

California Integrated Waste Management Board

Board Meeting

February 15-16, 2005

AGENDA ITEM 11

ITEM

Consideration Of Scope Of Work For Interagency Agreement With The California Highway Patrol To Conduct Enhanced Enforcement, Security Assistance, Education, Training, And Surveillance For The Waste Tire Compliance Program (Tire Recycling Management Fund, FY 2004/2005)

I. ISSUE/PROBLEM STATEMENT

This item proposes that the California Integrated Waste Management Board (Board) approve the Scope of Work (SOW) for the Interagency Agreement (IA) with the California Highway Patrol (CHP), Fiscal Year (FY) 2004/2005. Under this contract, Board staff will continue to work with the CHP which will provide aerial surveillance to locate illegal waste tire piles; enhanced vehicle checkpoints; and other enforcement and educational related activities to ensure compliance by waste tire haulers. This contract is important for the continued success of locating illegal tire piles and ensuring compliance by waste tire haulers through education and enforcement.

II. ITEM HISTORY

The Board approved the Revised *Five-Year Plan for the Waste Tire Recycling Management Program (2nd Edition)* (Five Year Plan) at its May 2003 meeting. The Revised Five-Year Plan allocated \$350,000 from the Tire Recycling Management Fund to support the CHP in providing aerial surveillance operations and ground based enforcement support related to waste tire management activities.

In FY 1997/1998 the Board entered into an IA with the CHP to create a training video on the waste tire hauler regulations, which was used to conduct training of law enforcement officers statewide. In addition to the training video, the CHP and Board staff created a pamphlet listing requirements for hauling waste tires and procedures for becoming registered as a waste tire hauler. In FY 1998/1999, the scope of the IA was expanded to include aerial surveillance to identify illegal tire disposal sites. As part of the current IA, which was approved by the Board at the May 2002 Board meeting, the CHP began working in cooperation with Board staff, in conducting enhanced vehicle checkpoints throughout the state. The aerial surveillance program and enhanced vehicle checkpoint activities have continued during FY 2004/2005. Board staff, working with the CHP, has developed a Waste Tire Information Sheet that is currently being distributed to CHP, Local Enforcement Officers, CIWMB Staff, and Waste Tire Grantees.

III. OPTIONS FOR THE BOARD

1. Approve Resolution Number 2005-39 and the proposed Scope of Work for the Enhanced Enforcement, Aerial Surveillance Waste Tire Compliance Program Contract, Attachment 1.
2. Approve the Scope of Work with specified changes and approve Resolution Number 2005-39.
3. Direct staff to make changes to the proposed Scope of Work and return to the Board at a later date for further consideration.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 1 and approve Resolution 2005-39 and the proposed Scope of Work.

V. ANALYSIS

A. Key Issues and Findings

This proposed contract is an important part of the Board's integrated efforts to control the illegal disposal of waste tires and to conduct surveillance, enforcement, and education activities related to the generation and transportation of waste tires throughout the state. In the past, the CHP has provided assistance to the Board in enforcing the tire hauler requirements and in locating illegal tire piles through aerial surveillance. Through the implementation of this IA, the CHP will continue to conduct enhanced vehicle checkpoints to ensure compliance by waste tire haulers as well as provide ground and aerial surveillance operations. Additionally, the CHP will be used to conduct legal process service, assist Board staff in investigations and perform other enforcement-related activities for the Board.

B. Environmental Issues

This IA will result in the implementation of activities, which will assist the Board in identifying unregistered waste tire haulers as well as locating illegal tire piles throughout the state. Through these activities Board staff will be able to take appropriate enforcement action against unlicensed tire haulers and the operators of illegal tire piles.

C. Program/Long Term Impacts

This IA will allow the Board to continue its successful efforts in locating illegal tire piles throughout the state. Additionally, enforcement activities conducted by the CHP and Board staff will lead to increased compliance by waste tire haulers. With these efforts, it would be expected that there would be a decrease in illegal activity related to the transportation and disposal of waste tires.

D. Stakeholder Impacts

Based on the available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

As part of the Enforcement component of the Five-Year Plan, the Board approved \$350,000 for CHP Enforcement under *The Waste and Used Tire Hauler Program and Manifest System*.

F. Legal Issues

Staff is aware of no legal issues regarding this item.

G. Environmental Justice

The enforcement of the statute and regulations pertaining to waste tire management are equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

This item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

Goal 4 – To manage and mitigate the impacts of solid waste on public health and safety and the environment and promote integrated and consistent permitting, inspection, and enforcement efforts.

Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and state waste management laws and regulations.

Objective 4: Intensify efforts to prevent illegal dumping and, where necessary, clean up illegally disposed waste and waste tire sites.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Tire Recycling Management	\$ 350,000	\$400,000	\$ 50,000	Waste tire Hauler and Manifest section

VII. ATTACHMENTS

1. Scope of Work
2. Resolution Number 2005-39

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- A. Program Staff:** Darryl L. Petker **Phone:** (916) 341-6704
B. Legal Staff: Holly Armstrong **Phone:** (916) 341-6060
C. Administration Staff: Carol Baker **Phone:** (916) 341-6105

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

California Integrated Waste Management Board

SCOPE OF WORK

Interagency Agreement With The California Highway Patrol To Conduct Enhanced Enforcement, Security Assistance, Education, Training, And Surveillance For The Waste Tire Compliance Program

I. INTRODUCTION/OBJECTIVES

In Fiscal Year (FY) 1997/1998 the California Integrated Waste Management Board (Board) entered into an Interagency Agreement (IA) with the California Highway Patrol (CHP) to create a training video on the waste tire hauler regulations, which was used to conduct training of law enforcement officers statewide. In addition to the training video, CHP and Board staff created a pamphlet listing requirements for hauling waste tires and procedures for becoming registered as a waste tire hauler. In FY 1998/1999, the scope of the IA was expanded to include aerial surveillance to identify illegal tire disposal sites. As part of the current IA, which was approved by the Board at the May 2002 Board meeting, the CHP began working in cooperation with Board staff, in conducting enhanced vehicle checkpoints throughout the state. The aerial surveillance program and the enhanced vehicle checkpoint activities have continued during FY 2003/2004. In 2003, the Board, in cooperation with the CHP, has created and is distributing a Waste Tire Violation Reference Card that is sized for use by law enforcement personnel, which clearly summarizes pertinent citable and reference sections of the California Vehicle Code and Penal Code.

Through this Scope of Work (SOW), the CHP will continue to conduct most activities that have been done over the last three years under the current IA, and will add some new activities. These activities will include enhanced vehicle checkpoints throughout the state to ensure compliance by waste tire haulers, as well as aerial surveillance operations. Additionally, the CHP will be used to conduct legal process service, assist Board staff in investigations, update the training video on the waste tire hauler regulations and perform other enforcement related activities for the Board. This SOW eliminates all non-directed aerial surveillance activities the CHP performed under the previous SOW. The goal of this SOW is to continue to increase the compliance rates of waste tire haulers through education and enforcement.

II. WORK TO BE PERFORMED

The Contractor Shall:

Part A

1. Conduct load check compliance with Board Staff or designated waste tire enforcement personnel at selected locations, which includes but is not limited to, landfills and transfer stations throughout the state. These compliance checks can be done on a random basis or as part of an organized Board/CHP Roadside Vehicle Checkpoint.
2. Conduct waste tire hauler vehicle stops of incoming and outgoing loads at major waste tire processing facilities with Board staff or designated waste tire enforcement personnel. Those compliance checks can be done on a random basis or as part of an organized CHP Roadside Vehicle Checkpoint.
3. Assist Board staff or designated waste tire enforcement personnel in surveillance and enforcement activities involving waste tire haulers with a history of non-compliance.
4. Conduct increased road patrol in areas identified as having a high incidence of illegal waste tire hauling and illegal dumping.

Part B

1. At Board staff's request, conduct aerial surveillance and photograph alleged illegal tire sites and activities statewide with emphasis on areas known to have a high incidence of waste tire dumping.
2. At Board staff's request, re-identify through aerial photographs and other data those sites that were previously referred to the Board but which the Board has been unable to identify.
3. At Board staff's request and when appropriate, fly Board staff or their designated local enforcement persons over areas for surveillance and confirmation of waste tire disposal activities.
4. At Board staff's request and when appropriate, provide education and training for Board and local waste tire staff on issues of safety and methods for successfully handling difficult and dangerous situations.
5. Update training video on waste tire hauler regulations. The new training video will primarily be used to supplement a training session being developed by Board and CHP staff for both CHP and Local Law Enforcement personnel. The video is being designed to be approximately 15 minutes in length and will be made to not only support the above training but can be used on a stand alone basis. It will emphasize many of the aspects that law enforcement personnel should be familiar with to help enforce waste tire regulations. Those areas include, but are not limited to, court testimony, waste tire regulations, and recognition of waste vs. used tires. Additional information will be provided to patrolman about illegal dumping in rural and urban areas.

Part C

1. Whenever possible, services provided by the CHP for this contract will be on an overtime basis. Work on an overtime basis reduces the cost to the Board as benefits are not paid during overtime duty.

III. TASKS IDENTIFIED

Task 1:

Based upon information provided by the Board, the CHP will initiate a proactive program for both patrol and commercial vehicle enforcement with respect to waste tire hauling. CHP personnel will focus their efforts on enforcement of the California Tire Recycling Act, the California Vehicle Code Section 31560 and the California Penal Code Section 374.3 (e).

Task 2:

In cooperation with the Board, the CHP will implement a compliance and enforcement program to be implemented at selected landfills, transfer stations, and waste tire processing facilities throughout the state. The program will consist of a vehicle safety inspection element and appropriate records review. The vehicle safety element will be in accordance with appropriate CHP training and requirement in the California Vehicle Code. The records review will confirm that the waste tire hauler is currently registered and is maintaining appropriate manifests and trip logs accompanying shipments of waste tires.

Task 3:

At the request of Board staff and with written pre-approval of the Board contract manager, conduct flyovers statewide with emphasis on specific areas which have been identified by the Board as having a high incidence of illegal waste tire activity, such as stockpiling and dumping. These areas would include, but not be limited to, the greater Los Angeles area, San Bernardino and Riverside Counties, rural areas, and the California/Mexico border areas. Sites viewed from the air appearing to have more than 500 tires would be photographed, Global Position System (GPS) recorded, and located by the nearest cross streets or other landmarks. GPS recordings should be provided to the Board in a Latitude and Longitude notation using 5-digit decimal. This information would then be forwarded to the Board for appropriate follow-up.

Task 4:

Meet with Board staff and review available information concerning previously photographed sites, which the Board has been unable to identify. Aerial photographs and other information describing the Board's efforts to locate these sites will be provided to the CHP, in an attempt to determine where the site is located. At Board staff's request, and when appropriate, fly Board staff or their designated local enforcement persons over areas for surveillance and confirmation of waste tire disposal activities.

IV. CONTRACT/TASK TIME FRAME

It is anticipated that work on this IA would begin on March 1, 2005, and expire on June 30, 2006. Described tasks would be conducted throughout the contract period.

V. COPYRIGHT PROVISION

It is not anticipated that any copyrightable or trademarkable materials will be developed as a result of the Scope of Work.

VI. CALIFORNIA WASTE TIRES

N/A

VII. WASTE REDUCTION AND RECYCLED-CONTENT PRODUCT PROCUREMENT

In the performance of this Agreement, Contractor shall use recycled content, used or reusable products, and practice other waste reduction measures where feasible and appropriate.

Recycled Content Products: All products purchased and charged/billed to the Board to fulfill the requirements of this contract shall be Recycled Content Products (RCPs), or used (reused, remanufactured, refurbished) products. All RCPs purchased or charged/billed to the Board to fulfill the requirements of the contract shall have both the total recycled-content (TRC) and the post-consumer content (PC) clearly identified on the products. Specific requirements for the aforementioned purchases and identification are discussed in the Terms and Conditions of the Contractual Agreement under Recycled-Content Product Purchasing and Certification.

A. WRITTEN DOCUMENT PROVISION

All documents and/or reports drafted for publication by or for the Board in accordance with this contract shall adhere to the Board's *Guidelines For Preparing CIWMB Reports (available upon request)* and shall be reviewed by the Board's Contract Manager in consultation with one of the Board's editors.

In addition, these documents and/or reports shall be printed double-sided on paper with one hundred percent (100%) recycled content (unless 100% recycled-content is not appropriate, such as where many full color photographs will be used, then paper with a minimum of 50% recycled content may be used). The paper should

identify the post-consumer recycled content of the paper (i.e., “printed on 100% post-consumer paper”). When applicable, the Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the CIWMB’s uses.

To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents.

B. CONFERENCEING PROVISION

The Contractor shall take any and all steps necessary to make sure that the Event is a model for future recycling, waste prevention, diversion, buy recycled, and waste management events.

Paper Products: All paper products used to fulfill the requirements of this contract (nametags, badges, letters, envelopes, brochures, etc) must contain at least 30% post-consumer recycled content fiber.

Re-usable Cups, Plates & Utensils: To the greatest extent possible, use re-usable/washable utensils, dishes, tableware, etc. rather than single-use disposable products.

Leftover Food/Beverages: All leftover food and/or beverages associated with the event will be donated to an established food donation outlet. Arrangements for the donation must be made prior to the date of the event. CIWMB staff will assist the contractor in identifying these donation outlets, if needed.

Recycling/Composting: Arrangements must be made with the venue, sponsor, or by contract, to provide adequate collection bins for recyclables, organics (food waste) or biodegradable materials, and trash (non-recyclables). The bins should contain at least 30% post-consumer plastic. In addition, the contractor shall work with the venue and/or sponsors to maximize diversion of the discarded materials.

Soy-based Printing Ink: To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents needed for the event.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-39

Consideration Of Scope Of Work For Interagency Agreement With The California Highway Patrol To Conduct Enhanced Enforcement, Security Assistance, Education, Training, And Surveillance For The Waste Tire Compliance Program (Tire Recycling Management Fund, FY 2004/2005)

WHEREAS, the State of California generates more than 31 million waste tires annually and 20 million of these tires are diverted from stockpiling or disposal in landfills; and

WHEREAS, Public Resource Code (PRC) 42800 *et seq.* established the Waste Tire Program for the State of California and assigned responsibility to the California Integrated Waste Management Board (Board); and

WHEREAS, Senate Bill 876 (Escutia, Statutes 2000, Chapter 838) is a comprehensive measure that extended and expanded California's regulatory program related to the management of waste and used tires and requires the adoption of a comprehensive Five-Year Plan for the allocation of tire program funds and the management of waste tires in California; and

WHEREAS, The *Five-Year Plan for the Waste Tire Recycling Management Program (2nd Edition covering 2003/2004 through 2008/2009)*, adopted by the Board at its May 2002 meeting, allocates \$350,000 for the Waste and Used Tire Hauler Program and Manifesting System.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the Scope of Work and Interagency Agreement with the California Highway Patrol for FY 2004/2005 in the amount of \$350,000 and directs the Executive Director to enter into an Interagency Agreement with the California Highway Patrol.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on February 15-16, 2005.

Dated:

Mark Leary
Executive Director