

REGIONAL WASTE ADVISORY COMMITTEE

Meeting Worksheet

PRESENTATION DATE: 9/15/22 **LENGTH:** 20 minutes

PRESENTATION TITLE: Disaster debris grant guidelines

DECISION TYPE: Input

RELATED REGIONAL WASTE PLAN GOALS: Goal #19

PRESENTER(S): JIM QUINN (HE/HIM) RESILIENCE PLANNER

PURPOSE OF PRESENTATION

The Metro Council recently approve a new grant program to assist local governments with the costs of managing debris after a disaster, guidelines for implementing the program are now under development. This presentation will provide an overview of the program and the draft guidelines, and will provide an opportunity for committee input.

ACTION REQUESTED

Staff is looking for any input the committee may have on the draft guidelines, including how equity is addressed in the grant process.

BACKGROUND

- Staff presented an overview of the proposed grant program prior to Council consideration at the RWAC meeting in February 2022.
- 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 the proposal to establish a disaster debris reserve and grant program.

- A new Metro Code Chapter 5.11 (see attached) establishing the disaster debris reserve and grant program was adopted by the Metro Council on July 28, 2022.
- Guidelines are now under development to detail how the reserve will be administered and how grants will be awarded.
- 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. Metro's disaster debris reserve and grant program will help fill these gaps.
- It is expected that 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, detailed in the draft guidelines.

QUESTIONS FOR CONSIDERATION

- Does the committee have any guidance on how equity is addressed in the proposed grant process?
- Does the committee have any other input on the proposed guidelines?

NEXT STEPS

- We will be consulting with other internal and external stakeholders on the draft guidelines, with the goal of finalizing them prior to October 26, 2022, when the grant program launches.
- The grant program guidelines will be provided to the committee when finalized.

ATTACHMENTS

- New Metro Code Chapter 5.11
- Draft guidelines



Disaster Debris Management Reserve and Grants

Guidelines

Draft 05/3/22

PURPOSE

Metro Code Chapter 5.11 (Disaster Debris Management Reserve and Grants) establishes a program to provide grants to local governments in the region following a disaster, to assist with costs for managing the disaster-generated debris. This program is designed to:

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

SOURCE OF FUNDS

Per Metro Code 5.02.060, a reduced regional system fee applies to cleanup material (as defined in 5.00.010) that is transported to any disposal site authorized by Metro to accept that material. Beginning July 1, 2022, the fees collected under this section will be allocated to a Disaster Debris Reserve. This Reserve will be the source of funds to be disbursed through the Disaster Debris Management Grants Program.

Cleanup material fees will be allocated to the Disaster Debris Management Reserve until a total of \$5 million is accumulated in the reserve. If disbursements are then made to the reserve bringing it below \$5 million, cleanup waste fees will again be allocated to the reserve.

FUNDING GUIDELINES

A. Qualifying disasters include:

- 1) Any disaster that impacts the region for which the President issues a major disaster declaration and thereby authorizes the provision of Individual and/or Public Assistance from the federal government.
- 2) Any disaster declared eligible by the Metro Chief Operating Officer. This determination will be based on:
 - quantity of debris generated
 - impact on the region's solid waste system
 - impact on marginalized communities
 - other considerations at the time a disaster occurs

In the event the Chief Operating Officer decides to declare a disaster eligible for grant funding, the Chief Operating Officer shall provide the Metro Council with 7 business days notice prior to making the declaration, with a description of the criteria used to make the

determination. Upon notice the Metro Council may elect to require Council hearing and approval prior to the declaration.

- B. Eligible grant recipients.** Any incorporated city or county government located within or partly within the Metro boundary shall be eligible for a disaster debris management grant following a qualifying disaster. City or county government must have a signed MOU with Metro identifying roles and responsibilities in debris management, and be in compliance with that agreement. If the city or county government does not have an MOU in effect an opportunity will be provided to negotiate and execute one.
- C. Debris management work that qualifies for a grant.** After a qualifying disaster occurs, an eligible recipient may submit an application for grant funding to cover expenses incurred by the applicant. Debris management work must meet the following criteria to be eligible for grant funds:
- 1) Expenses must be for managing debris generated by the qualifying disaster.
 - 2) Debris must be of the debris types approved for grant funding for that disaster.
 - 3) Expenses must be for debris management work conducted within the Metro jurisdictional boundary, or within the three county watershed outside the Metro boundary if a determination is made that the work provides a benefit to residents of the Metro region.
 - 4) Expenses must be for types of debris management work specified in the grant application process for that specific disaster. In all presidentially declared disasters, Metro will reimburse up to the full local share of debris management costs. In all qualifying disasters other types of expenses may also be approved, including
 - a) Local government costs for clearing debris on public land, or mitigating imminent hazards posed by debris on any type of property, that are not reimbursable by FEMA
 - b) Operation of debris collection sites for consolidation of debris, or sites open to the public, either at no cost or with subsidized fees.
 - c) Public voucher distribution to assist with debris management, such as taking debris to a facility, debris management tools and supplies, or contractor costs.
 - 5) Expenses for debris management work must meet the following standards:
 - a) For local share of FEMA-reimbursable debris management costs, all debris operations must be in compliance with FEMA debris management standards found in the applicable Public Assistance Program and Policy Guide (PAPPG), or applicant must make good faith efforts to comply with those standards.
 - b) All contracted work must be procured in accordance with the jurisdiction's own procurement rules and state procurement law.
 - c) Expenses shall not include budgeted staff costs.
 - d) Other requirements for grant funding may be established following a qualifying disaster. For example, when distribution of vouchers for the public is an allowable expense, restrictions on the uses, expiration date, and other details may be required, or when debris collection sites are an allowable expense, site operations standards may be required.

USE OF FUNDS FOR METRO'S DEBRIS RELATED EXPENSES

Funds in the disaster debris management reserve will be available for use by Metro for debris management costs following a disaster, including the following:

- Debris clearing at Metro properties

- Metro operation of debris collection sites
- HHW collection related to disaster recovery
- Administration costs for the debris management grant program
- Other debris management costs following a disaster incurred by Metro, such as activities that provide training opportunities to Metro staff, or that Metro conducts as part of a mutual aid agreement

GRANT PROCEDURES

Following a qualifying disaster, the WPES Director will designate staff to develop grant application materials, and process and review grant applications. The WPES director will approve details specific to the disaster, including:

- Timeline for applications and awards
- Areas in the region or watershed impacted by the disaster and eligible for grants
- Types of debris management work eligible for grant funds (see C 4 above), and standards that must be followed (see C 5 above)
- Debris types eligible for grant funds
- Reporting requirements for grant awards

Metro will then communicate with all affected jurisdictions the grant application timeline and requirements.

Application process

- An eligible applicant must submit a complete grant application in the form and format prescribed by Metro to be considered for funding.
- Each grant application must include: narrative description of debris management work either completed or proposed, and detailed cost records or estimates.
- Metro staff will provide assistance to applicants on how to complete an application.
- Applications received by the submittal deadline date will be reviewed by Metro. Designated Metro staff will review each complete proposal received by the submittal deadline to determine whether the debris management work described in the application meets the requirements.

Grant Awards

1. Funds in the disaster debris management reserve at the time the disaster occurs will be available for awarding grants, except that \$500,000 will be reserved for Metro needs.
2. When available funds in the disaster debris management reserve exceed the total funds requested, all qualifying grant applications will be awarded funds for all eligible expenses.
3. When qualifying funds requested through grant applications exceed the available amount in the reserve, a prioritization process will be followed to allocate available funds. This could

include funding some requests and not others, or awarding partial funding for some or all requests.

Prioritization of funds

When requests for funding exceed the availability of funds.

- 1) Funds will first fully cover Metro's incurred post-disaster debris management expenses
- 2) Following that, local governments' requests will be scored by a review committee on the following scale:
 - Meets program goal 2 (pass/fail)
 - Speeds recovery after disasters (5 points)
 - Maintains public confidence in local and regional governance (5 points)
 - Program is designed to reduce barriers and serve historically marginalized communities (5 points)
 - Disaster impact area coincides with equity focus area (5 points)
 - Disaster's severity on the requesting jurisdiction (5 points)
 - Jurisdiction does not have the financial resources to manage post-disaster debris (5 points)

4. WPES Director makes the final decision on all grant awards.
5. Metro will enter into an intergovernmental agreement with each successful applicant. This will serve as a contract and will specify the amount granted, and all conditions that the applicant must comply with to receive funds.
6. Upon award and after the contract has been signed:
 - a. For work that has been completed and award conditions met, including reporting requirements, Metro will process payment immediately.
 - b. For work that has not been completed, Metro will immediately distribute 50% of the estimated total award. After the work is complete and award conditions are met, including reporting requirements, Metro will distribute the remaining 50%.

REPORTING TO COUNCIL

Following an eligible disaster after which one or more grants are awarded, Metro staff will produce a report documenting the grants awarded and grant outcomes. That report will be presented to the Metro Council.

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.