



Maximizing Reimbursement Potential: Debris Management Recordkeeping, Documentation & Monitoring Requirements


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"A Prepared Marylander Creates a Resilient Maryland"

Discussion Topics

- › FEMA Debris Management Guidelines
- › Sandy Recovery Improvement Act of 2013
- › Debris Monitoring
- › Debris Management Plan Checklist
- › FEMA Reimbursement Requirements
- › FEMA Resources



Federal Emergency Management Agency (FEMA)



Public Assistance Program
Supplemental financial assistance for debris removal, emergency protective measures, and permanent restoration of infrastructure after a Presidential Disaster Declaration

Eligible Applicants:

- State Government Agencies
- Local Governments
- Private Nonprofit Organizations that own or operate facilities that provide certain services of a governmental nature
- Federally recognized Indian Tribal governments and Alaska Native villages/organizations



Debris Removal Assistance

Local response efforts may be accomplished with:

- Local Force Account Labor and Equipment
- Contractors
- Volunteers/Donated Resources
- Adjacent Communities (Mutual Aid Agreements)
- 75% Federal/25% State Cost Share



Debris Activities

- › Debris Clearance – Move debris off roadway surface
- › Debris Removal – Load, haul, reduce and dispose



Debris Removal

Clearance, removal, and/or disposal of items such as:

- Trees
- Woody debris
- Sand
- Mud
- Silt
- Gravel
- Building components and contents
- Wreckage (includes that produced during conduct of emergency work)
- Vehicles on public property
- Personal property



Eligibility

- Debris removal work must be necessary to:
- Eliminate an immediate threat to lives, public health and safety
 - Eliminate immediate threats of significant damage to improved public or private property when the measures are cost effective
 - Ensure the economic recovery of the affected community to the benefit of the community-at-large
 - Mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired using FEMA hazard mitigation program funds to uses compatible with open space, recreation, or wetlands management practices



Eligible Activities

- ✓ Debris removal from a street or highway to allow the safe passage of emergency vehicles
- ✓ Debris removal from roads in private communities, including debris moved to the curb in the community
- ✓ Debris removal from public property to eliminate health and safety hazards



Debris Activities

Eligible:

- Debris removal from a street or highway to allow the safe passage of emergency vehicles
- Debris removal from roads in private communities, including debris moved to the curb in the community
- Debris removal from public property to eliminate health and safety hazards

Ineligible:

- Removal of debris, such as tree limbs and trunks, from natural (unimproved) wilderness areas
- Removal of pre-disaster sediment from engineered channels
- Removal of debris from a natural channel unless the debris poses an immediate threat of flooding to improved property from a flood that has a 20% change of occurring in any one year



Debris Removal from Private Property

- Generally *not* eligible because it is the responsibility of the individual property owner.
- If property owners move the disaster-related debris to a public right-of-way, the local government may be reimbursed for curbside pickup and disposal for a *limited* period of time.
- If the debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, FEMA may fund debris removal from private property, but it must be *approved in advance by FEMA*.



Debris Removal from Private Property

- Applicant may only do EMERGENCY PROTECTIVE MEASURES on private property
- FEMA and Applicant must be held harmless in the event of damages to the property caused by the applicant
- Applicant must have Right-of-Entry Agreement



Vegetative Debris

Whole trees, tree stumps, tree branches (hangers), tree trunks, and other leafy material within the PUBLIC right-of-way and collected by an eligible applicant



Hazardous Tree Stumps

Eligible for PA funding as a **per-unit cost** for stump removal if it meets all of the following criteria:

- 50% or more of the root ball is exposed
- More than 24" in diameter, as measured 24 inches above the ground (PAID per each)
- On improved public property or a public right-of-way

AND

- Poses an immediate threat to life, public health and safety

Hazardous Tree Stumps

▶ If an uprooted stump must be removed prior to FEMA's approval, the applicant must submit the following information for PA grant consideration:

- Photographs and GPS coordinates that establish the location on public property
- Specifics of the threat
- Diameter of the stump 24" from the ground and
- Quantity of material needed to fill the resultant hole

▶ FEMA may reimburse a reasonable cost to remove, transport, dispose of and fill the hole from a stump of more than 24" in diameter if:

- The applicant and the State agree the tree or stump is hazardous
- Generally, FEMA approved the removal in advance, and
- Hazardous stump worksheet is completed and submitted for FEMA approval

Hazardous Trees

Tree is considered hazardous if it's condition was caused by the disaster, it's an immediate threat to lives, public health and safety, or improved property, has a diameter breast height of 6" or greater; AND one or more of the following criteria are met:

- More than 50% of the crown damaged or destroyed
- Split trunk or broken branches to expose heartwood
- Fallen or been uprooted within public-use area
- Leaning at an angle greater than 30 degrees

Hazardous Limb Removal (Hangers)

- ▶ Located on improved property
- ▶ Greater than 2" in diameter at the point of breakage
- ▶ Still hanging in tree and threatening a public-use area, e.g. trails, sidewalks, golf course paths, streets

Eligibility

- Pruning, maintenance trimming, landscaping
- Multiple passes (a tree is only trimmed of limbs once)
- Removing the entire branch back to the trunk; when it may be cut at the closest main branch junction
- Canopy of tree on private property - limbs extending over street are eligible - limbs on private property are not

Hazardous Limb Removal (Hangers)

DOCUMENTATION REQUIRED FOR PA GRANTS

- Describe immediate threat, photos
- Clearly define the scope of work to remove threat
- Specify the improved public property location by recording the nearest building address and/or GPS location, AND
- Denote date, labor (force account or contract) and equipment used to perform work

Construction and Demolition (CD) Debris

- ▶ Damaged components of buildings and structures such as lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, pipe, concrete, fully cured asphalt, equipment, furnishings, and fixtures
- ▶ Above are eligible if debris is a result of Federally declared disaster
- ▶ Documentation of the debris origin, any processing and the final disposition is required for PA grant consideration



Hazardous Waste

- ▶ Hazardous Waste regulated by Resource Conservation and Recovery Act (RCRA)
 - Household Hazardous Waste (HHW)
 - Electronic Waste (E-Waste)
- ▶ Hazardous Waste is either on one of four RCRA hazard waste lists or exhibits at least one of the following characteristics:
 - Ignitability
 - Corrosivity
 - Reactivity
 - Toxicity



Hazardous Waste

- PA Grant Funding may be available for:*
- Addressing widespread hazardous materials (HAZMAT) contamination
 - Retrieval and proper disposal of orphaned drums, pumping water contaminated with HAZMAT, control or stabilization of oil or other HAZMAT releases, and cleanup and disposal of HAZMAT
 - Applicant must comply with Federal, State and local environmental requirements

PA grant funding is NOT available for mold or contaminate testing in water, air, or soil for the purposes of long term clean-up actions

Other Debris

- ▶ White Goods – household appliances
 - May contain ozone-depleting refrigerants, mercury, or compressor oils – Clean Air Act
- ▶ Soil, Mud, and Sand
 - Natural streams and unimproved property are typically not eligible
 - Maintenance reports are commonly requested for soil, mud and sand removal from sewers, water treatment facilities and drainage channels
- ▶ Vehicles and Vessels
 - Hazard/Immediate threat; Abandoned; Applicant secures ownership; Applicant verifies chain of custody
 - Hazardous Materials – contained on vessels

Other Debris

- ▶ Putrescent Debris
 - Rotting decomposing debris, animal carcasses
- ▶ Infectious Waste
 - Needles, scalpels, blood products
- ▶ Chemical, Biological, Radiological, and Nuclear Contaminated Debris
- ▶ Garbage
 - Household food waste that can be collected by normal municipal waste collection is NOT eligible

Channel Debris

- ▶ Natural Channels
 - Generally not eligible
 - In order to be eligible a hydraulic analysis is typically required. This analysis must show that the debris causes an immediate threat to life, public health and safety, or improved property from a 5 year storm
 - FEMA will typically fund the removal of debris immediately upstream and downstream of a culvert or bridge where this debris could obstruct the waterway opening of the crossing.
- ▶ Man Made Channels
 - Applicant must show evidence of an established regular maintenance program
 - Applicant must be able to establish the pre-disaster condition

Channel Debris

- ▶ FEMA will not participate in the removal of channel debris on facilities under the authority of another Federal agency such as USACE navigable waterways and NRCS canals.
- ▶ Channel debris removal eligibility is subject to the applicant obtaining all required regulatory permits
- ▶ Navigable Waterways - If maintained by the USACE, debris is cleared by the USACE.



Building Demolition

- ▶ Demolition and removal of buildings or structures may be eligible with PRIORITY approval from FEMA, if there is an immediate threat to life, property and public health and safety.
- ▶ Removal of slabs, foundations, pads, or driveways is NOT eligible
- ▶ Documentation of environmental and historic review

Roads and Highways

- ✓ Eligible for Debris Removal:
 - Applicant's responsibility
 - Travel lanes
 - Shoulders
 - Roadside Ditches
 - Drainage Structures
 - Maintained and improved (mowed right-of-way)

Emergency Contracting

- ▶ Applicants must comply with State and local bidding requirements
- ▶ Non-competitive contracts can be awarded only if the emergency is such that the contract award **can not be delayed by the amount of time required to obtain competitive bidding**

See Title 44 of the Code of Federal Regulations, Part 13 for further information.

Emergency Contracting

- ▶ Non-competitive bid awards are typically only allowed for the first 70 work hours, and should not be made several days or weeks after the disaster or for long-term debris removal
- ▶ Applicants can use an expedited process for obtaining competitive solicitation
 - Such as telephone bid invitations with a DEVELOPED scope of work

Sandy Recovery Improvement Act of 2013



- ▶ January 29, 2013 President Obama signed into law (P.L. 113-2)
- ▶ FEMA presently writing guidance



Sandy Recovery Improvement Act of 2013

Debris Removal Work Alternative Procedures

- ▶ Permits debris removal grants to be based on capped estimates, with applicants accepting responsibility for any actual costs above the estimate.
- ▶ Permits applicants to retain income from debris recycling without an offset from their grant.
- ▶ Allows the use of a sliding scale for applicants' debris removal cost share to incentivize speedier and more cost-efficient debris removal.



Sandy Recovery Improvement Act of 2013

Debris Removal Work Alternative Procedures (cont.)

- › Permits the establishment of financial incentives for a FEMA-approved pre-disaster debris management plan and at least one pre-qualified debris contractor.
- › Allows applicants to use excess funds for activities to improve future debris removal operations.
- › Permits the reimbursement of straight time force account labor costs for applicants' employees performing debris removal work.



Debris Monitoring

A monitoring program observes and documents the work being done at 2 locations (minimum) – point of collection (temporary) and disposal (final).

Loading Area:

- Eligible debris is being picked up from contract area
- If debris types are separated at curbside, check that contractor keeps them separated
- Truck loads are full
- Tailgates are in-place
- Sideboards are in place
- Time of pickup
- Load is reasonably compact

Debris Unloading Area:

- Truck size is as reported on load ticket
- Determine proper debris quantities
- Check time of collection for reasonable turnaround
- Assure appropriate materials are properly segregated



Debris Monitoring

Debris Management Site:

- Record inactive times of contract equipment
 - Assure HHW is properly segregated
 - Assure safety of personnel around equipment
 - At a minimum, an elevated inspection station should be used to enable the monitor to look down into the truck to verify both the contents and the load amount
 - Monitoring should also be performed at the exit point of the Debris Management Site to ensure the load has been sufficiently dumped
- ❖ If the contract is by weight, then there should be a monitor at the certified scales.
- ❖ Best practice/method – use a load ticket system.



Debris Management Plan Checklist

- Plan outlines roles and responsibilities of various functions identified (public works, finance, solid waste departments)
- Plan addresses health and safety procedures in accordance with state/local health and safety standards/requirements
- Plan identifies procedures for acquiring required regulatory permits
- Plan addresses the basis for planning which includes assumptions for various events and forecasting/modeling for debris volumes



Debris Management Plan Checklist

- Plan includes priorities for clearance, collection and disposal of debris
- Plan addresses recycling
- Plan includes process for collection and disposal of hazardous waste and/or white goods
- Plan addresses debris monitoring of pickup sites, Debris Management Sites (DMS) or Temporary Debris Storage and Reduction Sites (TDSR) and final disposal



Debris Management Plan Checklist

- Plan identifies DMS' or TDSRs' and potential landfills for final disposal to include operation and site management procedures and staffing
- Plan address the environmental requirements
- Plan addresses contracting/procurement procedures
- Plan addresses the authority and processes for private property debris removal
- Plan addresses the dissemination of information to the general public and media



Debris Management Plan Checklist

List of Pre-Qualified Contractors:

- Applicant has a list of pre-qualified contractors
- Applicant has documentation demonstrating how the list was obtained



FEMA Reimbursement Requirements

Documentation
Documentation
Documentation

(If it's not documented, it didn't happen.)



FEMA Reimbursement Requirements

Quantify Debris (to include silt, sand, mud)

Debris Clearance	Debris Removal
Move debris off roadway surface	Load, haul, reduce and dispose



FEMA Reimbursement Requirements

Eligible Costs

- › Labor hours (including benefits) for full time employees
- › Labor hours for temporary employees
- › Donated resources
- › All working hours for force account (FA) equipment
 - Clearly identify amount of time staff spent on debris operations
 - Match employees and equipment
 - (If discrepancies, explain discrepancies)
 - Example: "It is our policy to deploy two (2) employees per truck."
- › Materials
- › Reasonable contract costs (invoices, load tickets, etc.)
- › Rental equipment costs
- › Insurance documentation/coverage (if applicable)



FEMA Reimbursement Requirements

Cost Per Cubic Yard

- ✓ FEMA must provide the cost per Cubic Yard for debris removal operations on each Project Worksheet (Category A)

Cradle → Grave

- Where was the debris?
- What did you do with it? Where did it go?

Environmental Specialist will need information in order to review and approve Project Worksheet



FEMA Reimbursement Requirements

Documentation
Documentation
Documentation

FEDERAL EMERGENCY MANAGEMENT AGENCY FORCE ACCOUNT LABOR SUMMARY RECORD			
1. PROJECT	2. FEA	3. RECEIPT	4. TOSSAGE
5. DISPOSITION OF AIDED PERSONNEL			
DATE	TIME	LOCATION	REMARKS

FEDERAL EMERGENCY MANAGEMENT AGENCY FORCE ACCOUNT EQUIPMENT SUMMARY RECORD			
1. PROJECT	2. FEA	3. RECEIPT	4. TOSSAGE
5. DISPOSITION OF AIDED PERSONNEL			
TYPE OF EQUIPMENT	QUANTITY	DATE	REMARKS



FEMA Reimbursement Requirements

Grants Management and Administrative Issues

Federal regulations require states, as grantees, to:

- (1) ensure that subgrantees (such as cities, school districts, etc.) are aware of requirements imposed on them by federal regulations and
- (2) manage the day-to-day operations of subgrant activity and monitor subgrant activity to ensure compliance with applicable federal requirements.

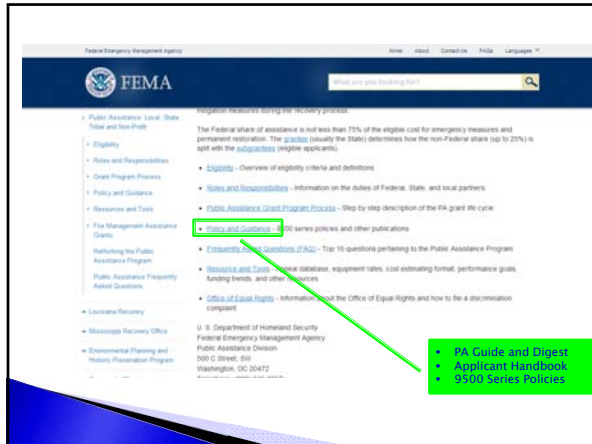
Debris Removal Costs

Disaster	Debris Removal (100% Eligible)	Disaster Total (100% Eligible)
FEMA-1492-DR-MD <i>Hurricane Isabel</i>	\$18,196,412	\$52,727,990
FEMA-4034-DR-MD <i>Hurricane Irene</i>	\$9,164,945	\$26,657,624
FEMA-4038-DR-MD <i>Remnants of Tropical Storm Lee</i>	\$1,150,908	\$11,796,904
FEMA-4075-DR-MD <i>Straight Line Winds</i>	\$11,491,459	\$16,042,522
FEMA-4091-DR-MD <i>Hurricane Sandy</i>	\$13,036,449*	\$42,412,079*

*06/07/2013

FEMA Resources

<http://www.fema.gov/public-assistance-local-state-tribal-and-non-profit>



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