

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-2

Urgent  Routine

AGENDA DATE November 12, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

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 2014-2015 and the Two Year Waste Tire Cleanup Grant for Fiscal Years 2014-2015 and 2015-2016

STAFF RECOMMENDATIONS:

1. Authorize the Director of Environmental Resources to apply for, enter into and sign the routine Fiscal Year 2014-2015 grant agreements and contracts for various State and Regional programs.
2. Authorize the Director of Environmental Resources to approve and sign any amendments to the routine Fiscal Year 2014-2015 grant agreements and contracts for various State and Regional programs.

(Continued on Page 2)

FISCAL IMPACT:

State agreements and contracts detailed in this item represent approximately \$535,970 in payments and reimbursements to the Department of Environmental Resources for Fiscal Year 2014-2015 program activities and for the two year Waste Tire Cleanup Grant for Fiscal Years 2014-2015 and 2015-2016. The Regional Air Pollution Control District agreement and contract detailed in this item represent approximately \$100,000 in payments and reimbursements to the Department for Fiscal Year 2014-2015.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2013-581

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X 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 District Programs for Fiscal Year 2014-2015 and the Two Year Waste Tire Cleanup Grant for Fiscal Years 2014-2015 and 2015-2016

**STAFF RECOMMENDATIONS:** (Continued):

3. Adopt a Resolution to authorize the Director of Environmental Resources to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for Fiscal Year 2014-2015 to promote the administration of a regional waste tire enforcement program.
4. Adopt a Resolution to authorize the Director of Environmental Resources to apply for the two year Waste Tire Cleanup Grant from the California Department of Resources Recycling and Recovery for Fiscal Years 2014-2015 and 2015-2016 to promote the administration of the County's waste tire cleanup program.
5. Adopt a Resolution to authorize the Director of Environmental Resources to apply for, sign, and accept the San Joaquin Valley Air Pollution Control District Public Benefits Grant.

**FISCAL IMPACT** (Continued):

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. If approved, revenue estimates and appropriations associated with these agreements and contracts will be submitted in the Budget Year 2014-2015 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) have 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 of Environmental Resources 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 2014-2015 grant applications and contracts. Specifically, staff recommends that the Director be authorized to apply for various State grant and contract funds, enter into and sign routine agreements and contracts for those funds, and accept awards of these funds for Fiscal Years 2014-2015 and 2015-2016.

The Tire Cleanup Grant changed from an annual grant to a two year grant term in the previous grant offering. The current grant runs through June of 2014. The new grant will again be offered as a two year grant. Funding for this grant will be received in Fiscal Years 2014-2015 and 2015-2016. It is also requested that the Director be authorized to approve and sign any

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amendments to these routine agreements and contracts for Fiscal Year 2014-2015 and 2015-2016.

The following is a listing of long-standing and anticipated agreements and contracts for Fiscal Year 2014-2015 and also includes Fiscal Year 2015-2016 for the Tire Cleanup Grant:

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. It was this legislation that 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 2013-2014, the Department was awarded \$30,302 and it is anticipated that the funds awarded for Fiscal Year 2014-2015 will be between \$5,000 and \$35,000.

For the following programs discussed below, the Department intends to continue a regional approach as it has historically. For the Fiscal Year 2014-2015 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

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historically taken the lead role in the application for and administration of regional grant applications.

#### *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 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.

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. Since 2008, this source of grant funds has successfully recycled over 25,000 waste tires from Stanislaus County residents and roadways.

The upcoming Tire Cleanup Grant application will be for a two-year period, Fiscal Years 2014-2015 and 2015-2016. The Tire Cleanup Grant will be used to reimburse the Fink Road Landfill Roadside Cleanup program for tire collection and recycling cost for the over 2,000 waste tires collected on the County's roadways each year.

For Fiscal Years 2012-2013 and 2013-2014, the Department was awarded \$9,524 for the Tire Cleanup Grant. The Tire Cleanup Grant is a competitive grant so funding is not guaranteed. The approximate amount of the grant for Fiscal Years 2014-2015 and 2015-2016, is estimated to be a total of \$10,000.

#### *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.

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Currently, there are 378 (up from 300 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 the education and the regulation of generators, haulers, and end-user businesses.

Since the program's inception in 2006, two large tire piles containing over 20,000 tires have been cleaned up. Over 2,107 inspections of tire facilities and tire haulers have been conducted, with 31 notices of violation issued along with eleven referrals to CalRecycle for legal action. For Fiscal Year 2012-2013, the Department conducted 211 inspections and issued 4 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 2013-2014, the Department was awarded \$117,000. 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 their own Waste Tire Enforcement Program and is not part of 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) Elements 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.

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For Fiscal Year 2014-2015, 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 2013-2014, the Department was awarded \$85,107. OPP funds must be expended within a maximum 24-month term.

### Governor's Office of Emergency Services

#### *Hazardous Materials Emergency Preparedness*

The California Health and Safety Code mandates that each Certified Unified Program Agency (CUPA) develop an Area Plan, and update the plan every three years. The Department, serving as Stanislaus County's CUPA, completed the Area Plan in 1995. The last revision to the Area Plan was in 2012.

The Stanislaus County Area Plan (Plan) details the roles and responsibilities of emergency response agencies during a hazardous materials incident. Revision of the current Plan is anticipated to begin in late 2014, and will be completed by mid-2015. A consultant may be obtained through a competitive bid process and will collaboratively work with the Department of Environmental Resources, along with State and local emergency response and planning agencies, to revise the Plan to reflect current standards and practices related to hazardous materials response incidents.

The Governor's Office of Emergency Services (OES) offers funding every three years to assist with Plan revisions through the non-competitive Hazardous Materials Emergency Preparedness (HMEP) Grant Program. The Local Emergency Planning Commission coordinates the applications for HMEP grants prior to acceptance by OES. The Department anticipates the non-competitive grant award for Fiscal Year 2014-2015 to be approximately \$40,000.

### State Water Resources Control Board

#### *Underground Storage Tank Local Oversight Program*

Underground tanks (UST's) used for the storage of hazardous substances and wastes are potential sources of soil and groundwater contamination. California Health and Safety Code Section 25297.1 authorized the State Water Resources Control Board (SWRCB) to contract with local agencies to implement a Local Oversight Program (LOP) for the abatement of contamination associated with unauthorized releases from USTs.

Stanislaus County has contracted with the SWRCB to provide a LOP since 1988. Each contract covers a fiscal year, expiring on June 30<sup>th</sup> annually. The SWRCB submits a new contract each year for the County's review and consideration. A new executed contract will allow the County to continue the abatement of unauthorized releases from USTs for an additional year. For Fiscal Year 2013-2014, the contract amount was \$258,970. The contract amount for Fiscal Year 2014-2015 is again estimated to be about \$258,970. As the number of

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active cases decrease, the budget that the SWRCB has for the administration of the program will also decrease.

### San Joaquin Valley Air Pollution Control District

Since the San Joaquin Valley is not currently meeting the health based National Ambient Air Quality Standards for ozone and particulate matter of ten microns or less in diameter (PM 10), the San Joaquin Valley Air Pollution Control District (SJVAPCD) is required to implement strategies that will result in the reduction of emissions. As one of the implementation measures of this strategy, the SJVAPCD provides incentive funds to encourage the purchase of ultra-low emission equipment and alternate fuel vehicles as opposed to the use of gas fueled only equipment and vehicles.

The purchase and use of new alternative fuel equipment and vehicles will adhere to the Stanislaus County Vehicle Procurement, Maintenance and Replacement Process adopted by the Board on October 30, 2012. If awarded, the incentive funds will supplement the Department's funds needed to purchase the low emission equipment/vehicles. These funds, however, may be recovered during the useful life of the equipment/vehicles through reduced fuel usage and maintenance costs.

The purchase of alternative fuel equipment and vehicles by the Department will not only support SJVAPCD's mission to reduce emissions in the valley but will also replace depleted, aged, and high emissions equipment and vehicles. For Fiscal Year 2013-2014, approximately \$20,000 per vehicle, or equipment purchased, with a limit not to exceed \$100,000 in total reimbursements is available as a competitive grant to the County to continue the promotion of cleaner air in the valley if the Department chooses to apply. For Fiscal Year 2014-2015, it's anticipated that the same funding amount will be available as a competitive grant to the County.

### **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. It provides 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.

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**STAFFING IMPACTS:**

All grants and contracts herein are received annually; therefore, the associated work is accomplished through the use of existing staff.

**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 12, 2013

No. 2013-581(a)

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # \*B-2

**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 2014-2015**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, 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 its designee is hereby authorized and empowered to execute in the name of the 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 FURTHER RESOLVED that these authorizations are effective for a period of less than five years from January 1, 2014, through December 31, 2016.

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



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

Date: November 12, 2013

No. 2013-581 (b)

On motion of Supervisor O'Brien Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*B-2

**RESOLUTION OF THE STANISLAUS COUNTY BOARD OF SUPERVISORS AUTHORIZING  
SUBMITTAL OF AN APPLICATION FOR THE WASTE TIRE CLEANUP GRANT FROM THE  
CALIFORNIA DEPARTMENT OF RECYCLING AND RECOVERY  
FOR FISCAL YEARS 2014-2015 AND 2015-2016**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, 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 Cleanup Grant for which Stanislaus County is eligible; and

BE IT FURTHER RESOLVED that the Director of Environmental Resources or its designee is hereby authorized and empowered to execute in the name of the 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 FURTHER RESOLVED that these authorizations are effective for a period of less than five years from January 1, 2014, through December 31, 2016.

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



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

Date: November 12, 2013

No. 2013-581(c)

On motion of Supervisor O'Brien Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*B-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

**RESOLUTION AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL RESOURCES ON BEHALF OF  
THE BOARD OF SUPERVISORS TO MAKE APPLICATION FOR AND TO SIGN CERTAIN  
ASSURANCES WITH RESPECT TO APPLICATIONS FOR THE SAN JOAQUIN VALLEY AIR  
POLLUTION CONTROL DISTRICT (SJVAPCD) PUBLIC BENEFITS GRANT**

WHEREAS, The San Joaquin Valley Air Pollution Control District (SJVAPCD) Public Benefit Grant Program is available on a competitive basis for low emissions grants

WHEREAS, the Stanislaus County Board of Supervisors must authorize someone by resolution, as the "Authorized Individual" to make application and administer the Public Benefit Grant Program;

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors hereby authorizes the Director of Environmental Resources to make application for, to sign required assurances, and to administer the Public Benefit Grant Program with respect to applications for Local, State and Federal programs, projects or grants, on behalf of the Board of Supervisors.

BE IT FURTHER RESOLVED that Stanislaus County agrees to abide by the statutes and regulations governing the SJVAPCD Public Benefit Grant Program.

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

