Massachusetts Emergency Management Agency

**GUIDANCE FOR DISASTER DEBRIS OPERATIONS**

**BACKGROUND**

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides federal disaster assistance to government organizations and certain private nonprofit (PNP) organizations following a Presidential disaster declaration through reimbursement grants for certain categories of emergency response and recovery activities, including debris clearance and removal operations. Generally eligible organizations can be reimbursed for up to 75% of costs associated with eligible activities. However, activities – and in particular, debris operations – must meet certain federal requirements to be deemed eligible.

This memorandum is intended to offer general guidance related to the requirements of the PA Program for management of debris operations on public property. This memorandum is not intended to be an exhaustive list of all the requirements associated with debris removal/monitoring issues, but rather an introduction to the process, program requirements and to provide links to more detailed information regarding policies, procurement and additional guidance. This guidance pertains to debris removal on public property only. Debris removal on private property is generally the responsibility of the property owner.

Although debris work is typically underway well before it is known if the Commonwealth meets the thresholds for a presidentially‐declared disaster declaration, jurisdictions should take measure to adhere to debris guidance to ensure incurred costs can be identified as eligible should a presidentially declared major disaster declaration be made.

**DEBRIS MANAGEMENT OPERATIONS**

Debris management operations under the FEMA PA program generally occur in two phases: emergency clearance (under Category B, Emergency Protective Measures) and debris removal (under Category A, Debris Removal). Whether cities and towns will receive federal reimbursement for emergency clearance and/or debris removal depends on whether the Commonwealth receives a Presidential Major Disaster Declaration, and whether Category A and/or Category B assistance is authorized under the Major Disaster Declaration.

PHASE 1: EMERGENCY CLEARANCE (CATEGORY B) – Initial clearance activities necessary to eliminate immediate threats to life, public health and safety. Activities must meet the definition of emergency work:

* The debris must be located within the declared disaster area;
* The debris must be located on improved property or right of ways; and
* The improved property or right of ways must be the legal responsibility of the applicant at the time of the event.

Essentially, Phase 1/Emergency Clearance is limited to the initial opening of roadways to allow access for emergency vehicles. The transition period from initial emergency clearance to the debris removal phase begins after the emergency access routes are cleared and police, firefighters, and other first responders have the necessary access to public property. Guidance for the emergency clearance phase:

* Cut and push to clear debris from roadways to restore emergency access/egress
* Emergency protective measures only – push to side of road and move on to next emergency site
* Contract pricing may use time and materials method (not volume) for the emergency clearance work, a ceiling cost or not to exceed provision must be included in the contract, and applicant procurement policies should be adhered to whenever possible. At a minimum applicant should utilize a competitive process (i.e. obtain and document three phone quotes for rates) and document their process.
* Carefully monitor and document contractor expenses
* Document all locations, labor, equipment, type, etc.

Under the FEMA PA Program, FEMA will typically only reimburse applicants for a time and materials contract for eligible debris clearance during the immediate emergency period following the incident. After the emergency period the applicant should have sufficient information on the scope of work necessary to complete debris collection and disposal, and a basis for estimating a reasonable cost for the contract work to effectively solicit a lump sum or unit price contract compliant with local, state, and federal regulations. Costs incurred through extended time and materials contracts or non-compliant contracts may not be reimbursed by FEMA.

PHASE 2: DEBRIS REMOVAL OPERATIONS (CATEGORY A) – After emergency clearance work is complete (meaning debris has been cut and pushed to the side to allow emergency access), Debris Removal operations begin. Debris removal requires the applicant properly, remove, reduce, and dispose of debris. These operations require applicants to follow local, state, and federal procurement requirements for lump sum or unit price contracts, monitor contract debris operations, quantify debris and verify reported quantities, and document a final approved destination for debris.

* The transition from initial emergency clearance to debris removal phase begins after access routes to public property are cleared to allow for emergency vehicles
* Reduction and removal of debris pushed or left in place
* Must be independently monitored for pickup location, volume, type, and equipment
* An approved debris management disposal site must be used
* If removing debris prior to an assessment by MEMA and FEMA, utilize a central, segregated
* For final removal, debris should be diverted from disposal to recycling, composting, or other beneficial use
* Asian Longhorn Beetle – if debris is located in any quarantine zone for the Asian Longhorn Beetle, you must comply with all regulations and policies set forth by the USDA. If not, you risk not being reimbursed by FEMA. For additional information, please visit <https://massnrc.org/pests/alb/>.

**DEBRIS MONITORING**

Debris monitoring procedures must be established and included in the debris management plan for the community to protect the community’s financial interests, regardless if the applicant has contracted for any component of the debris removal operation or will complete it with in-house labor. Communities can use force account resources or contractors to monitor debris removal operations, or a combination of both. Regardless of the method, the community is responsible for ensuring that debris removal work is community‐ managed.

Monitoring debris removal operations requires comprehensive observation and documentation by the community from the point of debris collection to final disposal.

Monitoring debris removal operations achieves two several objectives: verifying that the work

Completed by the contractor is within the contract scope of work, is removed from public property, is properly sorted and reduced, and is disposed of in a proper location. This documentation must be provided for Public Assistance (PA) Grant reimbursement.

Debris monitors are responsible for:

* Recording quantities and locations of debris accurately on load tickets. A load ticket system is used to record with specificity (i.e., street address, GPS coordinates) where debris is collected and the amount picked up, hauled, reduced and disposed of.
* Completing reports such as daily logs, load tickets, incident reports, periodic reports, photographs, sketches, GPS.
* Coordinating with community and debris removal contractor on daily operations.
* Supply completed paperwork.

Failure to clearly document eligible work and costs may jeopardize Public Assistance reimbursement . In Federally declared disasters, FEMA will validate the applicant’s monitoring efforts to ensure that eligible debris is being removed and processed properly.

**DEBRIS FROM PRIVATE PROPERTY**

Generally, FEMA assistance is not available to reimburse private property owners for the cost of removing debris from their property. Property owners should be encouraged to consult their insurance carriers. Communities that choose to offer curbside pick‐up of debris from private property must follow all applicable FEMA rules and can only be reimbursed to the extent that the private property debris posed an imminent threat to public safety or access/egress to the property.

**STATE DEBRIS CONTRACTS**

State contracts are available for debris management and monitoring. These contracts may be used for Phase 1 and/or Phase 2 work. Information related to the debris management and monitoring contracts can be found in the Department of Environmental Protection’s Summary of Disaster Debris Monitoring and Management Contracts at: <https://www.mass.gov/files/documents/2016/08/vz/ddcontsm.pdf>

**FEMA DEBRIS GUIDANCE/RESOURCES**

The following links are offered to assist communities with meeting procurement requirements established in 44 CFR Part 13, as well as other Public Assistance Program eligibility requirements when procuring debris removal and monitoring contracts.

* FEMA Public Assistance – Debris Management Guide (FEMA 325: <https://www.fema.gov/pdf/government/grant/pa/demagde.pdf>
* FEMA Public Assistance – Debris Monitoring Guide (FEMA 327) <http://www.fema.gov/pdf/government/grant/pa/fema_327_debris_monitoring.pdf>
* FEMA Debris Guidance and Fact Sheet publications can be found on the FEMA website at <https://www.fema.gov/media-library-data/1465335317204-387ea71c5b3ae8f55577aaa32baa66ac/FactSheetDebrisRemoval2016.pdf> .
* FEMA Debris Removal Guidelines Graphic: <https://www.fema.gov/media-library/assets/images/110554>

**ADDITIONAL GUIDANCE**

* Massachusetts Department of Environmental Protection (DEP) has posted guidance and tips on their website at <https://www.mass.gov/lists/massdep-solid-waste-policies-guidance-fact-sheets>.
* Please ensure all State, federal, and local procurement laws and regulations are met throughout the emergency and non‐emergency procurement process.
* Document for your records and to meet FEMA reimbursement requirements all debris activity from cradle to grave including:
* Location of work
* Roadway jurisdiction (state, local)
* Equipment utilization (type and hours used)
* Labor (position, hours, rates)
* Type of debris cleared or removed
* Volume of debris cleared or removed
* Documentation must include procurement, contracting, and invoicing records. Timesheets (contractor and municipal force labor), pay warrants, copies of canceled checks and other source documentation sufficient to support all work submitted for reimbursement.
* Emergency Clearance work should be documented separately from Debris Removal because Emergency Clearance is reimbursed under Category B and Debris Removal is reimbursed under Category A.