

Private Property Debris Removal Begins In Cameron Parish

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BATON ROUGE, La. -- The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) in coordination with the U.S. Army Corps of Engineers (USACE) and local and state officials have approved private property debris removal (PPDR) in Cameron Parish.

Cameron Parish PPDR efforts will begin in Johnson's Bayou. The Parish has completed the FEMA approval process for the first grid of PPDR in Johnson's Bayou, totaling 254 properties.

Under Disaster Specific Guidance, FEMA policy is to remove debris from private property where such debris poses an immediate threat to public health and safety. This guidance applies to Beauregard, Calcasieu, Cameron, Lafayette, and Vermilion Parishes. This determination enables FEMA to reimburse the costs of debris removal on private property in those parishes, as well as those covered under an additional guidance: Orleans, St. Bernard, St. Charles, St. Tammany, Jefferson, Lafourche, Plaquemines, and Washington.

To date, 217,855 cubic yards of debris have been removed from Cameron Parish, 43.6 percent of the 500,000 CY of debris estimated in the parish by FEMA, the State of Louisiana and the USACE.

FEMA prepares the nation for all hazards and manages federal response and recovery efforts following any national incident. FEMA also initiates mitigation activities, trains first responders, works with state and local emergency managers, and manages the National Flood Insurance Program.

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On-Going Debris Removal High Priority For FEMA

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JACKSON, Miss. -- The cleanup and disposal of mountains of debris – 11 million cubic yards to date – continues to be a high priority for disaster recovery officials. The Federal Emergency Management Agency (FEMA) and the Mississippi Emergency Management Agency (MEMA) are orchestrating and monitoring debris operations while ensuring that guidelines are followed for the debris removed from private property.

"Removal of debris following hurricanes is a massive task," said Nick Russo, FEMA's federal coordinating officer in Mississippi. "It is FEMA's job to see that governments and private contractors have the information required for private property approval to perform this gigantic task."

FEMA's Public Assistance program provides funding to state and local governments for disaster-related emergency work, debris removal and repairs to, or replacement of, damaged infrastructure.

Normally, FEMA reimburses costs of removal only for debris that is on public property or that is placed on public rights-of-way by residents clearing their private property. However, in the case of Katrina-related debris, FEMA has relaxed that policy, at the state's request, to allow for debris removal from private property in six southern Mississippi counties -- George, Hancock Harrison, Jackson, Pearl River and Stone.

"We requested that residential debris be included for pickup and disposal when that property is identified as a health and safety hazard," said MEMA Director Robert Latham. "We're continually looking at ways to improve the health, safety and well-being of our communities and anticipate that more counties or municipalities will be made eligible for private property debris removal."

To date, FEMA's Public Assistance program has received requests for private property debris removal from the

counties of George, Hancock, Harrison, Jackson, Pearl River and Stone; and the cities of Bay St. Louis, Biloxi, D'Iberville, Gautier, Gulfport, Long Beach, Moss Point, Ocean Springs, Pascagoula, Waveland, and Wiggins.

For private property owners, caution is key when removing hurricane debris

Debris removal and disaster recovery go hand in hand. Federal and state recovery officials encourage residents to be cautious when removing storm debris from homes and roadways. The rubbish may contain any number of dangerous items.

Property owners will want to check with their local jurisdictions regarding debris removal schedules. Here are some safety guidelines to follow:

- Keep children away from debris piles. They can be full of broken materials, glass, nails, jagged wood, and other sharp items. Children can easily get injured playing in, around, or on trash heaps. The debris may also contain rodents or bugs, raising the possibility of bites.
- Watch children carefully when heavy equipment is in the area and debris removal operations are taking place. Small children may not be easily seen by equipment operators.
- Keep all open flames and lit cigarettes away from debris piles as they may contain flammable materials.
- Move your car from the debris pile area. This will make it easier for the equipment operator to pick up the materials and will reduce the possibility of damage to vehicle.
- Drive carefully when behind debris-loaded trucks. Materials can easily shift and fly out, causing an accident or driving hazard. Leave a safe distance between your car and the truck.

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9523.13 Debris Removal from Private Property

1. **Date Signed:** October 23, 2005
2. **Recovery Division Policy Number:** 9523.13
3. **Title:** Debris Removal from Private Property
4. **Purpose:** This revised policy is being issued to include the areas devastated by Hurricane Rita under this guidance and provide guidance on debris removal from commercial private property. This policy provides guidance on the appropriate use of funding as provided for in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, for debris removal and disposal, including demolition of unsafe structures, (hereafter referred to as "debris removal") from private property in areas where Hurricanes Katrina and Rita caused catastrophic damage. This will ensure consistency in the use of Sections 403 and 407 funding among the Joint Field Offices in the states of Alabama, Louisiana, Mississippi and Texas. It will also decrease the time it takes to deliver funding to the catastrophically impacted areas by streamlining the process through which applicants demonstrate compliance with the requirements in Sections 403 and 407 of the Stafford Act.
5. **Scope and Audience:** This policy applies only to catastrophically damaged areas in the states of Alabama, Louisiana, Mississippi and Texas under FEMA-1605-DR-AL, FEMA-1603-DR-LA, FEMA-1607-DR-LA, FEMA-1604-DR-MS, and FEMA-1606-DR-TX, respectively. It is intended to guide all personnel responsible for the administration of the FEMA Public Assistance grant program.
6. **Background:**
 - A. Sections 403 and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173, provide FEMA authority to fund debris removal from private property provided that the State or local government arranges an unconditional authorization for removal of the debris, and agrees to indemnify the Federal government against any claim arising from the removal.
 - B. The regulations implementing Sections 403 and 407 of the Stafford Act at 44 CFR § 206.224 establish the requirement that debris removal be in the "public interest" in order to be eligible for reimbursement. "Public interest" is defined as being 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. ensure economic recovery of the affected community to the benefit of the community at large.

- C. Hurricanes Katrina and Rita have in some areas created catastrophic, widespread destruction resulting in vast quantities of debris which may require state or local government to enter private property to remove it in order to prevent disease and other immediate public health and safety threats. In these situations, debris removal from private property may be in the public interest and thus may be eligible for reimbursement, when the unconditional authorization for debris removal and indemnification requirements established by Sections 403 and 407 of the Stafford Act are met.
 - D. Debris removal from private property generally does not include strictly commercial sites. It is assumed and expected that these commercial enterprises retain insurance that can and will cover the cost of debris removal. The removal of debris from private commercial property by a state or local government is eligible for FEMA reimbursement when such removal is in the public interest
7. **Policy:** The following guidance for reimbursement of state, county and municipal governments for costs incurred in debris removal from private property applies to major disaster declarations FEMA-1603-DR-LA, FEMA-1604-DR-MS, FEMA-1605-DR-AL, FEMA-1606-DR-TX and FEMA-1607-DR-LA.
- A. FEMA will work with each State to designate those areas where the debris is so widespread that removal of the debris from private property is in the “public interest” under 44 CFR § 206.224 and thus is eligible for FEMA reimbursement.
 - B. States, counties and municipalities ordinarily rely on condemnation and nuisance abatement authorities and obtain a right-of-entry from private property owners prior to the commencement of debris removal work. There may be circumstances, however, where the State or local government determines that ordinary condemnation and nuisance abatement procedures and the obtaining of a right of entry from each property owner are too time consuming to address an immediate public health and safety threat.
 - C. Any State or local government that intends to remove debris from private property must, prior to commencement of work, submit a written request to the Federal Coordinating Officer (FCO) seeking approval for reimbursement. The written request and any accompanying attachments must include the following provisions:
 - 1. The request concerns conditions determined by the relevant State, county or municipal government’s Department of Health or equivalent public health authority to be an immediate public health and safety threat.
 - 2. A detailed explanation certifying the requesting entity’s legal responsibility, duty and authority to remove debris from private property, and has satisfied all required legal process and received all necessary permissions for such actions.
 - 3. Confirmation that a legally-authorized official of the requesting entity has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property in order to remove/reduce a public health and safety threat via debris removal.
 - 4. The requesting entity indemnifies the Federal government and its employees, agents, and contractors.
 - D. When deciding whether to authorize the removal of debris from private commercial property, the FCO should determine if it is necessary to: eliminate an immediate threat to life, public health, safety or significant damage to improved property, 44 CFR § 206.224(a)(1) and (a)(2); or ensure economic recovery of the affected community to the benefit of the community-at-large, 44 CFR § 206.224(a)(3).

In making a determination, the FCO will consider the following factors relative to an **immediate threat** to public health and safety:

- Is there a substantial risk that human remains may be intermixed with the debris creating an immediate public health and safety threat?
- Is the commercial property in such close proximity to residential property and the level of destruction so catastrophic that it is impossible to delineate between residential and commercial property and debris?
- Can the threat to public health and safety be lessened or eliminated by placing a fence around the property?
- Generally, the removal of debris from commercial private property is not eligible when the sites are separated from residential or business districts. Examples of these areas are industrial parks and woodland areas.

or the following factors relative to the **economic recovery** of the community-at-large:

- What specific financial reasons are preventing the business from removing its own debris?
- Does the business have the financial capability to reopen if and only if the government

- removes the debris?
 - What effect will the restoration of the business have with respect to the economic recovery of the community to the benefit of the community-at-large?
 - E. FEMA is prohibited from approving funds that would result in a duplication of benefits, and therefore, State and local governments must take reasonable steps to prevent such an occurrence. These steps include the requesting entity's agreement to research whether insurance coverage exists for the debris removal accomplished on each piece of private property in the project. If it is discovered that duplication of benefits has occurred, the State or local government must agree to make reasonable efforts to recover such proceeds paid to the property owners and remit in a timely fashion to FEMA.
 - F. For those instances where the State or local government determines that ordinary condemnation and nuisance abatement procedures and the obtaining of a right of entry are too time consuming, the FCO will also require a written opinion from the relevant State's Office of the Attorney General confirming the legal basis under state constitutional and statutory authority for the State, county and municipal governments to enter private property to perform debris removal.
 - G. All private property requiring debris removal must be identified and requested to FEMA in accordance with this policy within 90 calendar days of the declaration. After FEMA approval, emergency debris removal must begin within 180 calendar days from declaration. . These deadlines may be extended by the FCO based on circumstances beyond the control of the State or local government.
 - H. The FCO will approve or disapprove in writing each written request for private property debris removal within five business days of receiving the request from the State or local government. After receiving approval from the FCO, the State or local government may begin identified private property debris removal activities and the application process for supplemental assistance through the Public Assistance Program.
8. **Supersession:** This policy replaces Recovery Policy Number 9523.13, dated September 7, 2005
 9. **Authorities:** Sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and the implementing regulations at 44 CFR § 206.224.
 10. **Originating Office:** Public Assistance Branch, Recovery Division, FEMA, U.S. Department of Homeland Security.
 11. **Signature:**

David Garratt
 Acting Director of Recovery
 Federal Emergency Management Agency

12. **Distribution:** Regional Directors, and Joint Field Offices in Alabama, Florida, Louisiana, Mississippi and Texas.

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9523.14 Debris Removal from Private Property to Address Immediate Threats

1. **Date Signed:** October 23, 2005
2. **Recovery Division Policy Number:** 9523.14
3. **Title:** Debris Removal from Private Property to Address Immediate Threats
4. **Purpose:** This revised policy is being issued to include the areas devastated by Hurricane Rita under this guidance and provide guidance on debris removal from commercial private property. This policy provides guidance on the appropriate use of funding as provided for in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, for immediate threats relating to debris removal and disposal, including demolition of unsafe structures, when necessary (hereafter referred to as "debris removal") from private property in areas where Hurricanes Katrina and Rita caused catastrophic damage. This policy applies only to Section 403 debris removal funding in the states of Alabama, Louisiana, Mississippi and Texas.
5. **Scope and Audience:** This policy applies only to catastrophically damaged areas in the states of Alabama,

Louisiana, Mississippi and Texas under FEMA-1605-DR-AL, FEMA-1603-DR-LA, FEMA-1607-DR-LA, FEMA-1604-DR-MS, and FEMA-1606-DR-TX, respectively. It is intended to guide all personnel responsible for the administration of the FEMA Public Assistance grant program.

6. **Background:**

- A. Section 403 of the Stafford Act, 42 U.S.C. 5170b, permits FEMA to fund debris removal from private property to (1) eliminate immediate threats to life, public health, and safety; or (2) eliminate immediate threats of significant damage to improved public or private property.
- B. The regulations implementing Section 403 of the Stafford Act at 44 CFR § 206.224 establish the requirement that debris removal be in the “public interest” in order to be eligible for reimbursement. “Public interest” is defined as being necessary to:
 1. eliminate immediate threats to life, public health, and safety; or
 2. eliminate immediate threats of significant damage to improved property

7. **Policy:** The following guidance for reimbursement of state, county and municipal governments for costs incurred in debris removal from private property applies to major disaster declarations FEMA-1603-DR-LA, FEMA-1604-DR-MS, FEMA-1605-DR-AL, FEMA-1606-DR-TX and FEMA-1607-DR-LA.

- A. FEMA will work with each State to designate those areas (not already designated pursuant to Disaster Specific Guidance #3 dated September 10, 2005 and Disaster Specific Guidance #6 dated October 26, 2005) where the debris is so widespread that removal of the debris from private property is in the “public interest” under 44 CFR § 206.224 and thus, eligible for FEMA reimbursement.
- B. Any government entity that intends to remove debris from private property to address immediate threats must, prior to commencement of work, submit a written request to the Federal Coordinating Officer (FCO) seeking approval for reimbursement. The written request and any accompanying attachments must identify the properties or area in which the removal will occur. In addition, the government entity must determine that debris removal is necessary to address an immediate threat to life, public health, safety or property.
- C. When evaluating requests for debris removal from commercial private property, the guidance in Recovery Policy No. 9523.13, dated October 23, 2005, Section 7.D. should be followed.
- D. State and local governments must assist the federal government to prevent the duplication of benefits. The state and local government must assist the federal government in determining whether insurance coverage exists for the debris removal accomplished on each piece of private property. If it is discovered that the duplication of benefits exists, the state or local government must assist the federal government to recover such proceeds paid to the property owners. If the state or local government recovers such funds, the state or local government must remit them to FEMA in a timely manner.
- E. Pursuant to the FEMA-State Agreement, if debris removal is authorized, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal or debris or wreckage for this disaster.

8. Supersession: This policy replaces Recovery Policy Number 9523.14, dated September 15, 2005

9. Authorities: Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.

10. Originating Office: Public Assistance Branch, Recovery Division, FEMA, U.S. Department of Homeland Security.

11. **Signature:**

David Garratt
Acting Director of Recovery
Federal Emergency Management Agency

12. **Distribution:** Regional Directors, and Joint Field Offices in Alabama, Florida, Louisiana, Mississippi and Texas.



FEMA

HURRICANE KATRINA FACT SHEET

DEBRIS REMOVAL FROM PRIVATE PROPERTY

Overview

The Federal Emergency Management Agency (FEMA) has modified the policy pertaining to debris removal to facilitate the removal of the catastrophic level of debris resulting from Hurricane Katrina.

Summary

1. Debris removal from private property is eligible when it poses a threat to public health and safety and the local applicant demonstrates legal responsibility to remove it.
2. Normally, the applicant and FEMA must agree that the debris on private property poses a public health and safety threat, and the applicant must show that it followed the same procedure described in a local ordinance for removing private property debris during pre- and post-disaster environments.
3. In the past, applicants have not met the preceding requirement because their nuisance abatement or similar ordinance required lengthy notification procedures, and placement of liens on the affected properties.
4. Because of the widespread devastation caused by Hurricane Katrina, the Department of Health and Human Services declared a health emergency for multiple states. Because of this declaration, we have determined that hurricane-related debris on private property in catastrophically-affected areas poses a threat to public health and safety, and therefore meets our first criterion for eligibility for removal.
5. The current policy also streamlines the process applicants must follow to meet the legal responsibility criterion for eligibility. Specifically, an applicant need only describe the legal basis it uses to exercise its authority and legal responsibility to remove debris from private property. Applicants do not have to precisely follow their nuisance abatement - or other ordinances - that usually require placement of liens on the properties, as required in the past.
6. In addition, if local governments cannot obtain rights-of-entry to properties because owners cannot be located, the local governments can obtain an opinion from the state attorney general supporting local government authority to remove the debris.
7. The current policy more easily allows applicants to meet the eligibility requirement for removing debris from private property, by following a streamlined approval process.