> <https://law.lis.virginia.gov/admincode/title9/agency5/chapter20/section206/>

**Background:**

9VAC5-130-40 A 2 states in part...

“Open burning is permitted for training and instruction of government and public firefighters under the supervision of the designated official and industrial in-house firefighting personnel with clearance from the local firefighting authority. The designated official in charge of the training shall notify and obtain the approval of the [DEQ] regional director prior to conducting the training exercise...”

9VAC5-130-30 details open burning prohibitions for specific materials, operations, and scenarios.

**Implementation:**

Upon receipt of a request from an appropriate designated official (i.e., local fire chief/marshal) to approve open burning for firefighter training and instruction, regional air compliance staff must review the notification to ensure compliance with the open burning prohibitions in 9VAC5-130-30<sup>3</sup>. Air compliance staff must contact the designated official to resolve any questions concerning the request and draft an approval using the letter or email template provided as attachments to this guidance.

Per 9VAC5-130-40 A 2, the Regional Director must approve the request; therefore, they should either sign the letter, or send the email documenting their approval. Copies of the approval and the request should also be provided to the regional Air Compliance Manager, the Regional Solid Waste Manager, and the Regional PREP Coordinator to ensure all appropriate personnel are informed of the proposed burning.

**Attachments:**

Attachment 1: Letter to Approve Open Burning for Firefighter Training and Instruction  
Attachment 2: Email to Approve Open Burning for Firefighter Training and Instruction

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<sup>3</sup> <https://law.lis.virginia.gov/admincode/title9/agency5/chapter130/section30/>

Attachment 1  
Letter to Approve Open Burning for Firefighter Training and Instruction

[Regional air compliance staff should use appropriate regulations and the following information to review the request, and paste the information below onto regional DEQ letterhead to prepare for approval by the Regional Director.]

Date

Fire Chief/Marshal  
Address  
City, State, Zip

Dear {NAME}:

The Department of Environmental Quality (DEQ) has reviewed your {DATE} request to conduct firefighting training exercises by burning {NUMBER} structure(s) located at {ADDRESS} on {DATE}. Based on our review of your submittal, this proposed burning is approved as authorized by 9VAC5-130-40 A 2 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution (SAPCB Regulations), with the following conditions:

1. The purpose of the proposed burning is to provide firefighting training for {NAME OF FIRE DEPARTMENT}.
2. Only structures described in your {DATE} request may be burned. If additional structures are to be included, you must resubmit your request.
3. Per 9VAC5-130-30 B, rubber tires, asphaltic materials (such as roofing, siding, and flooring), crankcase oil, impregnated wood, other rubber or petroleum based materials and hazardous waste or containers for such materials may not be burned, and shall be removed before the proposed burning.
4. Per 40 CFR Part 61.145, asbestos containing materials may not be burned and shall be removed prior to the proposed burning in accordance with Virginia Department of Labor and Industry requirements.
5. The proposed burning shall be conducted in a manner consistent with good air pollution control practices for minimizing emissions, and shall be terminated immediately upon request by DEQ.

6. All prohibited materials and asbestos removed before the proposed burning, as well as the remaining debris after the proposed burning shall be disposed of at a permitted landfill in compliance with 9VAC20-81 of the Virginia Solid Waste Management Regulations (VSWMR).
7. Records shall be maintained and made available upon request that specifically document the proposed burning was conducted in accordance with the aforementioned requirements.

This approval is only applicable to the requirements of the SAPCB Regulations and does not exempt or excuse parties conducting the burning from any consequences, liability, damages, or injuries, which may result from the training exercise. Nor does it exempt parties conducting the burning from complying with other applicable laws, ordinances, regulations, and orders of the governmental entities having jurisdiction. Violations of any applicable requirement may result in enforcement action.

If you have any questions concerning this matter, please do not hesitate to contact {STAFF NAME}, at {PHONE/EMAIL}.

Sincerely,

{NAME}  
{Regional Director}  
DEQ {NAME} Regional Office

CC: Regional Air Compliance Manager  
Regional Solid Waste Manager  
Regional PREP Coordinator

Attachment 2  
Email to Approve Open Burning for Firefighter Training and Instruction

[Regional air compliance staff should use appropriate regulations and the following information to review the request, and paste the information below into an email to prepare for approval by the Regional Director. Be sure to send the final email to the requestor (i.e., To: the Local Fire Chief/Marshal), and copy (i.e., CC) the regional Air Compliance Manager, regional Solid Waste Manager, and PReP Coordinator.]

Dear {NAME}:

The Department of Environmental Quality (DEQ) has reviewed your {DATE} request to conduct firefighting training exercises by burning {NUMBER} structure(s) located at {ADDRESS} on {DATE}. Based on our review of your submittal, this proposed burning is approved as authorized by 9VAC5-130-40 A 2 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution (SAPCB Regulations), with the following conditions:

2. The purpose of the proposed burning is to provide firefighting training for {NAME OF FIRE DEPARTMENT}.
3. Only structures described in your {DATE} request may be burned. If additional structures are to be included, you must resubmit your request.
8. Per 9VAC5-130-30 B, rubber tires, asphaltic materials (such as roofing, siding, and flooring), crankcase oil, impregnated wood, other rubber or petroleum based materials and hazardous waste or containers for such materials may not be burned, and shall be removed before the proposed burning.
9. Per 40 CFR Part 61.145, asbestos containing materials may not be burned and shall be removed prior to the proposed burning in accordance with Virginia Department of Labor and Industry requirements.
10. The proposed burning shall be conducted in a manner consistent with good air pollution control practices for minimizing emissions, and shall be terminated immediately upon request by DEQ.
11. All prohibited materials and asbestos removed before the proposed burning, as well as the remaining debris after the proposed burning shall be disposed of at a permitted landfill in compliance with 9VAC20-81 of the Virginia Solid Waste Management Regulations (VSWMR).

12. Records shall be maintained and made available upon request that specifically document the proposed burning was conducted in accordance with the aforementioned requirements.

This approval is only applicable to the requirements of the SAPCB Regulations and does not exempt or excuse parties conducting the burning from any consequences, liability, damages, or injuries, which may result from the training exercise. Nor does it exempt parties conducting the burning from complying with other applicable laws, ordinances, regulations, and orders of the governmental entities having jurisdiction. Violations of any applicable requirement may result in enforcement action. If you have any questions concerning this matter, please do not hesitate to contact {STAFF NAME}, at {PHONE/EMAIL}.

Sincerely,