



BOBBY JINDAL
GOVERNOR

State of Louisiana
Governor's Office of Homeland Security
and
Emergency Preparedness

KEVIN DAVIS
DIRECTOR

August 7, 2013

Dear Louisiana Recovery Stakeholder,

The attached is important information you and your staff **need to know now** regarding **debris removal in a future event**. Please pass this information to the person who handles debris operations in your organization.

On January 29, 2013, the *Sandy Recovery Improvement Act of 2013* (P.L. 113-2) (Sandy Act) was signed into law. This law authorizes, in part, **improvements** for the FEMA Public Assistance (PA) program for debris removal. Implemented as a pilot program, it provides several important provisions, including those that permit retention of income from debris recycling, reimbursement for regular time Force Account Labor, a sliding scale that increases the Federal share for accelerated debris removal and a **two (2) percent incentive for Applicants who have an approved *Debris Management Plan* (DMP) in place before an event AND at least one pre-event prequalified debris contractor identified.**

This notice and the attached guidance address the DMP requirement.

FEMA has 11 required elements in a DMP and are listed below. Four (4) of the 11 elements are NEW and are discussed in the attached guidance. (New elements are denoted in red.) The remaining seven (7) elements are identified and discussed in the publication FEMA-325 *Debris Management Guide* (chapters noted below).

- **Debris management overview (NEW – See further in this document)**
- Events and assumptions (FEMA-325 – Chapter 6)
- Debris collection and removal plan (FEMA-325 – Chapter 7)
- Debris disposal locations and debris management sites (FEMA-325 – Chapter 8)
- Debris removal on private property (FEMA-325 – Chapter 12)
- Use and procurement of contracted services FEMA-325 – Chapter 10)
- **Use of Force Account Labor (NEW – See further in this document)**
- **Monitoring of debris operations (NEW – See further in this document)**
- Health and safety requirements (FEMA-325 – Chapter 13)
- **Environmental considerations and other regulatory requirements (NEW – See further in this document)**
- Public information (FEMA-325 – Chapter 14)

Please **read the attached guidance carefully**. It tells you what you need to do **if you have a DMP** and what to do **if you don't**; provides **sample language** that addresses each of the **four (4) new required elements**; and identifies **GOHSEP contacts if you need help**.

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GOHSEP believes this is important information you need to act upon. If you have questions or need further assistance, don't hesitate to contact me; Mark Riley, Deputy Director Disaster Recovery; or Mark DeBosier, State Coordinating Officer.

Sincerely,

A handwritten signature in black ink that reads "Kevin Davis". The signature is written in a cursive style with a large initial "K" and "D".

Kevin Davis
Director

Attachment



SANDY LEGISLATION: FEMA PUBLIC ASSISTANCE (PA) ALTERNATIVE PROCEDURES PILOT PROGRAM FOR DEBRIS REMOVAL

4 NEW ELEMENTS REQUIRED IN DEBRIS MANAGEMENT PLAN

Congress recently passed and President Obama signed into law the *Sandy Recovery Improvement Act of 2013* (P.L. 113-2) (Sandy Legislation). Among other provisions, the law amends the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) and authorizes alternative procedures for FEMA's Public Assistance (PA) program for **debris** removal. The law authorizes FEMA to implement the alternative procedures through a pilot program. The pilot program includes, among other things, a **two (2) percent** incentive for Applicants who have an approved *Debris Management Plan* (DMP) in place prior to an event **AND** have identified at least **one (1) pre-event, prequalified debris removal contractor**.

IF YOU ALREADY HAVE A DEBRIS MANAGEMENT PLAN

1. Please verify that the below four (4) required elements are included in your plan.
2. Submit your plan to the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).
3. If you have already submitted a DMP to GOHSEP, please verify that the below four (4) required elements are included in your plan. If one (1) or more of these elements is not in your plan please **submit an addendum** to your DMP for the missing element(s).

IF YOU ARE CURRENTLY DEVELOPING A DEBRIS MANAGEMENT PLAN

If you are currently in the process of developing a DMP, please be sure these new required elements are **included** in your plan.

NEW REQUIRED ELEMENTS

FEMA requires 11 elements to be included in your DMP; they are listed below. **Four (4) are NEW requirements** and are **identified in red**. The new required elements are addressed in this document. Information pertaining to the other seven (7) elements can be found in the publication FEMA-325 *Debris Management Guide* (chapters noted below).

- **Debris management overview (NEW – See further in this document)**
- Events and assumptions (FEMA-325 – Chapter 6)
- Debris collection and removal plan (FEMA-325 – Chapter 7)
- Debris disposal locations and debris management sites (FEMA-325 – Chapter 8)
- Debris removal on private property (FEMA-325 – Chapter 12)
- Use and procurement of contracted services FEMA-325 – Chapter 10)
- **Use of Force Account Labor (NEW – See further in this document)**
- **Monitoring of debris operations (NEW – See further in this document)**



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4 NEW ELEMENTS REQUIRED IN DEBRIS MANAGEMENT PLAN

- Health and safety requirements (FEMA-325 – Chapter 13)
- **Environmental considerations and other regulatory requirements (NEW – See further in this document)**
- Public information (FEMA-325 – Chapter 14)

INCLUDE THIS IN YOUR PLAN

Following is **suggested language** addressing each of the **four (4) NEW required elements**. We encourage you to include this descriptive language (or similar) in your DMP. (For the remaining seven (7) elements, please refer to FEMA-325 *Debris Management Guide*.)

1. OVERVIEW: *This Debris Management Plan (DMP) identifies the actions required to plan for and respond to a natural or man-made debris-generating event. It is designed to identify local, State and Federal agencies **responsible for debris operations** with respect to executing a coordinated response to a major debris-generating event that impacts **(Name of Applicant)**.*

***(Name of Applicant)** recognizes the need for close **coordination** between local, State and Federal agencies identified in this Plan. Therefore, **(Name of Applicant)** will designate **(Person or Department)**, as the **Debris Manager**. (NOTE: While a Debris Manager is not required by the legislation, we strongly encourage Applicants to designate a Debris Manager within their DMP.)*

The Debris Manager will direct and coordinate Debris Clearing Operations (Phase I) and Debris Removal and Disposal Operations (Phase II) utilizing force account personnel and equipment and/or private contractors to manage the overall debris cleanup operations.

*The Debris Manager will be responsible for coordinating disaster debris operations with respect to the emergency clearance, permanent removal and disposal of debris deposited along or immediately adjacent to **(Name of Applicant)** maintained rights-of-way in consultation with other **(Name of Applicant)** departments, contractors, local governmental entities, State and Federal agencies. This approach will ensure a seamless and efficient cleanup operation.*

2. FORCE ACCOUNT LABOR/EQUIPMENT: *The use of Force Account Labor (FAL) and Equipment (FAE) will be determined on a case-by-case basis. Based on the severity of the event, a decision to use FAL/FAE for debris removal and/or debris monitoring will be made immediately following the event. This decision will be based on the amount of debris*



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determined that can be effectively removed using FAL/FAE, available at the time of the event. **Whenever possible, (Name of the Applicant)** will utilize its employees and equipment to manage and perform debris removal work. In either case, the use of FAL and/or FAE or the use of contract forces, an estimate of debris will be quantified.

3. DEBRIS MONITORING: Debris monitoring will be required if contractors are used in the debris operation. There are two (2) basic purposes of debris monitoring: 1) to verify that work completed by the contractor is within the contract scope of work; and 2) to provide the required documentation for Federal grant reimbursement.

The primary role for **Debris Monitors** is to document the type, location and amount of debris collected. Debris Monitors are concerned with documenting debris at three (3) stages:

- Debris collected from Collection Centers and/or curbside;
- Debris accepted at Debris Management Sites (DMS) and/or final disposition (landfills or Resource Recovery Centers); and
- Debris reduced/recycled at DMSs and taken to final disposition.

Debris Monitors are also responsible for documenting any operational or safety issues that might arise.

In some cases, debris monitoring will also be required for local government FAL. The Disaster Debris Manager will make the determination about the need for regular monitoring by contract monitors or local FAL. This determination will be based primarily on: a) incident circumstances (e.g., nature, scope, magnitude, severity and anticipated duration of the incident); b) Federal requirements (as specified by FEMA policy and guidance); and c) the possibility that fraudulent reporting practices could occur.

4. ENVIRONMENTAL REQUIREMENTS: Following a disaster event, compliance with environmental protection laws and regulations is required. Federal and State Environmental Protection Agencies (EPA) including, but not limited to, State Department of Environmental Quality (LDEQ) and local Health Departments will be consulted for applicable regulatory requirements.

All debris-related activities will be coordinated with Federal, State and local agencies, including, but not limited to, EPA and the Historic Preservation Office to ensure compliance with



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environmental and historic preservation laws/regulations/policies and determining environmental monitoring and reporting requirements for DMSs.

PLEASE BE REMINDED . . .

The legislation also requires an Applicant to have at least **one (1) or more prequalified contractors** identified prior to an event.⁴

*⁴ A prequalified contractor is one that has been identified and evaluated by a local government and has been determined to be capable to perform debris removal work (e.g., appropriate contractor license, capabilities, bonding, insurance, availability). Identification of these qualifications should be done in conjunction with the drafting of a Debris Management Plan, which should include **specific contract requirements** and explain how contractor qualifications are established. A prequalified contractor does not constitute a "stand-by" contract.*

Source: FEMA Public Assistance Alternative Procedures Pilot Program Guide for Debris Removal dated June 28, 2013.

Any debris contract award must comply with Federal procurement requirements, as outlined in 44 CFR 13.36. Federal procurement compliance may have more stringent requirements than State or local requirements.

FOR MORE INFORMATION

If you need help or more information, please contact:

Stewart Jones at George.Jones@la.gov OR 985.768.2574.

The FEMA *Public Assistance Alternative Procedures Pilot Program Guide for Debris Removal* can be downloaded at the following address. Either click on the link or cut and paste to your browser:

<http://www.fema.gov/media-library/assets/documents/33376?id=7776>

The FEMA-325 *Debris Management Guide* can be downloaded at the following address. Either click on the link or cut and paste to your browser:

<http://www.fema.gov/pdf/government/grant/pa/demagde.pdf>