



## Q&A Regarding Post-Wildfire Debris Removal and Disposal October 2022

The New Mexico Environment Department (NMED) prepared this Q&A document in response to recent questions from the New Mexico Acequia Association on behalf of community members impacted by the 2022 wildfires. Residents and acequia managers seek additional information and guidance related to proper disposal of wildfire ash and related materials as they clean-out impacted acequias.

### 1. Is the material solid waste? How do I dispose of solid waste?

The material is solid waste if it contains any of the following (whether partially burned or unburned): lumber, wallboard, building materials, metal, carpeting, cabinets, furniture, appliances, household goods, textiles, vegetative debris, or any other type of solid waste. On its own, wildfire ash that has washed into acequias from wildfire-impacted areas and is indistinguishable from ordinary sediment is not considered solid waste.

**Required:** Solid waste must be disposed at a permitted municipal solid waste landfill. The solid waste must not have free liquid (i.e., must not be dripping wet) when received at the landfill. The landfill may require the person or entity managing the waste (aka, the “generator”) to show certified lab results from a paint filter test, showing the absence of free liquid, prior to accepting the waste. See [USEPA Test Method 9095](#). The generator may haul the solid waste or may hire a commercial solid waste hauler who is registered with NMED. Lists of solid waste haulers and facilities are [available on NMED’s website](#) or upon request by calling Michael Bowers at (505) 629-6302.

**Recommended:** Solid waste that is saturated with water can be allowed to dry on site before disposal. NMED recommends placing the solid waste on a tarp, concrete pad, asphalt, or other relatively impermeable surface to dry.

### 2. What can I do with the material if it is not solid waste?

Clean fill is not required to be disposed in a permitted solid waste landfill and consists only of uncontaminated rock, soil, sand, gravel, sediment, concrete, brick, glass, or asphalt. “Uncontaminated” means the material has not been subjected to any known spill or release of chemical contaminants, including petroleum products. Certain reinforcement materials that are an integral part of the above materials, such as rebar in concrete, may be included in clean fill. NMED considers wildfire ash that is indistinguishable from ordinary sediment to be allowable in clean fill.

**Required:** Clean fill must be managed in a manner that does not create a public nuisance or potential safety hazard, or adversely impact the environment; must not be placed in a watercourse or wetland unless appropriate permits are obtained; and must be covered with two feet of clean earth within 30 days after being deposited, unless the clean fill material is clean soil, i.e., does not contain rock, sand, gravel, sediment, concrete, brick, glass or asphalt.

**Recommended:** Although clean fill cannot include vegetative debris, in some cases the generator may be able to separate out the vegetative debris and manage it as compostable or recyclable material (i.e., mulch, grind, compost) or otherwise put it to beneficial use. If the remainder of the material is clean fill, it can then be managed as clean fill and does not need to be disposed in a permitted solid waste landfill as described in Question #1 above.

### 3. Can I amend my garden or agricultural fields with wildfire ash?

NMED does not recommend applying wildfire ash to a garden or agricultural field without first testing the wildfire ash to make sure it is safe. Risk assessment studies after the 2011 Los Conchas Fire found that directly applying wildfire ash or muck to soils, for example as a garden or soil amendment, increased human health risk over acceptable levels (1 cancer in 100,000 people) due to elevated strontium-90.

*(Question 3 continued)*

**Recommended:** Before deciding to apply the wildfire ash to your garden or fields, test the wildfire ash for heavy metals, nutrients, and radionuclides,

which are all pollutants that can impact irrigation, livestock watering, and human health. Additional tests you may want to use to evaluate general soil conditions include pH, electrical conductivity, sodium adsorption ratio, organic matter or soil organic matter, and potassium. The Cooperative Extension Service has guidance, [Test Your Garden Soil](#), describing how to collect samples. If you need a hard copy of this document, it is available upon request by calling Michael Bowers at (505) 629-6302.

Specific to wildfire ash that has been moved and piled, NMED recommends the following guidelines for the number of samples based on estimated square footage of wildfire ash footprint:

- one sample for 0-100 square feet,
- two samples for 101-1000 square feet,
- three samples for 1001-2000 square feet,
- four samples for 2001-3000 square feet, and
- five samples for 3001-5000 square feet.

#### **4. Is the material hazardous waste?**

It is the generator's responsibility to ensure that solid waste is not hazardous before disposing it at a permitted municipal solid waste landfill. State and federal agencies have performed an assessment of the Hermit Peak-Calf Canyon Fire area and have removed and properly disposed of known hazardous wastes. However, the generator of the waste is responsible for ensuring the waste is properly disposed. Hazardous waste may not be disposed at a permitted municipal solid waste landfill.

**Required:** If the generator has knowledge of the source of a specific waste or otherwise has reason to believe there is a possibility the waste is hazardous, the generator must perform a characterization of the material before disposal. The landfill operator, at their discretion, has authority to request such characterization before accepting the waste.

**Recommended:** For guidance, please see [NMED's Fact Sheet on Hazardous Waste Determinations](#). If you need a hard copy of the fact sheet, it is available upon request by calling Michael Bowers at (505) 629-6302.

#### **5. What if the material contains asbestos?**

It is the generator's responsibility to ensure that solid waste does not contain regulated asbestos before disposing it at a permitted municipal solid waste landfill. State and federal agencies have performed an assessment of the Hermit Peak-Calf

Canyon Fire area and have removed and properly disposed known asbestos containing materials. However, the generator of the waste is responsible for ensuring the waste is properly disposed.

**Required:** If the generator has knowledge of the source of a specific waste or otherwise has reason to believe there is a possibility the waste contains asbestos, the generator must perform a characterization of the material before disposal. Solid waste containing regulated asbestos waste may be disposed only at a municipal solid waste landfill that is specially permitted to accept special waste (asbestos). The waste requires certain handling procedures and must be hauled by a registered special waste hauler.

**Recommended:** A [list of registered special waste haulers is available on NMED's website](#) or upon request by calling Michael Bowers at (505) 629-6302.

#### **6. What funding sources might be available to help deal with post-fire flood debris?**

If the debris removal is linked to water quality, projects can qualify for [Clean Water State Revolving Fund loans](#), which have an interest rate of 0% to 0.01% for public entities. Private sector loan rates are below market rate at 2.375%. [Information on CWSRF loans is available on NMED's website](#) or by contacting the Construction Programs Bureau at [NMENV-cpbinfo@state.nm.us](mailto:NMENV-cpbinfo@state.nm.us) or 505-470-6385.

Financial assistance for soil testing or debris removal may be available through a number of federal and state agencies and programs (such as the New Mexico Cooperative Extension Service, Natural Resources Conservation Service, the New Mexico Department of Agriculture, and the New Mexico Interstate Stream Commission), but NMED cannot provide specific information on those opportunities at this time. NMED will update this response as the Department is made aware of new information related to funding sources.

**For more information, please see [New Mexico Solid Waste Rules, 20.9.2-20.9.10 NMAC](#)**