



FEMA

FEMA-1980-DR-MO Expedited Debris Removal

Overview

The Federal Emergency Management Agency (FEMA) is implementing an Expedited Debris Removal initiative to accelerate the removal of debris in the areas hardest hit by the devastating tornado that struck Missouri on May 22, 2011. The tornado left behind large swaths of destruction where virtually all structures within the swaths were destroyed leaving large amounts of debris. Expedited Debris Removal applies significant resources to removing debris from these areas in a rapid and comprehensive manner. Expedited Debris Removal allows public and private property debris removal (PPDR) in the high impact areas, as identified using geospatial imagery. The Expedited Debris Removal approach in these targeted areas will facilitate a speedier recovery of the community.

The President has authorized 90 percent Federal funding for the total eligible costs through August 7, 2011, for all eligible debris removed in the Expedited Debris Removal designated areas. FEMA is using geospatial imagery from the National Geospatial-Intelligence Agency (NGA) to identify the areas that are within or immediately adjacent to areas of "extensive" and "catastrophic" damage to designate areas as eligible for Expedited Debris Removal. FEMA, based on its authority to provide direct Federal assistance (DFA), can mission assign the U.S. Army Corps of Engineers (USACE) to remove the debris, or the State and/or local governments can remove the debris from the Expedited Debris Removal designated areas.

Funding for the removal of debris not included in the Expedited Debris Removal areas may be provided at 75 percent Federal funding. FEMA provides this and other assistance to the State and local governments under the Public Assistance Program in all of the areas designated by the major disaster declaration.

Frequently Asked Questions

What options does a local government have for debris removal related to Expedited Debris Removal?

Under this initiative, the eligible areas include both the public rights-of-way and private property. The work can be completed by the local government's force account labor and/or contractors, or by FEMA through a mission assignment to the U.S. Army Corps of Engineers (USACE). Local governments located in designated areas may choose, but are not required, to participate in Expedited Debris Removal.



Does the Federal cost share adjustment apply to other FEMA funding?

The 90 percent Federal cost share adjustment applies only to Expedited Debris Removal designated areas for removal of debris from public rights-of-ways and private property through August 7, 2011. After August 7, 2011, the Federal cost share will be at 75 percent. Areas not designated under Expedited Debris Removal and other Public Assistance Program activities are eligible for a 75 percent Federal cost share. Federal funds for Other Needs Assistance, under Federal Assistance to Individuals and Households (Section 408) and the Hazard Mitigation Grant Program (Section 404) will remain at the 75 percent Federal cost share, as required by law.

How are the eligible areas determined for Expedited Debris Removal?

FEMA utilizes the information supplied by the National Geospatial-Intelligence Agency (NGA) to identify those areas potentially eligible for Expedited Debris Removal through use of U.S. National Grid (USNG) coordinates. These coordinates identify the areas on a grid map.

FEMA will provide the State and local governments with the grid maps that delineate the boundaries of the high-impact swath of the tornado. All areas within the grid coordinates may be eligible for inclusion in Expedited Debris Removal as determined by the Federal Coordinating Officer (FCO). Additionally, the FCO may determine that areas immediately adjacent to these high-swath areas are also eligible for Expedited Debris Removal in order to facilitate the recovery of the community. FEMA will work with the State and local governments to obtain street addresses for properties that are eligible pursuant to the USNG coordinates.

What authorization and documentation is required?

The State or the appropriate local government must issue a finding of an immediate public health or safety threat as a result of the widespread and extensive debris which requires State or local government action. In accordance with 44 CFR 206.223(a)(3), in order to be eligible for Public Assistance Program funding, the local government must have the legal responsibility to remove debris from private property. The State or local government must confirm this legal responsibility in writing and cite relevant authority to enter upon private property and remove debris.

Local governments need to request private property debris removal through the State. The local government's request must include an indemnification for debris removal activity and must provide authorization for entry onto the property requested for debris removal. 42 USC 5173(b). This authorization may be provided through written rights-of-entry (ROE), State or local police powers, or condemnation ordinances.



Local jurisdictions should provide the Federal Coordinating Officer (FCO) copies of all ROEs or local government orders authorizing entry onto private property at least 72 hours prior to the commencement of debris removal in areas on the designated grid. If authorization is not provided, the affected property will not be cleared.

How will Expedited Debris Removal be implemented?

The process is as follows:

1. FEMA will designate Expedited Debris Removal areas using geospatial data provided by NGA;
2. FEMA and the State will meet with the local governments to discuss Expedited Debris Removal requirements as well as the Public Assistance Program's debris removal policies;
3. FEMA will provide the State and affected local governments a map of the designated Expedited Debris Removal areas;
4. FEMA will work with the State and local governments to identify individual properties and notify residents; and
5. In accordance with FEMA's Disaster Assistance Policy (DAP) 9523.13, *Debris Removal from Private Property*, local governments should submit a written request letter, through the State, to FEMA for private property debris removal approval. The request should include documentation required by DAP 9523.13. The FCO will consider the request and make a determination on approval.

How will property outside of the high impact swath be treated?

Local governments may conduct debris removal using their own force account labor or contractors. Eligible debris removal costs will be reimbursed by FEMA through the Public Assistance Program grant process with a 75 percent Federal and 25 percent non-Federal cost share.

Local governments, through the State, may also request direct Federal assistance (DFA) from FEMA, via mission assignment to the USACE, for debris removal outside of the Expedited Debris Removal areas. However, this will be implemented with a 75 percent Federal and 25 percent non-Federal cost share.

Will property owners be notified when the debris removal operation will begin so they have a chance to gather their personal effects?

A reasonable period of time (at least 72 hours) should be provided after obtaining ROEs or local government orders authorizing entry onto private property before the commencement of debris removal. The State or local government will confirm compliance with local notice



requirements. The State or local government will confirm that at a minimum, the following has been accomplished within a reasonable time prior to commencement of debris removal operations:

- Personal Notification
- Posting on the property if personal notification was attempted but was unsuccessful
- A media campaign undertaken by the State or local government with the assistance of FEMA External Affairs

Does the property owner have the right to refuse signing the ROE?

Yes. The property owner does not have to sign the ROE.

What responsibility does the property owner have in this process?

The property owner shall indemnify and hold harmless the local government, the State, the Federal government, and any of their officers, agencies, agents, contractors, subcontractors, employees and volunteers in the ROE.

What if the property owner has insurance coverage for debris removal?

The local government will be responsible for obtaining insurance information (coverage, proceeds, and settlements) from private property owners and will provide the information to the State and FEMA. All rights of entry will include a statement requiring the property owner to report any insurance coverage or insurance settlements made for debris removal. The property owner will submit any insurance proceeds as directed by the local government. For areas where direct Federal Assistance (DFA) is authorized, FEMA will pursue appropriate private insurance settlements for debris removal to reimburse Federal costs to the fullest extent of the law.

In order to maximize recovery of private property debris removal insurance proceeds, FEMA will engage the State Insurance Commissioner on development of a collection plan.

Is debris removal from commercial property eligible?

It may be eligible if FEMA and State officials determine that debris removal from those properties serves a legitimate public service and is in the public interest. The proximity of commercial property to residential property and the level of destruction are factors that FEMA will consider when determining the eligibility of debris on commercial property. If approved, local jurisdictions will be responsible for obtaining insurance information from the commercial property owners and will be responsible for pursuing the commercial property owner for any



insurance reimbursement for debris removal. The insurance settlement for debris removal will reimburse Federal costs to the fullest extent of the law.

How will environmental and historic preservation requirements be addressed?

FEMA and the State will establish a protocol for the consideration of environmental and historic preservation issues associated with this operation. The protocol should leverage emergency provisions in the various Federal environmental and historic preservation laws, executive orders, and regulations applicable to this action. The protocol should address how expedited reviews would occur for:

- Presence of and impacts to historic properties (including archeological resources),
- Location of temporary staging areas for debris,
- Suitability of final disposition site, and
- Appropriate disposal of hazardous debris such as asbestos containing materials, materials with lead-paint, and household hazardous wastes.

Will the USACE recycle debris? If so, what is the process?

Yes. USACE will segregate the debris and recycle it to the extent possible. Debris that cannot be recycled will be disposed of in accordance with all applicable environmental statutes and regulations.

What about debris in Expedited Debris Removal areas that is eligible for removal under other Federal agencies' authority?

FEMA may not duplicate assistance or provide assistance that is under the authority of another Federal agency. FEMA will work with other Federal agencies, as well as the State and affected local governments, to determine where removal of certain debris is not eligible for Expedited Debris Removal or Public Assistance Program funding.

If temporary reduction sites or temporary staging areas for debris are established, who is responsible for the restoration of the temporary sites?

When the site operations are complete, the property must be restored to its original condition before returning the site to the property owner. Restoration of a site involves removing all traces of the operations and possible remediation of any contamination that may have occurred during the operations. The site must be brought back to its environmental state, prior to it being returned to the owner. If the site is owned or leased by a FEMA mission assigned agency (USACE), the mission assigned agency is responsible for ensuring that the operation complies with all federal and state environmental statutes and regulations.



Is demolition included in Expedited Debris Removal?

No. Demolition of damaged structures is not authorized under the Expedited Debris Removal initiative. Demolition can be considered an emergency protective measure under Public Assistance Program Category B, for which the cost share adjustment for Expedited Debris Removal does not apply. FEMA defines the removal of slabs as a demolition activity, and therefore is not eligible as part of the Expedited Debris Removal operation.