

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CREATING A NEW)	ORDINANCE NO. 22-1482
METRO CODE CHAPTER 5.11 TO ESTABLISH)	
THE DISASTER DEBRIS RESERVE AND DISASTER)	Introduced by Chief Operating Officer
DEBRIS MANAGEMENT GRANTS PROGRAM)	Marissa Madrigal in concurrence with
)	Council President Lynn Peterson

WHEREAS, Metro has authority to plan, manage, and oversee the regional solid waste system pursuant to Metro's constitutional, statutory, and home rule charter authority and as set forth in Metro Code Title V; and;

WHEREAS, Metro Charter Section 6 assigns to Metro the function of "metropolitan aspects of natural disaster planning and response coordination"; and

WHEREAS, Goal 19 in the 2030 Regional Waste Plan states that Metro is to "Plan disaster debris response operations to expedite the clearance and removal of debris, making the best use of locally-based services and materials and maximizing recovery"; and

WHEREAS, extreme weather-related disasters are on the increase in our region, including those that generate significant debris; and

WHEREAS, the costs for managing disaster debris can be significant for Metro and local governments in the region, and are difficult to budget for due to the unpredictability of disasters; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. A new Metro Code Chapter 5.11 is created as set forth in Exhibit A and added to Title V of the Metro Code.

ADOPTED by the Metro Council this 28th day of July, 2022.



Lynn Peterson, Council President

Attest:

Approved as to Form:



Connor Ayers, Recording Secretary



Nathan Sykes, Deputy Metro Attorney

CHAPTER 5.11**DISASTER DEBRIS MANAGEMENT RESERVE AND GRANTS PROGRAM**

Section	Title
5.11.010	Purpose
5.11.020	Budget
5.11.030	Reserve Cap
5.11.040	Program Guidelines

5.11.010 Purpose

The purposes of the Disaster Debris Management Reserve and Grants Program are to:

- (a) Reserve funds for Metro's own post-disaster debris management costs;
- (b) Assist with local governments post-disaster debris management costs
- (c) Support more equitable disaster debris strategies and services;
- (d) Speed recovery after disasters;
- (e) Maintain public confidence in local and regional governance after a disaster.

5.11.020 Budget

- (a) Beginning July 1, 2022, Metro will allocate the fees collected under Metro Code Section 5.02.060 ("Regional System Fee on Cleanup Material") to a Disaster Debris Management Reserve. Metro will use this Reserve as the source of funds to disburse through the Disaster Debris Management Grants Program.
- (b) Metro may also use the Disaster Debris Management Reserve for Metro's costs related to debris management.

5.11.030 Reserve Cap

Metro will allocate the fees described in Section 5.11.020 to the Disaster Debris Management Reserve until the Reserve amount reaches \$5 million, after which Metro will no longer allocate these fees to the Reserve. When expenditures from the Reserve bring it below \$5 million, Metro will once again direct these fees to the Reserve. Metro will conduct a periodic review of the reserve cap every five years or at any time as directed by Metro Council to determine any adjustments to the reserve cap.

5.11.040 Program Guidelines

The Waste Prevention and Environmental Services Director will adopt program guidelines that include at a minimum:

- (1) Criteria for disasters to qualify for the grant program;
- (2) Criteria for grant funding for local governments that apply for grants under this program;
- (3) Criteria for the types of debris management work that can qualify for a grant;
- (4) A process by which Metro will allocate grant funds when requests for funding exceed the availability of funds; and
- (5) Procedures for fund administration and grant approval.

IN CONSIDERATION OF ORDINANCE 22-1482, FOR THE PURPOSE OF CREATING A NEW METRO CODE CHAPTER 5.11 TO ESTABLISH THE DISASTER DEBRIS RESERVE AND DISASTER DEBRIS MANAGEMENT GRANTS PROGRAM

Date: June 27, 2022

Department: Waste Prevention and Environmental Services

Meeting Date: July 14, 2022

Prepared by: Jim Quinn, 503-972-2760,
jim.quinn@oregonmetro.gov

Presenters: Jim Quinn (he/him), Principal Planner and Courtney Patterson (she/her), Asset and Environmental Stewardship Program Director

Length: 20 minutes

ISSUE STATEMENT

Metro staff seek Council approval of Ordinance 22-1482, to establish a new Disaster Debris Management Reserve and Grant Program, through a new Metro Code Chapter 5.11. This would provide a reserve fund for Metro's post-disaster debris costs and assist local governments with their post-disaster debris management costs.

ACTION REQUESTED

Staff requests Council adopt Ordinance 22-1482.

IDENTIFIED POLICY OUTCOMES

Metro would have an established disaster debris management reserve to support debris clean-up efforts that advances progress towards Goal 19 in the Regional Waste Plan that states:

Plan disaster debris response operations to expedite the clearance and removal of debris, making the best use of locally-based services and materials and maximizing recovery.

POLICY QUESTION

- Does Council support establishing a reserve fund to provide grants to local governments in the region to assist with their post-disaster debris management costs?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Pass Ordinance 22-1482 to amend the Metro Code to establish the reserve fund and grant program, and direct staff to develop the program guidelines.
2. Direct staff to identify and pursue other alternatives to support disaster debris management.

STAFF RECOMMENDATIONS

Staff recommend Metro Council adopt Ordinance 22-1482.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Metro Charter, the Oregon Constitution and Oregon Statutes grant Metro broad authority for planning, managing and overseeing the regional solid waste system to protect public health and safeguard the environment. More specifically, Section 6 of the Metro Charter assigns to Metro the function of "metropolitan aspects of natural disaster planning and response coordination." Part of these responsibilities include disaster debris management and disposal. This work is guided by the Disaster Debris Management Plan that describes Metro's role in managing and coordinating debris operations and the 2030 Regional Waste Plan that establishes Disaster Resilience goals and actions.

Extreme weather-related disasters are on the increase in our region, including those that generate significant debris. The possibility of wildfires, windstorms, ice storms, floods and other debris-generating disasters necessitates a commitment to planning and preparation for debris management. In February 2021, a severe winter weather incident generated a significant amount of debris in the region. Based on the after action report and conversations with local government representatives in the region, Metro staff developed a disaster debris reserve proposal. Metro introduced the proposal at the Council work session on June 21, 2022, and has incorporated the feedback received.

The proposal envisions that the reserve be funded with fees collected on "cleanup material" in the region. Per Metro Code 5.02.060, a reduced regional system fee applies to cleanup material that is transported to any disposal site authorized by Metro to accept that material.

Cleanup material is defined in 5.01.010 of the Metro Code as: "solid waste resulting from the excavation or cleanup of releases of hazardous substances into the environment, including street sweeping waste, nonhazardous contaminated soils that do not qualify as clean fill such as petroleum contaminated spills) and contaminated debris resulting from the cleanup of chemical spills or releases."

These materials go straight from the generator to the landfill, and do not pass through any intermediate facilities, so there is minimal handling cost, and a reduced system fee was deemed appropriate.

The regional system fees currently collected on clean up material are \$2.50 per ton reduced regional system fee (in addition to \$1 per ton excise tax). The reduced fee has been collected since 2003. Between 2003 and 2020 cleanup material volume has averaged about 250,000 tons annually. If this volume of cleanup material continues to be generated, approximately \$625,000 in fees will be added to the disaster debris reserve each year. Staff recommend a funding cap on the disaster debris reserve, after which, clean up fees will no longer be designated for the reserve. No increase to the cleanup waste fee is being proposed to establish the reserve.

Disaster debris is not cleanup material; they are distinct waste streams. Cleanup materials are the revenue source and staff recommends that a new chapter of the Metro Code be established to earmark these funds for future Metro and local government post-disaster debris costs.

As noted above, on average, Metro currently collects \$625,000 annually from the cleanup material reduced regional system fee. This comprises 0.7% of total solid waste fee and tax revenue. These fees are currently allocated to regional solid waste programs and activities, but may be used for any Metro solid waste related activity, including disaster debris management. The proposed reserve designates the cleanup fee revenue to a disaster debris reserve. Annual revenue allocations will not need to be made each budget cycle to build the reserve balance.

BACKGROUND

FEMA operates a public assistance grant program that identifies impactful disasters and reimburses local governments for 75% of eligible post-disaster expenses. The remaining 25% must be paid by the local and/or state government, called a local match. In Greater Portland, an eligible disaster is one that causes approximately \$1 million in public infrastructure damage. FEMA reimburses local governments for 75% of eligible debris removal costs. However, the FEMA program requires significant documentation and has a lengthy reimbursement process that could burden smaller local governments. Strategies that advance racial equity and speed recovery such as temporary debris sites where the public can bring their own debris and vouchers for free disposal at authorized disposal facilities are ineligible for FEMA reimbursement.

The proposed disaster debris reserve grant program would help fill these gaps. The proposed program goals include:

1. Reserve funds for Metro's own post-disaster debris management costs
2. Assist with local government's post-disaster debris management costs
3. Support more equitable disaster debris strategies and services
4. Speed recovery after disasters
5. Maintain public confidence in local and regional governance after a disaster

In most cases there will be enough disaster debris reserve funds available to cover local jurisdictions' 25% local match, as well as incurred costs for strategies that are not FEMA eligible. If there are not enough funds, Metro will apply additional criteria to prioritize use of funds consistent with the goals.

In 2021, Metro established a solid waste disaster preparedness group including representatives from both the solid waste and emergency management disciplines to implement the resilience and preparedness goals in the Regional Waste Plan. The workgroup's input was incorporated into the proposed reserve and grant program.

Additionally, staff engaged with the Regional Waste Advisory Committee, and the Oregon Refuse Recycling Association on the proposed reserve concept and program goals. All stakeholders were supportive of establishing the reserve and grant program. Substantive suggestions from local governments' recent disaster experiences will be incorporated into the program guidelines.

ATTACHMENTS

None

- Is legislation required for Council action? X ☐ Yes ☐ No
- If yes, is draft legislation attached? X ☐ Yes ☐ No
- What other materials are you presenting today? [INSERT]