

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

DEPT: Environmental Resources *SJL*

BOARD AGENDA # *B-7

Urgent Routine

AGENDA DATE August 31, 2010

CEO Concurs with Recommendation YES NO
Ant
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Apply for Environmental Protection Trust Funds for the Period from January 1, 2010, Through March 31, 2013, to Implement the California Electronic Reporting System

STAFF RECOMMENDATIONS:

Authorize the Director of the Department of Environmental Resources, or her designee, to apply for Environmental Protection Trust Funds for the Period of January 1, 2010, through March 31, 2013, to implement the California Electronic Reporting System.

FISCAL IMPACT:

Approval of this item will provide approximately \$148,166 to reimburse the Department of Environmental Resources for expenses incurred to transition to electronic reporting as required by Assembly Bill 2286.

BOARD ACTION AS FOLLOWS:

No. 2010-544

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Apply for Environmental Protection Trust Funds for the Period from January 1, 2010, Through March 31, 2013, to Implement the California Electronic Reporting System

DISCUSSION:

In September 2008, Assembly Bill (AB) 2286 was signed into law. This legislation amended Section 25404 of the California Health and Safety Code (H&S Code) and requires that all businesses and agencies report data from the Unified Hazardous Waste and Materials Management Regulatory Programs (Unified Programs) electronically into a Statewide information system known as the California Electronic Reporting System (CERS).

As written, Section 25404 of the H&S Code requires all regulated businesses and local government agencies to use CERS to electronically file required Unified Program information to the State. Currently, this information is filed using paper forms. Facility data that must be filed electronically includes: hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation information. It also includes Certified Unified Program Agency (CUPA) data such as inspections and enforcement actions. All regulated businesses and Unified Program Agencies in the State of California must move towards the use of the CERS to report information electronically by January 1, 2013.

To establish the CERS data system and fund the implementation of AB 2286, the Board of Supervisors approved the State oversight surcharge increase of \$25 dollars on CUPA regulated businesses on December 8, 2009. Seventy five percent of the CERS surcharge money collected is allocated to CUPAs in the form of a grant allocation and twenty five percent remains with the State to cover administrative costs. The amount of grant funds available to the Stanislaus County CUPA to implement AB 2286 is \$148,166. This amount has been pre-determined by the California Environmental Protection Agency based on the total number of regulated facilities within Stanislaus County. The intent of the legislation was to fund the start-up and implementation of the program and have the fee sunset after 2013. Any change in this program direction would require new legislation.

To meet the AB 2286 mandate, the Department of Environmental Resources has started the transition to electronic reporting by altering its internal CUPA database to mimic the State's data dictionary. A Transition Plan (Attachment A) has been developed to identify what levels of electronic reporting currently exist and what Stanislaus County intends to have in place by 2013. The grant money has been designated for program development, business outreach, training for staff and businesses, technical support, and equipment needed to implement the program as noted.

POLICY ISSUE:

The Board of Supervisors should determine if applying for Environmental Protection Trust Funds is consistent with the Board's priorities of a safe community, a healthy community, effective partnerships, a well planned infrastructure system, and the efficient delivery of public services. Such funding would assist the County in their efforts to comply with Assembly Bill 2286.

Approval to Apply for Environmental Protection Trust Funds for the Period from January 1, 2010, Through March 31, 2013, to Implement the California Electronic Reporting System

STAFFING IMPACTS:

There are no staffing impacts at this time. The duties associated with implementing the CERS program will be handled through existing staff.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Environmental Resources. Telephone: 209-525-6770

Stanislaus County Transition Plan

Unified Program Agency Name: Stanislaus County Department of Environmental Resources (SCDER)

TRANSITION PLAN REPRESENTATIVE
Name of Project Director: Robert Riess
Street Address: 3800 Cornucopia Way, Suite C
City, Zip: Modesto, 95358
Phone: 209.525.6749
Fax: 209.525.6774
E-mail: rriess@envres.org

1. General Description of the Transition Plan

Stanislaus County Department of Environmental Resources (SCDER) Certified Unified Program Agency (CUPA) will transition from their current reporting system to electronic reporting as mandated by Assembly Bill 2286 (AB 2286). Under AB 2286, all regulated businesses will be required to submit Unified Program Consolidated Forms (UPCF's) information electronically by January 1, 2013. Currently, SCDER collects all hazardous materials business plan, hazardous waste generator, and underground storage tank forms in paper/hardcopy format for approximately 3,474 regulated businesses. District inspectors and clerical staff enter data from the paper files into a custom Microsoft Access CUPA database. Businesses currently submit their UPCF's by mail, e-mail, fax or directly to SCDER staff. Businesses that do not submit their UPCF's are mailed courtesy reminders.

SCDER will transition to the California Environmental Report System (CERS) for all business reporting CUPA transactions. Mailers will be sent to businesses to notify them about the transition process with information on what business owners need to do to comply. In addition, state resource web links will be included in the mailers so that businesses have access to more information about CERS. Currently, SCDER captures all UPCF data electronically. Stanislaus County internal IT staff will initially transfer electronic data in our Microsoft Access CUPA database to CERS. The transferred electronic data will be validated by IT staff; however, businesses will be required to review their data online within 4 months after the transfer and update it if necessary. SCDER will notify businesses by a mailed courtesy letter of the completed transition and transfer of their data into CERS. On going electronic submissions will also be reviewed by SCDER staff to determine approval status. All business submittals to CERS will undergo a comprehensive review by SCDER staff who will make the final decisions regarding approval. After data transition is completed, paper UPCF's will be accepted, approved, and entered into CERS by Stanislaus County DER for 3 months. After 3 months, businesses will be required to enter their data directly into CERS or be charged a fee. SCDER inspectors will assist

businesses with general CERS questions onsite, whenever possible. During field inspections, SCDER staff will also be able to validate UPCF information in CERS for businesses via the use of laptops with internet connections. Businesses may also take advantage of CERS training workshops that will be available at the SCDER office from June 2012 to July 2012 every Thursday from 4:00 PM to 5:30 PM. SCDER staff is also researching the possibility of using libraries to conduct business training outreach.

2. Needs Assessment

There are some critical needs that SCDER must address in order to efficiently and effectively convert to and manage electronically reported data through CERS. The needs and the subsequent plan to address them are listed below:

1. Businesses that do not regularly use a computer will need assistance from SCDER and possibly the State to report data electronically. SCDER will offer training for basic CERS functions at the SCDER office. Public library computers are available to businesses that do not have computers or internet access. Initially, SCDER will make available one computer at our office for those businesses who wish to enter their data at DER. If there is sufficient demand, another computer will be provided at SCDER. State resource links to CERS will be included in an electronic reporting notification letter that will be sent out to businesses.
2. Currently, SCDER uses a Microsoft Access CUPA database to store inspection and enforcement information and UPCF information for permitting and accounting purposes. Since CERS does not perform total functionality needed for the CUPA, SCDER will have to use both CERS and the SCDER Microsoft Access database as data management systems. The Microsoft Access CUPA database will be able to download UPCF information from CERS; as well as upload locally entered information to CERS.
3. SCDER has very competent internal IT staff to perform system maintenance and internal technical support so outside IT support will not be necessary.
4. SCDER staff will need training on how to access business data in CERS. SCDER staff will also need to change how field inspections are performed because UPCF data will be accessed through the internet on tablet PC's.
5. The business community will need CERS training based on the Cal/EPA curriculum. SCDER staff will also need training from the State to assist the business community in the use of CERS and be able to provide basic guidance and support to the business community.
6. SCDER staff will need CERS technical support from the State.
7. SCDER will need grant funds from the State to fully implement electronic reporting. SCDER will need funding for internal software and hardware upgrades, and staff hours for training and implementation. SCDER will

also need funding to provide outreach and training to the business community on the use of CERS.

8. SCDER will re-evaluate the Unified Program fees after CERS has been implemented. Currently SCDER plans to redistribute current staff time to implement and manage electronic data in CERS.

3. Collecting, Submitting, and Storing Unified Program Related Information

SCDER will use CERS for collecting, submitting, and storing Unified Program information. CERS will collect and store CUPA information as specified in the Title 27 data dictionary. The SCDER Microsoft Access CUPA database will continue to collect locally required non-Title 27 related CUPA information. SCDER plans to complete the upgrade of its current data management system by January 2012. SCDER will download UPCF information from CERS for scheduling inspections and follow-up inspections, permitting and accounting purposes. Businesses will need to submit and update UPCF information directly into CERS.

4. Management of Data Changes/Updates

SCDER will manage UPCF changes through CERS. Businesses will be required to submit UPCF information directly into CERS. SCDER staff will review submissions, compare the new submissions with previously submitted information using the CERS comparison tool, and will make a determination on the approval status. If a business data submission is not approved and/or is incomplete, SCDER staff will enter a notation in CERS specifying what is needed to complete the approval process. Businesses that receive an incomplete approval status from SCDER will receive a CERS generated e-mail notice of their status. Businesses will need to click on the e-mail link to their UPCF information to review SCDER staff notations and make the required corrections.

5. Inspection/Enforcement

SCDER will transition from paper based inspection reports to electronic tablet PC's over a three year period. Each SCDER inspector is currently assigned a district for inspections. Inspectors are responsible for scheduling routine and follow-up inspections in accordance with State and local laws and regulations. Internally, DER will schedule inspections through the SCDER Microsoft Access CUPA database, since CERS will not have this function. The inspection and enforcement information will be recorded into CERS upon completion of field inspections. This information will then be downloaded from the CERS database as needed into the SCDER Microsoft Access CUPA database. With the transition to tablet PC's, SCDER staff will be able to offer businesses CERS assistance at the time of the inspection.

Inspection and enforcement information needed to complete Summary Reports will be managed locally through the SCDER Microsoft Access CUPA database. SCDER will continue to submit paper versions of the Summary Reports to the State until inspection and enforcement information can be submitted electronically into CERS. At that time, SCDER will modify the SCDER Microsoft Access CUPA database to upload inspection and enforcement information directly into CERS.

6. Billing/Invoicing

SCDER will generate invoices for facilities within the CUPA program. SCDER will download UPCF information from CERS to calculate the fees that businesses will be billed per CUPA program, since CERS does not provide for invoicing of businesses.

After one year of CERS implementation, SCDER will re-evaluate the fiscal impact of implementing the program and determine whether a change in fees will be necessary. Board of Supervisor's approval will be sought as needed.

7. Training

SCDER has begun to offer management, inspectors, and administrative staff training for the CERS data management system. Internal IT staff will administer the initial training and periodic refresher training as needed. New staff will be scheduled for initial CERS training within 12 weeks after hire. CUPA management will administer data management system training for all new hires.

In June 2010, SCDER provided CERS training based on the State curriculum to all SCDER management, inspectors, and administrative staff. SCDER will utilize many CERS resources offered by the State on its electronic reporting web site: <http://www.calepa.ca.gov/CUPA/EReporting/>.

SCDER intends to provide CERS training based on the prepared State curriculum at SCDER from June 2012 to July 2012 on Thursday from 4:00 PM to 5:30 PM. SCDER staff will also research the possibility of using libraries to conduct business training outreach. The intent of these trainings is to guide businesses through the general operation of CERS. The CERS Administrator at cers@calepa.ca.gov must address any technical issues that arise in CERS. SCDER will create a CERS guidance document for businesses to reference, which will be sent out with their annual invoices. Periodic CERS bulletins from the State and SCDER updates will be forwarded to businesses by mail and e-mail as necessary.

8. Help System

SCDER will offer assistance about CERS to businesses. Businesses may call or e-mail SCDER staff for this assistance. For more technical or complicated CERS issues and support, businesses and SCDER staff will contact the CERS administrator by e-mail at cers@calepa.ca.gov or the help line to be determined later. SCDER's web site will contain guidance regarding the general operation of CERS, as well as web links to State resources.

SCDER internal IT staff will provide staff support if technical issues arise from the internal data management system.

9. Service Contract and Grant (fiscal)

SCDER will apply for electronic reporting grants using the State provided application. The funds will be used to cover the initial costs of implementing the electronic reporting. The fund request is as follows:

SCDER's Allocation CAP: \$148,116

SCDER funds will be used as follows (figures are approximations as costs may fluctuate):

Grant Funds:

- Hardware (new computers, backup server) - \$40,000
- Internal staff costs - \$91,116
- Business Outreach – \$5,000
- Training (business, CUPA staff) - \$12,000

10. Ongoing Support and Maintenance

The additional ongoing costs of implementing electronic reporting include the ongoing support and maintenance cost of the internal database, staff and business community training, and workload increases. To cover these costs/tasks, SCDER plans to reassess its overall workload and redirect staffing resources as needed so as to accommodate this cost/workload using existing resources. After one year of CERS implementation, SCDER will re-evaluate the fiscal impact of implementing the program and determine whether a fee change will be necessary. Board of Supervisor's approval will be sought as needed.

11. Electronic Reporting Transition Plan Tracking

SCDER will submit their Electronic Reporting Transition Plan and grant application to Cal/EPA on or about November 17, 2010. SCDER will submit a status report and a quarterly invoice to Cal/EPA, as stated in the Grant

Agreement. The following tables denote milestones that will be tracked and reported to Cal/EPA.

Milestones Reported to EPA		Date
1	Estimated/Actual Start Date Of The CUPA Electronic Reporting Transition Plan	6/2010
2	UPA Select Preferred Data Exchange Methodology	12/2010
3	Electronic Reporting Transition Plan & Grant Application Submitted	11/2010
4	Cal/EPA Awards Grant	12/2010
5	Transfer Of Existing Data From CUPA System To CERS Complete	9/2012
6	Authorized Business Electronic Submission	9/2012
7	CERS Data Exchange Operational: Business Data	9/2012
8	CERS Data Exchange Operational: Inspection & Enforcement Data	9/2012
9	UPA Electronic Reporting Transition Process Complete	12/2012

Milestones Tracked by SCDER		Date
1	Upgrade SCDER CUPA Database	1/2012
2	Train SCDER Staff To Use CERS	6/2010
3	Business Outreach And Training	7/2012
4	Purchase New Computers	3/2012
5	Create New Inspection Forms / Integrate Tablet PC's Into The Inspection	9/2012
6	Re-train Staff to Perform Field Inspections Using Internet Accessed Information Of CERS	9/2012
7	Load Captured Data Into CERS	9/2012

12. Grant Application Process

SCDER will submit its Electronic Reporting Transition Plan along with its grant application to the State. Status reports on the use of grant funds will be submitted to Cal/EPA periodically before release of grant funds to SCDER.

GRANT APPLICATION FORM

1. Entity Information:

Unified Program Agency Name: Stanislaus County Department of Environmental Resources

GRANTEE	GRANT CONTACT <i>(if different from Project Director)</i>
Name of Project Director, Title: Robert Riess, Sr. Hazardous Materials Specialist	Name:
Street Address: 3800 Cornucopia Way, Suite C	Street Address:
City, Zip: Modesto, 95358	City, Zip:
Phone: 209.525.6749	Phone:
Fax: 209.525.6774	Fax:
e-mail: rriess@envres.org	e-mail:

2. Grant Amount: \$ 148,116

a. Advanced Payment Requested: \$ 37,029

(Up to 25% of the grant is authorized to be paid in advance on approval of the grant.)

3. Scope of Work:

Stanislaus County Department of Environmental Resources (SCDER) Certified Unified Program Agency (CUPA) will transition from their current reporting system to electronic reporting as mandated by Assembly Bill 2286 (AB 2286). Businesses will be notified through mailers, newsletters, and during facility inspections about the transition process. Inspections will provide prepared information regarding electronic reporting compliance to all business owners.

Stanislaus County internal Information Technology (IT) staff will initially transfer electronic data from our Microsoft Access CUPA database to the California Electronic Reporting System (CERS). Internal IT staff will also perform the initial validation of the transferred electronic data. After the transfer of data is complete, businesses will be notified by a mailed letter that they will be required to review their data online and update it, if necessary.

SCDER has identified critical needs in its Transition Plan that must be addressed in order to efficiently and effectively convert to and manage electronically reported data through CERS. Basic CERS trainings will be provided at SCDER offices to help businesses transfer from paper to electronic reporting. In order to assist businesses with CERS questions onsite and validate any Unified Program Consolidated Form (UPCF) information in CERS during inspections, SCDER will obtain wireless tablet PC's to conduct facility inspections and access the CERS database in the field.

4. Work Plan:

Period of Performance: January 1, 2010, through March 31, 2013 (no later than March 31, 2013)

Task

- a. Upgrade SCDER CUPA database – Internal SCDER IT staff will update the internal CUPA data base to reflect required fields in the CERS data base prior to uploading Title 27 data into CERS.
- b. Train SCDER staff to use CERS – Stanislaus County’s internal CUPA database has begun the transition to include information required by CERS. Staff training for CERS began in June 2010 and will continue until the program has been fully implemented.
- c. Business Outreach and Training – CERS training will be provided at the SCDER office every Thursday from June 2012 to July 2012. SCDER staff will research the potential of using libraries to conduct additional business training and outreach. Mailers will be sent to businesses to notify them about the transition process as well as information on what business owners need to do to comply with the electronic reporting requirements.
- d. Purchase new computers – SCDER will purchase an office computer for businesses who do not have a computer or internet access to use during SCDER business hours. Tablet PC’s with internet connections will also be purchased to validate UPCF information in CERS at the businesses during field inspections.
- e. Re-train staff to perform field inspections using internet accessed information of CERS – SCDER has begun to offer management, inspectors, and administrative staff training for the CERS data management system. Training will continue until the transfer is complete. After purchasing Tablet PC’s, County staff will become familiar with accessing information from the CERS database to validate UPCF information in CERS during field inspections.
- f. Load captured data into CERS – Stanislaus County internal IT staff will initially transfer electronic data in our Microsoft Access CUPA database to CERS by September 2012. SCDER will notify businesses by a mailed letter of the completed transfer of their data into CERS. Businesses will be required to review their uploaded data online within 4 months after the transfer and update it as necessary.

5. Projected Budget:

Program Costs	Fiscal Year 09/10	Fiscal Year 10/11	Fiscal Year 11/12	Fiscal Year 12/13
Personnel Services*	\$	\$	\$	\$
Operating Expenses	\$	\$ 10,000	\$ 2,000	\$
Travel Expenses	\$	\$	\$	\$
Supplies/Materials	\$	\$ 4,000	\$ 1,000	\$

Equipment/Software	\$	\$ 40,000	\$	\$
Staff Costs	\$	\$ 40,000	\$ 51,116	\$
FISCAL YEAR TOTAL	\$	\$ 94,000	\$ 54,116	\$
TOTAL	\$ 148,116			

*Indirect costs may not exceed 35% of grant allotment

CERTIFICATION

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge and that I am an employee of the applicant authorized to submit the application on behalf of the applicant. I further understand that any false, incomplete, or incorrect statements may result in the disqualification of this application. By signing this application, I waive any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent provided in this program.

Applicant Signature

Date

Sonya K. Harrigfeld, Director of Environmental Resources

Printed Name of Applicant