

Appendix III-4a

**NEW YORK STATE EMERGENCY DEBRIS
CLEARANCE
POLICY AND PROCEDURES**

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I. STATE DISASTER EMERGENCY DECLARATION

Under a State Disaster Emergency Declaration (Section 28, New York State Executive Law, Article 2-B), the Governor normally issues an Executive Order which directs State agencies to take such actions as may be necessary to assist affected areas in repairing, restoring and protecting private and public facilities and to provide such other emergency assistance as would protect the public health and safety.

II. STATE EMERGENCY DEBRIS CLEARANCE ASSISTANCE

Frequently, in the aftermath of a disaster, municipalities and public utilities must remove large quantities of downed trees and other debris, as part of their efforts to restore services and clear public streets. When a State Disaster Emergency is declared, State agencies may be directed to assist in those efforts. If that occurs, their activities will be conducted in accordance with the policy described in (III.) below, subject to the direction of and priorities established by the State Coordinating Officer.

III. STATE EMERGENCY DEBRIS CLEARANCE POLICY

With respect to debris clearance and removal, the State's policy following a State Disaster Emergency Declaration is as follows:

A. MISSION RESPONSIBILITIES

State resources may be utilized to clear debris from impacted roads and other public property. The removal of the cleared debris and ultimate storage and/or disposal is the responsibility of the affected governmental entity.

B. MISSION PRIORITIES

State missions to clear debris shall be assigned on a prioritized basis, according to the following order of priorities:

1. **First Priority:** the clearance of transportation corridors in order to enable the passage of emergency vehicles.

2. **Second Priority:** the clearance of transportation corridors and other property to allow utility crews access to damaged power lines and other utility infrastructure which must be repaired in order to restore power to affected areas.
3. **Third Priority:** other emergency-related needs as identified by the affected local jurisdictions or by State agencies, and as authorized by the State Coordinating Officer.

C. MISSION REQUESTS

Local jurisdictions will submit requests for debris clearance assistance to the State Emergency Management Office (SEMO), which will evaluate and prioritize requests. When requested by SEMO, State agencies will conduct damage assessments at impacted sites in order to determine the appropriate equipment and other resources needed to perform the required work.

D. MISSION ASSIGNMENTS

Under SEMO coordination, State agencies with debris clearance capabilities will jointly review requests for debris clearance assistance to determine which agencies have the appropriate and necessary resources available to perform the required work.

E. COMPLETION DATE

At the direction of the State Coordinating Officer (SCO), or within one to two weeks after the issuance of the State Disaster Emergency Declaration, the SCO, SEMO, impacted local jurisdictions and appropriate State agencies will assess the need to determine a completion date for the collection of debris placed in public rights-of-way by private property owners and others. This assessment will be conducted at least weekly thereafter. Once the SCO decides to implement a completion date, the date will be publicized in the affected jurisdictions. The purpose of the deadline is to maintain emphasis on the emergency nature of the work and to insure that storm-related debris clearance activities are completed in a timely manner. This will also serve to avoid problems that can occur when non-disaster work is performed simultaneously with emergency projects. In addition, this will allow residents and local jurisdictions to complete storm clean-up and will free governmental workers to proceed with other essential services.

IV. STATE DEBRIS CLEARANCE RESPONSIBILITIES

A. STATE COORDINATING OFFICER (SCO)

The SCO provides overall direction and control of available State agency resources under a State Disaster Emergency Declaration.

B. STATE EMERGENCY MANAGEMENT OFFICE (SEMO)

SEMO coordinates debris clearance missions under a State Disaster Emergency Declaration.

C. DEPARTMENT OF TRANSPORTATION (DOT)

DOT, as part of its agency mandate to keep transportation routes clear, is involved in debris clearance activities. DOT's normal policy is to clear debris from major transportation routes by moving it to the side of the road. At that point, the County or local jurisdiction which owns the road is expected to transport the debris from the side of the road to approved disposal sites or to landfills for final disposition (burying or burning). DOT Regional offices maintain a list of disposal sites within their regions to which they may take "State-owned" debris (i.e., debris which is not under local jurisdiction) for disposal.

D. DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)

Under 6 NYCRR Part 215, DEC requires a permit for the disposal of trees, branches, leaves and other brush by open burning. In addition, storage sites and transfer stations require a solid waste management permit under 6 NYCRR Part 360. These permits must be filed by each entity wishing to burn brush or landfill debris. However, NYS Environmental Conservation Law (ECL) Sec. 270-0111(d) provides for the issuance of general permits, valid for a specific period of time following natural disasters, when numbers of individuals undertake similar types of minor projects that are of a remedial nature. Further, ECL Sec. 270-0116 allows the DEC to give emergency authorization, not to exceed 30 days, for an action normally requiring a permit. Both emergency provisions require a finding of emergency or written statement of necessity by the DEC Commissioner in order to be implemented.

Under the Commissioner's finding, DEC Regional Directors and their staffs may be authorized to issue general permits or emergency authorizations in affected areas when, in their judgement, open burning or temporary storage of downed trees and brush is immediately required. Actions taken in furtherance of the storage and disposal of downed trees are exempted from the requirements of Article 8 of the ECL and 6 NYCRR Part 617.

DEC maintains a computerized list of Construction and Demolition landfills which will accept storm debris. Periodically, as well as during emergency operations, this list is provided to SEMO to serve as a source of disposal sites for storm debris. In addition, DEC may also be required to provide personnel and equipment to assist in debris clearance activities.

E. OTHER STATE AGENCIES

Other State agencies, such as the Department of Correctional Services, the Thruway Authority and the Office of Parks, Recreation and Historic Preservation, will be called upon to provide personnel, equipment and other needed resources for debris clearance activities.

V. FEDERAL DEBRIS CLEARANCE ASSISTANCE

A. Federal Disaster Assistance Law Provisions

Following a Presidential Disaster Declaration, Federal disaster assistance will be used to the maximum extent possible to remove debris and wreckage from publicly and privately owned lands and waters. Such assistance can only be provided when it is judged to be in the public interest by meeting the following three conditions:

1. The necessary elimination of immediate threats to life, public health and safety;
2. The elimination of immediate threats of significant damage to improved public or private property; and,
3. To ensure the economic recovery of the affected community to the benefit of the community-at-large.