

Federal Resources Available To Help

If the President declares a community a natural disaster area, considerable federal assistance is available from FEMA. In addition to FEMA, the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) can provide federal assistance. Most natural disasters, however, do not qualify for full federal assistance.

Congress and the President

The Robert T. Stafford Disaster Relief and Emergency Assistance Act sets forth federal disaster relief responsibilities and procedures. Among many other activities, the Stafford Act authorizes debris removal in "the public interest . . . from publicly and privately owned lands and water." The President makes the final decision to declare an area a natural disaster and therefore eligible for federal assistance.

Federal Emergency Management Agency (FEMA)

The Stafford Act authorizes FEMA to respond to disasters and emergencies in order to help save lives and protect public health, safety, and property. FEMA operates under specific regulations, which are spelled out in Section 206.224 of Title 44 of the *Code of Federal Regulations* (CFR). The Stafford Act and the CFR use the term debris removal in a broad sense to encompass the entire process of removing, handling, recycling, and disposing of debris. The CFR declares debris removal to be "in the public interest," not only to protect "life, public health, and safety" but also to "ensure economic recovery of the affected community." Thus, the authorizing statements in the Stafford Act and CFR are broad and inclusive.

For communities to qualify for FEMA assistance, the effort needed to recover from the disaster must be of such magnitude as to be beyond the capabilities of the state or local government. A local government must make a declaration of natural disaster to the state emergency management agency, and the state's governor must request through FEMA that the President declare the affected area a disaster. Once the President concurs, the local government becomes eligible for reimbursement of some portion of its debris management expenses and other disaster recovery costs. FEMA also opens a Regional Operations Center and a Disaster Field Office in the affected area to coordinate efforts with local and state authorities.

Once the declaration is made by the President, FEMA negotiates the disaster relief efforts with the state emergency management agency. The state agency represents the local communities during this discussion. FEMA staff advise local government officials regarding the activities eligible for reimbursement specific to that community; FEMA also sets reasonable cost standards for these activities. Under the Stafford Act, FEMA is authorized to pay for activities to handle debris posing an immediate threat to the public, generally including debris removal, transportation, volume reduction at staging areas, and ultimate disposal. FEMA requires careful recordkeeping regarding expenditures for communities to obtain reimbursement. FEMA may fund recycling of disaster debris if the local government has in place prior to the natural disaster a policy emphasizing recycling, or if the local government can demonstrate that recycling is a cost-effective debris management option.

FEMA does not respond alone to natural disasters. Other federal agencies also have substantial roles. In particular, two agencies are involved in hazardous and nonhazardous waste management.

U.S. Army Corps of Engineers (USACE)

The Department of Defense is responsible for emergency support related to public works and engineering, and has designated USACE as its operating agent. USACE provides technical advice and evaluations, engineering services,

construction management and inspection, emergency contracting, emergency repair of wastewater and solid waste facilities, and real-estate support.

USACE assistance is arranged through FEMA. In the Miami area after Hurricane Andrew in 1992, USACE removed debris in the hardest hit areas by contracting with six large general contractors.

U.S. Environmental Protection Agency (EPA)

EPA is the primary agency responsible for emergency support related to hazardous materials. EPA responds to releases of hazardous materials and provides technical assistance for environmental monitoring needs. EPA regional offices also can provide technical assistance on municipal solid waste issues.

State and Local Resources Available To Help

State and local governments are communities' first source of assistance in the wake of a natural disaster and in planning for disaster debris management. Such assistance is available to communities impacted by disasters, regardless of whether they receive a federal disaster declaration.

The Midwest Floods



State governments

The state emergency management agency and state waste management agency have specific roles to play in cleaning up disaster debris. The state emergency management agency serves as the local government's liaison to FEMA and can provide information for emergency planning. This state agency also can help represent the local government's interests to FEMA during a disaster and cleanup. The state waste management agency's role can be to make special accommodations for the unusual waste management needs resulting from a natural disaster. For example, this agency could temporarily lift permit requirements for solid waste facilities. In addition, specialized assistance is often available from other state agencies.

Other government assistance

Both state and local governments may enter into mutual aid agreements with other state and local governments prior to any disaster. Such an agreement could provide for either binding commitments or nonbinding intentions of support by state and local governments to assist one another in the event of a disaster. Through these agreements, communities can loan equipment and personnel with specific expertise or experience.

The Southern Regional Emergency Management Assistance Compact is an example of a mutual aid agreement originally signed by 17 states, Puerto Rico, and the Virgin Islands. The resolution supporting this pact now has been offered to all states and includes model legislation for state legislatures. The compact also contains broad language and a legal framework addressing authority, liability, licensing, reimbursement, injury or death benefits, and use of the National Guard. For more information on the Southern Regional Emergency Management Assistance Compact, contact:

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444 North Capitol Street, NW.
Washington, DC 20001
202 624-5897

What a Community Can Do To Speed Recovery and Reduce Costs

Preparing a disaster debris management plan in advance can pay off in the event of a natural disaster. Planning can help a community identify its debris collection, recycling, and disposal options. Although the recovery process will take a long time, perhaps even years, careful planning will prevent costly mistakes, speed recovery, and avoid creation of more waste. A plan also can save money by identifying cost-effective debris management options and sources of help, increasing control over debris management in your community, and improving administrative efficiency.

The Midwest Floods

