

Michigan – Contaminated Water Denial of Appeal

Denied on January 22, 2016

On January 14, 2016, Governor Rick Snyder requested a major disaster declaration due to contaminated water described in the request as beginning on April 25, 2014, and continuing. The Governor requested Individual Assistance and Public Assistance for Genesee County and Hazard Mitigation statewide. The Governor also requested direct federal assistance. On January 16, 2016, the Governor’s request was denied. Governor Snyder appealed the denial on January 20, 2016.

A joint Federal, State, and local government Preliminary Damage Assessment was not conducted for this incident.¹

On January 22, 2016, Governor Snyder’s appeal for a major disaster declaration was denied based on the determination that a major disaster declaration under the Stafford Act is not appropriate. The requested incident does not meet the legal definition of a “major disaster” under 42 U.S.C. § 5122, as implemented at 44 C.F.R. §§ 206.2(17). The incident was not a result of a natural catastrophe, nor was it caused by a fire, flood, or explosion.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance

- Total Number of Residences Impacted:³ -
- Percentage of poverty households:⁴ -
- Percentage of elderly households:⁵ -
- Total Individual Assistance cost estimate: -

Public Assistance

- Primary Impact: -
- Total Public Assistance cost estimate: -
- Statewide per capita impact:⁶ -
- Statewide per capita impact indicator:⁷ \$1.41
- Countywide per capita impact: -
- Countywide per capita impact indicator:⁸ \$3.57

¹ The Preliminary Damage Assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor’s request for a major disaster or emergency declaration, and by the President in determining a response to the Governor’s request (44 CFR § 206.33).

² When a Governor’s request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered to determine whether assistance is warranted. These factors are outlined in FEMA’s regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ Special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance (44 CFR § 206.48(b)(3)).

⁵ Ibid (44 CFR § 206.48(b)(3)).

⁶ Based on State population in the 2010 Census.

⁷ Statewide Per Capita Impact Indicator for FY16, *Federal Register*, October 1, 2015.

⁸ Countywide Per Capita Impact Indicator for FY16, *Federal Register*, October 1, 2015.