



SWM-SWP-G-117- Emergency Debris Management- 033021
Emergency Debris Management from Natural Disasters Guidance

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EFFECTIVE DATE: 033021

SIGNATURES:

Lisa Hughey

Lisa Hughey (Mar 26, 2021 14:33 CDT)

Lisa A. Hughey, Director, Division of Solid Waste Management

Jeremy Hooper

Jeremy Hooper (Mar 26, 2021 11:48 CDT)

Jeremy Hooper, Drafter / Preparer

Nick Lytle

Nick Lytle, Drafter / Preparer

Craig Almanza

Craig Almanza (Mar 26, 2021 13:53 CDT)

Craig Almanza, Reviewer

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:

“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;

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;

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.*

T. C. A. § 68-211-815(b)(16) states:

Each Municipal Solid Waste Region shall have “a plan for managing solid waste generated as a result of disasters or emergencies.”

SOLID WASTE REGULATORY CITATIONS

Rule 0400-11-01-.02(1)(b)3(xv) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The storage of solid waste that is recyclable material incidental to its recycling, reuse, reclamation, or salvage provided that upon request of the Commissioner, the operator demonstrates to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and environment. Recyclable material may not be stored for more than one year without written approval from the Division.

Rule 0400-11-01-.02(1)(b)3(xvi) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The storage of solid waste incidental to its collection. (The storage of solid waste a permitted facilities and permit-by-rule facilities and storage in a manner constituting disposal are not exempt from permitting requirements).

Rule 0400-11-01-.02(1)(b)3(xviii) states:

The following facilities or practices are not subject to the requirement to have a permit: ...

The processing of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch.

Rule 0400-11-01-.09(3)(c)16 states:

Each plan and revised plan submitted by a municipal solid waste region shall include the following: ...

A plan for managing solid waste generated as a result of disasters or emergencies based, in part, upon the FEMA 325 Public Assistance Program.

GUIDANCE

Temporary Storage 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. Pre-approval of a temporary debris staging area can be received (see **Pre-Approval of Emergency Debris Staging Area** below for guidance relative to obtaining pre-approval and procedures relative to pre-approved sites). **In situations where pre-approval has not been received**, the following procedures are typical for selecting, siting, and approving of temporary staging areas. Local governments need to notify the DSWM as soon as possible after a disaster in order to expedite site approval and receipt of reimbursement funding. In addition, DSWM Environmental Field Office (DSWM EFO) staff and local governments need to take the following steps immediately after a disaster:

1. After a disaster, if the DSWM EFO has not been contacted by the impacted local government, DSWM EFO 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.) should submit written documentation (e.g., letter or email) as soon as possible to the DSWM EFO requesting a site(s) be approved for temporary storage of solid waste generated from disaster recovery activities. Prompt notification will expedite site approval and facilitate receipt of reimbursement funding. 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;
 - Documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner)
 - 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 (refrigerators, freezers, etc.);
 - 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 EFO staff will visit each site that the responsible 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 a temporary storage area(s) for disaster generated solid waste. During the visit, DSWM will identify potential environmental issues or 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 does not authorize violation of applicable federal, state, or local laws or regulations.
4. If DSWM EFO staff determine that a site(s) requested for the storage of disaster-generated solid waste is suitable (considering potential environmental issues and impacts based on site location, e.g. groundwater protection, wetlands, etc.), then the DSWM EFO staff will prepare a DRAFT approval package which will include:
 - A copy of the written documentation requesting approval of the disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner)
 - A map clearly identifying the location of the proposed site, and
 - A DRAFT approval letter for the Director's signature.

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 approval letter must include any conditions of temporary storage and the date provided by the responsible county or municipal official in the original request communication specifying 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 **immediately email and mail** the final approval package to the requesting county or municipal official, TEMA, and the appropriate DSWM EFO.
6. DSWM EFO staff will inspect the sites(s) to determine that all waste has been removed from the site and properly disposed of or recycled by the date specified in the approval letter signed by the Director.
7. Note that if additional time is required to remove the debris and close the site, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) may request an extension in writing (e.g., in the form of an email or letter) from the appropriate DSWM EFO manager. The extension is only granted if approved by the DSWM EFO manager in writing and is subject to any conditions in the approval.

Burning of Solid Waste Debris from Disasters

For information regarding the rules regarding burning solid waste from disasters please see the Division of Air Pollution Control's *Guidelines for Open Burning of Natural Disaster Debris which can be found on TDEC's website*. 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.

Pre-Approval of a Temporary Emergency Debris Staging Area

Local governments may receive pre-approval of a temporary emergency debris staging area. The following describes two options under which such pre-approval can be requested by a local government, including through 1) a disaster debris management plan or 2) a pre-approval request. Following a description of the two options are the steps a local government and DSWM staff should take to ensure the use of a pre-approved temporary emergency debris staging area is accounted for, including any necessary amendments to the pre-approval, and recognized for receipt of reimbursement funding from FEMA.

Disaster Debris Management Plan

Tennessee Code Annotated section 68-211-814 states "each municipal solid waste region shall submit its plan [municipal solid waste region plan] to the department of environment and conservation by July 1, 1994." This statute requires the plan be formulated in strict compliance with Tennessee Code Annotated section 68-211-815 and requires that TDEC approve the plan if it adequately addresses each element required by Tennessee Code Annotated 68-211-815. Tennessee Code Annotated section 68-211-815(b)(16) requires that the municipal solid waste region plan include a plan for managing solid waste generated as a result of disasters or emergencies.

To assist in developing a debris management plan that satisfies the requirements of Tennessee Code Annotated section 68-211-815(b)(16), TDEC developed a disaster debris management planning tool in partnership with the Department of Transportation, Department of Agriculture, Division of Forestry, and the Tennessee Emergency Management Agency. This tool, found on TDEC's website, addresses temporary debris management sites, including the identification of locations for temporary disaster debris management.

Plans for managing solid waste generated as a result of disasters or emergencies that are a part of a TDEC-approved municipal solid waste region plan may serve as pre-approval of a temporary emergency debris staging area.

Pre-Approval Request

Local governments may request pre-approval of a temporary emergency debris staging area by sending in a **pre-approval request** to the appropriate DSWM EFO. A responsible county or municipal official (Mayor, Solid Waste Director, etc.) may send the request (e.g., letter form) for consideration at any time prior to a natural disaster. At minimum, the pre-approval request should include the following information:

- Site name and location;
- Site owner's name and address;
- If the site owner is a person or entity other than the local government, documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
- Site latitude and longitude;
- Responsible party (county/municipality and contact);
- Contact telephone number and address;
- Potential waste to be managed, such as:
 - vii. Household waste/garbage;
 - viii. Landscaping or land clearing waste;
 - ix. Construction/demolition debris;
 - x. White goods (refrigerators, freezers, etc.);
 - xi. Electronic wastes;
 - xii. Household hazardous waste; and

Following the receipt of the pre-approval request, DSWM EFO staff will take the following steps:

1. DSWM EFO staff will visit each site that the responsible 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 a temporary storage area(s) for disaster-generated solid waste. During the visit, DSWM will evaluate whether any potential environmental issues or impacts 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 does not authorize violation of applicable federal, state, or local laws or regulations.

2. If DSWM EFO staff determine that a site(s) requested for the storage of disaster-generated solid waste is suitable (considering potential environmental issues and impacts based on site location, e.g. groundwater protection, wetlands, etc.), then the DSWM EFO staff will prepare a DRAFT approval package which will include:
 - A copy of the written documentation requesting approval of the disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - A map clearly identifying the location of the proposed site; and
 - A DRAFT approval letter for the Director's signature.

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 approval letter must include any conditions of temporary storage.

3. Upon approval from the Director, the designated DSWM Central Office Solid Waste staff member will **immediately email and mail** the final approval package to the requesting county or municipal official and the appropriate DSWM EFO.

Accounting for the Use of a Pre-Approved Temporary Site

To ensure that the use of a pre-approved temporary site is accounted for, including any necessary amendments to the pre-approval, and, thus, recognized for receipt of reimbursement funding from FEMA the following procedures should be followed:

1. After a disaster, if the DSWM EFO has not been contacted by the impacted local government, DSWM EFO staff will contact county or municipal officials (Mayor, Solid Waste Director, etc.) in the impacted areas, to confirm whether a pre-approved temporary site(s) will be used and whether the language in the pre-approval needs to be amended to document updates or additions to the original pre-approval.
2. Following this initial contact, to formally document the use of a pre-approved site and any necessary updates or additions to the pre-approval, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) should submit written documentation (e.g., letter or email) to the DSWM Field Office confirming that a pre-approved temporary site will be used and indicate whether any items in the pre-approval need to be amended or added, including, but not limited to the following:
 - Site name and location;
 - Site owner's name and address;

- If the site owner is a person or entity other than the local government, documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - 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 (refrigerators, freezers, etc.);
 - 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. If the written documentation submitted includes updates (e.g., the size of the temporary debris site is increased) or additions (e.g., includes a new waste to be managed at the site), DSWM EFO staff may need to conduct a site visit to evaluate whether potential environmental issues or impacts may be present at the chosen site (e.g., groundwater and surface water protection, wetlands, etc.). Please note that DSWM's approval of a site for temporary storage does not authorize violation of applicable federal, state, or local laws or regulations.
4. After reviewing the submitted documentation confirming that a pre-approved temporary site will be used, whether updates or additions to the pre-approval are needed and conducting a site visit as needed based on updates and additions, the DSWM Field Office staff will prepare a DRAFT approval package which will include:
- A copy of the written documentation requesting use of the pre-approved disaster debris site, including documentation that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner);
 - A map clearly identifying the location of the proposed site; and
 - A DRAFT approval letter for the Director's signature.

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 approval letter must include any conditions of temporary storage and the date provided by the responsible county or municipal official in the original request communication specifying 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 **immediately** email and mail the final approval package to the requesting county or municipal official and the appropriate DSWM EFO.

6. DSWM EFO staff will inspect the sites(s) to determine that all waste has been removed from the site and properly disposed of or recycled by the date specified in the approval letter signed by the Director.
7. Note that if additional time is required to remove the debris and close the site, the responsible county or municipal official (Mayor, Solid Waste Director, etc.) may request an extension in writing (e.g., in the form of an email or letter) from the appropriate DSWM EFO manager. The extension is only granted if approved by the DSWM EFO manager in writing and is subject to any conditions in the approval.

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