



SWM-SWP-G-117- Emergency Debris Management –DRAFT REVISION- MMDDYY
Emergency Debris Management from Natural Disasters Guidance

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: MMDDYY

SIGNATURES:

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PURPOSE

This guidance addresses emergency debris management from natural disasters (tornadoes, floods, etc.) that leave large amounts of debris in their wake.

SOLID WASTE STATUTORY CITATIONS

T. C. A. § 68-211-103(8) states:

- (A) *“Solid waste” means garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal;*

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(B) *“Solid waste” does not include:*

- (i) *Solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, codified in 33 U.S.C. § 1342; or*
- (ii) *Steel slag or mill scale that is an intended output or intended result of the use of an electric arc furnace to make steel; provided, that such steel slag or mill scale is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material or in a manner constituting disposal;*

T. C. A. § 68-211-103(9) states:

“Solid waste disposal” means the process of permanently or indefinitely placing, confining, compacting, or covering solid waste; and

T. C. A. § 68-211-104 states:

It is unlawful to:

- (1) *Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of water quality, oil and gas;*
- (1) *Place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee board of energy and natural resources, created by § 69-3-104;*
- (2) *Burn solid wastes except in a manner and under conditions prescribed by the department and the Tennessee air pollution control board;*
- (3) *Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*
- (4) *Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

GUIDANCE

Storage or Processing of Offsite Solid Waste Debris from Disasters

Emergency cleanup operations in conjunction with the Federal Emergency Management Agency (FEMA) involve the selection and approval, by the Division of Solid Waste Management (DSWM), of a debris staging area in order for FEMA funding to be available to local governments. The following procedures are typical for selecting, siting, and approving these temporary staging areas. Counties and/or municipalities need to take the following steps immediately after a disaster and notify the DSWM as soon as possible after a disaster in order to expedite site approval and receipt of reimbursement funding.

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1. After a disaster, DSWM Field Office staff will contact county or municipal officials (Mayor, Solid Waste Director, etc.) in the impacted areas, inform them of this guidance, and offer assistance.
2. The responsible county or municipal official (Mayor, Solid Waste Director, etc.) will submit written documentation (e.g., letter or email) to the DSWM Field Office requesting a site(s) be approved for temporary storage or processing of solid waste from the cleanup of the disaster. For DSWM to quickly provide approval of the requested site, the letter or email needs to contain the following information:
 - Site name and location;
 - Site owner's name and address;
 - Site latitude and longitude;
 - Responsible party (county/municipality and contact);
 - Contact telephone number and address;
 - Waste to be managed such as:
 - i. Household waste/garbage;
 - ii. Landscaping or land clearing waste;
 - iii. Construction/demolition debris;
 - iv. White goods;
 - v. Electronic wastes;
 - vi. Household hazardous waste; and
 - The date that all waste will be removed from the site and properly disposed of or recycled.
3. DSWM Field Office staff will visit each site that the county or municipal official (Mayor, Solid Waste Director, etc.) has requested in the written documentation (e.g., letter or email) mentioned in Item 2 above. This visit by DSWM will be made to determine suitability of the site(s) for use as temporary storage or processing areas for disaster generated solid waste. During the visit, DSWM will identify potential environmental issues/impacts that may be present at the chosen site location (e.g., groundwater and surface water protection, wetlands, etc.). Please note that DSWM's approval of a site for temporary storage or processing does not authorize violation of applicable federal, state, or local laws or regulations.
4. If the DSWM Field Office staff determines that a site(s) requested for the storage or processing of disaster generated solid waste is suitable (considering potential environmental issues/impacts based on site location, e.g. groundwater protection, wetlands, etc.), then the DSWM Field Office staff shall prepare a DRAFT approval package which will include:
 - A copy of the written documentation requesting approval of the disaster debris site,
 - A map clearly identifying the location of the proposed site, and
 - A DRAFT approval letter for the Director's signature.

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The draft approval package will be sent to a designated DSWM Central Office Solid Waste staff member for review prior to obtaining the Director's signature. The draft letter shall include any conditions of temporary storage and the date provided by the responsible county or municipal official in the original request letter that indicates when all waste will be removed from the site and properly disposed of or recycled.

5. Upon approval from the Director, the designated DSWM Central Office Solid Waste staff member will send the final approval package to the requesting county or municipal official, TEMA, and the appropriate EFO.
6. DSWM Field Office staff shall inspect the sites(s) to determine that all waste has been removed from the site and properly disposed of or recycled by the date identified in the approval letter signed by the Director

Burning of Solid Waste Debris from Disasters

The Division of Air Pollution Control's Guidelines for Open Burning of Natural Disaster Debris is found at https://www.tn.gov/content/dam/tn/environment/air/documents/apcmoved/air_guidelines-for-open-burning-natural-disaster-debris.pdf. Please remember that other local burn permits may be required before any burning of material can take place.

Final Destination of Offsite Solid Waste Debris from Disasters

Any waste staged at a temporary DSWM-approved staging area should always be beneficially reused, recycled or directed to a permitted landfill or other authorized solid waste facility (i.e., Transfer Station, Processing Facility, etc.). The beneficial use of a solid waste requires separate approval from DSWM. DSWM Policy PN028 - Beneficial Use of a Solid Waste describes the procedure for obtaining a beneficial use approval.

DSWM interprets building debris generated by natural disasters within the definition of "construction/demolition waste" as defined by Rule 0400-11-01-.01(2). There may be certain items found in this debris that are not normally found in construction/demolition waste. Therefore, every effort should be made to segregate and exclude waste inconsistent with the definition. Items such as white goods (refrigerators, freezers, etc.), cathode-ray tubes (CRTs) (computer monitors, TV's, etc.), and brown goods (other electronics) must be separated out and disposed of at an appropriate disposal facility or recycled. Furthermore, Rule 0400-11-01-.02(1)(b)3(xiii) only allows the use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.

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REVISION HISTORY TABLE

| Revision Number | Date | Brief Summary of Change |
|------------------------|-------------|---|
| 0 | 06/2004 | Initial |
| 1 | 01/24/2013 | General Revisions and Clarification |
| 2 | MMDDYY | Updated for organizational changes and BOE Policy - Include statutory citations - General Revisions and Clarification |