

Application Instructions
Waste Tire Enforcement Grant
Fiscal Year 2003/2004 (9th Cycle)

Background

The California Integrated Waste Management Board (CIWMB or Board) receives an annual appropriation from the California Tire Recycling Management Fund to administer the Tire Recycling Act (Statutes of 2000, Chapter 838) and related legislation. This specific grant provides funding to solid waste Local Enforcement Agencies and city and county agencies for waste tire enforcement activities.

At its March 20-21, 2001 meeting, the Board adopted the *Five-Year Plan for the Waste Tire Recycling Management Program*. The *Five-Year Plan* allocates **six million dollars (\$6,000,000) for fiscal year (FY) 2003/2004** and each fiscal year, thereafter, to maintain existing and set up additional local enforcement jurisdictions. A \$1.00 fee on new tires sold in California provides funding for the Waste Tire Enforcement Grant Program.

To encourage participation in the program at its August 2002 meeting, the Board approved a transition from a yearly grant application process to a non-competitive process in which participating agencies are ensured of a stable source of funding.

Funding

Six million dollars (\$6,000,000) is available for this FY Waste Tire Enforcement Grant program. Eligible applicants may request up to three hundred thousand dollars (\$300,000). Award of the FY 2003-2004 Waste Tire Enforcement Grant is contingent upon and subject to the availability of funds. The Board reserves the right to fund individual phases of selected proposals, and may therefore, fund an amount less than requested. The Board will award grants on a **non-competitive basis**. Applicants meeting the eligibility requirements will be considered for funding.

Applicant Eligibility

Local Enforcement Agencies and California cities, counties, special districts, joint powers agencies, or political subdivisions, thereof, with experience in the enforcement of laws and regulations and the protection of public health and safety and the environment may apply for a Waste Tire Enforcement Grant. Cities or counties may submit a regional application with authorization from other cities and/or counties. A regional lead jurisdiction must be designated for regional programs to act on behalf of all participating jurisdictions. Each jurisdiction may submit only one grant application. Therefore, if a jurisdiction submits an application as part of a regional program, it cannot apply individually.

Program Eligibility

The successful applicants will investigate illegal tire disposal activities, perform waste tire facilities inspections, and survey tire dealers, auto dismantlers, tire haulers, and other points of waste tire generation to ensure compliance with all applicable laws and regulations, including the new manifest system. Inspections are followed up with appropriate compliance actions to ensure

that operators are following all tire facility regulations, including storage standards, use of registered tire haulers, and manifest requirements.

The Waste Tire Enforcement Grant Program consists of the following activities:

Task 1. Inspections

The core of this Grant Program is the inspection component. The central objective of this task is to achieve compliance through oversight and education to the greatest extent possible, and to provide accurate information for entry into a statewide database. The work under this task includes, but is not limited to, the following activities:

- Facility inspections, with emphasis on those facilities that accept or store more than 500 waste tires.
- Annual inspections of generators and end users for compliance with applicable laws and regulations.
- Annual inspections of waste tire hauler operations for compliance with registration and manifest requirements.
- Re-inspections as required verifying compliance with letter of violation (LOV) notifications.
- Distribution of educational brochures and information to tire businesses during the inspection process.
- Preparation and maintenance of a database in a format specified by the CIWMB, for purposes of establishing an inventory of sites and to track results of inspections.
- Preparations of field inspection reports in accordance with a standardized format specified by the CIWMB.

Task 2. Surveillance

The primary objective of this task is to prevent the illegal transport, storage and disposal of waste tires through an aggressive patrol and surveillance campaign. By providing a local tire surveillance program, the Grantee will further increase industry awareness of waste tire management and identify and decrease the number of unregistered tire haulers. In addition, this time spent in the field will provide opportunities for Grantees to locate illegal tire piles and commence progressive enforcement activities that will result in clean-up of the sites. The work performed by the Grantees under this task shall include, but is not limited to, the following:

- Location of illegal tire disposal sites and identification of property owners and/or responsible parties.
- Surveillance and documentation of illegal tire disposal or waste tire transport.
- Working with local law enforcement officers to cite illegal tire haulers.
- As directed by CIWMB, and with the assistance of the CHP investigate aerial surveillance data and establish illegal waste tire hauling checkpoints.

Task 3. Enforcement

A progressive enforcement program is key to achieving a high level of compliance while minimizing staff effort and time. Activities under this task shall be prioritized to give primacy to situations that pose the greatest risk to public health and safety and the environment. The inspection and compliance of sites that have 500 tires or more should be a priority of the Program. Sites with less than 500 tires are also a public nuisance, a blight on the community, and pose a threat to public health and safety and the environment; therefore, this Grant is intended to support the Grantee's authority to deal with these situations through local laws and ordinances.

The Grantee shall have primary responsibility for inspections and issuance of LOVs. **The Grantee will refer violations that are not corrected at the LOV stage to the CIWMB for further enforcement actions, including administrative and civil penalty actions.** Therefore, it is important that the Grantees provide timely notice and work closely with CIWMB enforcement staff during the inspection and LOV process.

The activities under this task include the following enforcement assistance activities and others as deemed appropriate:

- Issuance of LOVs advising owners/operators of outstanding violation(s), and requiring a Corrective Action Plan (CAP) indicating what the violators must do to satisfy the law, or a remediation plan for the removal of the waste tires, and a compliance date.
- If the violator fails to submit a CAP, issuance of a Warning Letter allowing an additional period of time to submit a CAP.
- Formal referral of sites to CIWMB enforcement staff when compliance is not achieved at the LOV/Warning Letter stage within specified time frames.
- Providing facility permitting and hauler registration assistance to local businesses and the public.
- Assistance to CIWMB staff with the investigation of manifest discrepancies and violations, legal records searches, and the procurement of inspection warrants.
- Maintenance of enforcement files and records including inspection reports, correspondence, and evidence.

Task 4. Education

The CIWMB finds that most businesses comply with laws and regulations when the reasons for the regulations are clearly explained and the guidelines for compliance are plainly defined. An educational approach to compliance is productive and cost effective and there is no substitute for spending individual time with each business. The Grantee shall make reasonable efforts to perform the following educational activities and others as deemed appropriate:

- Develop, update, and improve educational and inspection materials for agencies and industry.

- Distribute educational outreach materials and general program information to effected businesses and related governmental agencies.
- Develop industry and agency presentation materials and conduct meetings to foster working relationships with the Waste Tire Industry and other agencies responsible for tire enforcement issues.
- Promote the Grantee's and the CIWMB's efforts to achieve sound waste tire management in the community through the CIWMB's waste tire enforcement program.

Task 5. Training

The CIWMB will provide waste tire enforcement training to Grantees throughout the Grant period. Initial training on applicable laws, regulations, and enforcement procedures will be provided by CIWMB enforcement and legal staff.

Upon execution of the Grant Agreement, Grantee staff are required to attend the first available CIWMB Waste Tire Management Conference and the Local Enforcement Agency Training Conference if waste tire enforcement training is an element. Grantees are encouraged to attend additional training that would enhance their ability to perform the duties of this Grant.

Grantees may be asked to participate in meetings and conferences to share important and unique aspects of their Grant programs with other agencies, industry, and interested parties.

Task 6. Reporting

Grantees will be required to submit progress reports on a quarterly basis and maintain a database of inspections and inspection results. The Grantee will also be required to prepare and submit an annual report to the Board summarizing the work performed and accomplishments of the program at the end of the grant term.

Grant Term

The term of the grant is July 1, 2004 through June 30, 2005.

Schedule

January 23, 2004	Grant application due
March/April 2004	Board considers/approves awards
May 2004	Staff prepares Grant Agreements
June 2004	Grant Agreements executed
July 1, 2004	Grant recipients implement programs
June 2005	Grant Term Ends - final report and payment request due

Please note that this is a tentative schedule and subject to change.

Application Instructions

Guidelines for completing the 2002/03 Waste Tire Enforcement Grant Application:

- Applicant - Name of applying jurisdiction. If a regional program, list all of the participating jurisdictions, with the lead jurisdiction listed first.

- Primary Contact - The Primary Contact is the person responsible for carrying out the project goals and objectives. This person will be the contact for all matters regarding the Grant, including but not limited to: agreement status, program implementation, semi-annual reports, and final report.
- Signature Authority - The Signature Authority is authorized and empowered, pursuant to Resolution, to execute in the name of the applicant(s) all necessary applications, contracts, payment requests, agreements, and amendments to implement the Grant program. The Signature Authority must be a local government employee. The resolution for the lead jurisdiction of the Grant should include the title of the signature authority.
- Maximum Total Grant Amount - Identifies the total costs for the activities you plan to implement with the Grant funds.
- Certification - The signature must be of the person authorized by the resolution.
- Approved Resolution - An approved resolution from each applicant's governing body authorizing submittal of the application and identifying the title of the individual authorized to execute any agreement and requests for payment must be submitted with the application package or received separately by **April 1, 2004**. Please select your authorized representative carefully because this will be the only person whose signature will be recognized by the Board. There are two resolution options depending upon the type of application you submit:
 1. Individual Applicant – For a city or county applying alone.
 2. Regional Applicant – For a city or county applying with at least one other jurisdiction.
 (Sample resolutions are attached, and are also on the Board's website. These samples are provided for guidance purposes only. Consult your attorney.)
- A List of Waste Tire Facilities, Generators, Haulers, and End Users - Provide a list of sites in the categories listed. Include company names and addresses for businesses and nearest locations for illegal tire disposal sites.

Budget Itemization

The Project Eligibility describes all tasks that are necessary to conduct the waste tire enforcement program. Please provide a budget estimate for each item in accordance with the following instructions. Attach a separate worksheet to the *Budget Itemization* to show calculated personnel costs and to describe materials and supplies and miscellaneous costs required for the program.

Personnel Costs:

Includes salaries, wages, and benefits for personnel who are employed by or under contract with the grantee and will work directly on the project. To estimate personnel costs use the following guidelines:

- Facility Inspections/ Site Inventories. Estimate the time and costs for waste tire facility inspections and generator site inventories based on a minimum of 1 and a maximum of 2 inspections/site inventories per site per year. Calculate costs based on maximum of 4 hours per inspection/site inventory to include travel time, inspection/survey, inspection report preparation, and initial compliance activities.
- Enforcement. Estimate time and costs for enforcement activities beyond what is encompassed in the above inspections/ site inventories. These activities may include, but are not limited to; letters of violation, warning letters, time spent applying for clean up grants and monitoring remediation activities, etc. For purposes of this estimate use a maximum of 30% of staff inspection time above for the enforcement activity contingency.
- Surveillance. Estimate time and costs for surveillance or time in the field patrolling for illegal tire disposal and hauler activities.
- Education. Estimate the time spent on public education and outreach related to waste tire enforcement issues.
- Training. Estimate the time and costs for staff training. The Board conducts an annual 3-day Waste Tire Management Conference and an annual 3-day LEA Training Conference. Grantees will be required to attend applicable tire training classes at these events. There will be an additional waste tire enforcement training period of approximately 3-days duration. Also, estimate any other training to enhance your waste tire enforcement program.
- Reporting. Estimate the time and costs for reporting. Grantees will be required to submit progress reports on a quarterly basis. The grantees will also be responsible for maintaining and submitting with the reports, a database of waste tire sites in their jurisdictions that tracks and captures results of inspections and enforcement activities. The Grantee will also be required to prepare and submit an annual report to the Board summarizing the work performed and accomplishments of the program at the end of the grant term.

Equipment and Materials/Supplies

Itemize the costs of purchasing and/or leasing equipment and materials/supplies required for the Waste Tire Enforcement Grant Program. For equipment purchases itemize the quantity and purchase price. Provide estimates whenever possible. Equipment and materials/supplies shall not exceed 20% of the grant program. Vehicle costs including purchase, leasing, maintenance, insurance and fuel shall not exceed \$25,000. Grantees are encouraged to lease instead of purchase vehicles. Some examples of necessary field inspection equipment include, but are not limited to, Global Positioning System (GPS) Receiver, measuring device such as a hip chain or tape measurer, clinometer, camera, clipboard, binoculars, calculator, etc.

Miscellaneous Costs

Describe and estimate other costs not included in the above categories, including contracts and services not included in other categories, additional equipment, administrative overhead, etc.

Payments

Grant funds are paid on a reimbursement basis for the actual costs directly related to the implementation of the program. In order to receive payments, Grantees must:

- 1) Complete and return the Grant Agreement form, including all required authorizing documentation, signed by the authorized signatory (as listed on the resolution) within 90 days of the date of mailing of the agreement package by the Board.
- 2) Complete and return the Grant Payment Request Form signed by the authorized signatory.
- 3) Submit all required reports on time and follow the Procedures and Requirements and Terms and Conditions issued for the Waste Tire Enforcement Grant.

To enable Grantees to pay associated start-up costs, requests for advance payment may be considered if they are submitted to the Board's Grant Manager. The request must not exceed 30% of the grant total and demonstrate: 1) the Grantee's need for advance payment; 2) that the Grantee will incur a specific expenditure before or shortly after payment from the Board; and 3) the Grantee's ability to expend the funds upon receipt. Advance payment must be reconciled before any further payments are processed. The Grant Manager may partially or fully deny requests for advance payment.

Failure to comply with any of the requirements may result in a jurisdiction not receiving some or all of its grant funding under this and future grant cycles.

Application Submittal

Applications must exhibit a dated commercial carrier tracking number (e.g., UPS, FedEx, etc.) or be postmarked by **Friday January 23, 2004**. Hand delivered, faxed, or e-mailed applications will not be accepted. Late applications will be returned to the applicant and not be considered for grant funding.

Applicants are encouraged to apply early. Should the amounts requested exceed available funding, priority for funding shall be given to existing and previous Grantees. New applicants will be considered on a first-come, first-served basis based on when the application is postmarked. Those jurisdictions which applied for and did not receive a grant due to lack of funds will be given priority over new applicants in the next cycle of grants.

Applicants must submit **one original and three copies** of the application to the Board.

The following is the U.S. Postal mailing address:

**California Integrated Waste Management Board
Waste Tire Enforcement Grant Program
Financial Assistance Branch, Grants Administration Unit
Attn: Philip Poon
PO Box 4025, MS 10
Sacramento, CA 95812-4025**

The following physical address is for applications sent by common carrier:

**California Integrated Waste Management Board
Waste Tire Enforcement Grant Program
Financial Assistance Branch, Grants Administration Unit
Attn: Philip Poon
1001 "T" Street, 19 th Floor, MS 10
Sacramento, CA 95814**

Grant Application Checklist:

- Completed Application with Budget (certified by the Signature Authority)
- List of Waste Tire Facilities and Generators
- Signed Resolution by the Signature Authority

RESOLUTIONS – Directions and Samples

INDIVIDUAL APPLICANTS (City or County)

An individual applicant may provide one of the following:

An approved resolution from the applicant's governing body authorizing submittal of an application for the Waste Tire Enforcement Grant identifying the **title** of the individual authorized to execute any agreements, contracts, and request for payments; OR

An approved resolution authorizing, for up to five (5) years, the submittal of grant applications to the Board for all available Waste Tire Enforcement Grants, identifying the **title** of the individual authorized to execute any agreements, contracts, and requests for payments. *Note: Benefit of a multiple year/grant resolution is that it can be used for future applications.*

SAMPLE RESOLUTION: Individual Applicants/Jurisdiction (City or County)

RESOLUTION AUTHORIZING SUBMITTAL OF WASTE TIRE ENFORCEMENT GRANT APPLICATION

(Sample/Please Retype)

WHEREAS, funds are allocated and available from the California Integrated Waste Management Board for grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities; and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program; and

WHEREAS, the applicant demonstrates it has sufficient staff resources, technical expertise, and/or experience with similar projects to carry out the proposed program; and

WHEREAS, the applicant will enter into an agreement with the State of California for implementation of a waste tire enforcement program;

NOW, THEREFORE, be it resolved that the *Title of governing body of the local jurisdiction:* Authorizes the submittal of an application to the California Integrated Waste Management Board for a Waste Tire Enforcement Grant for a period of _____ **(Indicate Time Period – not more than 5 years)**.

BE IT FURTHER RESOLVED that the *Title of official,* or their designee, is hereby authorized and empowered to execute in the name of *Name of jurisdiction* all necessary applications,

contracts, payment requests, agreements, and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the application.

The foregoing resolution was passed by the Title of governing body of the local jurisdiction

this _____ day of _____, 20_____. Effective _____, 20_____.

Signed:

_____ Date _____
(Name and Title of official authorized to sign)

REGIONAL APPLICANTS

Regional Programs with one lead jurisdiction and at least one participating jurisdiction

In addition to the resolution for the lead applicant, applications must also include ONE of the following authorization documents for each participating jurisdiction. (The inclusion of the participants' names in the lead applicant's resolution does not take the place of the authorization document.)

A resolution from each participating jurisdiction authorizing the lead applicant to act on its behalf as both Applicant and Grant Administrator (entity that implements the grant program); OR

An authorization letter from the County Administrator/City Manager from each participating jurisdiction stating that the jurisdiction wants to participate in the regional program and authorizing the lead applicant to act on its behalf as both Applicant and Grant Administrator; OR

A copy of a Memorandum of Understanding specifically for this grant from each participating jurisdiction authorizing the lead applicant to act on behalf of the jurisdiction both as Applicant and Grant Administrator.

SAMPLE RESOLUTION – Lead Applicant of a Regional Program

WHEREAS, funds are allocated and available from the California Integrated Waste Management Board for grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities; and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program; and

WHEREAS, the applicant for itself and on behalf of the following participating jurisdictions will enter into an agreement with the State of California for implementation of a regional waste tire enforcement program;

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a regional application on behalf of **(Participating Cities or Counties)** to the California Integrated Waste Management Board for the Waste Tire Enforcement Grant, Fiscal Year 2002/2003.

BE IT FURTHER RESOLVED that the **(Title of Official)**, or its designee, is hereby authorized and empowered to execute in the name of the participating jurisdictions all necessary applications, contracts, payment requests, agreements, and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

If the lead applicant does not want to list participants' names in the resolution, the resolution could read:

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a regional application on behalf of the participating jurisdictions (as shown by the attached authorizing letters) to the California Integrated Waste Management Board for the Waste Tire Enforcement Grant, Fiscal Year 2002/2003.

SAMPLE RESOLUTION – Participant in a Regional Program

WHEREAS, funds are allocated and available from the California Integrated Waste Management Board for grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities; and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program; and

WHEREAS, **(Name of Lead Jurisdiction)** has agreed to act as lead jurisdiction on behalf of **(Name of Participating Jurisdiction)**;

NOW, THEREFORE, BE IT RESOLVED that the **(Name of Participating Jurisdiction)** authorizes the **(Name of Lead Jurisdiction)** to submit to the California Integrated Waste Management Board a regional application for the Waste Tire Enforcement Grant, Fiscal Year 2002/2003 on its behalf.

BE IT FURTHER RESOLVED that the **(Name of Lead Jurisdiction)** is hereby authorized and empowered to execute all necessary applications, contracts, payment requests, agreements, and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

AUTHORIZATION LETTER INFORMATION

Cities and Counties may submit an authorization letter in lieu of a resolution.

SAMPLE AUTHORIZATION LETTER

Dear CIWMB:

The **(Name of participating jurisdiction)** authorizes **(Name of Lead Jurisdiction)** to submit to the CIWMB a regional application for the Waste Tire Enforcement Grants on its behalf. The **(Name of Lead Jurisdiction)** is hereby authorized and empowered to execute all necessary applications, contracts, payment requests, agreements, and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

Sincerely,

City Manager (or County Administrator)