



A Public Agency

CONSENT CALENDAR

STAFF REPORT

To: SBWMA Board Members
From: Tj Carter, Program Manager II, Recycling and Compliance
Joanne Nghiem, Management Analyst III
Date: March 23, 2023 Board of Directors Meeting
Subject: Resolution Authorizing Submittal of Application(s) for the CalRecycle Cycle 7 Organics Grant and Payment Programs

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No 2023-14 attached hereto authorizing the submittal of application(s) for the CalRecycle Cycle 7 Organics Grant and Payment Programs.

Summary

CalRecycle has announced a Notice of Funds Available for the Cycle 7 Organics Grant Program to provide funds to support expansion of waste management infrastructure, particularly for new or expanded organics infrastructure such as composting and digestion facilities, to achieve greenhouse gas reductions.

SBWMA staff are working with the manufacturer of our Organics-to-Energy (O2E) organics processing equipment, Anaergia, to scope possible expansion of pre-processing capabilities for the OREX Press to submit for the CalRecycle Organics Grant as part of the O2E material processing program. The SBWMA is anticipating an increase in inbound food waste tonnage due to the organic waste collection requirements of SB 1383. The SBWMA and Recology are estimating roughly 4,400 additional new accounts will need to start organics collection by the end of 2023. By improving the pre-processing capabilities of the OREX Press, the SBWMA would be able to capture and divert more food waste material from the landfill and improve the operating efficiency of the O2E Program.

CalRecycle requires the SBWMA Board of Directors, as the governing body of the agency, to authorize submittal of the Organics Grant and the acceptance of payment, if awarded grant funds.

Organics Grant applications are due to CalRecycle by April 20, 2023.

Analysis

Eligible projects include:

- Construction, renovation, or expansion of facilities to increase in-state infrastructure for the composting or digestion of organics into compost, soil amendments, fertilizers, biofuels, or bioenergy.
- Construction, renovation, or expansion of facilities to increase in-state infrastructure for the pre-processing of organics.

Projects must result in an increase in tons of green materials or food materials diverted from landfills beyond that which the pre-processor was already diverting.

Project Requirements

- Projects must be located in California and facilitate or result in:
 - Reductions in GHG emissions compared to existing practices of landfilling green or food materials within California; and
 - Increases in quantity (tons) of green materials or food materials that are newly diverted from landfill disposal or alternative daily cover (ADC) use, and composted or digested in California.
 - For purposes of this program, “newly diverted” means the tons of materials that are currently being landfilled or used as ADC that will instead be diverted as a result of this project.
- For Co-Digestion Projects - Project must either have an existing food waste receiving station with excess capacity on-site or propose to construct new or expanded food waste receiving station infrastructure that allows for direct receipt of food waste into the anaerobic digester(s). (A project that proposes to receive food waste at the headworks or through the sewage system for co-digestion is ineligible.)
- For Anaerobic Digestion Projects and Co-Digestion Projects - Project utilize the biogas that is generated to produce transportation fuel, renewable electricity, heat, or biomethane for pipeline injection.

Funding

In utilizing various funding sources, a grand total of \$154,960,671 is available for this grant cycle. Of that, at least \$5,549,473 must be awarded to co-digestion projects and \$81,000,000 must be awarded to local jurisdictions, according to the California State Budget. The remaining \$68,411,198 is available to all eligible entities and all eligible project types. If there are any funds remaining from the \$81,000,000 SB 1383 funding, those remaining funds will be utilized in another SB 1383 related grant program.

Preliminary estimates from Anaergia on adding pre-processing capabilities to the O2E Program are approximately \$3 million. The maximum grant award for stand-alone pre-processing projects is \$3 million.

Timeline

| Date | Details |
|--|---|
| April 20, 2023: Application Due Date | Applicants must submit applications in GMS by 11:59 p.m. on this date. |
| May 11, 2023: Secondary Due Date | Submit approved Resolution or Letter of Commitment and any other Applicant’s. |
| October 2023 (tentative): Grants Awarded | CalRecycle considers funding recommendations, and if approved, conditionally awards grants during this month. |

Anticipated Project

SBWMA staff are working with Anaergia to prepare designs for expansion of pre-processing capabilities for the OREX Press to submit for the CalRecycle Organics Grant as part of the existing Organics-to-Energy Program. The SBWMA is anticipating an increase in inbound food waste tonnage due to the organic waste collection requirements of SB 1383. The SBWMA and Recology are estimating roughly 4,400 additional new accounts will need to start organics collection by the end of 2023. In addition, the current OREX Press is unable to process residential source separated organic waste due to the presence of yard waste. Therefore, a pre-processing step will be able to capture food waste that is currently being omitted and will be able to generate cleaner food waste to be sent for anaerobic digestion at wastewater treatment plants. By improving the pre-processing capabilities of the

OREX Press, the SBWMA would be able to capture and divert more food waste material from the landfill and improve the operating efficiency of the O2E Program.

Background

The Department of Resources Recycling and Recovery (CalRecycle) administers the Organics Grant Program to provide opportunities to further the purposes of the California Global Warming Solutions Act (AB 32) and lower overall greenhouse gas (GHG) emissions by expanding existing capacity or establishing new facilities in California to reduce the amount of California-generated green materials, food materials, or alternative daily cover (ADC) being sent to landfills.

The Organics Grant Program is part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero-emission vehicles, environmental restoration, more sustainable agriculture, recycling, and much more. At least 35 percent of these investments are located within and benefiting residents of disadvantaged communities, low-income communities, and low-income households across California.

Fiscal Impact

If a CalRecycle Organics grant is secured by the SBWMA, this will be supplemental organics program development funding, and there will be no impact to the SBWMA's adopted FY2023 budget. Grant awards range from \$500,000 to \$3,000,000.

Attachments:

Resolution 2023-14



RESOLUTION NO. 2023-14

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR THE CALRECYCLE CYCLE 7 ORGANICS GRANT AND PAYMENT PROGRAMS

WHEREAS, Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant and payment programs in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and administration of the application, awarding, and management of the grant programs; and

WHEREAS, CalRecycle's procedures for administering payment and grant programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment and grant program.

NOW, THEREFORE, BE IT RESOLVED that South Bayside Waste Management Authority is authorized to submit an application to CalRecycle for any and all grant and payment programs offered; and

BE IT FURTHER RESOLVED that the Executive Director, or his/her designee is hereby authorized and empowered to execute in the name of the South Bayside Waste Management Authority all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved grant or payment project; and

BE IT FURTHER RESOLVED that these authorizations are effective from the date of adoption through March 23, 2028.

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority hereby approves.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 23rd day of March, 2023 by the following vote:

| Agency | Yes | No | Abstain | Absent | Agency | Yes | No | Abstain | Absent |
|----------------|------------|-----------|----------------|---------------|------------------------|------------|-----------|----------------|---------------|
| Belmont | | | | | Redwood City | | | | |
| Burlingame | | | | | San Carlos | | | | |
| East Palo Alto | | | | | San Mateo | | | | |
| Foster City | | | | | County of San Mateo | | | | |
| Hillsborough | | | | | West Bay Sanitary Dist | | | | |
| Menlo Park | | | | | | | | | |

I HEREBY CERTIFY that the foregoing Resolution No. 2023-14 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on March 23, 2023

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board

STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, Executive Director
Joanne Nghiem, Management Analyst III
Date: March 23, 2023 Board of Directors Meeting
Subject: Resolution Designating Agent to Act on Authority's Behalf For Applications for Public Assistance from the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (OES) Regarding Disaster and Emergency-Related Costs

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No 2023-15, attached hereto, designating the Executive Director as the Authority's agent for purposes of applying for emergency-related funding assistance from the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (OES).

Summary

Due to the California severe winter storms, flooding, landslides, and mudslides that occurred between December 27, 2022 and January 31, 2023, the agency-owned Shoreway Environmental Center (SEC) sustained damage to multiple locations on the site due to extreme flooding, most notably to the Transfer Station tunnel and the Recology administration building located at 225 Shoreway Road. San Mateo County was declared a designated area under Disaster Declaration Number 4683. This means state, local, tribal and territorial governments and certain private-non-profit organizations in the designated counties are eligible for assistance for emergency work and the repair or replacement of disaster-damaged facilities under the FEMA Public Assistance Program. Staff has begun the application process for FEMA assistance to reimburse the disaster-related costs that have been incurred. As part of the process, the SBWMA must submit a Designation of Applicant's Agent Resolution. This Resolution designates Authority employees who are authorized to take all necessary actions and execute all necessary documents to apply for reimbursement of eligible costs.

Analysis

The total cost related to the flood damage to the Transfer Station and Recology administration building is estimated to be approximately \$200,000. In addition, due to the closure of Highway 92 during this disaster period, South Bay Recycling (SBR) incurred additional mileage related costs of \$230,000 for the transportation of mixed solid waste to OX Mountain Landfill. Staff plans to request reimbursement for all disaster related costs, totaling \$430,000.

FEMA also encourages protecting these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process, for which FEMA will provide funding. Costs related to mitigation

measures are currently unknown and Staff will work with FEMA to identify any recommended mitigation measures that would increase the resilience of the Transfer Station and Recology administration building.

Background

On Friday December 30, 2022, Shoreway Road flood waters entered the Transfer Station tunnel and Recology administration building located at 225 Shoreway Road. The site was inaccessible and the Executive Director issued an Emergency Order for the site. On Saturday December 31, 2022, after the waters had receded, the site became accessible. On Sunday January 1, 2023, water and mud was pumped from the Transfer Station tunnel and normal solid waste material transfer operations resumed on January 2nd, 2023.

On Monday January 2, 2023, Staff and Recology staff assessed the Recology administration building flooding damage and found flooring and drywall water damage was throughout the entire first floor. The building was vacated and a restoration contractor was hired immediately. The damaged flooring, workstations and furniture were all removed the first week of January 2023 and dryers were set up to reduce mold impact. After negative test results for asbestos on January 9, 2023, drywall was removed by the restoration contractor. A flooring contractor is currently in the process of replacing the floor and Staff continues to address additional repairs needed.

Fiscal Impact

Federal grant funding will reimburse up to 75% of the incurred eligible costs. The remaining non-federal share of 25% may be split with the SBWMA and the California Governor's Office of Emergency Services, as determined by the California Governor's Office of Emergency Services.

Attachments:

Resolution 2023-15



RESOLUTION NO. 2023-15
RESOLUTION OF THE SOUTH BAYSIDE WASTE
MANAGEMENT AUTHORITY BOARD OF DIRECTORS
DESIGNATING THE EXECUTIVE DIRECTOR TO ACT AS THE AUTHORITY’S AGENT FOR
PURPOSES OF APPLYING FOR PUBLIC ASSISTANCE FROM THE FEDERAL EMERGENCY
MANAGEMENT AGENCY AND THE CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY
SERVICES

WHEREAS, local government entities, including the South Bayside Waste Management Authority (SBWMA), are eligible to seek reimbursement from the Federal Emergency Management Agency (FEMA) for the cost of eligible emergency protective measures taken to respond to declared emergencies. This reimbursement is called Public Assistance. Public Assistance is distributed to California local government entities through the California Governor’s Office of Emergency Services (Cal OES); and

WHEREAS, in order to apply for Public Assistance, SBWMA must submit an application to Cal OES. As part of the application, SBWMA must submit a Designation of Applicant’s Agents Resolution, on the form provided by Cal OES (OES-FPD-130), attached hereto as Attachment A. This Resolution designates SBWMA employees who are authorized to submit the application to Cal OES on behalf of SBWMA; and

WHEREAS, the Board of Directors desire to appoint and authorize an agent to apply and seek reimbursement for disaster-related expenditures under FEMA, Cal OES, and any other governmental entity or agency that may provide such funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors finds that the above recitals are true and correct and hereby adopts the “Designation Of Applicant’s Agent Resolution For Non-State Agencies”, attached hereto as Attachment A.

BE IT FURTHER RESOLVED that the Executive Director is authorized to take all necessary actions and execute all necessary documents to apply for reimbursement of eligible SBWMA costs resulting from declared disasters, from FEMA, Cal OES, and any other government agency or entity providing such funding.

BE IT FURTHER RESOLVED that these authorizations are effective from the date of adoption through March 23, 2026.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 23rd day of March, 2023 by the following vote:

| Agency | Yes | No | Abstain | Absent | Agency | Yes | No | Abstain | Absent |
|----------------|-----|----|---------|--------|--------------|-----|----|---------|--------|
| Belmont | | | | | Redwood City | | | | |
| Burlingame | | | | | San Carlos | | | | |
| East Palo Alto | | | | | San Mateo | | | | |

| | | | | | | | | | |
|--------------|--|--|--|--|------------------------|--|--|--|--|
| Foster City | | | | | County of San Mateo | | | | |
| Hillsborough | | | | | West Bay Sanitary Dist | | | | |
| Menlo Park | | | | | | | | | |

I HEREBY CERTIFY that the foregoing Resolution No. 2023-15 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on March 23, 2023

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board



Cal OES ID No: _____

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH BAYSIDE WASTEMANAGEMENT AUTHORITY
 (Governing Body) (Name of Applicant)

THAT EXECUTIVE DIRECTOR, OR
 (Title of Authorized Agent)

_____, OR
 (Title of Authorized Agent)

 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the SOUTH BAYSIDE WASTEMANAGEMENT AUTHORITY,
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the SOUTH BAYSIDE WASTEMANAGEMENT AUTHORITY, a public entity established under the
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s):_____

Passed and approved this 23 day of MARCH, 2023

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

CERTIFICATION

I, CYNDI URMAN, duly appointed and Clerk of the Board of

 (Name) (Title)
SOUTH BAYSIDE WASTEMANAGEMENT AUTHORITY, do hereby certify that the above is a true and

 (Name of Applicant)

correct copy of a resolution passed and approved by the BOARD OF DIRECTORS

 (Governing Body)
 of the SOUTH BAYSIDE WASTEMANAGEMENT AUTHORITY on the 23 day of MARCH, 2023.

 (Name of Applicant)

 (Signature)

Clerk of the Board

 (Title)



Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.



Checking Universal or Disaster-Specific Box: A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

Certification Section:

Name and Title: This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."