

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 10/20/2020 **Approx. Start Time:** 3:00 pm **Approx. Length:** 45 minutes

Presentation Title: Disaster Debris Removal Contracting Options & Strategy

Department: Disaster Management

Presenters: Nancy Bush, Disaster Management Director and Emergency Operations Center (EOC); Dan Johnson, DTD Director, Eben Polk, EOC Debris Manager

Other Invitees: Elizabeth Comfort, Jeff Hepler, Sarah Allison, Matt Rozzell, Jeffrey Munns, Tralee Whitley, Shane Abbott, Travis Wootan; Daniel Nibouar (Operations Section Chief); George Marlton; Chris Lyons

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Refinement and decision for a contracting strategy for disaster debris removal.

EXECUTIVE SUMMARY:

FEMA has authorized Public Assistance for disaster debris removal under the major wind and wildfire disaster declared in 9 Oregon counties, including Clackamas County. This assistance typically reimburses a local government for 75% of the cost of debris removal and disposal from public property and right-of-way (ROW). The remaining 25% of costs is the responsibility of the County (local government). In some cases, FEMA expands the Public Assistance authorization for debris to reimburse local governments that opt to offer debris removal to private property.

Public Right of Way Debris

Debris impacting the public ROW (county roads) includes hazardous trees, limbs, stumps and associated vegetation. Based on a preliminary Arborist survey and field observations from Transportation Maintenance staff, about 4,000 trees (6-inches or greater in diameter) are believed to be a hazard to the ROW and require removal and disposal. After cutting, trees would be conveyed to a temporary site for sorting, processing and disposal. A rough cost to cut, load, transport and dispose of these trees is about \$4,000,000. The up-front cost will be borne by the County and reimbursed 75%, for a net cost of about \$1,000,000.

FEMA provides clear guidance for this work and what trees will be eligible for reimbursement.

Private Property Debris

FEMA may also provide financial assistance for the removal of debris from private property. This assistance is provided through local government, not directly to individual property owners. Cleanup on private property helps to mitigate the significant threat to water, soil, and human health from hazardous ash and debris. One advantage to offering a cleanup program is to reduce the prevalence of abandoned debris, which we may encounter in illegal

dumping or eventual code violations. An advantage for property owners is that the public assistance for debris cleanup means that a larger portion of their insurance settlement may be available for rebuilding.

A first stage of private property cleanup, the removal of household hazardous waste, is being offered at no cost to property owners right now. The State is paying the 25% local cost share. This service was authorized by FEMA as 'emergency' work which is separate from the decision to authorize full private property cleanup assistance.

On September 22 the Board determined that the County would request public assistance for full private property debris cleanup, as we submitted our initial damage assessment. The County is awaiting approval, and will seek details about the scope of assistance, federal cost-share, and FEMA deadlines—the Board may then need to decide whether to offer the service.

Our latest damage *estimate* indicates 111 properties lost one or more structures to fire: 62 homes damaged and destroyed (of these we estimate 37 are stick-built homes and 25 are manufactured homes); 214 outbuildings (such as sheds, pole barns, etc.). Many vehicles were burned. If FEMA authorizes public assistance for the removal of debris from private property the same 75%/25% cost reimbursement may apply. The county or the state may request a higher federal cost share. If every property owner with a damaged structure participates, the current cost estimate is \$7,000,000. It is unlikely that all property owners will participate, though there is no way to know how many will. Some of this cost may be recouped from insurance proceeds. FEMA typically requires local government to make every effort to recover insurance payouts related to debris removal. If the County decides to participate in the private removal of debris all costs will be paid by the County and then turned into FEMA for future reimbursement.

In contrast with cleanup along public roads and right-of-way, private property cleanup standards are often specific to an event or to the state where the disaster occurs. Local governments urgently need a state-level cleanup standard and clear expectations for how the debris must be prepared and/or screened or tested for disposal at a landfill.

Contracting Strategy

The County needs a contract, procured through full and open competition, to perform the removal of hazardous vegetation from the ROW and, potentially, removal of private property debris. The County is well-positioned to perform monitoring and management of this process, via a 5-year contract with Tetra Tech, Inc. To comply with FEMA Public Assistance requirements these contractors must be separate. Staff have identified two contracting strategies for consideration:

Local Contracting Option A: Issue RFP for a 5-year contract for debris removal services, covering all disaster debris scenarios. Then, as needed, issue task orders to initiate debris removal for the current fire disasters.

Local Contracting Option B: Issue RFP for debris removal tailored specifically to this event.

While Option B may be a simpler scope, staff recommends Option A, for several reasons: A long-term contract may be more attractive to well-qualified removal contractors. If the current disaster leads to flooding or landslide debris, those issues could be addressed as new task orders rather than through all-new contracts. It is more flexible and responsive: In

future disasters we will be better positioned to quickly activate contractors. The scoping and scoring components of the RFP will be marginally more complicated.

In summary, with a debris plan, a debris monitoring contractor in place, and a pre-qualified list of debris removal contractors, the County is well positioned to proceed with a locally-managed debris removal effort for hazardous trees in the right-of-way and for private property debris removal, should the Board of Commissioners opt to proceed.

State Contracting

The State has formed a state debris task force. On 10/14 staff learned this task force is proposing an option for debris removal in which the State seeks contractors for statewide clean-up of ROW debris and private property debris removal. The State does not have a debris removal or monitoring contract in place yet. Should the State engage a contractor and offer these services to affected counties, counties would not control or manage removal efforts, but local staff would likely still be needed to support operations. The state debris task force proposal also suggests that the legislature act to fund all up-front costs of cleanup including the 25% local cost share. Many questions arise about the scope and viability of the state debris task force's proposed approach. This approach is very unusual, with little precedent across the many declared major disasters FEMA has addressed. Traditionally, FEMA looks to counties as the primary entities for disaster response.

Among the potential questions and concerns for a state-led approach:

- What are the implications for up-front and post-reimbursement costs?
- How soon could the legislature approve state coverage of the 25% local cost share?
- How soon can a state effort get underway? The longer we wait, the greater the risks of harm to water and soil, human health, and also risks of illegal dumping or future code enforcement problems.
- Can the State consider covering the local cost share for a county-managed debris removal effort? (This would still entail up-front costs.)
- How can we ensure that sufficiently experienced monitoring and removal contractors are selected?
- Can local governments be included and consulted, brought into the state debris task force? (to date the County has not been included in the development of this state proposal)
- Without a debris plan and a clear contracting process how effectively can the State develop the necessary frameworks for debris removal and monitoring?
- Will the State still need to rely on local governments for temporary debris management sites?
- How will the State's approach impact long-term incentives and FEMA guidance for counties and cities to be prepared for disasters?
- If counties have creative solutions to repurpose hazard trees or reduce disposal costs, will the State be able to customize the approach at a local level?

If the State played a more traditional role of supporting local governments in cleanup, then local governments would need to choose whether to ask the US Army Corps for direct support, or establish contracts for debris removal, while the State offers cleanup standards, guidance, and potentially funding support towards some or all of the local 25% match.

This proposal has significant implications for local costs. The proposal as framed on 10/14 would not extend state coverage of the local cost share to a locally managed debris removal contract.

Other alternatives the County could ask the State to consider, include state support for the 25% cost share coverage for locally managed removal, or offering a traditional state contract in which the local government activates the contract, manages the contractor, and pays, per terms and costs specified in the state contract.

Staff recommends that be ready to abate the risk that this debris poses to the community by proceeding down the path towards a local contract. Should a State plan materialize that is in the best interest of the County, we can decide either to discontinue our contracting process, or not issue a task order to our contractor for these services.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost?

Debris Category	Estimated Up-front Cost	Cost after FEMA Reimbursement (TBD)
Hazardous Trees	\$4,000,000	\$1,000,000
Private Property Debris*	\$7,000,000	\$1,750,000
Total	\$11,000,000	\$2,750,000

*FEMA has not yet confirmed that public assistance will be authorized to address private property cleanup and the BCC has not approved for Clackamas County.

**FEMA’s reimbursement percentage is typically 75%, this has not been confirmed. The percentage will not be lower than 75%.

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department’s Strategic Business Plan goals?

Developing a Disaster Debris Plan, and adding to it with debris monitoring contract, pre-qualified list of debris removal contractors, and identifying possible temporary debris management sites, have all been priorities within DTD, Disaster Management departmental level goals.

- How does this item align with the County’s Performance Clackamas goals?

This item aligns with the Board strategic priority to **Ensure safe, healthy and secure communities**. Supporting cleanup of hazardous trees, and potentially, hazardous debris on private property, will contribute to safer mobility and safer neighborhoods, and help reduce impacts to water, soil, and human health.

LEGAL/POLICY REQUIREMENTS:

In a typical disaster, FEMA guidelines and regulations place the primary responsibility for disaster debris removal on the lowest-possible governmental level, typically counties. The

County has a disaster debris plan, monitoring contract, and a pre-qualified list of debris removal contractors.

PUBLIC/GOVERNMENTAL PARTICIPATION:

N/A

OPTIONS:

- 1) Local Contracting Option A: Issue RFP for a 5-year contract for debris removal services, covering all disaster debris scenarios. Then, as needed, issue task orders to initiate debris removal for the current fire disasters. Meanwhile, staff will continue to seek clarification of potential State involvement, should that emerge as a viable additional option.

- 2) Local Contracting Option B: Issue RFP for debris removal tailored specifically to this event. Meanwhile, staff will continue to seek clarification of potential State involvement, should that emerge as a viable additional option.

RECOMMENDATION:

The County Debris Management Task Force recommends the Board of County Commissioners approve (1), Local Contracting Option A, Issue RFP for a 5-year contract for debris removal services, covering all disaster debris scenarios. Then, as needed, issue task orders to initiate debris removal for the current fire disasters. Meanwhile, staff will continue to seek clarification of potential State involvement, should that emerge as a viable additional option.

ATTACHMENTS:

October 14 State Concept for Ash and Debris Cleanup and Removal (pdf document)

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue, please contact Eben Polk @ epolk@clackamas.us , or 503-742-4470.

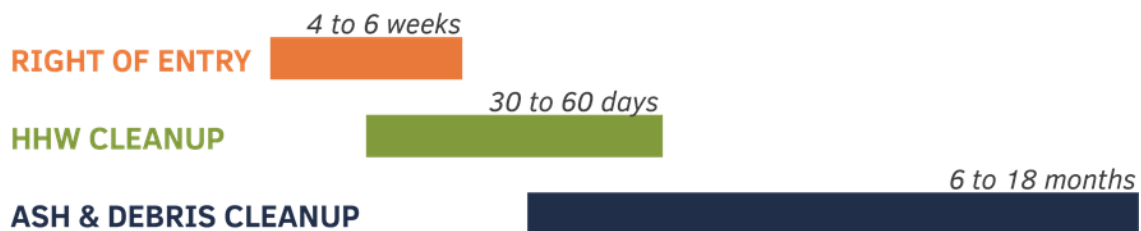


ASH AND DEBRIS CLEAN UP AND REMOVAL

The Labor Day Fires constitute the biggest and most expensive disaster in Oregon history. As of October 12, 2020, over 4,000 residences and 1,400 other structures have been destroyed.

The management of the ash and debris left behind is a 2-step process. First, household hazardous waste (HHW) must be removed. Once complete, the process of removing ash and debris may begin on the property.

APPROXIMATE TIMELINE FOR THE WORK



HOUSEHOLD HAZARDOUS WASTE

We recommend that the public not disturb ash or debris until after an assessment by response professionals. Hazards could include: asbestos, toxic chemicals, and electrical or structural dangers

Before rebuilding or debris removal can take place, property must be cleared of HHW or other hazardous substances. Crews that specialize in identifying and removing hazardous substances will visit properties, determine what HHW materials are present, and remove them for safe disposal.

The approach for this work is state managed, federally supported, and locally operated.

This service is funded by federal and state government and provided free of charge to property owners in Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion counties.

ASH AND DEBRIS REMOVAL-FEMA PUBLIC ASSISTANCE




- FEMA reimburses state and local governments for the cost of disaster-related debris removal
- FEMA will not reimburse property owners for clean up work

Because of this, we recommend that property owners not complete clean up work on their own. Homeowners should utilize any insurance payments for rebuilding, rather than clean up efforts.





COST ESTIMATE OF ASH AND DEBRIS REMOVAL

**The total cost estimate for hazard trees, ash, and debris is \$622M (\$291.2M hazard trees, \$325.9M ash and debris)
A cost share is required, with FEMA covering 75% and a non-federal government (state/local) covering the remaining 25%.**

The Debris Management Task Force, consisting of OEM, ODOT, and DEQ, recommend adoption of a **State Managed, Locally Coordinated** framework for debris management operations. The DMTF further recommends the state take responsibility for the 25% cost share portion of the FEMA funds and not pass this cost onto local governments. The cost share could go to 10% during the course of cleanup.

	Direct Federal Assistance USACE	State Managed, Locally Coordinated	Locally Managed
Description	State requests USACE to manage all of the FEMA eligible debris clean up activities.	State manages the contracts and overall cleanup effort with strong coordination with local governments in each impacted area.	County oversees contracts and debris removal operations within their respective jurisdiction.
Timing Factors	USACE can utilize existing contracts to begin work as soon as HHW debris is cleared and FEMA eligibility determined.	State has more control of timing through contracting and starting before all FEMA eligibility decisions.	Each county would need to utilize its own contracting process, and assume the risk of FEMA eligibility before starting work.
Cash Flow	USACE covers the payments and bills the state and/or local government at the conclusion of the cleanup effort	State funds all costs of cleanup upfront until FEMA reimbursement. Legislative action required for funds and limitation.	County funds all costs of cleanup upfront until FEMA reimbursement..
Cost Estimate	State/Local Cost Share: \$123.75M – 140.25M Most expensive estimate	State Cost Share: \$78.75–89.25M Assumes State providing the 25% cost share	County Cost Share: \$78.75–89.25M Each county responsible for cost
Contracting Approach	USACE selects one of their pre-qualified contractors. No state control over the pace of recovery. USACE assume no liability for any damages.	State selects contractors with shared Oregon values, while meeting FEMA requirements. State hires monitoring consultant to ensure maximum FEMA reimbursement.	Each county could take varying approaches to debris cleanup, which will result in varying costs.
Other Factors			

KEY (positive or negative factor)

 Cost
  Time
  Weather
  Local connection

A fourth option of a state-managed approach was previously included. The DMTF is no longer including this option, because effective cleanup requires coordination and partnership with local government.