



COUNTY of LUZERNE
P E N N S Y L V A N I A
E S T A B L I S H E D 1 7 8 6

**LUZERNE COUNTY
COUNTY MANAGER
Romilda P. Crocamo, Esq.**

January 30, 2024

The Honorable Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Subject: Appeal to Overrule FEMA's Decision Denying Flood Claims in Luzerne County

Dear Mr. President;

I hope this letter finds you in good health and high spirits. I am writing to bring to your attention an urgent matter that requires your consideration and intervention. It concerns the recent decision made by the Federal Emergency Management Agency (FEMA) to deny flood claims submitted on behalf of businesses in Luzerne County, and our neighbors in Lackawanna and Wyoming Counties, and the City of Scranton.

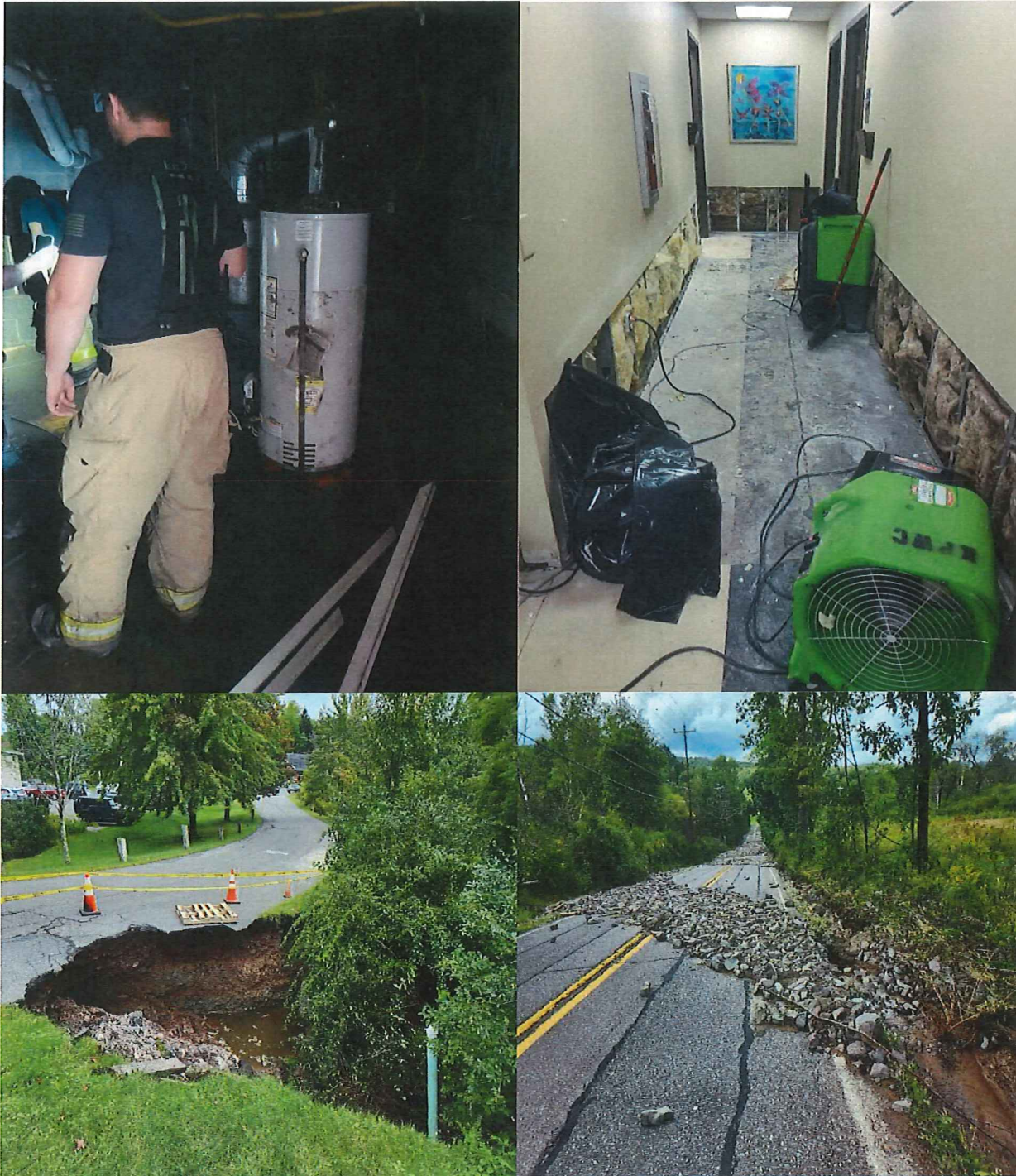
Luzerne County has been severely affected by the flood resulting from a storm event occurring on September 9, 2023, causing significant damage to the local businesses. These businesses have been an integral part of our community, providing employment opportunities and contributing to the local economy. However, the denial of their flood claims by FEMA has put their existence and livelihood at great risk.

Here is a brief description, with FEMA's assessment value, of the damage sustained in our county:

Response: The areas affected was isolated to the Back Mountain area with the following municipalities primarily affected: Dallas Borough, Dallas Township, Exeter Township, Harvey's Lake, Kingston Township, Larksville Borough, Lehman Township, Nanticoke City and Union Township. All these areas received heavy rain, flooding and wind damage.

The total damage assessed for public assistance by FEMA was listed at \$2,493,317.89. The Luzerne County Fairgrounds, which is in Lehman and Dallas Townships, was originally in this assessment but eventually eliminated by FEMA according to their assessment parameters. This elimination lowered our assessment to \$2,149,425.89. The total number of businesses that were affected but were not allowed by FEMA to claim either public or individual assistance was seventeen, with their assessment total being \$1,784,130.00. In addition, sixty-three residents were affected showing their total number for damage assessment being \$576,873.00, however, they did not qualify as well for Individual assistance according to FEMA parameters.

The following pictures are just a few examples of damage received and mitigated during and after the water receded and discovered during our recovery phase, which is still an ongoing process:



The decision by FEMA to deny these claims is deeply concerning and fails to acknowledge the hardships faced by these businesses. The floods have caused extensive damage to their properties, inventory, and equipment, leading to substantial financial losses. Moreover, these businesses have diligently adhered to all necessary protocols and requirements in filing their claims. It is disheartening to witness their legitimate claims being dismissed without proper consideration.

I kindly request your immediate attention and intervention in this matter. As the President of the United States, you possess the authority to review and overrule FEMA's decision regarding these flood claims. I implore you to reconsider the denial and ensure that the affected businesses in Luzerne County receive the support they desperately need to recover and rebuild.

By overturning FEMA's decision, you would not only provide relief to the affected businesses but also demonstrate your commitment to the well-being and prosperity of communities across the country. Your intervention would instill hope and confidence in the hearts of the business owners and employees who are currently facing an uncertain future.

I understand the numerous challenges that demand your attention, but the businesses in Luzerne County seek your support during this trying time. Your compassionate consideration and decisive action would be greatly appreciated by the residents of Luzerne County and would reinforce the belief that the government stands firmly alongside its citizens in times of distress.

Thank you for your time and consideration. I remain hopeful that you will take swift action to rectify this situation and provide the necessary assistance to the businesses in Luzerne County, and our neighbors.

With sincere regards,

Romilda P. Crocamo

Romilda P. Crocamo, Esq.
Luzerne County Manager

CC: Luzerne County Council



Lackawanna County

Commissioners

Bill Gaughan • Matt McGloin • Chris Chermak

January 30, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: **Disaster Declaration Appeal**

Dear Mr. President,

Under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170 (Stafford Act), as implemented by 44 CFR 206.36, Governor Shapiro requested a declaration for a major disaster and authorization for Public Assistance for Lackawanna County, in the Commonwealth of Pennsylvania, due to severe storms and flooding that occurred on September 9, 2023. In addition, the request was made to authorize Individual Assistance for the same affected area pursuant to Section 408 of the Stafford Act, 42 U.S.C. 5174.

On September 9, 2023, a storm system brought historic rainfall in a very short period, causing flash flooding in Lackawanna County. The flooding resulted in significant destruction, multiple injuries, and death. The storm caused significant localized damage in the county. As an Applicant to the Commonwealth of Pennsylvania, Lackawanna County is appealing directly to the denial of Federal Grant Funds. Lackawanna County has encountered multiple significant severe weather events over the last two years that have direct and chronic fiscal impacts on the infrastructure and residents of the county. These cumulative events place increased debt not only on the county but our state partner in PEMA and the Governor.

Impacts of the Storm:

On the evening of September 9, 2023, the National Weather Service issued severe thunderstorm warnings for significant precipitation and damaging winds in Lackawanna County beginning around 5:00 p.m. Shortly thereafter, torrential rain settled over the area with limited movement. Flash flood warnings were then issued for the same areas beginning around 5:30 p.m. Lackawanna County had ten (10) municipalities issue Declarations of Disaster Emergencies because of this storm: Clarks Summit Borough, Dalton Borough, Glenburn Township, LaPlume Township, Newton Township, North Abington Township, Ransom Township, South Abington Township, West Abington Township, and Waverly Township.

As specifically identified in 44 CFR 206.48, a factor to be considered when evaluating the need for Public Assistance is the localized impact of a disaster. In this case, even where the statewide per capita is not met, the affected county experienced such an extraordinary concentration of damage that federal assistance is warranted. In Lackawanna County, the per-capita indicator is \$993,121 with an initial PDA of \$16 million. Through

collaboration and discovery, those values changed; however, it does not belabor the fact that Lackawanna County is in need of assistance.

On September 9, 2023, torrential rain caused significant flash flooding and several creeks and streams to overtop and change direction dramatically. This severe storm caused trees to topple and roadways to flood. With multiple storm cells training and stalling over Lackawanna County, an axis of four to five inches of rain fell over a large area of Lackawanna County in two to three hours. This resulted in significant flash flooding throughout the evening and into the very early hours of September 10, 2023. Leggetts Creek traverses from the border of Lackawanna and Wyoming Counties and meets the Lackawanna River in the City of Scranton.

On the night of September 9, 2023, numerous vehicles were reported trapped in flash flooding throughout the county. That evening, a flash flood occurred on Shady Lane Road in South Abington Township. One vehicle was trapped on a single-vehicle viaduct as the floodwaters continued to rapidly rise and gained flow momentum. The vehicle had two occupants who opened the windows to their vehicle and were swept out by the force of the raging water. The female occupant was swept down the roadway and later found deceased under a fire truck that was stuck in the floodwaters. The male passenger, who was also swept out of the vehicle, struck a telephone pole, and received multiple traumatic injuries. He was rescued by emergency responders and transported to the hospital but later succumbed to his injuries and subsequent infection from the contaminated floodwaters.

The aftermath of the storm made it extremely difficult for emergency responders to maneuver within their own and neighboring municipalities. Many of the difficulties were due to flooded and destroyed roadways and bridges. Several roads were closed due to the complete destruction of the road surface, sinkhole formations under the road surface, or complete collapse of concrete culvert, bridge, and drainage pipes. Many roads in both urban and rural municipalities remain closed, to this day, across the county due to damage sustained from this weather event.

Lackawanna County Roads and Bridges and the Pennsylvania Department of Transportation continue to make emergency repairs to keep most bridges functioning for motorists. However, the Mary Street Bridge in the City of Scranton, the Maple Street Bridge in Dalton Borough (county-owned), and Bridge Lane in Newton Township (county-owned) will be closed for the foreseeable future. There are bridges in danger of further damage with additional flooding events. With so many impacted roads and bridges throughout Lackawanna County, the sometimes-lengthy detours can negatively impact the response times of emergency responders and could be a determinative factor in the outcome in a life-or-death emergency incident. Lackawanna County has documented damage to dozens of businesses. Some businesses experienced serious financial loss, which is documented in Damage Reporting Survey 123 entries. Documented business locations damaged, or that experienced damages, range from a large warehouse that experienced greater than 12 inches of floodwater within the building to numerous small business establishments. Some businesses have remained closed until assistance is made available. Others have reopened, but only after suffering substantial financial losses.

Damage assessments conducted in coordination with the county and PEMA have identified \$16 million in infrastructure damage across Lackawanna County. Of the 459 homes that were assessed during the Joint PDA, most of the damage to individuals' homes was reported in Benton Township, Clarks Green Borough, Clarks Summit Borough, Dalton Borough, Glenburn Township, LaPlume Township, Newton Township, North Abington Township, Ransom Township, City of Scranton, South Abington Township, and Waverly Township. Damage to



residential properties and/or businesses was spread through these municipalities, resulting in the assessment of over 300 homes over the three-day process. Damage Assessment Teams identified the most significant damages in the City of Scranton, South Abington Township, Dalton Borough, Clarks Summit Borough, and Newton Township.

The City of Scranton also falls in Lackawanna County and adds to the significance of the damage encountered during the storm. The City has identified a total of \$6,428,234.91 in damages to public property. In addition, the City incurred a total of \$805,000.92 in expenses for supplies, equipment, and staffing specifically in relation to the September 9, 2023, flood response efforts. The total liability to the City is estimated at \$7,233,235.83. The population of the City of Scranton is 76,328 per the 2020 Decennial Census. The City is in Lackawanna County which has an estimated population of 215,896 per the 2020 Decennial Census. The cost of the flood damage per capita in the City of Scranton is \$94.77. The cost of the City's damages reflected in the per capita of Lackawanna County is \$33.50. The per capita indicators for FY 2024 as listed on FEMA's website are \$1.84 and \$4.60 for statewide and countywide per capita respectively. In 44 CFR Part 206.48 (a)(2), it is stated that "at times there are extraordinary concentrations of damages that might warrant federal assistance even if the statewide per capita is not met."

Should the City not receive funding assistance from the federal government, it will incur \$6.3 million of unanticipated costs in the 2024 fiscal year. The City would have to reallocate \$3.4 million of ARPA funding currently planned for capital infrastructure improvement projects. The reallocation of this funding for flood emergency response efforts will limit the amount of funding available for mitigation projects intended to prevent flooding events such as this, and the future viability of these projects would be unknown without the assistance of the ARPA funding. The remaining \$3,000,000 would have to be borrowed and would be a debt on the City. Additionally, the City of Scranton has incurred or will incur the costs associated with nine emergency infrastructure repairs throughout the City from the adverse weather event in September. The City's engineered estimated \$2,510,329 in costs were declined by FEMA in their validation process claiming that the damages would be covered under United State Department of Agriculture's Natural Resources Conservation Services (NRCS) program, (please see ENCLOSURE E). The letter to the City of Scranton dated December 6, 2023, indicates that the City was not eligible for funding under NRCS funding program.

In 2022, the City exited from ACT 47, a Pennsylvania statute related to financially distressed municipalities. The City entered Distressed Status in 1992 and remained there for 30 years. During this time, the City had an excess of \$150 million in debt obligations and its financial instability led to a list of running consequences, resulting in the City typically running out of funds to pay its bills and employees in the middle of the fiscal year. After years of working toward financial stability and addressing debt balances, the City lost its designation as a financially distressed municipality. If the City would have to borrow funds for recovery efforts, the debt taken upon the City will have to be able to be matched in revenue, which could be reflected on the residents of the City. According to ACS 5-Year estimates from the US Census Bureau, 16.1% of Scranton families are below the poverty level. Additionally, 20.1% of the total population in Scranton is below the poverty level, 28.7% of which are under the age of 18. The liability of this disaster would not only jeopardize the financial stability of the City but would also constitute an undue financial hardship for its residents.



County Profile:

A quarter (25.4%) of Lackawanna County households have an income of less than \$50,000 per year with 13.5% of the population living in poverty. These households are considered either severely cost-burdened or cost burdened, meaning that they spend more than 30% of their income on housing. Below are further indicators of a more desperate, less capable community. In Lackawanna County, there were 5,156 total employer establishments in 2021, with a total of 85,136 employees. The average annual payroll per employee was \$58,366.

Lackawanna County possesses characteristics that exacerbate the impact of these events. Thousands of residents were affected, and the impact on the disabled, elderly, and poor is magnified by the physical needs and lack of resources. Families will have to endure months of repairs to restore habitability to their residences. Individual Assistance to the impacted people is necessary to begin to restore their lives. For nearly everyone impacted, the degree of flooding from the September 9, 2023, event has never been experienced before. Volunteer agencies, while attempting to assist with the devastation, cannot effectively meet the vast needs of the impacted individuals.

- 23.2% spend more than half of their income on housing.
- 22.2% spend between 30%-49% of their income on housing.
- 33% receive medical assistance, national average is 1.08%
- 19% receive SNAP, national average is .59%
- 5.4% unemployed, national average is 3.8%
- 30.5% disability, national average is 13.4%

Insurance:

Many residents indicated that they did not live in an identified flood area. Most of these same households do not have flood insurance to pay for the replacement of items lost or destroyed by floodwaters. Many of the flooded areas are places that have not historically experienced significant flooding, and homeowners would not normally have needed or been required to have flood insurance. The cost of flood insurance would put an added financial strain on the households, and the limitations on insurance would not afford a reasonable amount for reimbursement. Many of the households are already owned, and there are no mortgage holders to require flood insurance policies for properties in identified flood zones.

Historical:

Lackawanna County has experienced significant flooding/flash flood events over the last 3 years, totaling 43 in number. The volume and consecutive nature of these events alone create both fiscal and physical challenges for the county and independent municipalities to recover each year. All leading to degradation in infrastructure and individual safety and security.



Flood events by year in Lackawanna County:

2021

- Flash Flood: 15
 - Flood: 16
- Total:31**

2022

- Flash Flood: 0
 - Flood: 2
- Total: 2**

2023

- Flash Flood: 8
 - Flood:2
- Total: 10**

Conclusion:

Lackawanna County has suffered significantly from the September 9th flooding events. As indicated in the above narrative, the inclusion of the City of Scranton, the county's largest population and employment center, adds to the broader scope of damages incurred in the county. This results in an even greater need for Federal Assistance to supplement the City's specific needs.

FEMNs final validation of costs for damages deviates from the Initial Damage Assessments (IDA) conducted by the impacted counties and the costs identified in the Joint Preliminary Damage Assessments (PDA) conducted by PEMA and FEMA. FEMA's validation of the Joint PDA removed costs that would otherwise be eligible for Public Assistance during a declared event. FEMA provides funding to repair infrastructure to the exact pre-disaster conditions. However, the infrastructure in the county that sustained damage was constructed to engineering standards that may no longer be applicable. Current engineering standards and best practices increase the cost of repairing or replacing the damaged infrastructure. The infrastructure cannot be repaired to a pre-disaster condition without incurring increased costs to meet current requirements. Therefore, the cost differential between pre-disaster construction and replacement produces a deficit for the counties. FEMA is not validating the additional cost to repair or replace infrastructure to current standards.

The devastation of this event has led organizations, residents, and communities impacted to face an uncertain future. In many cases, the true impacts of this event are yet to be fully realized. Recovery without federal assistance will take years, and the impacts will be felt for decades. Lackawanna County's need for Federal

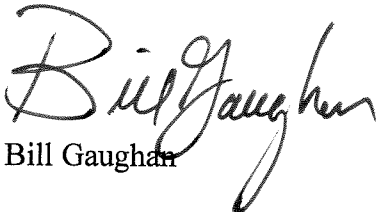



Assistance is underscored by the compelling factors that exist from this extraordinary event, including the high concentration of damages in certain areas and the trauma from this event that has severely impacted rural and underserved communities. Over the last 18 months, Northeast Pennsylvania has experienced an increase in the frequency and severity of major rain and flash flood events. This has compounded the inability to fully repair, replace, and restore critical infrastructure and individual properties, further increasing the fiscal burden and stress on an already underserved community.

The flooding from this event has caused major disruptions to normal community functions and services in the county. Families, schools, businesses, and communities have all experienced various degrees of impact. Transportation has seen significant delays with the closure of roadways and the loss of bridges. Newly engineered roadways and bridges will need to be designed and built so that community members can return to some level of normal life. The damage suffered for both individual and public assistance in Lackawanna County far exceeded the per-capita indicators by a significant amount. Based on the criteria, the impacts on these counties and their small communities warrant a major Disaster Declaration and Federal Assistance.

Thank you for your time.

Respectfully,


Bill Gaughan


Matt McGloin


Chris Chermak



Wyoming County Emergency Management Agency

Ralph F. Schwartz, EMA Director

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

I write today on behalf of the following communities in Wyoming County (Exeter Twp., Falls Twp., Overfeild Twp, Lemon Twp., Northmoreland Twp. & Factoryville Borough.) We are in support of Governor Shapiro's appeal to the Federal Emergency Management Agency (FEMA) regarding its December 2023 decision to deny Public Assistance to Lackawanna, Luzerne, and Wyoming Counties following serious flooding in Northeastern Pennsylvania on September 9, 2023. Following the flooding, Governor Shapiro requested the major disaster declaration, for Public Assistance, which provides relief to public entities for certain emergency services and the repair or replacement of disaster damaged facilities, be authorized for Lackawanna, Luzerne, and Wyoming Counties. We want to reiterate that the damage to local infrastructure was severe and ask that you evaluate the Pennsylvania Emergency Management Administration's (PEMA) more recent damage assessments, which clearly demonstrate the need for federal support in Lackawanna, Luzerne, and Wyoming.

It is our understanding that PEMA has identified greater costs from the storm that had not been accounted for in data used by FEMA to make its initial decision. While costs validated by FEMA at the close of the Joint Preliminary Damage Assessment (JPDA) were \$12,953,212, PEMA's updated estimates found an additional \$11,896,393.06 that had not been considered in the JPDA. This would put the PEMA validated total damages at \$24,849,605.06, above the per capita threshold required to qualify for Public Assistance. This damage exceeds the capacity of the impacted local governments' recovery capabilities if federal assistance is not provided, especially when the high concentration of damages is considered. These new estimates demonstrate that it is critical for FEMA to reevaluate Governor Shapiro's request for Public Assistance funding.

We also recognize that a robust recovery will require funding from many sources. However, we would like to reiterate that those dollars should be a complement to rather than a replacement for the FEMA resources dedicated for recovery assistance.

The communities in Northeastern Pennsylvania continue to express their need for support. These Municipalities within Wyoming County do not have a means of funding these projects, we need the federal assistance. The Infrastructure Damage that was incurred during this event is still causing hardships to our residents. Being a rural community there are multiple municipal owned bridges and roads that are in need of repair/replacement or are a closed until funding can be obtained and is causing a delay in the Emergency Response from Police, Fire and Ambulance Services. We urge you to reevaluate the request for Public Assistance and approve Governor Shapiro's current major disaster declaration request. Thank you for your consideration.

Ralph F. Schwartz

Director of Emergency Management
Wyoming County Pennsylvania

Congress of the United States

Washington, DC 20515

January 26, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

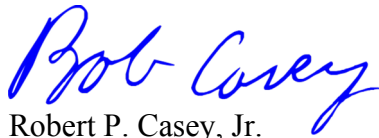
We write today in support of Governor Shapiro's appeal to the Federal Emergency Management Agency (FEMA) regarding its December 2023 decision to deny Public Assistance to Lackawanna, Luzerne, and Wyoming Counties following serious flooding in Northeastern Pennsylvania on September 9, 2023. Following the flooding, Governor Shapiro requested the major disaster declaration, specifically asking that Individual Assistance be authorized for Lackawanna County and that Public Assistance, which provides relief to public entities for certain emergency services and the repair or replacement of disaster damaged facilities, be authorized for Lackawanna, Luzerne, and Wyoming Counties. We want to reiterate that the damage to local infrastructure was severe and ask that you evaluate the Pennsylvania Emergency Management Administration's (PEMA) more recent damage assessments, which clearly demonstrate the need for federal support in Lackawanna, Luzerne, and Wyoming.

It is our understanding that PEMA has identified greater costs from the storm that had not been accounted for in data used by FEMA to make its initial decision. While costs validated by FEMA at the close of the Joint Preliminary Damage Assessment (JPDA) were \$12,953,212, PEMA's updated estimates found an additional \$11,896,393.06 that had not been considered in the JPDA. This would put the PEMA validated total damages at \$24,849,605.06, above the per capita threshold required to qualify for Public Assistance. This damage exceeds the capacity of the impacted local governments' recovery capabilities if federal assistance is not provided, especially when the high concentration of damages is considered. These new estimates demonstrate that it is critical for FEMA to reevaluate Governor Shapiro's request for Public Assistance funding.

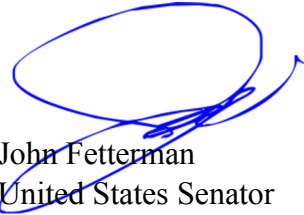
As stated in our previous letter, we also recognize that a robust recovery will require funding from many sources. However, we would like to reiterate that those dollars should be a complement to rather than a replacement for the FEMA resources dedicated for recovery assistance.

The communities in Northeastern Pennsylvania continue to express their need for support and we need to respond with federal assistance. We urge you to reevaluate the request for Public Assistance and approve Governor Shapiro's current major disaster declaration request. Thank you for your consideration.

Sincerely,



Robert P. Casey, Jr.
United States Senator



John Fetterman
United States Senator



Matt Cartwright
Member of Congress



OFFICE OF THE MAYOR

340 North Washington Avenue, Scranton, PA 18503 | (570) 348-4101 | www.scrantonpa.gov

January 31, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

RE: Disaster Declaration Appeal

Dear Mr. President:

On September 9, 2023, three counties in Northeastern Pennsylvania, including Lackawanna County and the City of Scranton, experienced a storm event which brought up to six inches of rain in a 90-minute period, causing flash flooding, one immediate fatality followed by a subsequent death from infection, destruction of creek, bridge, and roadway infrastructure, and displacement of dozens of households.

In November, Governor Shapiro requested a Public and Individual Assistance under the Stafford Disaster Relief and Emergency Assistance Act. In December, FEMA denied these requests, deeming that the “damage from the event was not of such severity and magnitude as to be beyond the capabilities of the commonwealth, affected local governments, and voluntary agencies.” Last week, the Governor appealed the Public Assistance denial based on “identified costs for damages that FEMA did not take into consideration.”

The total Public Assistance request for Lackawanna, Luzerne, and Wyoming counties is \$24.85 million, of which Scranton’s damages total \$7.3 million. While small dollars compared, unfortunately, to many weather-related disasters, the impact of these expenses on our fiscal situation will be burdensome. We are committed to repairing our stormwater infrastructure, having allocated nearly one-third of our American Rescue Plan funding toward stormwater from the outset of the program. In 2023, we got our credit rating upgraded, and we are tracking well to a more stable financial future. We do not want these efforts to get derailed by this storm event. We have already spent approximately \$2.5 million for emergency work that could not wait on administrative approval processes.

For Scranton’s financial future and for our ability to withstand future extreme weather events, we respectfully ask for your reconsideration of our Disaster Declaration and Public Assistance request.

Sincerely,

Paige Gebhardt Cagnetti
Mayor, City of Scranton

Gerald Smurl
President, City Council

Mark McAndrew
Vice President, City Council

Dr. Jessica Rothchild
City Councilmember

Tom Schuster
City Councilmember

William King
City Councilmember