




Federal Emergency Management Agency
3003 Chamblee-Tucker Road
Atlanta, GA 30341

Memorandum

TO: Infrastructure Staff
FROM: Steven N. Glenn 
DATE: May 7, 2003
SUBJECT: Regional Guidance # R4-RR-PA-07-05-03
Debris Removal from Private Property

Purpose:

The purpose of this guidance is to establish the parameters for approving the eligibility of debris removal operations from private property. The policy also outlines the procedures for documenting these decisions and creating Project Worksheets to fund the operations. It is important to remember that for all debris removal to be eligible, it must meet the basic requirements of eligibility, which are:

- Caused as a result of the declared disaster
- Legal responsibility of the applicant
- Is in a designated county

Further, as stated in the 44 CFR, part 206.224, "The Regional Director may provide assistance for the removal of debris and wreckage from publicly and privately owned lands and waters. Such removal is in the public interest when it is necessary to:

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

The 44 CFR also states “When it is in the **public interest** for an eligible applicant to remove debris from private property in urban, suburban and rural areas, including large lots, clearance of the living, recreational and working area is eligible except for those areas used for crops and livestock or unused areas.”

Debris Removal from Private Property:

Determining Eligibility:

The DRM, as designated by the Regional Director, in coordination with the Infrastructure Branch Chief and PAO, will make the determination of eligibility for debris removal from private property and establish the required criteria to determine eligibility for sites within that disaster event. The State and applicant will then identify potential sites. FEMA will review the sites and determine eligibility on a case-by-case basis. The decision to approved debris removal from private property will be documented in a letter to the State and scanned into NEMIS for each applicant for whom it pertains. The letter will not be a blanket approval but should outline the health and safety threat to be alleviated, and FEMA’s procedures for determining eligibility. The letter will have a concurrence line for the PAO, the Infrastructure Branch Chief, OGC (if applicable) and the DRM.

The guidelines governing the eligibility of debris removal from Private property is as follows:

“Debris Removal from Private property is the responsibility of the individual property owner aided by insurance settlements and assistance from volunteer agencies. FEMA assistance is not available to reimburse private property owners for the cost of removing debris from their property, however an eligible local or State government may pick up and dispose of disaster-related debris placed at the curb by those private individuals. This type of work must be carefully controlled with regard to the extent and duration.” (PA Guide pg 46) The reason that debris removal from the public right of way would be eligible is that the debris removal becomes the legal responsibility of the eligible applicant, provided that the debris is storm related and is not C&D debris that has been covered by insurance.

If debris on private business and residential property is so widespread that public health, safety, or the economic recovery is threatened, the actual removal of debris from the private property may be eligible. In such situations the work must be done, or contracted for, by an eligible applicant. There are two major reasons why debris removal from private property can be approved: To eliminate a health and safety threat and to promote economic recovery.

1. Health and Safety Threat

In order for FEMA to determine that a health and safety threat exists, the following criteria should be met. FEMA must “ensure that the applicant’s determination ‘a public Health and safety issue exists’ is not based upon building codes. Generally the determination would be based on ordinances related to condemnation. Most such ordinances require that the applicant place a lien on the property for recoupment of demolition and debris removal costs. If so, that (lien) amount should be treated similar to insurance proceeds, and deobligated” (Debris Job Aid pg 32). By following the eligible applicant’s normal procedures for determining a health and safety threat through the use of existing ordinances, FEMA can be assured that the debris removal meets the criteria of being the legal responsibility of the applicant. It is equally important to determine that the debris is disaster related and in a declared area.

2. Economic Recovery

Allowing debris removal from private property to ensure economic recovery is “normally restricted to the removal of disaster-related debris from large commercial areas to expedite restoration of the economic viability to the affected community.” (Debris Job Aid p31.)

It is important to inform the State and applicants the importance of communicating any debris removal from private property prior to it being accomplished, since only FEMA makes eligibility determinations regarding removal of the debris from private property. (Debris Job Aid p31) The Debris Management Guide, the Debris Job Aid, and the Debris Fact Sheets should be disseminated as soon as possible in order to avoid potential issues.

Debris removal contracts should also be reviewed for FEMA eligibility. Unit price contracts are the preferred methods for contracting and time and materials contracts should not be used for removing debris from private property. Monitoring must be performed to ensure debris is only being removed from approved locations and to ensure trucks are filled to capacity if a cubic yard contract is being used.

PW Preparation:

Documentation

A separate PW should be written for debris removal from private property and should include the following:

- Private property debris removal locations approved by FEMA
- Dimensions of the location

- Types and quantities of debris
 - Copy of letter approving the debris removal
 - Copy of the contract (if applicable)
 - Description of monitoring procedures and costs
 - Certification that the applicant will obtain and maintain the following:
 - Right of Entry Permit
 - Hold Harmless Release
 - Insurance Reimbursement Agreement
- Samples are contained in the Debris Job Aid Appendix E

The actual documentation for that project will be reviewed for compliance at Final Inspection.

If no contracts have been let or no Request for Proposal (RFP) issued, a survey of the area and a quantity must be identified and included in the scope of work. A narrative, which identifies the FEMA representative's methodology for determining the quantity and a calculation sheet, must be included.

Duplication of Benefits

Potential duplication of benefits must also be addressed. "Insurance proceeds usually cover the cost for demolition debris removal from private property and only disaster-related debris removal costs not covered by insurance are eligible for reimbursement." (Debris Job Aid p30.)

"If there is a question regarding individual homeowner's insurance, check with FEMA Human Services. If a homeowner has applied for individual assistance, and indicated insurance coverage on the application, there is a potential for a duplication of benefits." (Debris Job Aid p 33)

"If SBA is involved, check to determine whether or not its loan includes a provision for demolition and debris removal." (Debris Job Aid p 33)

Sample Scope of Work

Remove 8,234 cy of Construction and Demolition (C & D) and woody debris from 15 single-family house lots. The ratio of C&D debris to woody debris is 3cy to 1 cy. The C & D debris will be disposed of in the So & So landfill. The haul distance is about 30 miles from the pickup site.

This makes the scope of work definitive and will allow the inspector to estimate a cost to determine reasonableness. If the applicant experiences an overrun or if additional properties require debris removal, FEMA should be notified through the State in order to review the work.

Concurrence:


Paul W. Fay, Jr.