



**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:**

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

\_\_\_\_\_  
Nick Lytle, Drafter / Preparer

\_\_\_\_\_  
Jeremy Hooper, Drafter / Preparer

\_\_\_\_\_  
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.

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

**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*

(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.*

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

**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.*

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

**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). **In situations where pre-approval has not been received**, the following procedures are typical for selecting, siting, and approving of 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.

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.) should submit written documentation (e.g., letter or email) to the DSWM Field Office requesting a site(s) be approved for temporary storage 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;
  - Proof 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;
    - 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 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 temporary storage area(s) for disaster generated solid waste. During the

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

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 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 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,
  - Proof 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 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 **immediately email and mail** 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.
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 (e.g., in the form of an email or letter) from the appropriate EFO manager.

**Burning of Solid Waste Debris from Disasters**

For information regarding the rules and regulations of burning solid waste from disasters please see The Division of Air Pollution Control's Guidelines for Open Burning of Natural Disaster Debris that can be referenced please remember that other local burn permits may be required before any burning of material can take place.

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

**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**

T.C.A. 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 T.C.A. 68-211-815 and that the department approve the plan if it adequately addresses each element required by T.C.A. 68-211-815. T.C.A. 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 T.C.A. 68-211-815(b)(16), TDEC, in partnership with Tennessee's Departments of Transportation (TDOT), Agriculture (TDA) Division of Forestry, and Emergency Management Agency (TEMA), developed a disaster debris management planning tool. This tool 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. To ensure that the use of a pre-approved temporary site is accounted for and, thus, recognized for receipt of reimbursement funding from FEMA the following procedures should be followed:

1. After a disaster, DSWM Field Office 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.

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

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 needs to be amended or added, including, but not limited to the following:
  - Site name and location;
  - Site owner's name and address;
  - Proof 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;
    - 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) and/or additions (e.g., includes a new waste to be managed at the site), DSWM Field Office staff may need to conduct a site visit to identify potential environmental issues/impacts that may be present at the chosen site (e.g., groundwater and surface water protection, wetlands, etc.). 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 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 shall prepare a DRAFT approval package which will include:
  - A copy of the written documentation requesting use of the pre-approved disaster debris site,
  - Proof that the site owner agrees that the site can be used for temporary storage (e.g., an email or letter from the site owner)

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

- 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 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 **immediately** email and mail 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
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 (e.g., in the form of an email or letter) from the appropriate EFO manager.

**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