

Section 4

OVERVIEW OF RULES AND REGULATIONS

The documents described in this section provide the legal authority for local governments to engage in debris cleanup operations and seek reimbursement from the federal government. The City should review each of these documents on an annual basis not only to familiarize themselves with the governing statutes, but also to identify any changes to the regulations and guidelines.

Federal Emergency Management Agency Guidelines

Under the current federal system, FEMA coordinates the response and recovery efforts for all presidential declared disasters. FEMA provides guidance documents for local governments to be used for disaster planning and response. Three guidance documents that are generally associated with debris recovery have been summarized below.

FEMA Publication 322 – Public Assistance Guide

The PA Guide provides a general overview of FEMA PA Program protocols immediately following a disaster. The PA Program provides the basis for the federal/local cost sharing program. This document specifically describes the entities eligible for reimbursement under the PA Program, the documentation necessary to ensure reimbursement, and special considerations local governments should be aware of to maximize eligible activities.

An electronic version of FEMA Publication 322 is available through the following hyperlink:

<http://www.fema.gov/government/grant/pa/padocs.shtml>

FEMA Publication 323 – Applicant Handbook

The Applicant Handbook (Handbook) is the official “how to” for local governments that are considering applying for reimbursement following a disaster through the PA Program. This Handbook should be used in conjunction with this Plan immediately following a debris-generating event.

The Handbook provides the rules, procedures and sample documents that local governments need as the “applicant” to FEMA. The publication is formatted so that the applicant has a step-by-step guide for each phase of the reimbursement process including what information is critical to ensure reimbursement.

An electronic version of FEMA Publication 323 is available through the following hyperlink:

<http://www.fema.gov/government/grant/pa/padocs.shtml>

FEMA Publication 325 – Debris Management Guide

The Debris Management Guide is a publication specifically dedicated to the rules, regulations, and policies associated with the debris cleanup process. Familiarity with this publication and any revisions, can aid a local government in limiting the amount of non-reimbursable expenses. The Debris Management Guide provides the framework for the debris removal process authorized by the Stafford Act including:

- Eliminating immediate threats to lives, public health and safety.
- Eliminating immediate threats of significant damage to improved public or private property.
- Ensuring the economic recovery of the affected community to the benefit of the community-at-large.

An electronic version of FEMA Publication 325 is available through the following hyperlink:

<http://www.fema.gov/government/grant/pa/dmgtoc.shtm>

Disaster Specific Guidance

DSG is a policy statement issued in response to a specific post-event situation or need in a state or region. Each DSG is issued a number and is generally referred to along with their numerical identification.

These guidance documents typically relate to the authorization of private property cleanup, cleanup and payment of stumps, or notification of large projects. Staff should be aware of any new DSG that are issued by FEMA following an event.

Other Relevant Documents

The two primary directives developed by the federal government that provide for the authorization and use of federal funds to reimburse local governments for disaster-related expenses are the Stafford Act and the Code of Federal Regulations – Title 44 Emergency Management and Assistance. A brief summary of these laws is provided below.

Robert T. Stafford Disaster Relief and Emergency Assistance Act

The Stafford Act provides the authorization of the PA Program. The fundamental provisions of this act are as follows:

- Assigns FEMA the authority to administer federal disaster assistance.
- Defines the extent of coverage and eligibility criteria of the major disaster assistance programs.
- Authorizes grants to the states.
- Defines the minimum federal cost-sharing levels.

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An electronic version of the Stafford Act is available through the following hyperlink:

<http://www.fema.gov/about/stafact.shtm>

Code of Federal Regulations: Title 44 – Emergency Management and Assistance

Procedural requirements for the PA Program operations are provided by 44 CFR. These regulations are designed to implement a statute based upon FEMA's interpretation of the Stafford Act. They govern the PA Program and outline program procedures, eligibility and funding.

An electronic version of 44 CFR: Title 44 is available through the following hyperlink:

http://www.access.gpo.gov/nara/cfr/waisidx_03/44cfrv1_03.html