State of New Mexico
2024 South Fork Fire and Salt Fire

OPT-OUT DEBRIS REMOVAL PROGRAM CLEANUP STANDARDS

Introduction

The 2024 South Fork Fire and Salt Fire have destroyed several hundred homes across Lincoln County. Following the fires, Lincoln County declared a local disaster due to the widespread debris from destroyed homes. The New Mexico Department of Health subsequently issued a public health order recognizing the hazards present in fire debris (including asbestos and heavy metals) The Governor of New Mexico issued an executive order to ensure rapid, safe cleanup through either the publicly funded Full-Service Debris Removal Program or the Opt-Out Debris Removal Program. This document details the cleanup standards applicable to all property owners participating in the Opt-Out Debris Removal Program.

Fire debris cleanup is a complicated process involving several steps. Whether you opt-in to the Full -Service Debris Removal Program (Full-Service Program) or opt-out, the cleanup steps are the same. The primary differences between the programs are how they are funded and the responsibility to manage the cleanup. This added responsibility is not right for everyone. Be certain that you want to opt-out because once you begin your own cleanup, you will be ineligible for the Full-Service Program.

This guide is meant to help homeowners, contractors, environmental consultants and others understand the opt-out debris removal steps and requirements. If you have any questions, please contact the New Mexico Environment Department at (505) 490-5868.

Health and Safety Considerations
To ensure safety of workers, the public and the environment, property owners must follow certain protocols after a wildfire disaster when removing structural ash and debris. The New Mexico Department of Health has issued a public health order that describes the public health and environmental dangers associated with the ash and debris from the South Fork Fire and Salt Fire**.** As a result, the cleanup work must be done in a manner ensuring safety and protection of human health and the environment. The Environment Department has been charged with providing guidance to ensure all cleanups comply with applicable laws and regulations, meet established standards, and adhere to certain worker and community safety protocols.

Financial Considerations
Property owners who opt out of the Full-Service Debris Removal Program are required to remediate their property and 1) remove burn debris **at their own expense**, 2) comply with all applicable requirements, as described in this document, and 3) do so in a timely manner. Property owners will not be reimbursed with public funds for any portion of the cleanup or remediation process including asbestos testing and removal, ash/debris removal, debris disposal, erosion control, or tree removal. Property owners are highly encouraged to consult with their insurance provider to determine what coverage they have for debris removal and what costs will need to be paid out of pocket. The cost of conducting post-fire debris removal often exceeds insurance debris removal coverage limits.

Owners Who Fail to Adequately Remove Debris from Their Property

Due to the dangers to the public health, welfare and the environment, if property owners choose not to participate in the Full-Service Program and/or do not complete an adequate or timely cleanup in compliance with these standards, they may be subject to enforcement actions. Such actions may include, but are not limited to, hazard removal and/or relocation, cleanup, site evaluation, and/or chemical analysis, in accordance with applicable local, state and or federal environmental laws and regulations. Deadlines for completing an adequate cleanup through the opt-out program may be established by State or local authorities.

Debris Removal Process

The debris removal process detailed over the following pages is detailed in Figure 1.

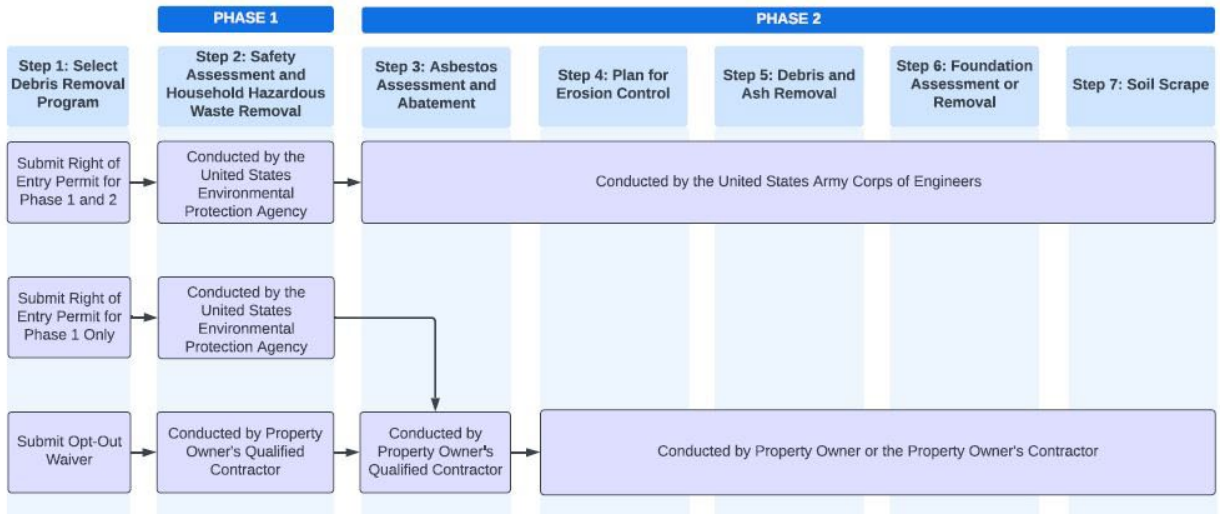

Figure 1 - Debris Removal Process

Step 1: Submit Right of Entry Permit or Opt-Out Form

Due to the cost and complexity of fire debris removal, property owners are highly encouraged to submit a Right of Entry Permit and enroll in the Full-Service Program for both Phase 1 and Phase 2. However, property owners may elect to submit a Right of Entry Permit for only Phase 1 or file an opt-out form to opt-out of the Government Program entirely.

Right of Entry Permits and opt-out forms are available at https://www.dhsem.nm.gov/nmwildfires/debris/ or at the following location:

Lincoln County: Disaster Recovery Center at the Horton Complex, 237 Service Road, Ruidoso, NM 88345.

Completed Right of Entry Permits and opt-out forms should be returned to the address above.

Property owners are highly encouraged to consult with their insurance provider to determine what coverage they have for debris removal and what costs will need to be

paid out of pocket. The cost of conducting post-fire debris removal often exceeds insurance debris removal coverage limits.

Phase 1 Operations

Property owners may elect to participate in the Full-Service Program for Phase 1 only. If participating in Phase 1 of the Full-Service Program but opting out of Phase 2, skip to Step 3. If opting out of Phase 1 and Phase 2, all of the steps below apply.

Step 2a: Initial Safety Assessment
When assessing a property, the Contractor or property owner should ensure proper safety procedures are performed; including but not limited to:

- marking of areas of safety concerns such as wells and septic systems,
- marking of hazardous trees
- marking of areas of suspected regulated asbestos material.

Due to the potential for hazards in the air and debris, it is recommended that air monitoring be done prior to entry. Also, due to safety concerns children should not be exposed to fire debris. Level "C" Personal Protective Equipment (PPE) is advised to be worn at all times. Level "C" PPE includes:

1. Respirator
2. Coveralls
3. Hard Hat
4. Steel toe/shank boots
5. Eye protection
6. Gloves

Contractors performing debris removal must follow New Mexico Environment Department Occupational Health and Safety Bureau requirements for worker safety.

The contractor or property owner must locate, protect and notify appropriate utilities of the cleanup, such as local utilities and New Mexico 811.

Step 2b: Household Hazardous Waste (HHW)
The Contractor or Property Owner must take all reasonable precautions to identify, segregate, remove and properly dispose of this household hazardous waste. Due to safety concerns, property owners are highly encouraged to hire a qualified contractor to collect and manage the HHW. HHW includes but is not limited to:

1. Batteries
2. Household Chemicals
3. Propane tanks
4. Pesticides
5. Oils/Fuels
6. E-waste
7. Pressurized Tanks

8. Paints
9. Solvents

Caution should be taken when handling household hazardous wastes as some chemicals are reactive in the presence of certain other chemicals. Wastes should be placed in secondary containers prior to shipment.

Contractors performing HHW removal must follow New Mexico Environment Department Occupational Health and Safety Bureau requirements for worker safety.

Phase 2 Operations

Step 3: Asbestos Assessment and Abatement

When disturbed by fire, demolition, or remodeling, asbestos can become airborne and cause serious health concerns such as mesothelioma. Obtaining an asbestos evaluation early in the process will help to fully address conditions found on the property. Although bulk asbestos may have been identified and removed during Phase 1 (Household Hazardous Waste removal), this was only a screening-level assessment. Detailed asbestos sampling and testing is not completed in Phase 1. Depending on the age and construction of the building, various building materials, the foundation, brick and/or chimney mortar may have asbestos-containing materials. Any of these may require asbestos testing as determined by a qualified asbestos sampler.

The Contractor or Property Owner must hire a qualified asbestos sampler to determine if there is any regulated asbestos waste on-site. New Mexico does not have an asbestos sampler licensing program. Anyone who is a qualified sampler in another state or under the EPA Asbestos Hazard Emergency Response Act program is qualified to sample for asbestos in New Mexico.

Suspect asbestos-containing materials, including pipes, fragments or soils contaminated with related fragments or powders, must be sampled and analyzed by Polarized Light Microscopy to determine if the materials contain greater than one percent (1%) asbestos. If so, such materials require management as regulated asbestos waste per the New Mexico Solid Waste Rules (“SWR”), 20.9.2 – 20.9.10 NMAC, to include proper containerization, labeling, manifesting, transport by an approved special waste hauler and disposal at a permitted solid waste facility specifically permitted to accept regulated asbestos waste as found in Appendix B.

The contractor or property owner must hire an Asbestos Contractor to properly remove and dispose of any asbestos found. Asbestos Contractors must comply with the remediation and 40-hour contractor supervisor training requirements of the Asbestos NESHAP, 40 CFR 61 Subpart M. Asbestos contractors are required to have a GB-98 general contractor’s license and a GS29 special contractor’s license from the Construction Industries Division, phone number (505) 476-4700. All contractors must adhere to 29 CFR 1910.1001 for general clean-up without demolition or 29 CFR 1926.1101 for demolition of asbestos containing material. Contractors are required to

provide task training to workers, normally at least 8 hours, and to provide workers compensation insurance.

Step 4: Plan for Erosion Control

During debris removal, best management practices (BMPs) shall be implemented to establish erosion controls at the site. This is necessary to prevent ash, soil, and other pollutants from washing into the street, drainage courses and culverts, or onto neighboring properties. BMPs include but are not limited to:

- Stockpiled materials that are not immediately loaded for transport should be handled and stored on site in such a manner as to avoid offsite migration. This may include wetting and covering the waste until it is loaded and transported. Locate stockpiles away from drainage courses, drain inlets or concentrated flows of storm water.
- Stockpiled material should not be stored or placed in a public roadway.
- During the project and in the rainy season, cover non-active soil stockpiles and contain them within temporary perimeter sediment barriers, such as berms, dikes, silt fences, hay bales or sandbag barriers. You may use a soil stabilization measure in lieu of cover.
- Implement appropriate erosion control measures during debris removal and provide final site stabilization after debris removal is completed.

Construction activity, including demolition activities, that disturbs an acre or more of land may require a Construction General Permit (CGP) from the Environmental Protection Agency (EPA). The 2024 CGP, with instructions on getting permit coverage and instructions for a Notice of Intent (NOI) and other forms, is available at: https://www.epa.gov/npdes/stormwater-discharges-construction-activities.

Even if a construction stormwater permit is not required; the property owner and their contractor are still required to follow any State and local requirements around sediment and erosion control and debris management (i.e. no tracking of mud onto local roadways, no illicit discharges, minimize sediment leaving the lot, no illegal dumping, etc.).

Step 5 – Debris and Ash Removal

The contractor or property owner is required to remove ash and structural debris, metals, and concrete from the site and dispose of it properly. The contractor or property owner should recycle metals and concrete when possible. Concrete and metal must be generally free of ash and debris.

Disposal of Debris and Ash

Fire debris, structural ash, and contaminated soil not including regulated asbestos waste must be disposed of at a municipal solid waste (MSW) landfill. The contractor or property owner must present results of asbestos assessments, testing and abatement to verify that regulated asbestos waste is not included in the waste disposed of in an MSW. Disposal of fire debris, structural ash, and contaminated soil at local transfer stations, construction and demolition landfills, or in onsite burial pits is prohibited.

Special handling and transportation requirements apply to ash, structural debris and contaminated soil. All waste must be wetted and fully encapsulated ("burrito wrapped") using 6-10 mil plastic sheeting using the approved waste handling protocol. All loads must then be tarped for transport and ultimate disposal. Contractors/haulers failing to adhere to this standard may have their loads rejected at the disposal facility and/or may be subject to monetary fines.

Recycling Metal and Concrete

Property owners and contractors are encouraged to recycle metals and concrete whenever possible. Concrete and metal should be separated. Concrete and metal must be generally free of ash and debris**.**

- Metal and concrete may be rinsed down on site. If so, rinsing must be done over the debris pile prior to loading or transport. BMPs for storm water discharges must be in place.
- Concrete and metal must be covered with a tarp prior to transport.
- Concrete and metals may be recycled at any legally operating recycling facility.
- If metal and concrete are not recycled, they may be disposed of in a permitted Construction and Demolition Debris landfill or a permitted MSW landfill.
- Vehicles are acceptable for metal recycling but not until the Vehicle Identification Number has been verified by law enforcement.

Hazardous Waste Removal and Contingency Planning

A hazardous waste contingency plan is needed to ensure hazardous wastes are handled correctly if they were missed during Phase 1 Household Hazardous Waste removal (If property owner did not opt-out of Phase 1).

- Verify the Phase 1 process was completed by US EPA.
- Contractor or Property owner must have a contingency plan for any hazardous wastes encountered or remaining on property.
- Additional hazardous wastes may be uncovered during general debris removal and the Contractor or Property owner must take all reasonable precautions to identify, segregate, remove and properly dispose of this hazardous waste.
- Refer to Step 2B for additional information on handling hazardous wastes.

Dust Control and Air Monitoring

Dust Control is a critical consideration for all debris removal work. Dust control measures such as providing water or an approved dust palliative, or both, to prevent dust nuisance are recommended. Dust control measures include:

- **Control 1**- Water or an approved dust palliative (substance applied to roads or ground surfaces to reduce airborne dust and its health impacts), or both, should be used to prevent dust nuisance at each site. Each area where ash and debris are to be removed will be pre-watered with a fine spray nozzle in advance of initiating debris removal and as needed during the removal. The water should be applied in a manner that does not generate runoff. Engineering controls for storm water discharges must be in place prior to dust control operations.
- **Control 2**- All loads shall be covered with a tarp. Ash and debris loads shall also be fully encapsulated with 6 to 10 Mil polyethylene plastic ("burrito wrap" method).
- **Control 3**- All waste material left onsite at the end of each workday shall be sufficiently wetted, and/or covered to prevent the offsite airborne migration of contaminants.

- **Control 4**- All visibly dry soil surfaces within the operating zone should be watered to minimize dust emissions during performance of work.
- **Control 5**- Speeds should be reduced when driving on unpaved roadways.
- **Control 6**- Procedures will be implemented to prevent or minimize dirt, soil or ash contaminating roadways, neighboring parcels or creating an airborne health hazard. The use of blower devices, dry rotary brushes, or brooms for removal of carryout and track out on public roads is discouraged.

Step 6 – Assessment/Removal of Building Foundations

In general, the structural integrity of concrete and masonry will be adversely affected in a wildfire, especially when the structure is completely destroyed. These materials may be irreversibly altered deeming it unsatisfactory for reuse in supporting a rebuilt structure. Therefore, Contractor or property owner should completely remove and dispose of foundation or consult with local building officials to determine if the foundation is acceptable for rebuild under the current code. Tests for evaluating the compressive strength of the concrete by ASTM C39 and ASTM C140 may be used to determine if a foundation may be reused. The listed ASTM tests involve taking core samples from foundations and doing a compressive test in a certified lab. Property owners are encouraged to consult with the local building department regarding potential reuse of foundations during reconstruction.

If the building foundation is removed, it may be disposed of at a Municipal Solid Waste Landfill, a Construction and Demolition Debris Landfill or a concrete recycling facility.

Step 7 –Soil Scrape

There is a risk of potential soil contamination from the fire debris and ash. As a result, after the ash and debris are removed from the property to a level of visually clean soil, the contractor is required to remove an additional 3 to 6 inches of soil from the ash footprint. This soil must be disposed of at an MSW landfill using the same handling, transportation and disposal protocols discussed above for ash and structural debris.