



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
ENVIRONMENTAL COMPLIANCE GREENSHEET
FEMA 4721-DR-OK



Environmental and Historic Preservation Guidance

As a condition of Federal Emergency Management Agency (FEMA) funding, projects must be reviewed for compliance with all applicable environmental laws, regulations, and executive orders (EO). This “Greensheet” provides you, the Applicant, with guidance on FEMA’s Environmental and Historic Preservation (EHP) review process to help you understand your obligations to ensure that all Federal and State compliance requirements are met and how compliance may impact project funding. FEMA EHP staff is available to answer questions and direct you to other resources as needed.

Federal Laws and Executive Orders Routinely Encountered During Review

National Environmental Policy Act (NEPA)
National Historic Preservation Act (NHPA)
Clean Water Act (CWA)

Endangered Species Act (ESA)
EO 11988 Floodplain Management
EO 11990 Wetlands Protection

Environmental Compliance and Federal Funding

NEPA requires Federal Agencies to assess the environmental effects of their actions, such as funding disaster recovery projects, prior to making funding decisions. NEPA incorporates the other environmental and historic preservation laws into the final consideration of the proposed project and its potential alternatives. FEMA has developed several levels of environmental review to streamline the types of projects commonly funded for disaster recovery. A clear scope of work is needed to determine the level of review required under NEPA which can impact project timelines. Some projects may require additional regulatory permitting or consultation with State, Federal, or Tribal entities. FEMA EHP will advise applicants on what to expect during the review process. This guidance includes information regarding many, but not all, of the laws routinely addressed during disaster recovery project review. **The Applicant has several compliance responsibilities which may be required before funding can be approved or work can proceed. Failure to comply with applicable Federal, State, and local environmental and historic preservation laws could jeopardize or delay potential funding.**

Debris and Hazardous Materials

Debris cleanup must be documented from removal to final disposition. For debris taken to a permitted landfill, **the location and permit number for the landfill** should be included in the project worksheet. Temporary emergency staging and disposal sites for the stockpiling, reduction, burning, and/or burial of disaster debris must be permitted by the Oklahoma Department of Environmental Quality (ODEQ) and approved by both the Oklahoma State Historic Preservation Officer (SHPO) and the Oklahoma Archaeological Survey (OAS). The Oklahoma Department of Emergency Management and Homeland Security (OEM) and ODEQ will assist the applicant to register the site and complete the Emergency Disposal Site Evaluation & Registry Form which specifies the activities approved at each site. ODEQ will then forward the form to SHPO and OAS for approval. **The applicant must provide FEMA with the approved form.** Hazardous materials must be disposed of in a manner consistent with all State and Federal laws. Debris should not be staged within the floodplain and should never be staged in a wetland area, even temporarily. **Debris removal from wetlands should be coordinated with the US Army Corps of Engineers (USACE) and may require FEMA consultation with the US Fish and Wildlife Service (USFWS).** The State disaster debris guidelines can be found here:

<https://www.deq.ok.gov/wp-content/uploads/degmainresources/DisasterDebrisManagementMunicipal.pdf>

Work in or near Water or Wetlands

Projects that involve work in or near water or wetlands, including dredging or filling, in-stream debris removal, bank stabilization, or mitigation measures or changes to culverts, crossings, or bridges, may require a permit from USACE. **The applicant is responsible for obtaining any required approvals or permits from USACE prior to the commencement of work.**

Cultural Resources

Section 106 of the NHPA requires Federal Agencies to consider the effects of their activities on historic properties prior to the approval of the expenditure of Federal funds. FEMA has executed a Programmatic Agreement (PA) with SHPO and OAS which allows us to expedite many of the types of disaster recovery work that have been demonstrated through experience not to have an adverse effect on historic properties. Projects involving properties that are **45 years** of age or older may require FEMA consultation with SHPO and OAS. **All ground disturbing activities, including staging areas and borrow sources**, must be reviewed by a FEMA Archaeologist and FEMA may need to consult with SHPO, OAS, and Federally Recognized Tribes. A clear scope of work, including **the age of any existing buildings or structures** and the location and description of **all ground disturbing activities** is required to complete a review of the project.

Floodplains and Wetlands

FEMA reviews all projects to determine if they affect or will be affected by the floodplain and/or wetland under EO 11988 and EO 11990. The objective of these orders is to minimize and/or avoid future impacts to the natural and beneficial values of floodplains and wetlands as well as impacts to facilities repaired using Federal funds. Projects located within these resource areas may require the use of the “8-step” decision making process, requiring public notification and involvement in the consideration of the proposed project and any practicable alternatives. In addition, Public Assistance has issued an interim policy (FEMA Policy 104-22-0003) for implementation of the Federal Flood Risk Management Standard (FFRMS) that applies to PA projects in the 1% (100-year) annual chance floodplain (and to the 1% (100-year) and 0.2% (500-year) annual chance floodplains for critical actions) involving new construction of structures, structures that have a substantial damage determination, or structures that require substantial improvement. **The applicant is responsible for obtaining any required approvals or permits from the local floodplain administrator for any projects located within the floodplain and USACE for projects located in the wetland.**

Threatened and Endangered Species and Critical Habitat

Projects that involve work in water or are located within a natural area may have the potential to affect Threatened and Endangered Species or Critical Habitat. FEMA is able to expedite the review of many types of disaster recovery work which have been demonstrated through experience not to cause adverse effects. Some projects may require additional consultation with USFWS specific to the work to be performed and individual species of concern. The presence of Threatened and Endangered Species or Critical Habitat may affect project design, construction timeframes, or require best management practices to minimize adverse effects. **Projects with the potential to affect Federally protected species may require FEMA consultation with USFWS prior to the commencement of work.** Information about the Federally protected species in your area can be found here: <https://ipac.ecosphere.fws.gov/>

Borrow Sources for Fill Materials

All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches, provided the designed width or depth of the ditch is not increased, or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g. a new pit, agricultural fields, road right of ways, etc.), in whole or in part, regardless of cost, the Applicant must notify FEMA and the Recipient prior to extracting material. **FEMA must review the source for compliance with applicable federal environmental planning and historic preservation laws and executive orders prior to a subrecipient or their contractor commencing borrow extraction.** Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. **Documentation of borrow sources utilized is required at closeout.**

Environmental Justice

Executive Order (EO) 12898 directs each federal agency to avoid disproportionate and high adverse human health or environmental effects to low-income and minority populations. Applicants can play a critical role in achieving Environmental Justice by identifying the presence of low-income and minority populations so that disproportionate impacts to human health and environmental hazards can be considered early in the project development stage, and avoided, when possible. The following types of projects may trigger EO 12898 include, but are not limited to:

- Temporary housing
- Debris staging and disposal
- Road repair that requires detours
- Temporary or relocation actions
- Drainage improvements / actions in floodplains

Contact Information

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Disaster Debris Management Guidelines for County and Municipal Governments

The following information is to assist public officials in making decisions about debris management. There are several key considerations in the decision process:

- The need for rapid removal.
- Potential reimbursement by the Federal Government.
- Protection of public health and the environment.
- Future liability.

Immediately Following a Disaster

Each community should set up one or more staging areas where citizens or cleanup crews can take debris. Staging areas must be registered and approved by the Oklahoma Department of Environmental Quality (DEQ). Contact your local DEQ office to obtain site approval. Your local office can be found on our website at:

<https://www.deq.ok.gov/deq-local-offices/>
or by calling 405-702-6100.

Staging areas must be located on publicly-owned property or arrangements must be made with private landowners for use of the staging area. Whenever feasible, the debris should be sorted into five (5) separate piles:

- Co-mingled Construction/ Demolition Waste. This includes damaged components of buildings and structures including lumber, gypsum wallboard, glass, insulation, roofing material, furnishings and fixtures, floor coverings, etc.

- Tree Debris.
- Cars and Appliances.
- Rock, Concrete, Solidified Asphalt and Brick (not regulated as solid waste).
- Household Hazardous Waste. Chemicals should not be piled, but stored neatly and segregated. Examples of household hazardous waste are:
 - Explosives (ammunition, black powder, military ordnance, fireworks, etc.),
 - Fuel containers or tanks (metal or plastic),
 - Pressurized gas cylinders including fire extinguishers,
 - Containers of chemicals such as solvents, paint thinners, cleaning supplies, etc.,
 - Pesticides,
 - Swimming pool chemicals- particularly chlorine,
 - Automobile and other large batteries,
 - Paint containers.

You may want to consider labeling the piles to prevent confusion as volunteer cleanup crews begin to sort through the debris.

Options for Debris Disposal

For all types of waste, the preferred option is landfilling at a DEQ permitted landfill.



Co-mingled Construction/ Demolition Waste

Co-mingled construction/demolition waste must not be burned and must be disposed of at a DEQ permitted landfill. A list of permitted disposal sites may be found on our website at https://www.deq.ok.gov/wp-content/uploads/land-division/active_waste_facilities.pdf or by calling the Land Protection Division at 405-702-5100.

Tree Debris Options

1. Chipped and used as mulch or may be landfilled. Additional information may be found in DEQ fact sheet “Wood Chip Guidance.”
2. Direct disposal at a DEQ permitted landfill.
3. Burned, with the following restrictions:
 - If the burn site is either located within counties having a population greater than 500,000 (currently Oklahoma and Tulsa Counties) or is in non-attainment for air quality standards, the burn must be conducted in an air curtain incinerator.
 - All burn sites must be located at a site registered and approved by DEQ. See the fact sheet “Open Burning and You.”
 - The burn location should be as far as possible from area residences. A minimum of 300 feet is required.
 - Ensure there are no petroleum pipelines on or near the burn site to avoid explosion hazards.
 - Minimize the amount of dirt and other non-combustible materials to achieve the most efficient burn.
 - Have someone on site at all times, along with fire-fighting equipment.
 - Control the burning so that the smoke does not create a traffic hazard.
 - Unless the site is located in a flood plain, residual ash may be buried in the burn pit by providing 2 feet of soil cover.



Cars and Appliances

Once Freon has been removed, appliances should be recycled. Appliances should have doors taped shut or removed during staging. Cars should be recycled or salvaged.

Rock, Concrete, Solidified Asphalt and Brick

Rock, concrete, solidified asphalt and brick are not regulated waste and may be reused as building material or used as clean fill material for erosion control. If the material is co-mingled with other waste or has been painted or treated, it must go to a DEQ permitted landfill.

Household Hazardous Waste

Where possible, the household hazardous waste should be segregated from the waste stream and disposed of in an approved manner.

Special Waste

When convenient, e-waste such as computers, monitors and televisions should be segregated for recycling.

Rural Areas and Small Communities

In rural areas and small communities, DEQ may allow final disposal of co-mingled construction/demolition waste at an emergency burial site, registered and approved by DEQ.

Emergency Disposal Sites

Emergency disposal sites could include: (1) sites for staging waste for later disposal; (2) sites for chipping or burning tree debris only; or (3) sites for burying (not burning) co-mingled construction waste in rural areas.

DEQ can assist communities in establishing emergency disposal sites for storm debris. Contact your local DEQ office for assistance. Your local office can be found on our website at: <https://www.deq.ok.gov/deq-local-offices/> or by calling 405-702-6100.

Additional Considerations

Landfill disposal weights should be recorded and retained for proof of potential local cost share match. In all debris management activities, measures should be taken to minimize dust generation.

This guidance does not supersede any state, federal or local regulations.

Local DEQ Offices

Our field offices serving your area can be found at:
<https://www.deq.ok.gov/deq-local-offices/> or by calling 405-702-6100.

Permitted Solid Waste Facilities

Permitted landfills, transfer stations, construction and demolition landfills, and other active solid waste sites can be found at:

https://www.deq.ok.gov/wp-content/uploads/land-division/active_waste_facilities.pdf
or call the DEQ Land Protection Division at 405-702-5100 for assistance.