

# Debris Removal Guidance (Category A)

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Debris removal activities, such as clearance, removal, recycling, and disposal are eligible under Public Assistance Category A if the removal is in the public interest, based on whether the work is necessary to:

- Eliminate immediate threats to life, public health and safety; or
- Eliminate immediate threats of significant damage to improved<sup>1</sup> public or private property; or
- Ensure economic recovery of the affected community to the benefit of the community-at-large;<sup>2</sup> or
- Mitigate the risk to life and property by removing Substantially Damaged<sup>3</sup> structures and associated ancillary facilities as needed to convert property acquired using Hazard Mitigation Grant Program (HMGP) funds for uses compatible with open space, recreation, or wetlands management practices. Such removal must be completed within 2 years of the declaration date unless extended by the Assistant Administrator of the Recovery Directorate at FEMA Headquarters.<sup>4</sup>

Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, white goods, and vehicle and vessel wreckage. Snow-related activities including road clearing are not considered debris operations, as snow is not considered a form of debris.

For a private nonprofit (PNP) applicant, eligible debris removal is limited to that associated with an eligible facility, including debris on the property of the eligible facility.

Removal of debris from improved public property and public rights-of-way (ROWs), including federal-aid roads, is eligible. If SLTT governments authorize residents to move incident-related debris from non-commercial properties to public ROWs, FEMA provides PA funding to remove the debris from the ROWs for a limited timeframe.

Applicants must monitor contracted debris removal operations and document work and costs that may be eligible for reimbursement through the PA Program. Monitoring debris removal operations requires observation and documentation of all work from the point of debris collection to the final disposal.

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<sup>1</sup> 44 C.F.R. § 206.221(d) for definition of Improved Property.

<sup>2</sup> This condition is generally restricted to debris removal from large commercial areas when a significant percentage of the commercial sector of a community is impacted and coordinated debris removal is necessary to expedite restoration of the economic viability of the affected community.

<sup>3</sup> Substantial Damage is damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

<sup>4</sup> Stafford Act § 407, 42 U.S.C. § 5173; 44 C.F.R. § 206.224(a).



**Table 17. Required Information for Debris Removal and Disposal**

For Small Projects	For Large Projects
<p>Estimated or actual debris quantities removed, reduced, disposed, and recycled by type.</p> <ul style="list-style-type: none"> <li>▪ If debris removal is contracted, the Applicant must provide documentation to substantiate monitoring was conducted.</li> <li>▪ Location of temporary debris staging and reduction sites (TDSRs) and permanent or final disposal sites.</li> <li>▪ Type of disposal site (e.g., municipal, private, or commercial). If commercial, name of vendor.</li> <li>▪ Copies of permits and authorization for reduction and disposal sites.</li> <li>▪ Documentation to substantiate debris is not pre-existing for waterway debris removal.</li> <li>▪ Documentation to substantiate coordination with other regulatory or federal agencies.</li> <li>▪ If removing vegetative debris in an invasive species quarantine area:                             <ul style="list-style-type: none"> <li>○ Name of quarantine area.</li> <li>○ Method of disposal.</li> <li>○ Confirmation that the debris was disposed of according to quarantine requirements.</li> </ul> </li> <li>▪ Removal of Hazardous Trees, Limbs and Stumps. FEMA still requires that Applicants retain, and provide when requested, documentation supporting the specifics of the immediate threat with the location and photographic documentation.</li> </ul>	<p>Estimated or actual debris quantities removed, reduced, disposed, and recycled by type.</p> <ul style="list-style-type: none"> <li>▪ Load tickets<sup>5</sup></li> <li>▪ Photographs of debris impacts</li> <li>▪ If debris removal is contracted:                             <ul style="list-style-type: none"> <li>○ Proof of monitoring.<sup>6</sup></li> <li>○ Tower logs.<sup>7</sup></li> </ul> </li> <li>▪ Location of temporary debris staging and reduction sites (TDSRs) and permanent or final disposal sites.</li> <li>▪ Type of disposal site (e.g., municipal, private, or commercial). If commercial, name of vendor.</li> <li>▪ Copies of permits and authorization for reduction and disposal sites.</li> <li>▪ Documentation to substantiate debris is not pre-existing for waterway debris removal.</li> <li>▪ Documentation to substantiate coordination with other regulatory or federal agencies.</li> <li>▪ If removing vegetative debris in an invasive species quarantine area:                             <ul style="list-style-type: none"> <li>○ Name of quarantine area.</li> <li>○ Method of disposal.</li> </ul> </li> <li>▪ Confirmation that the debris was disposed of according to quarantine requirements.</li> <li>▪ Removal of Hazardous Trees, Limbs and Stumps. FEMA still requires that Applicants retain and provide, documentation supporting the specifics of the immediate threat with the location and photographic documentation as required.</li> </ul>

Removal of debris placed on the public ROWs from commercial properties is ineligible unless FEMA provides an exception for very limited, extraordinary circumstances see Public Assistance Program and Policy Guide (PAPPG), Chapter 7: *Removal from Commercial Property*. Additionally, removal of materials related to the construction, repair, or renovation of either private non-commercial or commercial structures is ineligible.

<sup>5</sup> FEMA utilizes an attribute-based sampling approach, following the GAO Financial Audit Manual, for verifying supporting documentation for PA projects therefore FEMA may select a representative sample rather than reviewing all documentation. See the [Public Assistance Sampling Procedure](#).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

Debris removal from the following is ineligible:

- Federally maintained navigable channels and waterways (usually under the authority of the U.S. Coast Guard (USCG) or the USACE<sup>8</sup>);
- Agricultural land; and
- Natural, unimproved land, such as heavily wooded areas and unused areas.<sup>9</sup>

Removing debris to restore the pre-disaster capacity of engineered facilities may be eligible as Permanent Work if the applicant can substantiate the pre-disaster capacity and maintenance of that facility as described in PAPPG v4, Chapter 8: *Restoring the Capacity of Channels, Basins, and Reservoirs*.

Removal and disposal of pollutants and hazardous substances are eligible either as Category A debris removal when conducted as part of the overall debris operations or as Category B work in accordance with PAPPG v4, Chapter 7: *Hazardous Materials*.

## Hazardous Limbs, Trees, and Stumps

Eligible vegetative debris may include tree limbs, branches, stumps, or trees that are still in place, but damaged to the extent they pose an immediate threat to life, public health and safety, or significant damage to improved property. These items are ineligible if the hazard existed prior to the incident, or if the item is in a natural area and does not extend over improved property or public-use areas, such as trails, sidewalks, or playgrounds.

Contractors typically charge debris removal based on a unit price for volume (cubic yards) or weight (tons). A hazardous tree or stump may be collected individually. When these items are collected individually, contractors often charge a price per tree or stump based on its size. FEMA encourages applicants to procure branch or limb removal from trees on a one-time charge per tree basis as opposed to a unit price per limb or branch to facilitate more cost-effective operations. FEMA has specific eligibility criteria and information or documentation requirements for funding these items.

Bracing a tree is eligible as Category B work. FEMA encourages applicants to work with a Registered Professional Forester, an individual with a Tree Risk Assessment Qualification (TRAQ), or a Certified Arborist to perform hazard tree assessments to determine those trees that can be saved by bracing without causing a public health and safety concern.

Pruning, maintenance, trimming, and landscaping are ineligible.

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<sup>8</sup> The U.S. Army Corps of Engineers (USACE) has primary responsibility for the removal of debris from federally-maintained navigable channels and waterways. Section 202 of the Water Resources Development Act of 1976 (PL 94-587) authorizes USACE to remove debris from federally-maintained commercial harbors and water areas immediately adjacent thereto. Sections 15, 19 and 20 of the River and Harbor Act of 1899, as amended, authorize USACE to remove sunken vessels or other obstructions from navigable waterways under emergency conditions. A navigable waterway is one that has been authorized by Congress and which USACE operates and maintains for general (including commercial and recreational) navigation. USACE's policy is to oversee removal of sunken vessels by an identifiable owner, operator or lessee if the sunken vessel is in or likely to be moved into a federal navigation channel. USACE will remove a vessel using its emergency authorities only if the owner, operator or lessee cannot be identified or they cannot affect removal in a timely and safe manner.

<sup>9</sup> 44 C.F.R. § 206.224(b)).

## HAZARDOUS LIMB OR BRANCH REMOVAL

Removal of broken limbs or branches that pose an immediate threat is eligible. For example, a broken limb or branch hanging over improved property or public-use areas, such as trails, sidewalks, or playgrounds, poses an immediate threat of falling and causing injury to the public or damage to improved property.

FEMA does not fund removal of broken limbs or branches located on private property unless:

- The limbs or branches extend over the public ROW;
- The limbs or branches pose an immediate threat; and
- The applicant removes the hazard from the public ROW (without entering private property).

Note: Only the minimum cut necessary to remove the hazard is eligible. For example, cutting a branch at the trunk is ineligible if the threat can be eliminated by cutting it at the closest main branch junction.

## HAZARDOUS TREE REMOVAL

FEMA considers incident-damaged trees to be hazardous and eligible for removal if the tree presents a hazard to the public due to conditions such as, but not limited to:

- Deterioration or physical damage to the root system, trunk, stem, or limbs; and
- The direction and lean of the tree per the Occupational Safety and Health Standards.<sup>10</sup>

For hazardous trees that have 50 percent or more of the root-ball exposed, removal of the tree and root-ball and filling the root-ball hole are eligible. For contracted removal of a tree with an exposed root-ball, FEMA will not reimburse two separate unit costs to remove the tree and its root-ball.

For hazardous trees that have less than 50 percent of the root-ball exposed, FEMA only provides PA funding to flush cut the item at ground level and dispose of the cut portion based on volume or weight. Grinding any residual stump after cutting the tree is ineligible.

The removal of burned trees that pose an immediate threat to life, public health and safety, or significant damage to improved public or private<sup>11</sup> property, as assessed by the authority having jurisdiction, in coordination with a qualified individual<sup>12</sup> is eligible.

When estimating or calculating costs for tree removal, an applicant may utilize a cost per parcel of land approach or a cost per tree. The applicant must clearly state which method they have selected when requesting reimbursement for eligible work. Only those trees that pose an immediate threat to public health and safety or improved property may be eligible under either approach. The applicant must provide sufficient documentation to validate the approach was cost-effective.

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<sup>10</sup> 29 C.F.R. § 1910.266(c)

<sup>11</sup> Removal from private property subject to the policy language regarding Private Property Debris Removal (PPDR)]

<sup>12</sup> According to the International Society of Arboriculture, only a Registered Professional Forester, an individual with a Tree Risk Assessment Qualification (TRAQ), or a Certified Arborist may perform hazard tree assessment; however, the authority having jurisdiction of the geographic location, will make the determination regarding recognition of individuals qualified to make the determination.

## HAZARDOUS STUMP REMOVAL

For stumps that have 50 percent or more of the root-ball exposed, removal of the stump and filling the root-ball hole are eligible. If grinding a stump in-place is less costly than extraction, grinding the stump in-place is eligible.

Stump removal in areas with known or high potential for archaeological resources requires that FEMA EHP further evaluate and consult with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO). If the applicant discovers any potential archeological resources during stump removal, the applicant must immediately stop work and notify FEMA. For highly sensitive areas such as cemeteries or tribal lands, FEMA will determine if a qualified monitor<sup>13</sup> is required.

### Contracted Stump Removal

FEMA only reimburses contracted costs charged on a per-stump basis if extraction is required as part of the removal. The applicant needs to ensure the price for stump removal includes extraction, transport, disposal, and filling the root-ball hole.

For stumps that have less than 50 percent of the root-ball exposed, FEMA only provides PA funding to flush cut the item at ground level and dispose of the cut portion. Grinding any residual stump is ineligible.

For stumps that do not require extraction, FEMA only provides PA funding based on volume or weight as removal of these stumps does not require special equipment.

If the applicant incurs additional costs in picking up stumps that the contractor did not extract, it should present information or documentation to substantiate the costs as reasonable based on the equipment required to perform the work.

### Documentation Requirements for Hazardous Limbs, Trees, and Stumps

In addition to the general documentation required for debris removal operations, the applicant must provide and retain all of the following documentation to support the eligibility of work to remove tree limbs, branches, stumps, or trees that are still in place:

- Quantity removed;
- Quantity, location, and source of material to fill root-ball holes; and
- Description of equipment used to perform the work.

## Waterways

Debris removal from waterways that is necessary to eliminate an immediate threat to life, public health and safety, or improved property is eligible. Removal of debris in a waterway that does not meet this criterion is ineligible, even if the debris is deposited by the incident.

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<sup>13</sup> A qualified monitor is an individual meeting the Secretary of the Interior's Professional Qualification Standards in archaeology in accordance with Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines (nps.gov).

The EPA and the USCG have the specific authority to remove hazardous materials, as described in the previous section. EPA is responsible for removing such material from inland water zones and USCG is responsible for coastal water zones. Debris removal from waterways usually requires coordination with the USACE for the use of a nationwide permit and with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) to ensure compliance with Section 7 of the Endangered Species Act (ESA).

## NAVIGABLE WATERWAYS

If the applicant has the legal responsibility to maintain a non-federally maintained navigable waterway, removal and disposal of incident-related debris that obstructs the passage of vessels is eligible. Debris removal is eligible to a maximum depth of 2 feet below the low-tide draft of the largest vessel that utilized the waterway prior to the incident. Any debris below this zone is ineligible unless it is necessary to remove debris extending upward into an eligible zone.

If a tree is still rooted to an embankment and is floating or submerged, the cost to cut the tree at the water's edge is eligible.

Debris removal from federally maintained navigable waterways is ineligible. The USCG and the USACE have specific authorities for removal of hazardous substances, vessels, and other obstructions from federally maintained navigable waterways.<sup>14</sup>

## NON-NAVIGABLE WATERWAYS, INCLUDING FLOOD CONTROL WORKS AND NATURAL WATERWAYS

Debris deposited by the incident may obstruct a natural waterway that is not improved or maintained or a constructed channel, including flood control works. In these cases, removal of the debris from the channel is eligible if the debris poses an immediate threat, such as when the debris:

- Obstructs, or could obstruct, intake structures;
- Could cause damage to structures, such as bridges and culverts; or
- Is causing, or could cause, flooding to improved public or private property during the occurrence of a 5-year flood.

Removal of the obstruction is eligible in streams where debris removal might also be eligible under the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP)<sup>15</sup> unless NRCS provides assistance for the debris removal. However, FEMA, the Recipient, and the Applicant need to coordinate with NRCS first to ensure that any work performed does not jeopardize other assistance that may be eligible under the EWP.

The **NRCS EWP** is an emergency recovery program designed to relieve imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. Activities include, but are not limited to, providing financial and technical assistance to:

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<sup>14</sup> See [Recovery Policy 9523.8, Mission Assignments for ESF#10](#), for discussion on U.S. Environmental Protection Agency (EPA) and U.S. Coast Guard (USCG) authority with respect to removal of hazardous waste.

<sup>15</sup> [The Natural Resources Conservation Service \(NRCS\) Emergency Watershed Protection Program \(EWP\)](#) is an emergency recovery program designed to relieve imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences.

- Remove debris from stream channels, road culverts, and bridges.
- Reshape and protect eroded banks.
- Correct damaged drainage facilities.
- Establish cover on critically eroding lands.
- Repair levees and structures.
- Repair conservation practices.

Debris removal from flood control works installed under the specific authority of NRCS and Public Law 83-566, (The Watershed & Flood Prevention Operations Program or WFPO) or Section 216 of Public Law 81-516, 33, U.S. Section 701b-1. is ineligible for PA funding, even if NRCS does not have sufficient funding or does not provide assistance. Flood control works under the specific authority of NRCS are those that are part of the [WFPO Program under PL 83-566](#).

For flood control works that are eligible for the USACE Rehabilitation and Inspection Program (RIP),<sup>16</sup> debris removal is eligible for PA funding. USACE does not reimburse applicants for debris removal but conducts this activity when necessary.

## IDENTIFYING DEBRIS IMPACT LOCATIONS

The applicant is responsible for identifying debris deposited by the incident that poses an immediate threat. Random surveys to look for debris, including surveys performed using side scan sonar, are ineligible. Satellite imagery or waterway soundings/bathymetric surveys showing the waterway pre-and post-disaster can substantiate that debris was deposited by the incident and was not pre-existing. If the applicant identifies an area of debris impacts and demonstrates the need for a survey to identify a specific immediate threat, PA funding for the survey in that location, including the use of side scan sonar, is eligible.

## Privately-Owned Vehicles and Vessels on Public Property

Removal of privately-owned vehicles and vessels from public property is eligible if all of the following conditions are met:

- The vehicle or vessel blocks access to a public-use area;
- The vehicle or vessel is abandoned;
- The applicant follows applicable SLTT government ordinances or laws for private vehicle or vessel removal; and
- The applicant documents the handling of the vehicle or vessel.

The applicant needs to provide and retain documentation to support it met these criteria.

A limited timeframe for vehicle and vessel storage is eligible if it is necessary to remove the item prior to being able to identify the owner. If the owner is identified, the applicant should work with private property owners to pursue and recover storage and removal costs and credit FEMA the federal share of any funds received.

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<sup>16</sup> [The U.S. Army Corps of Engineers \(USACE\) Rehabilitation and Inspection Program \(RIP\)](#) provides rehabilitation assistance for flood risk reduction structures.

## Disposal

FEMA provides PA funding for various costs related to disposing of debris. The applicant should dispose of debris in an efficient and cost-effective manner.

Vegetative debris is bulky and can consume a significant volume of landfill space. To minimize the use of landfill space, FEMA encourages the applicant to reduce the volume of vegetative debris. Costs to reduce vegetative debris using methods such as mulching, grinding, or burning are eligible. Reducing and/or recycling debris has financial and environmental advantages.

When removing sand, disposal of sand spoils on a public beach may be eligible as part of the debris removal project when it is the most cost-effective method of disposal.

Certain types of construction and demolition debris are reusable or recyclable. The applicant should conserve landfill space by separating materials for reuse or recycling.

## RECYCLING REVENUE

If the applicant receives revenue from recycling debris, FEMA reduces PA funding by the amount of revenue received. The applicant may deduct costs for administering and marketing the sale of the salvageable materials from the fair market value.

If a contract allows the contractor to take possession of salvageable material and benefit from its sale to lower bid prices, there is no salvage value to be recovered at the end of the project. Therefore, the applicant has no further obligation to FEMA.

## TEMPORARY STAGING SITES

Establishing and operating a temporary staging site necessary for debris separation and reduction is eligible. The cost to lease property is eligible. Additionally, if the terms of the lease require that the applicant restore the leased property back to its condition prior to the applicant's use, the costs related to that restoration are also eligible as part of the Category A project. If leased, the applicant must provide the lease agreement.

## HAND-LOADED TRUCKS AND TRAILERS

FEMA has determined that, for vegetative debris, hand-loaded trucks and trailers achieve approximately half the compaction level of mechanically loaded trucks and trailers. Therefore, FEMA only provides PA funding for 50 percent of the debris monitor's observed capacity of hand-loaded trucks and trailers carrying vegetative debris.

Similarly, trucks without solid tailgates cannot be compacted to full capacity. Therefore, FEMA only funds up to a maximum of 85 percent of the certified capacity for trucks without solid tailgates and would apply a 15 percent reduction to the total debris quantity.

The applicant must document the types and total quantity of hand-loaded debris, and the types and total quantity of debris hauled in trucks without solid tailgates and provide this information to FEMA to ensure appropriate reductions are taken for this debris.



## LANDFILLS AND TIPPING FEES

Landfill tipping fees usually include fixed and variable costs, along with special taxes or fees assessed by the jurisdiction in which the landfill is located. Eligible tipping fee costs are limited to the variable and fixed costs that are directly related to landfill operations, such as recycling tax.

Eligible fixed costs for tipping fees include:

- Equipment;
- Construction;
- Permits;
- Landfill closure;
- Post-closure activities; and
- Amortized costs for facilities that support the landfill.

Eligible variable costs for tipping fees include:

- Labor;
- Supplies;
- Maintenance; and
- Operation of utilities.

The components of tipping fees that are not directly related to landfill operations, such as special taxes or fees related to other government services or public infrastructure, are ineligible as part of the tipping fee. When providing PA funding for tipping fees, FEMA removes any ineligible components.

The applicant may use a significant portion of the available capacity of a landfill to dispose of incident-related debris. Although FEMA provides PA funding for tipping fees, it cannot provide PA funding for the value of the loss of landfill capacity due to incident-related debris.

## Monitoring Contracted Debris Removal Operations

Applicants must monitor all contracted debris removal operations to ensure that the quantities and work claimed are accurate and eligible. This includes documenting debris quantities by types, quantities reduced, reduction methods, and pickup and disposal locations. For more information about the types of monitoring required by contract type, please see the [Public Assistance Debris Monitoring Guide](#).

The applicant may use force account resources (including temporary hires), contractors, or a combination of these for monitoring. It is not necessary, or cost-effective, to have Professional Engineers or other certified professionals perform debris monitoring duties. FEMA considers costs unreasonable when associated with the use of staff that are more highly qualified than necessary for the associated work. If the applicant uses staff with professional qualifications to conduct debris monitoring, it must document the reason it needed staff with those higher qualifications.

FEMA provides training to the applicant's force account debris monitors (including its temporary hires) upon request.

Eligible activities associated with debris monitoring include, but are not limited to:

- Field supervisory oversight;
- Monitoring contracted debris removal at both the loading and disposal sites;
- Compiling documentation, such as load tickets and monitor reports, to substantiate eligible debris; and
- Training debris monitors on debris removal operations, monitoring responsibilities and documentation processes, and FEMA debris eligibility criteria.

Debris monitoring roles, resources, provisions, and activities are covered in depth in the Public Assistance Debris Monitoring Guide.<sup>17</sup>

## Private Property Debris Removal (PPDR)

Debris removal from private property (e.g., privately-owned roads, privately-owned non-commercial property, or commercial property) is the responsibility of the property owner and is usually ineligible under the PA Program. In limited circumstances, based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that private property debris removal (PPDR) is eligible under the PA Program. In such cases, FEMA works with the SLTT governments to designate specific areas where PPDR, including private waterways, is eligible. The debris removal must be in the public interest, not merely benefiting an individual or a limited group of individuals.

### PPDR ELIGIBILITY DETERMINATION PROCESS

Pre-approval from FEMA is not required for the applicant to begin PPDR work (including on privately-owned roads, privately-owned non-commercial, and commercial property). However, the applicant must notify FEMA that PPDR is being conducted and identify the type of property on which the PPDR is being conducted (e.g., privately-owned roads, privately-owned non-commercial, or commercial property) so FEMA can ensure notifications are made to the necessary FEMA components, including EHP, and federal partners. Given the limited eligibility of and the additional requirements related to PPDR on both non-commercial and commercial property, **applicants are encouraged**, although not required, to obtain preliminary approval for the activity from FEMA prior to starting work.

For FEMA to evaluate eligibility of PPDR funding requests, the applicant must submit written documentation to FEMA identifying the specific properties or areas of properties where PPDR activities occurred. FEMA only approves PA funding for PPDR if the applicant demonstrates all of the following with sufficient documentation:

### Legal Authority and Indemnification

FEMA accepts a written statement from an authorized applicant official that:

- Certifies the applicant has legal authority and responsibility to remove debris from private property;
- Cites all applicable sources of authority (law, ordinance, code, contract, etc.); and
- Indemnifies the federal government for any claim arising from the debris removal.

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<sup>17</sup> [https://www.fema.gov/sites/default/files/documents/fema\\_debris-monitoring-guide\\_sop\\_3-01-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_debris-monitoring-guide_sop_3-01-2021.pdf)

## Public Interest

The applicant must demonstrate that the PPDR was in the public interest.<sup>18</sup> This includes:

- The basis for the assertion that removing the debris from the private property locations requested was in the public interest. The assertion must be made by the state, tribal, territorial, county, or municipal government's public health authority or other public entity that has legal authority to assert that disaster-generated debris on private property constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the community at large.
- The established, specific legal requirements for declaring the existence of a threat to public health and safety.

FEMA evaluates the submission to determine if PPDR is in the public interest for any properties or area of properties for which the applicant has requested funding for debris removal. When evaluating PPDR funding requests, FEMA considers if the incident generated debris in quantities and/or types on non-commercial or commercial private property that is so widespread or of such magnitude that it creates a threat to public health, safety, or improved property. FEMA may also consider factors such as social vulnerability, the percentage of homes destroyed in the community or census designated area, community density, watershed exposure, the fire hazard severity zone (FHSZ) of the area, and the cost of hazardous debris removal.

### DEBRIS REMOVAL FROM PRIVATE ROADS

Private roads are those that are not owned by, or operated by, or otherwise the legal responsibility of a public entity such as orphan roads, roads in gated communities, or homeowners' association roads.

If the public has unrestricted access (e.g., no locks, gates, or guards) and frequently uses the private road, then removal and disposal of the debris is demonstrably in the public interest. This work includes debris placed at the curbside by residents. The applicant is generally not required to submit additional documentation demonstrating the debris removal is in the public interest.

If the public has restricted road access (e.g., behind locks, gates, or guards) or the private roads are unrestricted but rarely used by the public, then the applicant must demonstrate that such debris removal is in the public interest. FEMA has the authority to determine whether such debris removal is eligible.

Debris removal from private roads does not include debris on private driveways or parking lots. Debris clearance (e.g., push or cut and toss) for emergency access may be eligible as Category B work if it meets the criteria in the PAPPG v4, Chapter 7: *Emergency Access*.

### DEBRIS REMOVAL FROM PRIVATE NON-COMMERCIAL PROPERTY

Debris removal from private non-commercial property is usually not in the public interest because the debris does not typically represent an immediate threat to public health and safety.<sup>19</sup> If the incident generates debris quantities and/or types of debris on non-commercial property that is so widespread or of such magnitude that it creates an immediate threat to public health and safety, debris removal may be in the public interest. To determine if removal of debris from private residential property is in the public interest, FEMA evaluates the public health determination, and will consider:

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<sup>18</sup> Stafford Act § 407, 42 U.S.C. § 5173; 44 C.F.R. § 206.224(b).

<sup>19</sup> 44 C.F.R. § 206.224

- Whether the debris is located in open areas accessible to the public (e.g., in a yard with no fence or barrier next to a public sidewalk), located in maintained areas, or creating a health and safety hazard, such as a rodent infestation;
- Volume of debris;
- Height of debris;
- Number of houses and blocks with large volumes of debris; and
- Amount of the public population affected.

### **DEBRIS REMOVAL FROM PRIVATE COMMERCIAL PROPERTY**

Removal of debris from commercial property is generally ineligible as it is expected that commercial enterprises retain insurance covering debris removal. Therefore, applicants are **encouraged** to obtain FEMA's pre-approval in writing for debris removal from commercial properties prior to beginning the work.

In very limited, extraordinary circumstances, such as when critical facilities are involved, the cost of restoring damaged infrastructure in a localized area is extremely high, or there is a high concentration of debris, the FEMA Regional Administrator may provide an exception. In such cases, the applicant must meet the requirements above.

### **DUPLICATION OF BENEFITS IN PRIVATE PROPERTY DEBRIS REMOVAL**

The applicant must work with private property owners to pursue and recover insurance proceeds and credit FEMA the federal share of any insurance proceeds received.<sup>20</sup> In some circumstances, FEMA may provide Individual Assistance (IA) to individuals for debris removal; consequently, FEMA PA staff will need to coordinate closely with IA staff to ensure FEMA does not fund the same work under both programs.

### **Environmental and Historic Preservation Considerations for Debris Removal**

Although debris removal is usually statutorily excluded from the National Environmental Policy Act (NEPA) review,<sup>21</sup> FEMA must ensure compliance with other EHP-related federal laws, regulations, and EOs prior to funding the work. Accordingly, FEMA must ensure that the applicant's debris removal operations avoid impacts to such resources as floodplains, wetlands, federally listed threatened and endangered species and their critical habitats, and historic properties (including maritime or underwater archaeological resources if waterways are impacted). Additionally, debris removal operations must avoid impacts that contribute to hazardous gas release and water supply contamination. The applicant must ensure they follow the conditions established by SLTT authorities and must stage debris at a safe distance from property boundaries, surface water, floodplains, wetlands, structures, wells, and septic tanks with leach fields. Additional coordination may be necessary for debris removal from waterways, stump removal, and use of fill. These EHP requirements also apply to Private Property Debris Removal and Disposal.

The applicant is responsible for permits and compliance with federal, state, tribal, and territorial requirements. The applicant needs to work with the disaster EHP staff to gain clarity on compliance requirements and permits for debris-related operations. Upon completion of debris removal, recycling, and disposal, site remediation may be

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<sup>20</sup> Stafford Act § 312.

<sup>21</sup> Stafford Act § 316, 41 U.S.C. § 5159.

necessary at staging sites and other impacted areas. For more information on EHP considerations, see PAPPG v4, Chapter 10: Emergency Work.