Georgia Emergency Operations Plan

Debris Management Annex

Support Annex 7

GEMA

Updated: (2006)

GEMA Debris Management Plan
Roles and Responsibilities

Introduction

Overview of the Public Assistance Program

The Public Assistance Program is a grant program provided by the Federal Emergency Management Agency (FEMA) (under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Public Law 93-288, June, 2006) and administered by the Georgia Emergency Management Agency (GEMA). This is a reimbursement program that is available to local governments, state agencies and some eligible private non-profit organizations, following a Presidential declared disaster. These funds are only available for the repair and/or restoration of public facilities belonging to public entities recovering from a natural or manmade disaster. Funding is limited to debris removal, emergency protective measures such as police overtime or sheltering costs, and the repair/replacement of public infrastructure, such as: roads and bridges, water control facilities, public buildings and equipment, and public utilities. Under the authority of the Stafford Act, the Federal government will pay not less than 75% of a community's eligible costs. The balance of costs is borne through a cost-sharing agreement between the State and the local government. All Federal funding will be reduced by actual or anticipated insurance proceeds.

Disaster Debris History in Georgia

The State of Georgia has been plagued with natural disasters ranging from tropical storms to tornados, which have resulted in eighteen disaster declarations since 1990. Using data from 1993 to 2005*, the State of Georgia has received federal declarations that total approximately $569 million with $120 million being allocated for debris removal. Regardless of the event, debris removal has the highest percentage of costs versus other eligible projects. Debris removal operations are also the most time consuming which demands the time and attention of local jurisdictions.

Date	Disaster Number	Debris Removal	Total Obligated
1993	Tornado	$ 287,945.00	$ 1,358,156.00
1993	Blizzard	$ 9,733,226.50	$ 23,922,252.00
1994	Palm Sunday Tornado	$ 1,309,063.00	$ 3,767,936.00
1994	Tropical Storm Alberto	$ 12,131,559.79	$ 333,449,589.00
1994	Tropical Storm Beryl	$ 826,850.00	$ 8,772,493.00
1995	Hurricane Opal	$ 7,603,340.00	$ 21,953,603.00
1998	1998 Flood/Tornado	$ 43,997,690.00	$ 83,965,486.00
1999	Dooly County Tornado	$ 2,042,359.35	$ 2,398,468.44
1999	Hurricane Floyd	$ 525,966.15	$ 4,450,800.92
2000	2000 Ice Storm	$ 33,339,233.59	$ 49,772,563.73
2000	Valentine Tornado	$ 1,177,434.90	$ 2,514,402.17
2004	Hurricane Ivan	$ 2,714,266.29	$ 13,016,558.00
2004	Hurricane Frances	$ 3,987,383.48	$ 19,345,056.80
	Totals	**$ 119,676,318.05**	**$ 568,687,365.06**

*Hurricane Katrina costs have been omitted from data set, as a result of funds not being obligated for debris removal in the State of Georgia.

NOTE: 21% of obligated funding is associated with debris removal costs for 13 Presidential Declarations.

Purpose of Document

This document intends to review responsibilities by the local jurisdictions, GEMA and FEMA requirements based on current criteria and policy developed by the Federal Emergency Management Agency, following a Presidential declaration. These guidelines are to supplement current publications from FEMA, including the Debris Management Guide and the Debris Operations Job Aid.

GEMA is encouraging all local governments eligible for the Public Assistance Program grant to construct pre-event contracts for debris removal operations and to generate a debris management plan. In light of recent disasters that have triggered massive debris removal efforts in the United States, past experience shows that having a solid debris removal plan, a pre-event contract/agreement in place and a collaborated agreement with partnering agencies before an event will expedite recovery in areas devastated by disastrous events.

It is recommended that the Georgia coastal counties and major urban communities should consider a more extensive plan using the FEMA guidelines found in Appendix A. Other communities and counties are encouraged to complete at least the minimal debris removal plan based on the plan found in Appendix A to provide a framework for debris removal operations. Any assistance needed in the preparation of these plans or general concerns can be forwarded to your GEMA Field Coordinator or the GEMA Public Assistance Division.

Responsibilities

Local Jurisdiction Responsibilities

Because local governments are the first to respond to a disaster directing initial activities to protect lives, public health and safety, which include debris removal, and because debris costs differ from each region of the state based on local characteristics, it is encouraged that each local government develop a debris removal plan. Each plan should be prepared on the local government level to account for local characteristics, such as landfill capacity, availability of equipment and experience of contractors, environmental characteristics, types of debris, etc.

The Debris Management Plan (Appendix A) included in this document can be used as a starting point for each of the local jurisdictions. The plan includes items such as:

- Estimating debris
- Site selection priorities
- Pre-Designated Temporary Debris Storage and Reduction (TDSR) sites
- Site preparation
- Existing landfills
- Emergency Roadway debris removal
- Public Rights-of-Way debris removal
- Private property debris removal
- Household hazardous waste removal
- Debris reduction methods
- Administration and Logistics

In the event of a disaster that generates a tremendous amount of debris on public roadways and private property that presents a danger to health and safety, it is first the local government's responsibility to remove debris from public roads to provide access for emergency vehicles. Most local governments have the ability to open roads and remove debris. When using the current local government work force and equipment (force account), only overtime labor and equipment use costs are eligible. In the event additional assistance is needed for labor and to use government owned equipment, temporary hires may be used. In addition to temporary hires, if a Mutual Aid agreement is in place with other local governments, aid from these jurisdictions may be used as well. Local governments may also contract for debris removal according to their emergency or regular bid procedures. In the event of a Presidential disaster declaration, federal reimbursement costs will be limited to the reasonable, necessary costs to remove eligible debris.

In the event of a much larger disaster that generates debris on pubic roads and improved public property where the removal is beyond the capability of the local government, contractors can be used or Direct Federal Assistance can be requested. Direct Federal Assistance is often carried out by Federal agencies such as the U.S. Corps of Engineers (USACE) under the control and direction of FEMA through a mission assignment. Additional information can be found in a later section, Requesting Direct Federal Assistance for Debris Management Operations.

Contracting for Debris Removal Operations

In the event of a Presidential disaster declaration, local governments may receive reimbursement, subject to cost-share provisions, for the cost they incur for emergency clearance of debris from roadways and other public access facilities, and for the costs of removal and disposal of debris that poses an immediate threat to life, public health and safety. To be eligible for reimbursement under the Public Assistance Program, contracts for debris removal must meet rules for Federal grants, which mean they are subject to the Common Rule specifying uniform administrative requirements for grants to states and local governments. FEMA's common rule provisions can be found in 44 CFR Part 13, and specific subsections, such as 13.36, describe procurement and other requirements. Public Assistance applicants should comply with their own procurement procedures in accordance with applicable State and local laws and regulations, provided that they conform to applicable Federal laws and standards identified in Part 13.

> It is important to remember, if the local government contract for debris removal does not comply with Federal grant requirements, then the local government runs the risk of a determination by FEMA that the costs are not eligible for federal reimbursement. Two critical points are:
>
> - Be careful to avoid entering into contracts, whether pre-event or post-event, that bypass or expedite the normal competitive procurement process. FEMA may only reimburse for what is reasonable, and sole-source contracts may result in unreasonable pricing or terms.
> - Be cautious of contractors that may jeopardize reimbursements due to contract provisions, pricing or practices that are not reasonable and do not conform to Federal, state and local law.

If there is a need to contract for debris services, and a pre-event contract is not in place, please consider the following:

- Follow the local government's emergency or regular bid procedures for contracting services (Fact Sheet/Checklist found in Appendix C)
- Develop a specific scope of work
- Identify any special considerations, such as historic sites, environmental issues (ie. removing debris around areas with endangered species, hazardous waste, etc) and if any such conditions are present consult with GEMA prior to issuing bids or executing contracts.
- Identify if the need exists for debris removal on private property and establish guidelines. If debris removal from private property is anticipated, contact GEMA for assistance. A sample Hold Harmless and Right-of Entry Agreements can be found in Appendix D.
- Identify whether debris removal is the responsibility of another federal agency, ie. Federal Highway Administration (FHwA), Natural Resource Conservation Service (NRCS), or the USACE. Costs may not be reimbursed for work that is under the authority of another Federal agency. For example, FHwA has responsibility for debris clearance and some of the debris removal, through the State Department of Transportation, from roads on the Federal-Aid System
- Establish debris monitors that are separate from the contractor's monitors and provide training for these monitors. Monitoring of debris removal operations is the responsibility of the local government contracting for the service or using the applicant's resources. Failure to adequately monitor debris removal operations against contractor fraud, removal and disposal of ineligible debris, contract work in unauthorized areas, overstatement of debris volumes, and other ineligible activities, may result in a loss of Federal funding.
- Establish a staff person that will oversee contract activities
- Establish Temporary Debris Reduction and Storage Sites
- Ensure the contract is for reasonable costs
- Submit contracts prior to execution to GEMA/FEMA for *review* of eligibility. GEMA and FEMA can not approve contracts, but can provide advice on potential contract terms that could possibly jeopardize reimbursement. ***No contractor has the authority to determine eligibility.***
- Identify Transfer Stations if landfills are a considerable distance from your jurisdiction
- Establish guidelines with local landfills and alternate landfills for types of debris accepted and current vs. maximum capacities

The chart below identifies landfills in the coastal area and shows their approximate fill rate as well as capacity. These quantities are only an estimate as of June 2006. Therefore, more detailed information should be maintained for each local jurisdiction on landfills in their area that will be available for disposal at the time of a disaster. Information on existing landfills throughout the state is available through the Department of Community Affairs, Office of Environment Management at 404-679-4940 or at www.dca.state.ga.us/development/EnvironmentalManagement. Additional information regarding environmental concerns surrounding debris removal and storage is available through the Georgia Environmental Protection Division, Land Protection Branch at 404-362-2537 or at www.gaepd.org.

Coastal Georgia Areas

County	Facility Name	Total Tons Disposd FY 2005	Domain	Fclty Type	Remaining Cap (CY)	Avg Daily Tons	Rate of Fill (CYD)	Remain Permitted Capacity (Years)
C&D								
Camden	Camden Co. - S.R. 110 C/D/I Landfill	99,383	Public	C&D	23,262,619	350	389	230.0
Glynn	Eller – Whitlock Ave	5,666	Private	C&D	86,352	18	36	9.2
Liberty	U. S. Army Ft. Stewart Main Cantonment	18,431	Public	C&D	2,482	1	1	9.5
MSW								
Camden	Camden Co. - S.R. 110	52,263	Public	MSWL	1,901,275	183	366	20.0
Chatham	Savannah – Dean Forest Rd.	121,198	Public	MSWL	211,748	248	496	1.6
Chatham	Superior Landfill & Recycling Center	389,873	Private	MSWL	4,636,217	1,177	1,570	11.4
Liberty	U. S. Army Ft. Stewart Main Cantonment	35	Public	Unlined MSW Landfill	862,832	64	129	25.7
McIntosh	McIntosh Co. - King Rd.	12,930	Public	Unlined MSW Landfill	682,504	50	100	26.3

Legend: C&D – Construction and Demolition
MSWL – Municipal Solid Waste Landfill
Additional information can be obtained from the Environmental Protection Division's website at www.gaepd.org

Requesting Direct Federal Assistance for Debris Management Operations

In catastrophic events, direct federal assistance can be provided by FEMA to support the local government. It is important to remember, the response capabilities of both the local and state government must be exceeded before this request is made by the local government to GEMA and FEMA. The request is made by GEMA to FEMA if circumstances justify the need for Direct Federal Assistance. Policy #9523.9 (Appendix B) has been issued by FEMA to detail the requirements and scope for Direct Federal Assistance, including provisions for funding at 100% federal share for a limited period. FEMA may use its authority under the Stafford Act to mission assign other federal agencies, such as the U.S. Corps of Engineers or the U.S. Coast Guard, to execute debris removal operations. If assistance is needed by FEMA to provide debris management operations, please consider the following:

- The assistance provided by FEMA is subject to the cost share provisions, including any administrative costs.
- Direct Federal Assistance for debris operations should only be used for emergency clearance for immediate life saving issues. Beyond emergency clearance, debris contracts should be established by the local governments if the need exists.
- If the disaster is catastrophic and Direct Federal Assistance is needed beyond emergency debris clearance, FEMA may provide the assistance needed, which may be subject to the cost share provisions by GEMA and FEMA.

State Responsibilities of the Georgia Emergency Management Agency

Once the disaster has been declared by the President, and eligible jurisdictions are established, then Applicant Briefings will be conducted, as well as Kick-Off meetings regarding the specifics of the event. At this time, debris planning teams will be established which will be comprised of local, state and federal representatives. The teams will primarily be located in the Joint Field Office and will deploy to local jurisdictions as the need arises. The debris teams will assist local governments with activities ranging from establishing eligibility guidelines to assisting in the completion of project worksheets. Depending on the severity of the disaster, other state and/or federal agencies will recommend actions pertaining to debris management and removal operations.

In addition, GEMA may contract for management services to assist local governments in the administration of the Public Assistance Program. The scope of services needed will be determined at the time of the disaster. The scope may range from debris specialist in the field to overall management of debris removal operations. The contract for assistance must be consistent with FEMA Policy #9525.11 (Appendix B).

Federal Responsibilities of the Federal Emergency Management Agency

In disasters that present a tremendous impact to the state following a Presidential Declaration, FEMA can provide Direct Federal Assistance (DFA) to support the state and local jurisdictions. DFA can be provided for activities related to debris clearance, removal and disposal. The DFA is limited to emergency work under Sections 402(4), 403 and 407 of the Stafford Act. The assistance provided under DFA will be subject to the cost share requirements found in the FEMA-State Agreement. Refer to FEMA Policy #9523.9 for additional information. (Appendix B).

Should the need arise; FEMA may chose to use its mission assignment authority to allow USACE or another Federal agency to contract for and/or manage the debris clearance and removal operations. The USACE or another Federal agency may also be used as technical advisors to the state or local government. FEMA will work directly with USACE or another Federal agency on these assignments and will monitor all task orders based on a defined scope of work.

In addition to the above, FEMA can provide technical assistance to the state or local jurisdictions with debris management and removal issues. Such technical assistance may be provided by FEMA staff, mission-assigned debris subject-matter experts, or technical assistance contractors (TAC). FEMA debris specialists may be assigned to each county or jurisdiction having significant debris operations to assist with eligibility issues.

FEMA will advise State and local governments and provide assistance with respect to issues such as demolition of unsafe structures or in connection with replacement of eligible facilities; debris on private property; removal of tree limbs and leaning trees; removal and disposal of hazardous tree stumps and root balls; removal of sediment from engineered channels; removal and disposal of hazardous materials, etc.

FEMA may advise State and local governments on issues related to compliance with Federal environmental and historical preservation laws, regulations and executive orders, especially when work is in waterways or when dealing with hazardous materials. Reimbursement requested by a local government for any project that is not in compliance with environmental/historical preservation laws is not eligible. Furthermore, it is

the responsibility of the local government applicant to satisfy all necessary permitting and compliance issues before commencing with any federally-funded project.

It is the local governments' responsibility to coordinate with other Federal agencies for debris removal activities that fall under other Federal agencies' respective authorities, such as the Natural Resources Conservation Service (NRCS) for streams and waterways; the U.S. Corps of Engineers (USACE) for flood control works; or the Federal Highway Administration (FHwA) for roads on the Federal-Aid system. In some cases, FEMA may provide assistance for disaster-related emergency work, such as debris removal, when the other Federal agencies will not.

The following outline can be used to develop a Debris Management Plan.

DEBRIS MANAGEMENT PLAN

PURPOSE

- To provide policies and guidance to _____ for the removal and disposition of debris caused by a major disaster.
- To facilitate and coordinate the management of debris following a disaster in order to mitigate against any potential threat to the lives, health, safety, and welfare of the impacted citizens, expedite recovery efforts in the impacted area, and address any threat of significant damage to improved public or private property.

SITUATION AND ASSUMPTIONS

SITUATION

- Natural and manmade disasters precipitate a variety of debris that include, but are not limited to, such things as trees, sand, gravel, building construction material, vehicles, personal property, and hazardous materials.
- The quantity and type of debris generated from any particular disaster will be a function of the location and kind of event experienced, as well as its magnitude, duration, and intensity.
- The quantity and type of debris generated, its location, and the size of the area over which it is dispersed will have a direct impact on the type of collection and disposal methods utilized to address the debris problem, associated costs incurred, and how quickly the problem can be addressed.
- In a major or catastrophic disaster, many state agencies and local governments will have difficulty in locating staff, equipment, and funds to devote to debris removal, in the short-term as well as long-term.

ASSUMPTIONS

- A natural disaster that requires the removal of debris from public or private lands and waters could occur at any time.
- The amount of debris resulting from an event or disaster could exceed the local government's ability to dispose of it.
- If the natural disaster requires, the Governor would declare a state of emergency that authorizes the use of State resources to assist in the removal and disposal of debris. In the event Federal resources are required, the Governor would request through FEMA a Presidential Disaster Declaration.
- Private contractors will play a significant role in the debris removal, collection, reduction and disposal process.
- The debris management program implemented by the local government will be based on the waste management approach of reduction, reuse, reclamation, resource recovery, incineration and landfilling.

CONCEPT OF OPERATIONS

Emergency Operations Center Activation

- Define how the County Emergency Management Agency will activate the Emergency Operations Center (EOC).
- Define who will make up the Debris Management Task Force (DMTF) and their specific duties and responsibilities.
- The EOC Director or his designated representative in conjunction with the DMTF will determine the extent of damage and resulting debris and issue appropriate directives to implement this annex.
- Create an appendix that contains a listing of key points of contact.

Estimating the Type and Amount of Debris

- Designate public works department personnel to determine the estimated amount of debris generated as soon as possible.
- Define the estimating methods to be used. One method to estimate debris is to conduct a drive-through "windshield" damage assessment and estimate the amount of debris visually. Another method is an aerial assessment by flying over the area using State Police and/or National Guard helicopters and Civil Air Patrol reconnaissance flights. The damaged area can be assessed either visually or using aerial photography. Once the area has been assessed actions can be taken to implement Phase I debris clearing procedures and institute requests for additional State or Federal assistance.

Site Selection Priorities

- Determine the number of Temporary Debris Storage and Reduction (TDSR) sites and location of these sites for the collection and processing of debris.
- Prioritize which sites will be opened based on the amount of debris estimated.

  First Priority: Pre-determined TDSR sites
  Second Priority: Public property within the damaged area
  Last Priority: Private property

Pre-Designated TDSR sites

- Pre-identified TDSR sites should be identified on county maps.
- Either Solid Waste Authority or Public Works should maintain detailed information pertaining to each of these sites. Designate which agency has responsibility.
- Detailed information should include exact location, size, available ingress and egress routes and results of an environmental assessment and initial data samples.
- Baseline data should include videotapes, photographs, documentation of physical and biological features, and soil and water samplings.
- The list of TDSR sites should be reviewed annually and updated as necessary as part of the normal maintenance plan.

TDSR Site Preparation.

- Identify the preparatory actions that need to be accomplished after a pre-designated TDSR site has been selected.
- Develop a Memorandum of Understanding or a Memorandum of Agreement if required.
- Identify who would be responsible for updating the initial base line data and develop an operation layout to include ingress and egress routes.

Existing Landfills.

- Identify location of county and private landfills.
- Identify any restrictions, limitations or tipping fees.

DEBRIS REMOVAL

General

- Hurricanes and other natural disasters can generate unprecedented amounts of debris in a few hours or a few minutes. The debris may be equally heavy in both urban and rural areas depending on the magnitude of the tree blow-down and associated structural damage such as homes, businesses, utilities and signs. This section provides guidelines on debris removal issues, including emergency roadway clearance, public rights-of-way removal, mobile home park removal, private property removal, navigation hazard removal, and Household Hazardous Waste (HHW) removal.
- Debris removal, regardless of source, becomes a high priority following a disaster. Debris management strategy for a large-scale debris removal operation divides the operation into two phases.
- Phase I consists of the clearance of the debris that hinders immediate life saving actions being taken within the disaster area and the clearance of that debris which poses an immediate threat to public health and safety.
- Phase II operations consist of the removal and disposal of that debris which is determined necessary to ensure the orderly recovery of the community and to eliminate less immediate threats to public health and safety.

Emergency Roadway Debris Removal (Phase I)

- Identify critical routes that are essential to emergency operations.
- Define how efforts will be prioritized between local agencies.
- Identifying areas that State and Federal assistance can target.
- Define what actions take place during Phase I.
- Example: Roadway debris removal involves the opening of arterial roads and collector streets by moving debris to the shoulders of the road. There is no attempt to physically remove or dispose of the debris, only to clear key access routes to expedite the:
    - Movement of emergency vehicles,
    - Law enforcement,
    - Resumption of critical services and,
    - Assessment of damage to key public facilities and utilities such as schools, hospitals, government buildings, and municipal owned utilities.

- Define the type of debris that may be encountered such as tree blow-down and broken limbs; yard trash such as outdoor furniture, trash cans, utility poles, power, telephone and cable TV lines, transformers and other electrical devices; building debris such as roofs, sheds and signs; and personal property such as clothing, appliances, boats, cars, trucks and trailers.
- Define the priority to open access to other critical community facilities, such as municipal buildings, water treatment plants, wastewater treatment plants, power generation units, and airports.
- The requirement for government services will be increased drastically following a major natural disaster. Develop procedures to determine the damage done to utility systems. Activities involving these facilities should be closely coordinated with their owners and/or operators.

Local, Tribal, State and Federal Assistance

- Identify local, tribal, State and Federal government assets that may be available such as:
  Municipal workers and equipment
  Local and State Department of Transportation (DOT) workers and equipment National Guard
  Local contractors
  U.S. Department of Agriculture (USDA) Forest Service chain saw crews
  Local U.S. Army Corps of Engineers (USACE) workers and equipment

Supervision and Special Considerations

- Immediate debris clearing (Phase I) actions should be supervised by local public works or DOT personnel using all available resources. Requests for additional assistance and resources should be made to the State Emergency Operations Center (EOC). Requests for Federal assistance will be requested through the State Coordinating Officer (SCO) to the FEMA Federal Coordinating Officer (FCO).
- Special crews equipped with chain saws may be required to cut up downed trees. This activity is hazardous, and common sense safety considerations are necessary to reduce the chance of injury and possible loss of life. When live electric lines are involved, work crews should coordinate with local utility companies to have power lines deenergized for safety reasons.
- Front-end loaders and dozers should be equipped with protective cabs. Driveway cutouts, fire hydrants, valves, and storm water inlets should be left unobstructed. All personnel should wear protective gear, such as hard hats, gloves, goggles, and safety shoes.
- The USDA Forest Service and other State and Federal land management agencies are equipped for fast responses to tornadoes, and hurricanes. Assistance would be requested through the State SCO to the FCO according to standard procedures.

Public Rights-of-Way Debris Removal and Disposal (Phase II)

- Debris is simply pushed to the shoulders of the roadway during the emergency opening (Phase I) of key routes. There is little time or concern for sorting debris at that time. The objective is to provide for the safe movement of emergency and support vehicles into and out of the disaster area. As removal operations progress, the initial roadside piles of debris become the dumping location for additional yard waste and other storm-generated debris, such as construction material, personal property, trash, white metals such as refrigerators, washers, dryers and hot water heaters, roofing and even household, commercial, and agricultural chemicals.
- Define how the DMTF will coordinate debris removal operations.

- Define how local and State government force account employees will transition from Phase I to Phase II operations.
- Determine if Mutual Aid agreements exist.
- Determine if local contractors will be needed to assist in Phase II operations.
- Determine if additional State and/or Federal assistance will be required.
- Develop local field inspection teams. The teams become the "eyes and ears" for the DMTF.
- Coordinate through local agencies to establish a contracted work force capable of expeditious removal of the debris.
- Develop an independent team using the local and State personnel to monitor the removal activities. This team becomes the debris manager's "eyes and ears" in the field.
- Conduct daily update briefings with key debris managers. Ensure that all major debris removal and disposal actions are reviewed and approved by the local debris manager.
- Ensure that a representative of the DMTF attends all briefings to resolve any coordination problems between State and Federal debris removal efforts and local debris removal and disposal efforts.

- Coordinate with local, tribal and State DOT and law enforcement authorities to ensure that traffic control measures expedite debris removal activities.
- Establish a proactive information management plan. Emphasis should be placed on actions that the public can perform to expedite the cleanup process, such as separating burnable and nonburnable debris; segregating HHW; placing debris at the curbside; keeping debris piles away from fire hydrants and valves, reporting locations of illegal dump sites or incidents of illegal dumping; and segregating recyclable materials.
- The public should be kept informed of debris pick-up schedules, disposal methods and ongoing actions to comply with State and Federal Environmental Protection Agency (EPA) regulations, disposal procedures for self-help and independent contractors, and restrictions and penalties for creating illegal dumps. The Public Information Officer (PIO) should be prepared to respond to questions pertaining to debris removal from the press and local residents. The following questions are likely to be asked:
  - *What is the pick-up system?*
  - *When will the contractor be in my area?*
  - *Who are the contractors and how can I contact them?*
  - *Should I separate the different debris materials and how?*
  - *How do I handle Household Hazardous Waste?*
  - *What if I am elderly?*

Private Property Debris Removal

- Dangerous structures should be the responsibility of the owner or local government to demolish to protect the health and safety of adjacent residents. However, experience has shown that unsafe structures will remain because of the lack of insurance, absentee landlords, or under-staffed and under-equipped local governments. Consequently, demolition of these structures may become the responsibility of DMTF.
- Develop procedures to ensure complete cooperation with numerous local and State government officials to include the following: real estate offices, local law and/or code enforcement agencies, State historic preservation office, qualified contractors to remove HHW, asbestos, lead-based paint, and field teams to photograph the sites before and after demolition.
- Include a copy of Demolition of Private Property checklist

- Include copies of sample ordinances that can be activated when a "state of emergency" is implemented, eliminating any unnecessary waiting period.
- The most significant building demolition problem will be that local governments do not have proper ordinances in effect to handle emergency condemnation procedures. Moreover, structures will be misidentified or have people or belongings in them when the demolition crews arrive necessitating removal by local law enforcement. Close coordination is essential, and it is recommended that at least one FEMA staff person be on site to work directly with the local government staff to ensure that all required legal actions are taken.

Household Hazardous Wastes Removal

- HHW may be generated as a result of a major natural disaster. HHW may consist of common household chemicals, propane tanks, oxygen bottles, batteries, and industrial and agricultural chemicals. These items will be mixed into the debris stream and will require close attention throughout the debris removal and disposal process.
- Consider HHW response teams be assigned and respond ahead of any removal efforts. Consider preparing draft emergency contracts with generic scopes of work. Coordinate with regulatory agencies concerning possible regulatory waivers and other emergency response requirements.
- Arrange for salvageable hazardous materials to be collected and segregated based on their intended use. Properly trained personnel or emergency response HHW contractors should accomplish removal of hazardous waste. Coordinate with regulatory agencies to ensure cleanup actions meet local, tribal, State, and Federal regulations.
- Complete HHW identification and segregation before building demolition begins. Qualified contractors should remove HHW debris. Regular demolition contractors can remove uncontaminated debris.
- A separate staging area for HHW materials, contaminated soils, and contaminated debris should be established at each TDSR site. The staging area should be lined with an impermeable material and bermed to prevent contamination of the groundwater and surrounding area. Materials should be removed and disposed of using qualified HHW personnel/contractors in accordance with local, tribal, State and Federal regulations.

TEMPORARY DEBRIS STORAGE AND REDUCTION SITES

- Once the debris is removed from the damaged area, it will be taken to temporary debris storage and reduction sites.
- Removal and disposal actions should be handled at the lowest level possible based on the magnitude of the event. It follows the normal chain of responsibility, i.e., local level, county level, State level, and when resources are exceeded at each level of responsibility, Federal assistance may be requested according to established procedures. Because of the limited debris removal and reduction resources, the establishment and operation of TDSR sites are generally accomplished by contracts.
- Emphasis is placed on local government responsibilities for developing debris disposal contracts. Local, tribal, county and/or State governments may be responsible for developing and implementing these contracts for debris removal and disposal under most disaster conditions.
- The DMTF should review all debris disposal contracts. There should be a formal means to monitor contractor performance to ensure that funds are being used wisely.
- **Site Preparation.** The topography and soil conditions should be evaluated to determine best site layout. Consider ways to make remediation and restoration easier when planning site preparation.
- **Site Operations.** Site preparation and operation are usually left up to the contractor, but guidance can

help avoid problems with the ultimate closeout.

- Establish lined temporary storage areas for ash, HHW, fuels, and other materials that can contaminate soils, groundwater and surface water. Set up plastic liners, when possible, under stationary equipment such as generators and mobile lighting plants. Include this as a requirement of the contract scope of work.
- If the site is also an equipment staging area, monitor fueling and equipment repair to prevent and mitigate spills such as petroleum products and hydraulic fluids. Include clauses in contract scope of work to require immediate cleanup by the contractor.
- Be aware of and mitigate things that will irritate the neighbors such as:
  smoke -proper construction and operation of incineration pits. Don't overload air curtains.
  dust -employ water trucks.
  noise -construct perimeter berms.
  traffic -proper layout of ingress and egress procedures to help traffic flow.

DEBRIS REDUCTION METHODS

Volume Reduction by Incineration

- There are several incineration methods available including **uncontrolled open incineration, controlled open incineration, air curtain pit incineration, and refractor lined pit incineration.** The DMTF should consider each incineration method before selection and implementation as part of the overall volume reduction strategy.
- **Uncontrolled Open Incineration:** Uncontrolled open incineration is the least desirable method of volume reduction because it lacks environmental control. However, in the haste to make progress, the Department of Natural Resources may issue waivers to allow this method of reduction early in a disaster.
- **Controlled Open Incineration:** Controlled open incineration is a cost-effective method for reducing clean woody debris in rural areas. This option must be terminated if mixed debris such as treated lumber, poles, nails, bolts, tin and aluminum sheeting enters the waste flow. Clean woody tree debris presents little environmental damage and the resulting ash can be used as a soil additive by the local agricultural community. Department of Agriculture and county agricultural extension personnel should be consulted to determine if and how the resulting ash can be recycled as a soil additive. Responsible agencies and telephone numbers should be provided.
- **Air Curtain Pit Incineration:** Air curtain pit incineration offers an effective means to expedite the volume reduction process by substantially reducing the environmental concerns caused by open incineration. Specifications and statements of work should be developed to expedite the proper use of the systems, because experience has shown that many contractors and subcontractors are not fully knowledgeable of the system operating parameters.
- **Refractor Lined Pit Incineration:** Pre-manufactured refractory lined pit burners are an alternative to air curtain open pit incineration. The units can be erected on site in a minimal amount of time. Some are portable and others must be built in-place. The units are especially suited for locations with high water tables, sandy soil, or where materials are not available to build above ground pits. The engineered features designed into the units allow for a reduction rate of approximately 95 % with a minimum of air pollution. The air curtain traps smoke and small particles and recirculates them to enhance combustion that reaches over 2,500 degrees Fahrenheit. Manufacturers claim that combustion rates of about 25 tons per hour are achievable while still meeting emission standards.
- Local officials, environmental groups, and local citizens should be thoroughly briefed on the type of incineration method being used, how the systems work, environmental standards, health issues, and

the risk associated with each type of incineration. PIOs should take the initiative to keep the public informed. A proactive public information strategy to include press releases and media broadcasts should be included in any operation that envisions incineration as a primary means of volume reduction.

Environmental Controls

Environmental controls are essential for all incineration methods, and the following should be considered:

- A setback of at least 1,000 feet should be maintained between the debris piles and the incineration area. Keep at least 1,000 feet between the incineration area and the nearest building. Contractors should use fencing and warning signs to keep the public away from the incineration area.
- The fire should be extinguished approximately two hours before anticipated removal of the ash mound. The ash mound should be removed when it reaches 2 feet below the lip of the incineration pit.
- The incineration area should be placed in an above ground or below ground pit that is no wider than 8 feet and between 9 and 14 feet deep.
- The incineration pits should be constructed with limestone and reinforced with earth anchors or wire mesh to support the weight of the loaders. There should be a 1-foot impervious layer of clay or limestone on the bottom of the pit to seal the ash from the aquifer.
- The ends of the pits should be sealed with dirt or ash to a height of 4 feet.
- A 12-inch dirt seal should be placed on the lip of the incineration pit area to seal the blower nozzle. The nozzle should be 3 to 6 inches from the end of the pit.
- There should be 1-foot high, unburnable warning stops along the edge of the pit's length to prevent the loader from damaging the lip of the incineration pit.
- Hazardous or contaminated ignitable material should not be placed in the pit. This is to prevent contained explosions.
- The airflow should hit the wall of the pit about 2 feet below the top edge of the pit, and the debris should not break the path of the airflow except during dumping.
- The pit should be no longer than the length of the blower system, and the pit should be loaded uniformly along the length.

Volume Reduction by Grinding and Chipping

- Hurricanes and tornadoes may present the opportunity to employ large-scale grinding and chipping operations as part of the overall debris volume reduction strategy. Hurricanes can blow away scarce topsoil in the agricultural areas and cause extensive tree damage and blow-down. This two-fold loss, combined with local climatic conditions, may present an excellent opportunity to reduce clean woody debris into suitable mulch that can be used to replenish the topsoil and retain soil moisture.
- Grinding and chipping woody debris is a viable reduction method. Although more expensive than incineration, grinding and chipping is more environmentally friendly, and the resulting product, mulch, can be recycled. In some locations the mulch will be a desirable product because of shallow topsoil conditions. In other locations it may become a landfill product.
- Grinding and chipping woody debris reduces the large amounts of tree blow-down. Chipping operations are suitable in urban areas where streets are narrow or in groves of trees where it is cheaper to reduce the woody vegetation to mulch than to move it to a central grinding site and then

returning it to the affected area. This reduces the costs associated with double handling.

- The DMTF should work closely with local environmental and agricultural groups to determine if there is a market for mulch. Another source for disposal of ground woody debris may be as an alternative fuel for industrial heating or for use in a cogeneration plant.
- There are numerous makes and models of grinders and chippers on the market. When contracting, the most important item to specify is the size of the mulch. If the grinding operation is strictly for volume reduction, size is not important. However, mulch to be used for agricultural purposes must be of a certain size and be virtually free of paper, plastic and dirt.
- The average size of wood chips produced should not exceed 4 inches in length and ½ inch in diameter. Production output should average 100 to 150 cubic yards per hour when debris is moderately contaminated, which slows feeding operations, and 200 to 250 cubic yards per hour for relatively clean debris. Note that this is not machine capability; this is contractor output or performance capability.
- Contaminants are all materials other than wood products and should be held to 10% or less for the mulch to be acceptable. Plastics are a big problem and should be eliminated completely. To help eliminate contaminants, root rake loaders should be used to feed or crowd materials to the grapplers. Bucket-loaders tend to scoop up earth, which is a contaminant and causes excessive wear on the grinder or chipper. Hand laborers should remove contaminants prior to feeding the grinders. Shaker screens should be used when processing stumps with root balls or when large amounts of soil are present in the woody debris.
- Chippers are ideal for use in residential areas, orchards, or groves. The number of damaged and uprooted trees presents significant problems if they are pushed to the rights-of-way for eventual pick-up and transport to staging and reduction sites. The costs associated with chipping are reasonable because the material does not need to be transported twice.
- Grinders are ideal for use at debris staging and reduction sites because of their high volume reduction capacity. Locating the grinders is critical from a noise and safety point-of-view. Moreover, there is a need for a large area to hold the woody debris and an area to hold the resulting mulch. Ingress and egress to the site is also an important consideration.

Volume Reduction by Recycling

- Recycling reduces mixed debris volume before it is hauled to a landfill. Recycling is attractive and strongly supported by _____ because there may be an economic value to the recovered material if it can be sorted and sold. A portable Materials Recovery Facility could be set up at the site. Metals, wood, and soils are prime candidates for recycling. The major drawback is the potential environmental impact of the recycling operation. In areas where there is a large usage of chemical agricultural fertilizer, the recovered soil may be too contaminated for use on residential or existing agricultural land.
- Hurricanes may present opportunities to contract out large-scale recycling operations and to achieve an economic return from some of the prime contractors who exercise their initiative to segregate and recycle debris as it arrives at the staging and reduction sites. Recycling has significant drawbacks if contracts are not properly written and closely monitored.
- Specialized contractors should be available to bid on disposal of debris by recycling, if it is well sorted. Contracts and monitoring procedures should be developed to ensure that the recyclers comply with local, tribal, State and Federal environmental regulations.
- Recycling should be considered early in the debris removal and disposal operation because it may present an opportunity to reduce the overall cost of the operation. The following materials are suitable for recycling.

- **Metals.** Hurricanes and tornadoes may cause extensive damage to mobile homes, sun porches, and green houses. Most of the metals are non-ferrous and suitable for recycling. Trailer frames and other ferrous metals are also suitable for recycling. Metals can be separated using an electromagnet. Metals that have been processed for recycling can be sold to metal recycling firms.
- **Soil.** Cleanup operations using large pieces of equipment pick up large amounts of soil. The soil is transported to the staging and reduction sites where it is combined with other organic materials that will decompose over time. Large amounts of soil can be recovered if the material is put through some type of screen or shaker system. This procedure can produce significant amounts of soil that can either be sold or recycled back into the agricultural community. This soil could also be used at local landfills for cover. It is more expensive to transport and pay tipping fees at local landfills than to sort out the heavy dirt before moving the material. Monitoring and testing of the soil may be necessary to ensure that it is not contaminated with chemicals.
- **Wood.** Woody debris can be either ground or chipped into mulch.
- **Construction Material.** Concrete block and other building materials can be ground and used for other purposes if there is a ready market. Construction materials and wood can also be shred to reduce volume. This construction material could also be used at local landfills for cover.
- **Residue Material.** Residue material that cannot be recycled, such as cloth, rugs, and trash, can be sent to a landfill for final disposal.

TDSR SITE CLOSE-OUT PROCEDURES

- Each TDSR site will eventually be emptied of all material and be restored to its previous condition and use. The contractor should be required to remove and dispose of all mixed debris, construction and demolition (C&D) debris, and debris residue to approved landfills. Quality assurance inspectors should monitor all closeout and disposal activities to ensure that contractors complied with contract specifications. Additional measures will be necessary to meet local, tribal, State and Federal environmental requirements because of the nature of the staging and reduction operation.
- The contractor must assure the DMTF that all sites are properly remediated. There will be significant costs associated with this operation as well as close scrutiny by the local press and environmental groups. Site remediation will go smoothly if baseline data collection and site operation procedures are followed.
- The basic close-out steps are to remove all debris from the site; conduct an environmental audit or assessment; develop a remediation or restoration plan approved by the appropriate environmental agency; execute the plan; get acceptance from the landowner; and terminate lease payments, if applicable. The key to timely closeout of the mission is the efficient scheduling of the above activities for multiple sites. Therefore, critical path scheduling of all the activities as far in advance as possible will minimize down time between steps.
- **Environmental Restoration.** Stockpiled debris will be a mix of woody vegetation, construction material, household items, and yard waste. HHW and medical wastes should be segregated and removed prior to stockpiling. Activities at the debris disposal sites will include anyone or a combination of the following activities: stockpiling, sorting, recycling, incineration, grinding, and chipping. Incineration is done in air curtain pits and generally only woody debris is incinerated; however, the efficiency of the incineration and the quality of incineration material is highly variable. Contamination may occur from petroleum spills at staging and reduction sites or runoff from the debris piles, incineration sites, and ash piles.
- **Site Remediation.** During the debris removal process and after the material has been removed from each of the debris sites, environmental monitoring will be needed to close each of the sites. This is to ensure that no long-term environmental contamination is left on the site. The monitoring should be

done on three different media: ash, soil, and groundwater.

- The monitoring of the ash should consist of chemical testing to determine the suitability of the material for landfilling.
- Monitoring of the soils should be by portable methods to determine if any of the soils are contaminated by volatile hydrocarbons. The contractors may do this if it is determined that hazardous material, such as oil or diesel fuel was spilled on the site. This phase of the monitoring should be done after the stockpiles are removed from the site.
- The monitoring of the groundwater should be done on selected sites to determine the probable effects of rainfall leaching through either the ash areas or the stockpile areas.
- Consider the following requirements to closeout a temporary staging and reduction site(s).
  - Coordinate with local and State officials responsible for construction, real estate, contracting, project management, and legal counsel regarding requirements and support for implementation of a site remediation plan.
  - Establish a testing and monitoring program. The contractor should be responsible for environmental restoration of both public and leased sites. Contractors will also be required to remove all debris from sites for final disposal at landfills prior to closure.
  - Reference appropriate and applicable environmental regulations.
  - Prioritize site closures.
  - Schedule closeout activities.
  - Determine separate protocols for air, water and soil testing.
  - Develop cost estimates.
  - Develop decision criteria for certifying satisfactory closure based on limited baseline information.
  - Develop administrative procedures and contractual arrangements for closure phase.
  - Inform local, tribal and State environmental agencies regarding acceptability of program and established requirements.
  - Designate approving authority to review and evaluate contractor closure activities and progress.
  - Retain staff during closure phase to develop site-specific remediation for sites, as needed, based on information obtained from the closure checklist.

ORGANIZATION AND RESPONSIBILITIES

Local Government Agencies and Departments

- Identify each government agency or department that has debris clearing, removal or disposal actions.
- Define their responsibilities in detail.

Supporting Agencies

- Identify each government agency or department that has debris clearing, removal or disposal actions.
- Define their responsibilities in detail.

ADMINISTRATION AND LOGISTICS

- All agencies will document personnel and material resources used to comply with this annex. Documentation will be used to support any Federal assistance that may be requested or required.
- Requests for support and/or assistance will be upchanneled from the local level to the county level EOC and then to the State EOC. Requests for Federal assistance will be made by the State EOC through established procedures, as outlined in the Federal Response Plan.

- All agencies will ensure 24-hour staffing capability during implementation of this annex, if the emergency or disaster requires.
- Define who will be responsible to initiate an annual update of this annex. It will be the responsibility of each tasked agency to update its respective portion of the annex and ensure any limitations and shortfalls are identified and documented, and work-around procedures developed, if necessary.

AUTHORITIES AND REFERENCES

- Develop a listing of authorities and references identified in this annex.

APPENDICES

- Develop a listing of appropriate appendices that support this annex.

Policy #9523.9 - 100% Funding for Direct Federal Assistance and Grant Assistance

1. **Date Published:** June 9, 2006
2. **Recovery Division Policy Number:** 9523.9
3. **Title:** 100% Funding for Direct Federal Assistance and Grant Assistance
4. **Purpose:** To provide guidance and establish procedures for providing 100% funding for Direct Federal Assistance and Grant Assistance.
5. **Scope and Audience:** This policy applies to all major disasters declared on or after the publication date of this policy. It is intended for all states eligible to receive assistance under sections 403 and 407 of the Stafford Act, and all Federal agencies that may be directed by FEMA to provide such assistance.
6. **Background:** FEMA's regulations at 44 CFR §206.208, Direct Federal Assistance, state, "When the State and local government lack the capability to perform or contract for eligible emergency work and/or debris removal under sections 402(4), 403 or 407 of the Act, the Grantee may request that the work be accomplished by a Federal agency." This assistance is subject to the cost share provisions contained in the FEMA/State agreement and the Stafford Act. In addition, 44 CFR §206.47(d) states, "If warranted by t`he needs of the disaster, we recommend up to one hundred percent (100%) Federal funding for emergency work under section 403 and section 407, including direct Federal assistance, for a limited period in the initial days of the disaster irrespective of the per capita impact." Generally, a "limited period in the initial days of the disaster" means the period of 100% funding will be limited the first 72 hours following the disaster declaration, or an applicant's selected 72-hour period. This period may be extended based on the gravity and scope of the disaster, as determined by the President.
7. **Policy:**
   A. **Terms Used in this Policy:**
      - **Mission Assignment:** Work order issued by FEMA to a Federal agency directing completion by that agency of a specified task. 44 CFR §206.2(a)(18).
      - **Mission Assignment Task Order:** Specific instruction given to a Federal agency under a mission assignment directing it to perform work of certain quantity or in a certain area under that mission assignment.
      - **Emergency Work:** All activities eligible under section 403 of the Stafford Act, including such activities when performed by a Federal agency as direct Federal assistance.
      - **Debris Clearance and Removal:** Clearance, pick up, hauling, processing and disposal of all manner of debris generated by the declared event on public property. This includes woody debris, sand and gravel, and components of buildings or other structures. This may also include debris on private property, when FEMA has approved such removal.
      - **Consumable Commodities:** Food, ice, water and other items not requiring installation, such as small plastic tarps and small generators.
      - **Emergency Protective Measures:** Actions (other than debris removal) eligible as Category B measures, including installation of plastic sheeting for temporary roofing, generators requiring installation, and shoring or demolition of unsafe structures.
      - **Designated Period:** For Direct Federal Assistance: The period from 12:01 a.m. of the date of the Presidential declaration to 11:59 p.m. of the third full day after the date of the declaration.
        For Grant Assistance: The period selected by an applicant for eligibility for 100% Federal share assistance. The period will be 72 hours within a window from 12:01 a.m. of the date of a Governor's or City or County official's declaration of emergency through 11:59 p.m. of the

seventh full day after the date of the Presidential declaration of a major disaster. The period may be different for Category A and Category B work.

- Purchase Order: Any unconditional agreement, contract or other commitment by a state or local government under state and local law for the acquisition of goods and services.

B. **Direct Federal Assistance**

FEMA will provide direct Federal assistance through a mission assignment to another Federal agency - upon request of the State - when the State and local government certify they lack the capability to perform or contract for the requested work. The duration of mission assignments for debris removal will be limited to 60 days from the disaster declaration date. The Federal Coordinating Officer may approve extensions for up to an additional 60 days, if a State or local government demonstrates a continued lack of capability to assume oversight of the debris removal mission. Additional extensions will require approval by the Recovery Division Director at FEMA Headquarters. If the President has also authorized 100% Federal funding for emergency work and/or debris removal under sections 403 or 407 of the Stafford Act for the disaster, the Federal share of work mission-assigned by FEMA will be as follows:

- **Debris Clearance and/or Removal:** When FEMA directs another Federal agency to accomplish debris clearance and/or removal, FEMA will provide at 100% Federal share the cost of actual debris clearance and/or removal work accomplished, not mission assignment task orders initiated, during the designated period. This work includes whatever clearance, pick up, hauling, processing and disposal activities FEMA authorizes but only during the designated period. After the designated period, if further direct Federal assistance for debris clearance or removal is necessary, it will be provided at the prevailing Federal cost share rate for the particular disaster. The State shall agree in advance to reimburse FEMA for the appropriate non-Federal share of the work including the overhead of the Federal agency assigned the task of debris removal.
- **Food, Water, Ice and Other Consumable Commodities:** For a mission assignment task order approved during the designated period, such commodities and the work necessary to distribute them, but not including installation or set-up, shall be provided at 100% Federal share regardless of the work or project completion date. For task orders approved after the designated period, the commodities shall be provided at the prevailing Federal cost share rate for the particular disaster. The State shall agree in advance to reimburse FEMA for the appropriate non-Federal share of the work including the overhead of the Federal agency assigned the task.
- **Other Emergency Protective Measures:** For a mission assignment task order approved during the designated period, FEMA will provide at 100% Federal share the cost of the work actually completed during the designated period. Examples of these measures include: installation of generators, installation of large plastic sheet roofing, and shoring or demolition of unsafe structures. After the designated period, the work or supplies shall be provided at the prevailing Federal cost share rate for the particular disaster. The State shall agree in advance to reimburse FEMA for the appropriate non-Federal share of the work including the overhead of the Federal agency assigned the task.

C. **Grant Assistance**

When the President authorizes 100% Federal funding for emergency work under sections 403 and 407 of the Stafford Act for a limited period in the initial days of the disaster, the Federal share for Grant Assistance will be as follows:

- **Debris Clearance and/or Removal:** FEMA will reimburse applicants 100% of the costs for the debris removal work accomplished during the designated period. This includes all

clearance, pick up, hauling, processing and disposal activities, but only during the designated period. For work accomplished after the end of the designated period, assistance will be provided at the prevailing Federal cost share rate for the particular disaster.

- **Food, Water, Ice, and Other Consumable Commodities:** FEMA will reimburse applicants 100% of the costs of eligible work for reasonable purchase orders approved and finalized pursuant to state and local law during the designated period, regardless of the work or project completion date. This includes expenses to distribute commodities, but does not include installation or set-up. For purchase orders approved and placed after the end of the designated period, assistance will be provided at the prevailing Federal cost share rate for the particular disaster.
- **Other Emergency Protective Measures:** FEMA will reimburse applicants 100% of the costs of eligible work accomplished during the designated period. Examples of these measures include: installation of generators, installation of large plastic sheet roofing, and shoring or demolition of unsafe structures. For work accomplished after the designated period, assistance will be provided at the prevailing Federal cost share rate for the particular disaster.

8. **Supersession:** Response and Recovery Directorate Guidance No. 4150-E, September 26, 1995, Direct Federal Assistance at 100% Federal Funding; Unnumbered Guidance, October 6. 2004, Eligibility for 100% Federal Share. Assistance; Recovery Division Policy 9523.9, March 10, 2006, 100% Funding for Direct Federal Assistance and Grant Assistance.
9. **Authorities:** Sections 403 and 407 of the Robert T. Stafford Disaster Relief and Assistance Act, 42 U.S.C. 5121-5206, as amended.
10. **Originating Office:** Recovery Division (Public Assistance Branch)
11. **Review Date:** Three years from date of publication
12. **Signature:**

    David Garratt
    Acting Director of Recovery
    Federal Emergency Management Agency
13. **Distribution:** Regional Directors, Regional and Headquarters Division Directors. Federal Coordinating Officers

Policy #9525.11 - Payment of Contractors for Grant Management Tasks

1. **Date Published:** April 22, 2001
2. **Response and Recovery Policy Number:** 9525.11
3. **Title:** Payment of Contractors for Grant Management Tasks
4. **Purpose:** This policy is to provide guidance on the eligibility of costs when a Grantee or subgrantee employs contractors to manage the Public Assistance (PA) Program in place of Grantee or subgrantee employees.
5. **Scope and Audience:** This policy is applicable to all major disasters and emergencies declared on or after the publication of this policy. This policy is intended for Federal Emergency Management Agency (FEMA) personnel in making eligibility determinations for the PA Program.
6. **Background:**
   A. Most Grantees and subgrantees have the personnel capacity to respond to a disaster. The personnel are either located within the emergency management office or they are available from other state agencies or local government departments. However, some State, Tribal, and local governments are finding it necessary to outsource work as their resources continue to shrink. Several have indicated an interest in using contracts and similar instruments to secure a workforce to administer or assist with the PA Program.
   B. This new policy recognizes the trend toward Grantee use of contractors for grant management work and streamlines the payment procedures by defining the contract costs as eligible under "State Management Administrative Costs" *PW* (also known as the Grantee Management Cost Project Worksheet or Management *PW*). Under previous procedures, Grantees have been denied management contractors' expenses for overtime, travel and per diem. In the past, FEMA treated the contractor expenses as though they were Grantee employee expenses and held that all overtime, travel and per diem expenses were covered by the "Statutory Administrative Costs" allowance (also known as the Grantee's Administrative Allowance or sliding scale).

      FEMA will no longer treat the contractors as State employees and all eligible contractor costs will be reimbursable through the State Management Administrative Costs. Therefore, all reasonable contractor costs, including overtime, travel and per diem, will be allowed as State Management Administrative Costs. There is no similar provision for subgrantees because all of their grant management and administrative costs are required by statute to be considered under the Statutory Administrative Costs allowance (also known as the subgrantee's Administrative Allowance or sliding scale).

   C. The term "State Management Administrative Costs" is used in 44 CFR 206.228(a)(3). The paragraph permits the payment of some Grantee costs. This includes the payment of some Tribal government costs when the Tribal government is operating as the Grantee.
   D. The criteria for allowable State Management Administrative Costs are included in Office of Management and Budget (OMB) Circular A-87.
   E. In the course of research on the subject of payment of contractor assistance in Grantee management tasks, FEMA determined that it, incorrectly, had been providing a Statutory Administrative Costs allowance on State Management Administrative Costs *PW*s. The statutory definition of "associated expenses" and the use of OMB Circular A-87 as the guidance for paying State Management Administrative Costs preclude adding the Statutory Administrative Costs

allowance onto the State Management Administrative Costs *PW*. While the sum typically is not large, it still should be deducted manually from a NEMIS generated *PW*, if it is included.

F. The Disaster Mitigation Act of 2000 provides for the establishment of management cost rates that will include "any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project…." When those rates are published, appropriate portions of this policy will be superseded.

7. **Policy:**

A. *Grantee.* Reasonable costs of contractors performing eligible Grantee functions in managing the Public Assistance Program are eligible as State Management Administrative Costs.

1. The eligible Grantee management functions are identified in 44 CFR 206.228. They include expenses such as costs associated with the preparation of *PW*s, project applications, reports, audits, and related field inspections.
    a. Reasonable regular time, supplies, materials and equipment costs of contractors necessary to manage the Public Assistance Program in accordance with the regulations and State or Tribal Public Assistance Administrative Plan are eligible as State Management Administrative Costs. Since only reasonable costs will be eligible, the States and Tribes are encouraged to negotiate cost rates and contract duration with FEMA prior to disaster declarations and prior to the hiring of contractors.
    b. The contractor's expenses for overtime work, per diem and travel are eligible as a direct charge of State Management Administrative Costs. They are ***not*** considered a part of Statutory Administrative Costs.
2. In order for any significant amount of contractor assistance to be used in a disaster, the basic State or Tribal Public Assistance Administrative Plan must assess State or Tribal capability to manage an infrastructure disaster recovery grant and must acknowledge any potential need for a significant level of contractor assistance. **In addition, the amendments to the State or Tribal Public Assistance Administrative Plan for each disaster (submitted in accordance with 44 CFR 206.207(b)) must include all proposed uses of contractors as part of the staffing plan for that disaster.** The staffing plan must identify specific contractor functions, cost rates, and contract duration. It also must include Grantee staffing at a reasonable level, and provide for sufficient Grantee staffing to assure adequate contractor oversight and program management. The contractor's expenses will not be an eligible cost unless FEMA approves the staffing plan and finds it reasonable.
3. Contracts must adhere to the requirements of 44 CFR 13.36.
4. For the purposes of this policy in distinguishing between Grantee employees and contractors, a Grantee employee is any person directly employed by the Grantee (i.e., the Grantee executes payroll deductions for benefits and taxes). The employees may be regular full time, regular part time or extra hires for management purposes. The employees may be from another State agency or department. Regardless of their employment source, such employees will be subject to this policy as Grantee employees.
5. The State Management Administrative Costs *PW*s are not part of the base for calculating additional Grantee Statutory Administrative Costs (also known as the Administrative Allowance or sliding scale). The *PW* designation for Management *PW*s covering Grantee management and contractor costs is category Z, code 852.

6. Grantee costs associated with developing work plans for contractors or managing contractor work are eligible State Management Administrative Costs.

B. *Subgrantee.* The costs of subgrantee contractors performing subgrantee functions in managing and administering the Public Assistance grants are to be paid from the subgrantee's Administrative Allowance.

C. *Project Management.* Eligible project management costs directly related to specific eligible projects can be included in the *PW*s for the eligible projects.

D. *Multiple Tasks - Single Contractor.* In very rare cases, the same contractor may be employed to perform grant management functions for the Grantee, and also perform subgrantee administrative or construction management functions. In such cases, there must be separate contracts, or the costs for each function must be clearly delineated in the contract and separated in the billing and payment process. Separate contracts generally will be the clearest basis for separating costs. Contractors on one contract may not oversee their own work performed under another contract, nor oversee other work which may create a conflict of interest situation.

E. Contractor costs for performing management duties of the Grantee will be approved using a State Management Administrative Costs *PW*. Contractor costs for performing management and administrative duties of the subgrantee are covered in the subgrantee's Statutory Administrative Costs. Construction management costs either will be approved using a separate *PW* or be part of a construction *PW*.

8. **Supersession:** This policy updates and replaces relevant provisions of previous public assistance policy documents.
9. **Reference:** Office of Management and Budget Circular A-87.
10. **Authorities:** Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, Section 406; 44 CFR 206.44, 206.207 and 206.228.
11. **Originating Office:** Infrastructure Division, Response and Recovery Directorate.
12. **Review Date:** Five years, except for the provisions that will be superseded with the implementation of Section 324 ("Management Costs") of the Disaster Mitigation Act of 2000.
13. **Signature:** *signed*
    Lacy E. Suiter
    Executive Associate Director
    Response and Recovery Directorate
14. **Distribution:** Regional Directors, Regional and Headquarters R&R Division Directors

FEMA

RECOVERY DIVISION

FACT SHEET

DEBRIS REMOVAL

APPLICANT'S CONTRACTING CHECKLIST

Overview

To be eligible for reimbursement under the Public Assistance Program, contracts for debris removal must meet rules for Federal grants, as provided for in 44 CFR Part 13.36 *Procurement* (http://www.access.gpo.gov/nara/cfr/waisidx_04/44cfr13_04.html). Public Assistance applicants should comply with their own procurement procedures in accordance with applicable State and local laws and regulations, provided that they conform to applicable Federal laws and standards identified in Part 13. The following guidance is provided to assist Public Assistance applicants in the procurement process.

Contracting Process Checklist

- ☐ Use competitive bidding procedures. Complete and document a cost analysis to demonstrate price reasonableness on any contract or contract modification where adequate price competition is lacking, as detailed in 44 CFR 13.36(f).
- ☐ Provide a clear and definitive scope of work and monitoring requirements in the request for proposals/bids. Use acceptable emergency contracting procedures that include an expedited competitive bid process only if time does not allow for more stringent procedures.
- ☐ Require bidders to provide copies of references, licenses, financial records, and proof of insurance and bonding.
- ☐ Obtain review from your legal representative of your procurement process and any contract to be awarded to ensure they are in compliance with all Federal, State, and local requirements.
- ☐ Document procedures used to obtain/award contracts (procurement information, bid requests and tabulations, etc).
- ☐ Use load ticket requirement to record with specificity (e.g., street address) where debris is picked up and the amount picked up, hauled, reduced and disposed of.

FEMA will, when requested by applicants, assist in the review of debris removal contracts. However, such a review does not constitute approval.

FEMA

RECOVERY DIVISION

FACT SHEET

DEBRIS REMOVAL

APPLICANT'S CONTRACTING CHECKLIST

Contract Provisions Checklist

All contracts must contain/reflect the following provisions:

- ☐ All payment provisions must be based on unit prices.
- ☐ No payments may be based on time and material costs unless limited to work performed during the first 70 hours of actual work following a disaster event.
- ☐ That payment will be made only for debris that FEMA determines eligible, referencing FEMA regulations and Public Assistance guides and fact sheets. (This is an optional provision to protect the applicant, and is used only following a major disaster declaration.)
- ☐ An invoice provision requiring contractors to submit invoices regularly and for no more than 30-day periods.
- ☐ A "Termination for Convenience" clause allowing contract termination at any time for any reason.
- ☐ A reasonable limit on the period of performance for the work to be done.
- ☐ A subcontract plan including a clear description of the percentage of the work the contractor may subcontract out and limiting use of subcontractors to only those you approve.
- ☐ The preference that the contractor use mechanical equipment to load and reasonably compact debris into the trucks and trailers.
- ☐ The requirement that the contractor provide a safe working environment, including properly constructed monitoring towers.
- ☐ Option of a unit price for extracting from ground and removing FEMA-eligible stumps (only for stumps with diameters larger than 24 inches, measured 24 inches above the ground, and with 50% or more of the root ball exposed), or including all stumps in the unit price.

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RECOVERY DIVISION

FACT SHEET

DEBRIS REMOVAL

APPLICANT'S CONTRACTING CHECKLIST

Contract Provisions Checklist - Continued

All contracts must contain/reflect the following provisions:

- ☐ Requirement that all contract amendments and modifications be in writing.
- ☐ Requirement that contractor obtain adequate payment and performance bonds and insurance coverage.

Pre-Disaster and Stand-By Contracts Checklist

- ☐ The solicitation for a pre-disaster contract must adequately define in the proposed scope of work all the potential types of debris, typical haul distances, and size of events for which the contract may be activated.
- ☐ You may request bids for multiple scenarios for varying sizes of events.
- ☐ To ensure reasonable debris removal costs, award pre-disaster debris removal contracts based on either unit prices (volume or weight) or time and material.
- ☐ If the contract is awarded on a time and material basis, it should be limited to no more than 70 hours of actual clearance and removal operations.
- ☐ After the initial 70-hour period, payment should be on a unit price basis (volume or weight).

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DEBRIS REMOVAL

APPLICANT'S CONTRACTING CHECKLIST

Avoidance Checklist

☐ **DO NOT:** Award a debris removal contract on a sole-source basis.

☐ **DO NOT:** Sign a contract (including one provided by a contractor) until it has been thoroughly reviewed by your legal representative.

☐ **DO NOT:** Allow any contractor to make eligibility determinations, since only FEMA has that authority.

☐ **DO NOT:** Accept any contractor's claim that it is "FEMA certified." FEMA does not certify, credential, or recommend debris contractors.

☐ **DO NOT:** Award a contract to develop and manage debris processing sites unless you know it is necessary, and have contacted the State for technical assistance concerning the need for such operations. Temporary debris storage and reduction sites are not always necessary.

☐ **DO NOT:** Allow separate line item payment for stumps 24 inches and smaller in diameter; these should be treated as normal debris.

☐ **DO NOT:** "Piggyback" or utilize a contract awarded by another entity. Piggybacking may be legal under applicable state law; however, the use of such a contract may jeopardize FEMA funding.

☐ **DO NOT:** Award pre-disaster/stand-by contracts with mobilization costs or unit costs that are significantly higher than what they would be if the contract were awarded post-disaster. Such contracts should have variable mobilization costs depending upon the size of the debris work that may be encountered.

SAMPLE RIGHT-OF-ENTRY PERMIT
(Includes Hold Harmless and Insurance Clauses)

Right of Entry Permit

Permit Number _____

_____
Property Address/Description

_____ _____
City Name of Owner/Tenant

_____ _____
County Date

Right of Entry
I certify that I am the owner, or an owner's authorized agent, of the property described above. I grant, freely and without coercion, the right of access and entry to said property to the (eligible applicant), its agents, contractors, and subcontractors, for the purpose of demolishing, removing and/or clearing any or all storm-generated debris of whatever nature from the above-described property.

Hold Harmless
I understand that this permit is not an obligation upon the government to perform debris removal. I agree to hold harmless the United States Government, the Federal Emergency Management Agency (FEMA), the State of Georgia, and any of their agencies, agents, contractors, and subcontractors for damages of any type whatsoever, either to the above-described property or to persons situated thereon. I release, discharge and waive any action, either legal or equitable, that might arise by reason of any action of the above entitles, while removing storm-generated debris from the property. I will mark any sewer lines, septic tanks, water lines and utilities located on the described property.

Duplication of Benefits
Most homeowner's insurance policies have coverage to pay for removal of storm-generated debris. I understand that Federal law (42 United States Code 5155 et seq.) requires me to reimburse (eligible applicant) the cost of removing the storm-generated debris to the extent covered in my insurance policy. I also understand that I must provide a copy of the proof/statement of loss from my insurance company to (eligible applicant). If I have received payment, or when I receive payment, for debris removal from my insurance company, or any other source, I agree to notify and send payment and proof/statement of loss to (eligible applicant). I understand that all disaster related funding, including that for debris removal from private property, is subject to audit.

Sworn and attested: **Witness:**
All owners must sign below.

Print Name_____ Print Name_____

Signature_____ Signature_____

Name of Insurance Company_____

Policy Number_____

Please do not remove the following items:
_____
_____
_____

APPENDIX C