

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # *B-3

Urgent

Routine

AGENDA DATE November 24, 2015

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

STAFF RECOMMENDATIONS:

1. Authorize the Director of Environmental Resources, or designee, to apply for, enter into and sign routine Fiscal Year 2016-2017 grant agreements and contracts for various State and Regional programs.
2. Authorize the Director of Environmental Resources, or designee, to approve and sign any amendments to the routine Fiscal Year 2016-2017 grant agreements and contracts for various State and Regional programs.

(Continued on next page)

FISCAL IMPACT:

State agreements and contracts detailed in this item represent approximately \$283,300 in payments and reimbursements to the Department of Environmental Resources for Budget Year 2016-2017 program activities and for a two year Local Government Waste Tire Cleanup Grant for Budget Years 2016-2017 and 2017-2018. Revenue estimates are included in each program discussion and if the contract amounts vary significantly from anticipated revenue, the Department will return to request separate Board of Supervisors' approval.

(Continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2015-582

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

STAFF RECOMMENDATIONS (CONTINUED):

3. Adopt a Resolution to authorize the Director of Environmental Resources, or designee, to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for Fiscal Year 2016-2017 to promote the administration of a regional waste tire enforcement program.
4. Adopt a Resolution to authorize the Director of Environmental Resources, or designee, to apply for the two year Local Government Waste Tire Cleanup Grant from the California Department of Resources Recycling and Recovery for Fiscal Years 2016-2017 and 2017-2018 to promote the administration of the County's waste tire cleanup program.

FISCAL IMPACT (CONTINUED):

If approved, revenue estimates and appropriations associated with these agreements and contracts will be identified in the Budget Year 2016-2017 Proposed Budget or a subsequent quarterly budget adjustment interval if necessary due to the timing of the receipt of grant funds.

DISCUSSION:

The Department of Environmental Resources (Department) has many routine and long-standing grant agreements and contracts with State agencies. Historically, requests to apply for and receive funds have been individually brought to the Board of Supervisors for approval. Beginning in 2010, the Department took the opportunity to consolidate these efforts in order to increase the efficiency of government operations and expedite the processing of these State grant agreements and contracts. Consequently, the Board gave approval to apply for and receive funds for various grants and contracts on a single agenda item. Continuing with this streamlined process, the Department is requesting approval for Fiscal Year 2016-2017 grant applications and contracts. Specifically, staff recommends that the Director be authorized to apply for various State grants and contract funds, enter into and sign routine agreements and contracts for those funds, and accept awards of these funds for Fiscal Years 2016-2017 and 2017-2018.

The Local Government Waste Tire Cleanup Grant is a two year grant. The current grant runs through June of 2016. Funding for this grant will be received in Fiscal Years 2016-2017 and 2017-2018. It is also requested that the Director be authorized to approve and sign any amendments to these routine agreements and contracts for Fiscal Years 2016-2017 and 2017-2018.

The following is a listing of long-standing and anticipated agreements and contracts for Fiscal Year 2016-2017 and also includes Fiscal Year 2017-2018 for the Local Government Waste Tire Cleanup Grant:

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California Department of Resources Recycling and Recovery

Beverage Container Recycling Funds

In the 1980s, Assembly Bill (AB) 2020, more commonly known as the "Bottle Bill," was enacted. This legislation created the point-of-purchase surcharge on most bottled beverages, such as soda, wine coolers, beer, etc.

Changes to AB 2020 were made in 1999 prior to the sunset of the legislation. The most significant change for local government was the return of some of the surcharge monies to the local level for the enhancement of beverage container recycling efforts. Specifically, Section 14581(a)(5)(A) of the Beverage Container Recycling and Litter Reduction Act states that \$10.5 million will be returned annually to cities and counties of the State, on a per capita basis. Stanislaus County applies for these funds annually.

Funds are used to supplement existing recycling efforts as follows:

1. Staff costs and public outreach and educational materials and resources associated with the implementation of the Mandatory Commercial Recycling Program imposed by the State with the passage of Assembly Bill 341;
2. Updating and redesign of recycling pages on the County website;
3. Equipment and supplies such as recycling containers and signs for schools throughout the unincorporated areas of the County and public areas;
4. Public outreach and education materials including advertising, which is tailored to support local programs;
5. Purchase of end-use items, such as park benches/tables containing recycled content; and
6. Staffing costs associated with the administration of recycling activities.

Recycling programs such as these assist Stanislaus County jurisdictions in meeting the 50% diversion rate mandate, specified by AB 939, otherwise known as the California Integrated Waste Management Act of 1989. For Fiscal Year 2015-2016, the Department was awarded \$28,810 and it is anticipated that the funds awarded for Fiscal Year 2016-2017 will be between \$5,000 and \$35,000.

Local Government Waste Tire Cleanup Grant

The State of California generates almost 39 million waste tires annually. Although nearly three-quarters of all discarded tires are recycled in the State, the remainder poses an annual 10.5 million tire disposal concern for cities and counties. The illegal disposal or stockpiling of tires in the State is a problem that ranks in the top tier in the nation.

The illegal dumping and accumulation of tires is an ongoing problem in the County. In many areas, tires are dumped in large quantities. These occurrences not only present blight and health concerns, they also obstruct emergency vehicles from driving through alleys, present fire hazards, and can attract mosquitoes and other vectors that can spread disease.

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

The California Department of Resources Recycling and Recovery (CalRecycle) Waste Tire Cleanup and Amnesty Event Grants were established to address this growing problem of unlawful disposal of waste tires. In 1989, the California Legislature passed the California Tire Recycling Act, AB 1843, authorizing the creation of the California Tire Recycling Management Fund. This fund comes from a fee of \$1.75 collected on the retail sale of every new tire sold in California. CalRecycle allocates approximately \$2 million for competitive grants each fiscal year for waste tire cleanup events.

The upcoming Local Government Waste Tire Cleanup Grant application will be for a two-year period, Fiscal Years 2016-2017 and 2017-2018. The Local Government Waste Tire Cleanup Grant will be used to reimburse the Department of Environmental Resources for tire collection and recycling costs for the approximately 2,600 waste tires collected under this program.

For Fiscal Years 2014-2015 and 2015-2016, the Department was awarded \$15,775 for the Local Government Waste Tire Cleanup Grant. The Local Government Waste Tire Cleanup Grant is a competitive grant so funding is not guaranteed. The approximate amount of the grant for Budget Years 2016-2017 and 2017-2018, is estimated to be \$16,000.

For the following programs discussed below, the Department intends to continue a regional approach as it has historically. For the Fiscal Year 2016-2017 applications, the region will include participating cities and the unincorporated areas of Stanislaus County. Letters of support from these cities will be included in the grant applications. Stanislaus County has historically taken the lead role in the application for and administration of regional grant applications.

Waste Tire Enforcement

CalRecycle also provides grant funding from the Tire Recycling Management Fund for the enforcement of waste tire regulations. Specifically, the Waste Tire Enforcement Program allows jurisdictions to administer a comprehensive Waste Tire Enforcement Program which includes the following elements: identification, documentation, education, and inspection of businesses involved in the generation, collection, transportation, and disposal of waste tires. The funding provided by this non-competitive grant reimburses the Department for all expenses incurred from its local Waste Tire Enforcement Program, with the exception of tire amnesty collection events.

In these programs, local agencies are not responsible for prosecuting violators. Instead, noncompliant violators of the waste tire regulations are referred to CalRecycle for legal action. Currently, there are 618 (up from 425 last year) waste tire businesses in Stanislaus County and in the participating cities. The grant requires inspections of each of these tire facilities, tire dealers, auto dismantlers, tire haulers, and other waste tire generators, and limits inspection frequencies to once every 1-3 years depending on the type of facility, unless compliance issues are encountered. The local enforcement of the waste tire regulations will emphasize the importance of proper disposal, reuse, and recycling of waste tires through education and regulation of generators, haulers, and end-user businesses.

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

Since the program's inception in 2006, two large tire piles containing over 20,000 tires have been cleaned up. Over 2,618 inspections of tire facilities and tire haulers have been conducted, with 36 notices of violation issued along with eleven referrals to CalRecycle for legal action. For Fiscal Year 2014-2015, the Department conducted 220 inspections and issued 2 notices of violation. Subsequent grants have been aimed at conducting inspections and referring enforcement actions to the State, all of which have been successful.

For Fiscal Year 2015-2016, the Department was awarded \$118,000. All budgeted expenses associated with the local Waste Tire Enforcement Program will be reimbursed to the Department including grant administration, approximately one-half of an existing full-time employee, training, and all necessary field and office equipment. This Program covers Stanislaus County's unincorporated area as well as a majority of the incorporated cities. The City of Modesto administers its own Waste Tire Enforcement Program and is not included in this regional grant.

Used Oil Payment Program (OPP)

The California Oil Recycling Act (Act) provides for, among other things, funding to assist local governments in developing and maintaining ongoing used oil and used oil filter collection/recycling programs for their communities. In 2009, Senate Bill 546 (Lowenthal) was enacted which made various changes to the Act, increasing the statewide funding from \$10 million to \$11 million per year, and encouraging local governments to use approximately 10 percent of their individual funding on the collection and recycling of used oil filters.

The OPP is non-competitive and provides funds to establish and maintain used oil and used oil filter collection/recycling programs. Actual budget amounts are determined annually as part of the State budget process. Allocations are calculated on a per capita basis using the Department of Finance's population statistics. Programs paid for by this funding will help Stanislaus County and the cities within the regional group in meeting the goals and objectives of their Household Hazardous Waste (HHW) Programs such as continuing educational efforts aimed at diverting HHW from the waste stream and expanding used oil and used oil filter recycling opportunities.

By Resolution adopted on June 29, 2010, the Board of Supervisors has authorized Stanislaus County to submit an annual OPP regional application on behalf of itself as Lead Agency and the participating agencies/jurisdictions that include: Hughson, Newman, Oakdale, Patterson, Riverbank, Waterford, and Turlock. This authorization is effective until rescinded by the Board.

For Fiscal Year 2016-2017, approximately \$85,000 will be available to the County and the participating cities to continue promotion of used oil and used oil filter recycling. For Fiscal Year 2015-2016, the Department was awarded \$64,590. OPP funds must be expended within a maximum 24-month term.

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

California Certified Unified Program Agency (Cal-CUPA) Forum Environmental Trust Fund:

The Department of Environmental Resources (Department) was designated by the State of California, Environmental Protection Agency as the Certified Unified Program Agency (CUPA) for Stanislaus County in 1997. The Hazardous Materials Division, as the CUPA, administers the following programs, pursuant to the authority granted by the California Health and Safety Code, Section 25404:

- Hazardous Materials Business Plan Program
- California Accidental Release Prevention Program
- Hazardous Waste Generator Program
- Tiered Permitting Program
- Underground Storage Tank Program (UST)
- Aboveground Petroleum Storage Tank Program (AGT)
- Medical Waste Management Program

In addition to conducting inspections, CUPA staff responds to chemical emergencies, remediates medical and hazardous waste dump sites, transports hazardous material and medical waste, and conducts investigations and enforcement.

The California CUPA (Cal-CUPA) Forum was formed to provide a single statewide organization, consolidating Unified Program implementation efforts and representing all Unified Program agencies with a single voice. The Cal-CUPA Forum strives to achieve consistency, consolidation, and coordination in the implementation of the Unified Program, in an efficient and effective manner. To achieve these goals, the Cal-CUPA Forum established a trust fund to manage and disburse grant monies from environmental case settlements to enhance the investigation, inspection and enforcement of Unified Programs throughout the State of California.

The Department is requesting authorization to apply and accept the Cal-CUPA Environmental Trust Fund grant in an amount of up to \$36,000 to purchase a vehicle to be used by the CUPA inspectors. The vehicle will be used for inspections and transportation of hazardous waste picked up from emergency response sites. The new vehicle will also allow CUPA inspector's the ability to conduct site visits to assist the regulated community with their submittals of hazardous materials regulatory information into the California Electronic Reporting System.

POLICY ISSUE:

Approval of these actions is consistent with the Board's priorities of A Safe Community, A Healthy Community, A Strong Local Economy, Effective Partnerships, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. These grants and contracts provide critical funding for the administration of various programs that support the Department of Environmental Resource's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

Approval for the Director of Environmental Resources to Apply for, Enter Into, and Sign Routine Grant Agreements and Contracts for Various State and Regional Programs for Fiscal Year 2016-2017 and a Two Year Local Government Waste Tire Cleanup Grant for Fiscal Years 2016-2017 and 2017-2018

STAFFING IMPACTS:

Funding provided through grants and contracts support current staffing levels to perform these functions.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 24, 2015

2015-582(a)

On motion of Supervisor Chiesa and approved by the following vote, Seconded by Supervisor O'Brien

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *B-3

THE FOLLOWING RESOLUTION WAS ADOPTED:

RESOLUTION OF THE STANISLAUS COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE WASTE TIRE ENFORCEMENT GRANT FROM THE CALIFORNIA DEPARTMENT OF RECYCLING AND RECOVERY FOR FISCAL YEAR 2016-2017.

WHEREAS, Public Resources Code (PRC § 40000) et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various Grant Programs (grants) 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 application, awarding, and management of the grants; and


WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors authorizes the submittal of an application to CalRecycle for the Waste Tire Enforcement Grant for which Stanislaus County is eligible; and

BE IT FURTHER RESOLVED that the Director of Environmental Resources, or designee, is hereby authorized and empowered to execute in the name of Stanislaus County all grant documents, including but not limited to, applications, agreements, amendments and requests for payment necessary to secure grant funds and implement the approved grant project; and

BE IT FUTHER RESOLVED that these authorizations are effective for a period of less than five years from December 1, 2015 through December 31, 2017.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 24, 2015

2015-582 (b)

On motion of Supervisor Chiesa Seconded by Supervisor O'Brien
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini and Chairman Withrow
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

Item # *B-3

THE FOLLOWING RESOLUTION WAS ADOPTED:

**RESOLUTION OF THE STANISLAUS COUNTY BOARD OF SUPERVISORS AUTHORIZING
SUBMITTAL OF AN APPLICATION FOR THE LOCAL GOVERNMENT WASTE TIRE CLEANUP
GRANT FROM THE CALIFORNIA DEPARTMENT OF RECYCLING AND RECOVERY.**

WHEREAS, Public Resources Code sections 40000 et seq. authorized the Department of Resources Recycling and Recovery (CalRecycle), to administer various grant programs (grants) 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 necessary procedures governing the application, awarding and management of its grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors authorizes Stanislaus County to submit a Local Government Waste Tire Cleanup Grant application on behalf of itself.

BE IT FURTHER RESOLVED that the Director of Environmental Resources, or designee, is hereby authorized and empowered to execute on behalf of Stanislaus County all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for a period less than five years from December 1, 2015 through December 31, 2018.

ATTEST: **CHRISTINE FERRARO TALLMAN, Clerk**
Stanislaus County Board of Supervisors,
State of California



File No.