

F. Monitoring Contracted Debris Removal Operations

FEMA requires the Applicant to monitor all contracted debris 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. If the Applicant does not monitor contracted debris removal operations, it jeopardizes its PA funding for that work.

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 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.

G. Debris Removal from Private Property

Debris removal from private property (PPDR) 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 debris removal from private property is eligible under the PA Program. In such cases, FEMA works with the SLTT governments to designate specific areas where debris removal from private property, 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. Figure 11. *Debris on Private Property* is an example of the level of debris impacts that may warrant FEMA assistance for PPDR.



Figure 11. Debris on Private Property

1. Approval Process

The Applicant must submit a written request to FEMA identifying the specific properties or areas of properties where private property debris removal activities will occur. Once FEMA receives the request, it engages with the Recipient and Applicant to review the request and conduct site inspections. With exception of debris removal from commercial property, the Applicant does not need to wait for FEMA approval to start work. However, for the Applicant to receive PA funding, FEMA must determine that the PPDR work at each property is eligible.

FEMA only approves PA funding for PPDR if the Applicant demonstrates all of the following with sufficient documentation:

(a) *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 United States for any claim arising from the debris removal.

(b) *Public Interest.*

The Applicant must demonstrate that the PPDR was in the public interest.²²² This includes:

- The basis for the determination that removing the debris from the private property locations requested was in the public interest. The determination must be made by the State, Territorial, Tribal, county, or municipal government's public health authority or other public entity that has legal authority to make a determination 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 it concurs that PPDR is in the public interest and provides a written response specifying any properties or area of properties for which it approves funding for debris removal.

2. Removal from Private Roads

Private roads are those that are not owned or operated by or otherwise the legal responsibility of a Federal or SLTT entity (including orphan roads, roads in gated communities, homeowners' association roads, etc.). If the public has unrestricted access (no locks, gates, or guards) and



Clarification of Demolition versus Debris

If more than one wall of a structure is standing and not in immediate danger of collapsing, FEMA considers the removal of that structure to be demolition and not debris removal. Demolition is subject to additional requirements and **must** comply with [Chapter 7:II.U. Demolition of Private Structures](#).

²²² Stafford Act § 407, 42 U.S.C. § 5173; 44 C.F.R. § 206.224(b).

frequently uses the private road, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest and the Applicant is not required to submit documentation demonstrating the debris removal is in the public interest. This does not include debris on private driveways or parking lots. It also does not include removal and disposal activities from private roads in areas with restricted access (roads behind locks, gates, or guards) or private roads that are unrestricted but rarely used by the public. The Applicant must provide further documentation to establish that removal is in the public interest in these areas and, though not required, Applicants should consider obtaining approval from FEMA prior to starting removal and disposal. Debris clearance (push or cut and toss) for emergency access may be eligible as Category B work if it meets the criteria in [Chapter 7:II.J. Emergency Access](#).

3. Removal from Private Residential Property

Debris removal from residential property is usually not in the public interest because the debris does not typically present an immediate health and safety threat to the general public. If the incident generates debris quantities and/or types of debris on residential 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 (see [Chapter 7:I.E.1\(b\). Public Interest](#), and will consider:

- Whether the debris is located in open areas accessible to the public (e.g., in a yard with no fence 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.

Given these additional considerations, Applicants should consider obtaining approval from FEMA prior to starting work.

4. Removal from Commercial Property (Requires FEMA's Pre-approval)

Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, and trailer parks is generally ineligible because commercial enterprises are expected to retain insurance that covers debris removal. In very limited, extraordinary circumstances, FEMA may provide an exception. In such cases, the Applicant must meet the requirements of [Chapter 7:I.E.1. Approval Process](#) and FEMA must approve the work prior to the Applicant removing the debris.

5. Duplication of Benefits

The Applicant needs to work with private property owners to pursue and recover insurance proceeds and credit FEMA the Federal share of any insurance proceeds received. In some circumstances, FEMA may provide IA assistance to individuals for debris removal; consequently, FEMA PA staff coordinate closely with IA staff to ensure FEMA does not fund the same work under both programs.