

## Exhibit B - Procedures and Requirements

### Waste Tire Enforcement Grant Program, Fiscal Year (FY) 2008/09, TEA 16

#### **Introduction**

These Procedures and Requirements are incorporated by reference as Exhibit B to the Grant Agreement (Agreement) for the Fiscal year 2008/09 Waste Tire Enforcement Grant Program (Grant). This Exhibit describes eligible and ineligible activities and costs, reporting requirements and due dates, payment request processes, and other fiscal and administrative procedures and requirements.

#### **Recommendation**

To ensure compliance, the Grantee's own finance, budget, and audit organizations should be given a copy of Exhibit A - Terms and Conditions, Exhibit B - Procedures and Requirements.

#### **Prior to Commencing Work**

##### *Grant Self-Assessment Form and other Grant Forms*

Prior to commencing work under this Grant, the Grantee's Grant Manager and authorized Signature Authority should review the Grant Self Assessment Checklist Form, and other Grant Forms, so as to identify key administrative requirements. Evaluation of the Grantee's compliance with these requirements is a major part of all Grant audits.

As set forth more fully in the Terms and Conditions (Exhibit A), the Grantee shall submit with its Final Report a completed and signed Self-Assessment Form. To obtain the Grant Self-Assessment Form (CIWMB 641), contact the CIWMB Grant Manager, or go to <http://www.ciwmb.ca.gov/Grants/Forms/>.

##### *Reliable Contractor Declaration*

Prior to authorizing a contractor(s) to commence work under this Grant, the Grantee shall submit to the CIWMB Grant Manager a declaration from the contractor(s), signed under penalty of perjury, stating that within the preceding three (3) years, none of the events listed in Section 17050 of Title 14, California Code of Regulations, Natural Resources, Division 7, has occurred with respect to the contractor(s) and the subcontractor(s), respectively. See [www.ciwmb.ca.gov/Regulations/Title14/ch1.htm#ch1a5](http://www.ciwmb.ca.gov/Regulations/Title14/ch1.htm#ch1a5) to read the referenced Section of Title 14.

#### **Public Records**

All documents submitted in relation to the Grant, including, but not limited to, Payment Requests and Reports, become the property of the CIWMB and are subject to disclosure under the Public Records Act. Do not submit confidential information.

## **Eligible Activities and Budget**

Eligible Grant activities and costs shall be in conformance with all applicable sections of the Public Resources Code and Title 14 of the California Code of Regulations, and shall be consistent with work outlined in Exhibit D - Work Plan, and Exhibit E - Budget, which are incorporated herein by this reference.

## **Revision Requests and Exceptions**

If the Grantee wants to move awarded funds from one task to another, or request a time extension to submit a Report after the due date, it must submit a written request to the CIWMB's Grant Manager and receive written approval prior to moving the funds or submitting a late Report. Written requests should be sent to:

California Integrated Waste Management Board  
Compliance Evaluation and Enforcement Division  
1001 I Street, Mail Stop 10A-17  
Post Office Box 4025  
Sacramento, CA 95812

ATTN: Sophia Mercado, TEA Grant Manager

E-mail requests may be sent to: [TireEnforcement@ciwmb.ca.gov](mailto:TireEnforcement@ciwmb.ca.gov) or [SMercado@ciwmb.ca.gov](mailto:SMercado@ciwmb.ca.gov) .

For budget revisions, the request must contain a compelling justification for moving the fund and must contain a proposed new budget for the awarded funds. For time extension requests, the request must contain a compelling justification for why the due date can not be met, and must contain a proposed new due date. The CIWMB Grant Manager will send the Grantee a written approval or denial of the request. The Grantee may not proceed with changes until the CIWMB Grant Manager has responded to the request.

## **Eligible Project Costs - General**

Eligible project costs include, but are not limited to:

- Expenses incurred on or after the date indicated in the Notice to Proceed letter, which will be no earlier than June 30, 2009, **and** incurred no later than June 30, 2010. In all cases, all eligible expenditures must be incurred no later than June 30, 2010, and paid before the submission of the Final Payment Request.
- Expenses that are described in the Grantee's Application, approved Budget (Exhibit E), and that are within the scope of the Work Plan (Exhibit D), such as: personnel; travel and per diem; transportation use, and maintenance; training and conference fees; services, supplies, materials and equipment; and clean up of small tire piles of less than 500 waste tires per pile.

It is the Grantee's responsibility to ensure that all claimed costs are reasonable, cost-effective, incurred during the term of the Grant, and are directly and clearly related to the performance of eligible Grant activities. Grantees should carefully review all contract documents, letters, e-mails, and other information updates supplied by the CIWMB. Grantees should contact the CIWMB Grant Manager if they have questions concerning eligible costs.

### **Ineligible Project Costs - General**

Costs incurred prior to the date indicated in the Notice to Proceed letter, or after June 30, 2010, are ineligible under this Grant. Additionally, ineligible costs include, but are not limited to, the following:

- Costs currently covered by or incurred under any other loan, Grant, Grant Cycle, or contract;
- Purchasing or leasing of land or buildings;
- Overtime unless pre-approved in writing by the CIWMB Grant Manager for specially scheduled evening or weekend events, or when law or labor contract requires payment in excess of the employee's regular time hourly rate, or unless pre-approved in writing by the CIWMB Grant Manager and the Grantee can demonstrate that the overtime rate is equal to or less than the regular time hourly rate for each employee for whom the overtime rate is charged;
- Personnel costs not directly related to employees performing approved Grant work;
- Any costs that are not consistent with local, state, and federal laws, guidelines and regulations;
- Personnel costs for an employee not working on the Grant (i.e. use of accrued time such as sick leave, vacation, etc.);
- Costs associated with the clean-up of illegal waste tire piles or the pick-up of waste or used tires, except for those specific sites containing less than 500 waste tires for which cleanup costs are pre-approved in writing by the CIWMB Grant Manager, cleanup of small tire piles of less than 500 waste tires along public rights of way, unless the Grantee has first attempted to obtain a Grant(s) for cleanup of the site(s) through the Local Government Waste Tire Cleanup and Amnesty Event Grant Program. See Task 8 and which have not been claimed for reimbursement under the Local Government Waste Tire Cleanup and Amnesty Event Grant Program. See Section 3, Task 8, for more information about small tire pile cleanups allowed by this Grant.
- Items described as other, miscellaneous, to be determined, etc.
- The direct cost of materials, supplies, equipment, transportation and other costs that are already included in the indirect cost rate. (Applicants are cautioned to avoid double budgeting the same cost, once as a direct line item and once as a component of an indirect cost rate.)
- The direct charge of personnel hours for activities deducted from the organization's productive hours. See Appendix D for more information about this item; and,
- Costs deemed unreasonable or not related to the Grant by the CIWMB Grant Manager.

## Grant Performance Period, Grant Term, and Report Preparation Period

The Grant Performance Period begins on the date indicated in the Notice to Proceed letter that the Grantee will receive from the CIWMB. Eligible Grant expenditures may start no earlier than the indicated date, which will be no earlier than June 30, 2009. In all cases, all eligible Program costs must be incurred no later than June 30, 2010.

The Grant Term starts on the same date as the Grant Performance Period and ends on September 30, 2010, the date the Final Report and Final Payment Request are due to the CIWMB. The period between June 30, 2010, and September 30, 2010, is referred to as the Report Preparation Period. *Costs incurred to prepare the Final Report and Final Payment Request are the only costs that are eligible for reimbursement during the Report Preparation Period.*

## Performance Report and Payment Request Frequency, Content and Due Dates

A minimum of one Mid-Year and one Final Performance Report and Payment Request are required for this Grant.

Report	Due Date	Reporting Period
Mid-Year Report and Payment Request	February 15, 2010	Notice to Proceed date through December 31, 2009
Final Report and Final Payment Request	September 30, 2010	January 1, 2010 through June 30, 2010

Each Report must contain a Cover Page, Performance Summary, Expenditure Summary, Payment Request, and other items as needed. See Exhibit C for samples of these documents. Performance Reports will be used to support Payment Requests, determine Grantee performance and make recommendations to the CIWMB about future Grant funds. All reporting questions, problems or delays should be directed to the CIWMB Grant Manager.

Grantees should submit one copy of the Performance Report components and Payment Request to the CIWMB Grant Manager. Grantees do not need to submit with the Performance Report copies of inspection reports.

## Performance Report Cover Page

The Performance Report must include a cover page that contains the following information:

- Grantee Name and Grant Number;
- Reporting Period; and,
- A list of the items included with the Report.

The Performance Report Cover Page must also include the following two statements:

1. The statements and conclusions of this Report are those of the Grantee and not necessarily those of the California Integrated Waste Management Board, its employees, or the State of California (State). The State makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text.
2. I certify, under penalty of perjury under the laws of the State of California, that the information contained in this Performance Report is true and correct to the best of my knowledge, and that all Grant activities are in accordance with the approved agreement for California Integrated Waste Management Board (CIWMB) Grant funding.

The Cover Page must be signed and dated by the Signature Authority or Designee as authorized in the Resolution or Letter of Delegation. The contact person's name, telephone number, and e-mail address must also be shown on the Cover Page. See Exhibit C for a sample Performance Report Cover Page.

### **Performance Summary**

The Performance Report must include a summary that contains the following information:

- Grantee Name and Grant Number;
- Reporting Period;
- Number of sites brought into compliance after Notices of Violation (NOVs) were issued;
- Number of sites referred to the CIWMB for enforcement action
- Hours spent patrolling;
- Number of unregistered haulers identified ;
- Number of illegal tire piles (>500 tires) identified;
- Number of illegal tire piles (<500 tires) identified;
- Total quantity of illegally dumped tires found;
- Total number of illegal tire piles remediated:
  - by owner/operator/RP;
  - by CIWMB or CIWMB Grants; and,
  - by Public Agency.
- Number of waste tire piles referred to CIWMB;
- Number of tires cases prosecuted by Grantee's District Attorney, City Attorney or County Counsel;
- List names of illegal facilities and haulers being prosecuted by Grantee's District Attorney, City Attorney or County Counsel;
- Description of Education events conducted, including date conducted and number of attendees; and,
- Description of Trainings attended, including date attended and number of attendees.

A narrative of Grant activities is not required; however, the Grantee may include narratives as needed to further describe Grant activities performed.

See Exhibit C for a sample Performance Summary.

## Expenditure Summary

The Performance Report must include an expenditure summary that contains the following information:

- Grantee Name and Grant Number;
- Reporting Period;
- Expenditures summarized by task and sub-task;
- Number of inspections of:
  - Permitted tire businesses;
  - Haulers;
  - All other tire businesses; and,
  - NOV follow ups.
- Number of miles driven for Grant related activities; and,
- List of clean up sites and the number of waste tires at each site.

See Exhibit C for a sample Performance Report Expenditure Summary.

## Payment Requests

All Payment Requests must be accompanied by a(n):

- Original Grant Payment Request with the original signature of the individual authorized in the resolution, or their designee. Copies, faxes, or e-mailed versions of the form will not be processed for payment. The Payment Request form can be found at <http://www.ciwmb.ca.gov/Grants/Forms/> ;
- Performance Report, including a cover page, performance summary, and an expenditure summary by task and sub-task;
- Supporting documentation such as summaries of employees and hours worked, and purchase invoices and receipts, etc., as detailed later in "Payment Request Supporting Documents";
- Surveillance forms for all surveillance activities supported by the Grant. The form can be found at <http://www.ciwmb.ca.gov/Tires/Enforcement/Inspections/Forms.htm> ;
- Summary of education and outreach events; and,
- Summary of in-service/Grantee provided training to Grantee personnel.

In addition to the preceding items:

- Grantees shall submit with all applicable Progress and/or Final Payment Requests copies of all completed pick-up and delivery waste tire manifest forms for work performed under Task 8. More information about tire manifests can be found at [www.ciwmb.ca.gov/tires/manifest/default.htm](http://www.ciwmb.ca.gov/tires/manifest/default.htm) . Reimbursement for Task 8 costs **will not** be made if these forms are incomplete, incorrect or missing. If you have any questions about this requirement, contact the CIWMB Grant Manager.
- The Final Report must include a Grant Self-Assessment Checklist (CIWMB 641), Recycled Content Certification Form (CIWMB 74G-Tire Enforcement Grants), and the

original Inspection Work Plan indicating which planned inspections were and were not completed during the Grant term. The Self-Assessment Checklist, and the Recycled Content Certification Form and a completed example, may be found at <http://www.ciwmb.ca.gov/Grants/Forms/>.

Grantees do not have to submit a *General Checklist of Permits, Licenses, and Filings* (CIWMB 669) with any Payment Requests because the Waste Tire Enforcement Grant Program has been exempted from the requirement.

Payments will be approved when the CIWMB Grant Manager determines that the request is accurate, complete, eligible, and accompanied by all required documentation. All costs and activities claimed for reimbursement must be approved in the Grantee's work plan and budget. Payment will only be made to the Grantee, and the Grantee is responsible for paying all employees, vendors, service providers, contractors and subcontractors, etc.

A 10% withhold, or retention, will be deducted from all Payment Requests and will be released when the CIWMB Grant Manager has determined that all Grant terms, conditions, procedures and requirements have been satisfactorily completed.

All payments for this Grant are made on a reimbursement basis. The Grantee must have paid out the funds before submitting a Payment Request for reimbursement of actual expenditures. Encumbrances, purchase orders, etc., are not eligible for reimbursement until the Grantee has actually distributed the funds to the employee, vendor, etc. Proof of payment must be included with each purchase order, invoice, etc.

Eligible Grant expenditures may start on the date indicated in the Notice to Proceed letter, and the date will be no earlier than June 30, 2009. In all cases, all eligible costs must be incurred no later than June 30, 2010. All purchases must be received, and all eligible payments made, before the submission of the Final Report and Final Payment Request.

### **Payment Request Supporting Documentation**

All Payment Requests must be supported by accurate and complete documentation, and *expenditures must be summarized by task and sub-task*. Supporting documentation for costs contained in a Payment Request include:

- *Personnel*: A Personnel Expenditure Summary that shows the following information for personnel costs claimed:
  - Employee name and classification;
  - Dates worked and number of hours worked each day; and,
  - Hourly rate claimed for each employee.

A sample Personnel Expenditure Summary can be found at <http://www.ciwmb.ca.gov/Grants/Forms/>. The Grantee may use its own personnel expenditure system as long as the system includes the preceding items at a minimum, and summarizes personnel costs by task and sub-task. Grantees should contact the CIWMB

Grant Manager if they have any questions about the adequacy of their own personnel expenditure system.

This Grant allows Grantees to claim personnel costs using one of two methods.

1. Many Grantees have a fee or rate schedule that is approved by their Board of Supervisors or City Council. Grantees may use the Board or Council approved hourly rate to determine the value of personnel time budgeted and spent on eligible Grant activities. Because a Board or Council approved rate usually includes indirect, administrative and overhead costs, those costs can only be separately claimed under this Grant if the Grantee can show they were not included as a component of the Board or Council approved rate.
  2. Grantees that do not have a Board or Council approved rate, or who choose not to use that rate, may calculate an hourly rate for each employee that includes actual salary, wages, incentives and shift differentials, fringe benefits, and indirect/overhead costs. Fringe benefits include, but are not limited to, the costs of leave earned (such as vacation, sick leave, holidays), and the actual cost of employee insurance, retirements and pensions, unemployment and disability benefit plans, etc. Any cost included as a component of the indirect cost rate can not be separately claimed as a direct cost under this Grant.
- *Purchases:* Invoices with accompanying receipts, cancelled checks or other proof of payment containing: vendor name, phone number and/or address; purchase amount and date; and, a description of the goods, services and/or materials purchased. If the Grantee only claims a portion of an invoice, the amount billed to the Grant should be highlighted.
  - *Travel and Training Expenses:* Grantees should claim travel expenses at the State or Grantee rate, whichever is less. All travel costs must be in accordance with the California State Travel policies contained at <http://www.dpa.ca.gov/personnel-policies/travel/hr-staff.htm>. Supporting documents for travel and training expenditures include a copy of the: employee's approved travel expense claim for hotel, meals, per diem and other expenses; hotel receipts; and a list that shows who attended what training. If the expenses include any conference fees, tuition, etc., documentation that supports that cost must also be submitted. Reimbursable mileage and other travel expenses (per diem) may not exceed the State rates as set forth in the State Administrative Manual. A sample travel expense log can be found at <http://www.ciwmb.ca.gov/Grants/Forms/>.
  - *Transportation costs:* Mileage logs, lease payments, etc. to show costs associated with vehicles used to perform Grant approved activities.

Claims for payments are only processed when accompanied by a Performance Report and other required documents. Grantees may submit more frequent Payment Requests as long as they also submit a Performance Report with the Payment Request.

## **Financial Reconciliation**

Tasks 2, 6, 7 and 8 each have caps or maximum percentages associated with them, which are tied to the total Grant funds expended during the Grant term. These figures will be reconciled by the CIWMB Grant Manager when the Final Payment Request is submitted. Expenditures in excess of the caps may result in funds being withheld from the Final Payment Request or the Grantee being required to return funds to the CIWMB. The CIWMB does not have discretion to waive or compromise the caps. Grantees are strongly advised to track their expenditures during the Grant term to ensure that they stay within the maximum allowable percentages for each of the previously mentioned tasks.

## **Grant Closeout**

The Grantee initiates the closeout process when the Final Report, Payment Request, and other required supporting and closeout documents are submitted to the CIWMB Grant Manager. All purchases must be received, and all eligible payments made, before the submission of the Final Report and Final Payment Request. The CIWMB Grant Manager will review all Final documents for compliance with all Grant Terms and Conditions, and Procedures and Requirements. When the Grantee receives its final payment, the Grant will be considered closed.

## **Grant Related Documents, Retention, Audits, Records Access, and Waiver of Personal Jurisdiction**

The Grantee agrees to maintain records and supporting documentation pertaining to the performance of this Grant subject to possible audit for a minimum of three (3) years after final payment date of Grant term end date, whichever is later. A longer period of record retention may be stipulated in order to complete any action and/or resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later.

Examples of audit documentation include, but are not limited to: expenditure ledgers; payroll registers and entries; tire sheets; personnel expenditure summary forms; travel expense logs; paid warrants; contracts and change orders; samples of items and materials developed with Grant funds; and, invoices and/or cancelled checks. Refer to the Terms and Conditions (Exhibit A) for more information about this item.

All Grantees are required to comply with the following provisions:

1. **Audit/Records Access.** The Grantee agrees that the CIWMB, the Bureau of State Audits, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the Grant term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The Grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might

reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.

2. Waiver of Personal Jurisdiction. Should CIWMB seek reimbursement of costs paid to a Grantee as a result of an audit finding, the Grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.

### **Conflict of Interest**

If the Grantee also receives or plans to receive Waste Tire Cleanup Grant funds from the CIWMB, the Grantee may be required to demonstrate the steps it has taken or plans to take to prevent any bias or conflict of interest that might arise from administering both Grants.

### **Termination or Suspension of Grant or Payments**

Failure to comply with any part of the Grant Agreement (which consists of Exhibit A - Terms and Conditions, Exhibit B - Procedures and Requirements, Exhibit D - Work Plan, and Exhibit E - Budget), or interfering with CIWMB enforcement actions, may result in the termination of the Agreement or suspension of any outstanding Grant Payment Requests.

### **Additional Requirements**

Additional Grant requirements are contained in Exhibit A - Terms and Conditions. The Grantee is also required to comply with the approved Work Plan and Budget.

### **Mailing Documents**

All documents submitted must be printed double-sided on recycled-content paper containing one hundred percent (100%) post consumer fiber. Specific pages containing full-color photographs or other ink-intensive graphics may be printed on photographic paper.

All documents related to the Grant should be sent to:

Ms. Sophia Mercado  
Waste Tire Enforcement Grant Manager, MS 10A-17  
California Integrated Waste Management Board  
Post Office Box 4025  
Sacramento, CA 95812-4025

### **Questions**

All questions regarding this Grant should be directed to the CIWMB Grant Manager, Sophia Mercado, at (916) 341-6421, or [Smercado@ciwmb.ca.gov](mailto:Smercado@ciwmb.ca.gov).

## Task 1 – Inspections

Inspections of tire businesses are the core component of the Grant Program and should be the area in which the Grantee spends most of its time and money. Grantees should identify and inspect businesses involved in the collection, transportation, and disposal of waste and used tires to determine compliance with all tire standards, including, but not limited to: permit requirements; tire storage standards; hauler registration; and, manifest system standards. Work under this task includes, but is not limited to, the following activities:

- At least one time during the Grant term, inspect all active permitted major and minor, exempt, excluded or illegal tire businesses and waste tire facilities that accept or store more than 500 waste tires, for compliance with waste tire storage, disposal and permit standards, and permit terms and conditions.
- At least one time every two years, inspect all active registered waste tire hauler operations for compliance with registration and manifesting requirements.
- At least one time every three years, inspect all active generators for compliance with manifesting requirements.
- Inspections of other tire businesses in addition to, but not in place of, the three previously described and required inspections.
- Conduct no more than a total of three inspections, including routine and re-inspections, per tire business, facility, site or hauler per Grant cycle (one year duration Grant term), unless additional inspections are warranted and pre-approved in writing by the CIWMB Grant Manager.
- Perform inspections requested by the CIWMB.
- Complete CIWMB provided survey, inspection and referral forms to document all surveys, inspections and referrals, and submit the forms to the CIWMB Grant Manager monthly.
- If a violation is identified during an inspection, advise the owners/operators of the violation(s), issue the CIWMB-provided Notice of Violation (NOV) and informational sheets found at <http://www.ciwmb.ca.gov/Tires/Enforcement/Inspections/Forms.htm#NOV> , and indicate what the owner/operator must do by date certain (compliance deadline date) to comply. The compliance deadline date must be written on the inspection report.
- If a violation is not corrected at the time of re-inspection, but a good faith effort has been made, the Grantee may extend the compliance deadline date once. The extension must be written on the inspection form at the time of re-inspection.
- If the violation is not corrected by the second re-inspection, the Grantee must refer the tire business and uncorrected violations to the CIWMB for further enforcement actions, including administrative and civil penalty actions. The referral must be written on the inspection form, and the Grantee must complete and submit the CIWMB Referral form found at <http://www.ciwmb.ca.gov/Tires/Enforcement/Inspections/Forms.htm#Referral> . The referral should be made within 15 days of the last re-inspection and must include evidence collected, including inspection reports and photographs.

NOTE: Grantees are not required to perform 2 follow-up inspections for violations. Grantees may refer violations to the CIWMB any time after the violation is documented.

- When appropriate, distribute educational brochures and information to tire businesses during the inspection process.

A Grantee Work Plan is included in Exhibit D, and the Work Plan is a list of inspections to be performed during the Grant term.

Grantees may claim personnel costs for the time spent performing the previously described activities. Grantees may claim a maximum of 4 hours per inspection and should include time for travel, inspection, survey and inspection form completion, and referral form completion, if appropriate. Supervision of staff performing work under this task constitutes a direct Grant cost; therefore, Grantees may charge to this task direct supervision costs related to this task, as long as the supervision costs have not been included in the administrative overhead formula.

## **Task 2 - Surveillance, Enforcement, and Case Development**

Grantees use surveillance to identify illegal transport, storage and disposal of waste tires, and a progressive enforcement program to achieve compliance with tire laws and regulations. Surveillance and enforcement priority should be given to those situations that pose the greatest risk to public health and safety, and the environment. Work under this task includes, but is not limited to, the following activities:

- Surveillance and documentation of illegal tire disposal sites and identification of property owners and/or responsible parties.
- Surveillance and documentation of illegal waste tire transport and working with local law enforcement officers to cite illegal tire haulers.
- As directed by CIWMB, and with the assistance of the California Highway Patrol (CHP), investigate aerial surveillance data, establish illegal waste tire hauling checkpoints, and participate in CHP/Local Police checkpoints or stings.
- Assist CIWMB staff with the investigation of referrals, complaints, violations, discrepancies, legal records searches, and the procurement of inspection warrants.
- Maintain appropriate enforcement files and records including inspection reports, correspondence, and evidence.
- Joint investigation and enforcement activities approved by the CIWMB, such as working with local District Attorney (DA), attending administrative, court and/or CIWMB hearings, and supporting case development.
- Reporting of all enforcement actions of the jurisdiction on tire-related cases, including any referrals to the DA's Office and any actions taken by the DA's Office on waste tire cases.

Grantees may claim personnel costs for the time spent performing the previously described activities. Notice of Violation follow ups and re-inspections should be captured under task #1. Supervision of staff performing work under this task constitutes a direct Grant cost; therefore, Grantees may charge to this task direct supervision costs related to this task, as long as the supervision costs have not been included in the administrative overhead formula.

Total budget and actual expenditures for this task must be less than or equal to 75% of the total budget and actual expenditures of task #1. *If task #1 actual costs are less than originally budgeted, then the maximum amount that can be spent on task #2 must be adjusted accordingly.*

### **Task 3 – Community and Industry Education**

Community and industry education are the Grantee's efforts to inform tire businesses and the general public of tire movement, storage, permitting, and manifesting laws, regulations and state minimum standards. Work under this task includes, but is not limited to, the following activities:

- Distribute tire related information, educational and outreach materials to the regulated community, affected businesses and related governmental agencies.
- Develop industry and agency presentation materials.
- Conduct trainings to educate and foster working relationships with the Waste Tire Industry and other agencies responsible for tire enforcement issues.
- Given a 30 day notice, provide training on waste tire laws and regulations as requested by the CIWMB.
- Promote sound waste tire management practices throughout the community.

All public education and advertising materials supported by this Grant must be submitted to the CIWMB Grant Manager for approval prior to production and distribution. Additional requirements are found in these sections of the Terms & Conditions for this Grant:

- Acknowledgements
- Advertising/Public Education
- Competitive Bidding
- Copyrights and Trademarks
- Work Products

Grantees may claim personnel costs for the time spent performing the previously described activities. Additionally, Grantees may claim the cost of materials and supplies needed for each activity, such as printed brochures, displays, billboards, etc. Supervision of staff performing work under this task constitutes a direct Grant cost; therefore, Grantees may charge to this task direct supervision costs related to this task, as long as the supervision costs have not been included in the administrative overhead formula.

While community and industry education is critical to informing the regulated community of tire enforcement laws and regulations, inspections, surveillance and enforcement should be the primary focus of the tire enforcement program. Therefore, expenditures for community and industry education should be less than the expenditures for Task #2, Surveillance and Enforcement.

## **Task 4 – Grantee Training**

The CIWMB will provide waste tire enforcement and Grant management training to Grantees throughout the Grant term. The Grantee is required to attend all tire enforcement round tables and Grant management workshops sponsored by the CIWMB's Tire Enforcement Branch. (During this Grant cycle, there may be up to 3 mandatory round table/Grant management workshops at 8 hours each.) The Grantee is also required to attend the CIWMB's Waste Tire Management Conference and the Local Enforcement Agency Annual Conference, if waste tire enforcement training is an element. Other CIWMB sponsored or associated training, such as the Basic Inspector Academy and Enforcement Symposium, may become available during the Grant term and may be eligible under this task.

Grantees may also be asked to participate in meetings and conferences to share important and unique aspects of their Grant Programs with other agencies, members of the tire industry, and interested parties. Additionally, some Grantees may have developed their own training classes for their own employees, and those classes may be eligible under this Grant.

All training must be related to tires, and may include topics such as illegal tire dumping, or inspection, surveillance and enforcement techniques that can be used on Grant activities. Pertinent health and safety classes are also eligible. Training related to landfills, solid waste, state minimum standards, etc. are not eligible unless it can be shown that tire enforcement is a major component of the training.

Training provided to staff working on Grant funded activities is eligible under this Task. Grantees should get Grant Manager pre-approval before attending a class to ensure eligibility and reimbursement of the associated labor, per diem, transportation and training costs. Questions about class or training eligibility should be directed to the CIWMB Grant Manager.

Grantees may claim personnel costs for the time spent attending, and traveling to/from, approved training events. Additionally, Grantees may claim associated costs for lodging and per diem, transportation, conference fees, etc. (Estimated conference fees are \$400 per conference.) Grantee travel expenses must be at the lesser of the State or Grantee rate, and all travel costs must be in accordance with the California State Travel policies found at <http://www.dpa.ca.gov/personnel-policies/travel/hr-staff.htm>.

If training hours are deducted from the Grantee's productive hours, then labor costs for attending training can not be directly charged to the Grant. See Appendix D of the Application Instructions for more information about this item.

## **Task 5 – Report Writing**

Grantees are required to submit a Mid-Year and Final Performance Report, and a Payment Request with each Report. Grantees may submit more frequent Payment Requests as long as they also submit a Performance Report with the Payment Request.

Additional work under this task includes, but is not limited to, the following activities:

- developing and maintaining policies and procedures for performing tire inspections, surveillance, and enforcement;
- updating and correcting Survey and Inspection data in the Waste Tire Management System (WTMS);
- preparing the TEA 16 Final Report and Final Payment Request; and,
- preparing the TEA 17 Grant Application.

Notwithstanding statements to the contrary in this Agreement, expenses incurred for preparation of the TEA15 Final Report and Final Payment Request between July 1, 2009, and August 15, 2009, are eligible for reimbursement.

In past Grant cycles Grantees have been required to maintain their own database of tire businesses and inspections. Since that information is now in the CIWMB's statewide database, WTMS, Grantees are now required to review WTMS information for their jurisdictions, and provide updates and corrections, to ensure that the statewide database is accurate and complete.

Grantees may claim personnel costs for the time spent performing the previously described activities, however, if Report writing hours are deducted from the Grantee's productive hours, then labor costs for writing Reports can not be directly charged to the Grant. (See Appendix D of the Application Instructions for more information about this item.) Generally, it should not take more than 30 hours to prepare each Report. Supervision of staff performing work under this task constitutes a direct Grant cost; therefore, Grantees may charge to this task direct supervision costs related to this task, as long as the supervision costs have not been included in the administrative overhead formula.

### **Task 6 – Equipment, Materials, and Supplies**

Grantees may purchase equipment, materials and supplies needed to conduct tire inspections, surveillance, and enforcement activities, and to maintain the health and safety of staff performing those activities. Eligible items include cameras, GPS systems, range finders, cell phones and service, health and safety field gear, boots, rain gear, measuring devices such as a hip chain or tape measurer, clinometer, clipboard, binoculars, calculator, etc. Items such as office desk, chair, and phone, file cabinets, computers and software, internet service, etc., are only eligible if the jurisdiction does not normally provide these items to their employees.

The costs of equipment, materials, and supplies are sometimes included in an indirect cost rate. Grantees may not claim these costs as a direct Grant expenditure and as a component of an indirect cost rate.

## Task 7 – Transportation

Transportation necessary to perform tire enforcement activities is eligible under this Grant. Grantees may purchase or lease vehicles, use their own vehicle, or use a pool car owned by their agency.

All purchases and leases must be identified at the beginning of the Grant cycle, included in the Application, and approved in writing by CIWMB staff before the vehicle is purchased or leased. Grantees who purchase vehicles, in whole or in part with Waste Tire Enforcement Grant Program funds, must provide the CIWMB with a purchase money security interest in the vehicle purchased. Grantees who lease vehicles, in whole or in part with Waste Tire Enforcement Grant Program funds, must provide the CIWMB with a security interest that is secured by the Grant. As part of the vehicle lease security agreement, Grantees will be required to agree that if at any time during the 5-year term of the security agreement, the vehicle is not primarily used for Grant funded activities, the Grantee will return to the CIWMB all Grant funds expended during the Grant term(s) in which the vehicle is not used primarily for Grant funded activities. Finally, all vehicles purchased or leased with Grant funds must be used primarily for Grant funded activities.

### Vehicle Purchase and Lease

The State of California has implemented a Vehicle Purchase and Lease policy for vehicles purchased by state agencies. The policy is contained in the Management Memo Number MM06-03 and can be found at [http://www.documents.dgs.ca.gov/osp/sam/mmemos/mm06\\_03.pdf](http://www.documents.dgs.ca.gov/osp/sam/mmemos/mm06_03.pdf). Grantees planning on purchasing a vehicle using Waste Tire Enforcement Grant money are **strongly encouraged** to follow the policy. Grantees may find the state program highly beneficial as the vehicles purchased may be of a lesser cost than if purchased through other channels. In addition, as these vehicles run either with alternative fuel or under strict emission guidelines, purchasing these types of vehicles contribute towards the protection of the environment. Grantees interested in purchasing a vehicle through the State of California's Department of General Services should contact the Office of Procurement at: <http://www.pd.dgs.ca.gov/contracts/vehicles.htm>. The Department of General Services charges a service charge of 1% of the vehicle cost.

The Vehicle Purchase and Lease policy can be broken down into three areas:

- Alternative Fuel Vehicles - 75% of the state's light duty vehicles purchases must be powered by alternative fuel. To view a listing of all alternative fuel vehicles available through the Department of General Services, refer to: <http://www.pd.dgs.ca.gov/contracts/vehicles.htm>. To locate a fueling station for alternative fuel vehicles, visit the following: <http://www.cleancarmaps.com/home>.
- Gasoline and Hybrid-Electric-Powered Vehicles – requires that all gasoline powered light-duty sedans purchased or leased by state agencies be at a minimum certified to operate under the LEV-II ultra low emission vehicle standards. Light duty pick ups, sedans, and sport utility vehicles must be at a minimum certified under the LEV-I

- ultra low emission vehicle standards or equivalent (this category includes hybrid vehicles). To view a listing of vehicles meeting the requirements of gasoline and hybrid-electric-powered vehicles visit <http://www.arb.ca.gov/msprog/ccvl/ccvl.htm> .
- Sport Utility Vehicles or Four-Wheel Drive Trucks – Requires any state agency that wants to purchase a sport utility vehicle or a four-wheel drive truck to first obtain authorization. Grantees interested in purchasing a sport utility vehicle or a four-wheel drive truck must adequately justify the compelling need for these types of vehicles.

Eligible transportation costs including vehicle purchase, leasing, maintenance, insurance, mileage and fuel.

Personal and Pool Cars: Grantees may budget and claim mileage, or actual operating costs, for personal or pool cars.

Mileage: If mileage is budgeted and claimed, it must be at the lesser of the Grantee's own rate or the state rate. Mileage rates generally cover the cost of fuel, maintenance, insurance, licensing, registration, depreciation, and all other costs associated with operation of the vehicle. Therefore, Grantees cannot include in the budget both a mileage rate and the separate cost of the items covered by the mileage rate. This web site contains information about the state mileage rate <http://www.dpa.ca.gov/job-info/short-term-travel/personal-vehicle-mileage-reimbursement.htm> . The state mileage rate is currently 58.5 cents per mile and includes all the cost components previously listed. If the rate increases during the Grant term, Grantees may claim the rate in effect at the time the claim is submitted.

Operating Costs: If actual operating costs are budgeted and claimed, Grantees cannot not claim mileage.

Purchased and Leased Cars: In addition to the lease or purchase cost of the vehicle, Grantees may claim any transportation related cost not included in the purchase or lease payment.

The costs of transportation is sometimes included in an indirect cost rate. Grantees may not claim these costs as a direct Grant expenditure and as a component of an indirect cost rate. Total expenditures for this task must be less than or equal to \$25,000.

The total expenditures for task #6 + task #7 must be less than or equal to 20% of the total Grant expenditures for all tasks.

### **Task 8 – Cleanup of Small Tire Piles**

Grant funds may be used to clean up small waste tire piles of less than 500 waste tires per pile in public and private areas where no responsible party can be determined. Cleanup of small tire piles along public rights of way is not eligible for Grant funding, unless the

Grantee has first attempted to obtain a Grant(s) for cleanup of the site(s) through the Local Government Waste Tire Cleanup and Amnesty Event Grant Program.

The clean up must be conducted by the Grantee's Department of Public Works, their contractor, or other public agencies, and must be transported by a waste tire hauler who is registered or exempted by CIWMB. Prior to contracting for removal and/or cleanup of waste and used tires, Grantees shall submit to the CIWMB Grant Manager verification that the proposed:

- waste and used tire hauler(s) have current Tire Program Identification Numbers (TPID) and have current CIWMB waste and used tire hauler registration;
- end-use facility(ies) and disposal facility(ies) have current Tire Program Identification Numbers (TPID) and are permitted, excluded or exempted by the CIWMB to accept waste tires (CIWMB approved solid waste or waste tire facility); and,
- (sub)contractor(s) are not on the CIWMB Unreliable Contractor List pursuant to Title 14, California Code of Regulations, Division 7, Chapter 1, Sections 17050-17062.

The CIWMB **will not** reimburse Grantees for services rendered by entities without a current TPID or haulers without a current registration. Additionally, if the Grantee fails to meet the preceding requirements or fails to submit a signed and completed Reliable Contractor Declaration(s) (CIWMB 168), the CIWMB may deny payment to the Grantee.

In the event that the CIWMB notifies the Grantee that a previously approved used or waste tire hauler and/or end-use or disposal facility is subsequently in violation of one or more of the above conditions, the CIWMB will not reimburse the Grantee for these costs if the costs were incurred after the Grantee was notified.

The Grantee must use its best judgment in selecting sites for clean up. Where possible, investigation of the source of the waste tire piles should be conducted, and those responsible should be directed to clean up the piles in accordance with applicable laws and regulations. Additionally, appropriate enforcement action should be considered against those who dumped the waste tires.

Grant funds may be used for private property clean up if the:

- Grantee determines that the property owner(s) is not responsible for the waste tire pile;
- Property owner signs a declaration of non-responsibility;
- Site is an attractive nuisance; and,
- Site is approved for clean up by the CIWMB Grant Manager.

Grant funds may not be used for the clean up of:

- waste tires that have been dumped on private property by the property owner(s) or those associated with the property owner;
- waste tire piles caused by businesses; and,

- tires found along public or private roads, unless the Grantee has first attempted to obtain a Grant(s) for cleanup of the site(s) through the Local Government Waste Tire Cleanup and Amnesty Event Grant Program.

The Grantee must clearly and precisely identify the location of the waste tire piles cleaned up so that instances of repeated dumping can be tracked, and if discovered, possible surveillance of the site can be conducted.

This Grant may not be used for roadside cleanups, amnesty days, etc. The Local Government Waste Tire Cleanup and Amnesty Event Grant Program is available for those activities. To find out more about that grant, please visit <http://www.ciwmb.ca.gov/Tires/Grants/Cleanup/>.

Grantees may claim personnel costs for the time spent performing the previously described activities. Additionally, Grantees may claim the cost of equipment to remove and transport the tires, and the fees to properly dispose of or recycle the waste tires. Supervision of staff performing work under this task constitutes a direct Grant cost; therefore, Grantees may charge to this task direct supervision costs related to this task, as long as the supervision costs have not been included in the administrative overhead formula.

Grantees may spend the greater of \$25,000, or 10% of their total expenditures on all tasks, for this activity. Only sites with less than 500 waste tires per site are eligible for cleanup under the Grant. A maximum of \$5,000 can be spent per site, and the average cost per tire per site must be \$10 or less.