

## Section 31: Local/Regional Issues

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### A. Introduction

Local, regional and state issues such as existing policies, regulations, ordinances/by-laws, contracts or waste hauler agreements may affect disaster debris management efforts. The local, regional and state organizations that have key roles in influencing debris management programs are identified in this section. This section will identify regulatory and policy barriers that may exist in order to save valuable response and recovery time after a disaster. In addition, this section will seek to identify permitting restrictions at transfer stations for emergency debris management activities. Lastly, this section will identify the best waste management practices that comply with the City of Leesburg's Public Works/Solid Waste Division's policies.

### B. Local/Regional/State Organizations

- **Local Governments** – The City of Leesburg is situated in the Central Florida Region, and encompassing an area of 29.52 square miles of Northern Lake County with a population of approximately 15,956. The City is a Commission/Manager form of government. There are 5 elected City Commissioners – 2 elected at-large and 3 from designated commission districts. The City Manager is the chief administrative official and is appointed by the City Commission. There are 14 departments under the direction of the City Manager. The City Manager's responsibilities include planning, organizing, and directing the activities of all departments of the City in accordance with the City Commission Policies, the Municipal Charter, and the City Ordinances. During all emergency mobilizations of City personnel, the City Manager shall continue to exercise administrative control of all City operations with advice from the EOC Commander and other emergency & departmental coordinators and directors. The City Manager or designee shall maintain and coordinate the briefings of the City Commission and other elected officials, briefing to Federal, State and County officials, and the authorized release of all information to the press and other media related to the emergency.
- **City of Leesburg Public Works Solid Waste Division Management** – The Solid Waste Division employees of the Public Works Department are under the direction of the Public Works Director. The Public Works Deputy Director will be responsible for the supervision of the total disaster debris clearance task including debris removal, transport and disposal.
- **Florida Department of Environmental Protection (FDEP)** – FDEP has a central role in regulating the environmental impacts associated with waste management. The FDEP has direct authority over disaster debris because most of the debris generated in a disaster falls within the category of solid waste.
- **Florida Emergency Management Agency** – State Emergency Response Team (SERT) primary responsibility is to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts.
- **Florida Department of Transportation (FDOT)** – The FDOT's primary responsibility is the design, construction, and maintenance of the state highways and bridges. This agency considers itself the steward of the State's road system. In the event of a

## Section 31: Local/Regional Issues

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### B. Local/Regional/State Organizations (Cont'd.)

disaster, it is the FDOT's responsibility to clear the area's federally-funded roads of debris in an emergency (**Appendix P**).

### C. Local/Regional Issues

After a disaster it may be expected that existing or closed waste management facilities may be used as storage, transfer or processing sites for the resultant debris. Transfer stations may be set up for temporary storage of debris before being moved to other processing facilities or for disposal. Active landfills may also use some of the recovered debris (e.g. soils) in their operations; certainly active landfills can dispose of debris materials that cannot be diverted through recycling or reuse. One issue for transfer stations is that their operating permits usually restrict the types of management activities they can conduct. A facility's permit may restrict the amount of material that can be stored, transferred or processed, thus limiting the amount of debris that can be stored, transferred or processed, thus limiting the amount of debris that can be brought to the site. Therefore the Governor, through the Florida Department of Environmental protection (FDEP), the agency that issues permits, may need to consider emergency orders that suspend regulations at local facilities that may be in a position to stage debris management activities.

- There is no formal process for suspending waste facility permit restrictions in the event of a disaster (i.e. increase in daily limits, receiving unacceptable wastes, disposing of waste ban materials, suspending waste diversion programs, etc.).
- A provision in the State's Solid Waste Regulations, allows a City to temporarily store solid waste generated by its public works department at locations controlled by the municipality, without the need for prior notice or approval by the FDEP. The waste must be stored in dumpsters, roll-off containers, or other temporary storage structures appropriate for the waste so as to prevent nuisance conditions and releases of contaminants to the environment. In the case of storm debris, temporary storage structures might include areas protected by hay bales to control runoff and odors or litter/dust.
- When municipalities are not allowed to accept and store non-department-of-public works-generated waste under this exemption, in an emergency the FDEP will allow municipalities to collect "storm debris" from their residents at a DEP-controlled location prior to disposal by the municipality. However, this is contingent upon the municipality notifying the appropriate FDEP Regional Office of the activity prior to commencing it and the municipality managing the storm debris in an environmentally protective manner as required by regulation at a location controlled and maintained by a municipality.

### D. State Issues

Disaster debris management does not significantly differ from the waste types included in the regulatory definition of solid waste. The biggest difference is in the proportions, timing, and amounts of waste generation. Effective disaster debris management is simply a reorganization of the waste management system to handle more waste and to handle it

## Section 31: Local/Regional Issues

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### D. State Issues (Cont'd.)

faster. Therefore, problems in the City's waste management system will be exacerbated in an emergency. Weaknesses in disposal regulation and policy will undoubtedly appear in the realities of a disaster.

- Despite the relationship between solid waste and disaster debris, the City of Leesburg Public Works/Solid Waste Division policies do not specifically address disaster debris. In fact the major goal of the policy is to minimize disposal capacity around the City in favor of diversion through source reduction, reuse and recycling.
- Another problem is contaminated sites. Because of the nature of disaster debris, the presence of some amount of hazardous material is probable. If the mixed waste is determined to contain hazardous materials in accordance with the FDEP testing protocols, then the ability to handle the debris and manage the debris staging sites becomes much more complicated and expensive.
- The State Emergency Management Agency functions as an integral part of the Federal Emergency Management System executing FEMA regulations and administering Federal relief funds. The State Emergency Management Agency provides local planning support and response coordination but all firmly within the Federal program.
- There is inherent disconnect in the missions of the State Emergency Management Agency and FDEP. Philosophically, emergency management protects the public from the environment whereas environmental protection protects the environment from the public.
- Federally-funded roads administered by the FDOT may not be cleared of disaster debris by local governments. FEMA will not reimburse local government for the costs of their sources they commit to road clearance. This may create a problem for the City where these roads serve as the main transportation routes in and out of the community. In a significant disaster, it may be unreasonable to expect the FDOT resources to be available in a timely manner to clear these roads in a disaster's response phase.

### E. Land-Use Ordinances

Local land-use ordinances and zoning regulations can restrict the usage of a parcel or impose administratively difficult permitting requirements for changing land use. These restrictions or requirements can pose barriers to establishing temporary storage, transfer or processing sites for disaster debris. Consequently, each municipality should have their ordinances and regulations evaluated for potential barriers.

### F. Local Building Codes

Potential end-use for recovered disaster debris is to reuse it to rebuild after a disaster. Local building codes should be examined to see if they pose barriers for the reuse of debris

## Section 31: Local/Regional Issues

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### F. Local Building Codes (Cont'd.)

for construction. In addition some local building ordinances pose barriers to source reduction because they promote the replacement of building over repair.

### G. Federally Funded Highways (*Appendix P*)

With respect to debris clearance and removal from federally-funded roads, the State's policy following a State Emergency Declaration is as follows:

- State resources may be utilized to perform temporary repairs and/or clear debris from impacted roadway surfaces and other public property when local resources have been depleted. The permanent repairs and/or removal of the cleared debris and ultimate storage and/or disposal are the responsibility of the affected governmental entity. (Clearance means that roads/lanes are passable for emergency vehicles; debris may be in the highway right-of-way. Removal means that debris is removed from the highway right-of-way and properly disposed.)
- State missions shall be assigned on a prioritized basis, according to the following order of priorities: (1) re-open transportation corridors in order to enable the passage of emergency vehicles, (2) re-open transportation corridors and other property to allow utility crews access to facilitate repairs of the utility infrastructure and restore power.

### H. *Debris Classifications*

To facilitate the debris management process, debris will be segregated by type. It is recommended that the categories of debris established for recovery operations will be standardized. The City of Leesburg Public Works Department will adopt the categories established for recovery operations by the U.S. Army Corps of Engineers following Hurricane Andrew. Debris removed will consist of two broad categories (clean wood debris and construction and demolition debris (C&D)). The most common hurricane-generated debris will consist of 30% clean woody material and 70% C&D. Of the 70% mixed C&D it is estimated 42% will be burnable but require sorting, 5% will be soil, 15% will be metals, and 38% landfill.

#### **Definition of classifications of debris are as follows:**

***Burnable Materials:*** Burnable materials will be of two types with separate burn locations:

***Burnable Debris:*** Burnable debris includes, but is not limited to, damaged and disturbed trees; bushes and shrubs; broken, partially broken and severed tree limbs; and bushes. Burnable debris consists predominately of trees and vegetation. Burnable debris does not include garbage or construction and demolition (C&D) material debris.

***Burnable Construction Debris:*** Burnable construction and demolition (C&D) debris consists of non-creosote structural timber, wood products, and other materials designated by the coordinating agency representative.

## Section 31: Local/Regional Issues

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### **Definition of classifications of debris are as follows: (Cont'd.)**

***Non-burnable Debris:*** Non-burnable construction and demolition (C&D) debris includes, but is not limited to, creosote timber, plastic, glass, rubber and metal products, sheet rock, roofing shingles, carpet, tires, and other materials as may be designated by the coordinating agency. Garbage will be considered non-burnable debris.

***Stumps:*** Stumps will be considered tree remnants exceeding 24 inches in diameter; but no taller than 18 inches above grade, to include the stump ball. Any questionable stumps shall be referred to the designated coordinating agency representative for determination of its disposition.

### **Definition of classifications of debris are as follows (Cont'd.):**

***Ineligible Debris:*** Ineligible debris to remain in place includes, but is not limited to, chemicals, petroleum products, paint products, asbestos, and power transformers.

Any material that is found to be classified as hazardous or toxic waste (HTW) shall be reported immediately to the designated coordinating agency representative. At the coordinating agency representative's direction, this material shall be segregated from the remaining debris in such a way as to allow the remaining debris to be loaded and transported. Standing broken utility poles, damaged and downed utility poles and appurtenances, transformers and other electrical material will be reported to the coordinating agency representative. Emergency workers shall exercise due caution with existing overhead and underground utilities and above ground appurtenances, and advise the appropriate authorities of any situation that poses a health or safety risk to workers on site or to the general population.