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CALIFORNIA NATURAL RESOURCES AGENCY

California Department of Resources Recycling and Recovery

(CalRecycle)

TEA 17

WASTE TIRE ENFORCEMENT GRANT PROGRAM

Exhibit B

Procedures and Requirements

17th Cycle – FISCAL YEAR (FY) 2009/10

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General Information

Introduction

The Procedures and Requirements (Ps&Rs) are incorporated by reference as Exhibit B to the Grant Agreement for the Fiscal Year (FY) 2009/10 Waste Tire Enforcement Grant Program (Grant). The Ps&Rs describe eligible and ineligible activities and costs, reporting requirements and due dates, payment request processes, and other fiscal and administrative procedures and requirements.

All eligible Grant activities must be in conformance with all applicable sections of the Public Resources Code and Title 14 of the California Code of Regulations, and must be consistent with the Work Plan and Budget, which are incorporated by reference as Exhibits C and D, respectively, to the Grant Agreement for the FY 2009/10 Grant.

Prior to Commencing Work

Prior to commencing work under TEA 17, Grantees should carefully read the Terms and Conditions (Exhibit A), Procedures and Requirements (Exhibit B), and Grant Self Assessment Checklist Form to understand CalRecycle's expectations regarding proper implementation and administration of the Grant. CalRecycle will evaluate the Grantee's compliance with these requirements throughout the Grant cycle, and as part of any audit of Grant activities and expenditures. To ensure compliance, the Grantee's own finance, budget, and audit organizations should be given a copy of the Terms and Conditions (Exhibit A) and Procedures and Requirements (Exhibit B).

Reliable Contractor Declaration

Prior to authorizing a contractor(s) to commence work under this Grant, the Grantee shall submit to the CalRecycle 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.calregs.com to read the referenced Section of Title 14.

Tentative TEA 17 Dates

Date	Activity
Date indicated in <i>Notice to Proceed</i> letter from CalRecycle	TEA 17 eligible activities and expenditures may begin. (Date will be no earlier than June 30, 2010.)
Thursday, March 31, 2011	Mid-Year Performance Report and Payment Request, with supporting documentation, due to CalRecycle.
Wednesday, June 29, 2011	Grant Performance Period Ends - all eligible costs must be incurred by this date. See the following exception.
Thursday, June 30, 2011 through Friday, September 30, 2011	This period is referred to as the Report Preparation Period. Costs incurred to prepare the Final Performance Report and Final Payment Request with supporting documentation are the only costs that are eligible during this period.
Friday, September 30, 2011	Final Performance Report and Final Payment Request with supporting documentation due to CalRecycle. All purchases must be received, and all eligible payments made, before the submission of the Final Performance Report and Final Payment Request. <i>No extensions will be given beyond September 30, 2011.</i>
Friday, September 30, 2011	Grant Term Ends.

Work Plan and/or Budget Changes

The Application Work Plan and Budget describe the approved Grant activities and costs and become part of the Grant Agreement. Grantee proposed changes to the Work Plan and Budget must be submitted in writing to the CalRecycle Grant Manager, and the Grantee must receive written approval prior to implementing the change. When requesting a change, Grantees should submit a compelling justification for moving funds or revising the Work Plan.

NOTE: The CalRecycle Grant Manager will not approve changes that result in the reduction of the performance of core program functions for inspections, enforcement, or mandatory training. Additionally, requests that exceed established limitations will not be approved.

Changes may be requested through April 30, 2011, to allow the CalRecycle Grant Manager adequate time to review and respond to the request, and CalRecycle recommends that all requested changes be submitted via e-mail to TireEnforcement@calrecycle.ca.gov.

Performance Reports

Performance Reports document Grantee activities and accomplishments during the Grant Performance Period are used to support Payment Requests and evaluate Grantee performance. A minimum of one Mid-Year and one Final Performance Report are required for TEA 17. The Mid-Year Report must include activities and accomplishments from June 30, 2010 through December 31, 2010, and must be submitted no later than March 31, 2011. The Final Performance Report must include activities and accomplishments from January 1, 2011 through June 29, 2011, and must be submitted no later than September 30, 2011.

The following documents must be submitted with the Final Performance Report and are available at <http://www.calrecycle.ca.gov/Grants/Forms/> :

- ... Recycled Content Certification (CalRecycle 74G - required with the Final Performance Report)
- ... Grant Self-Assessment Checklist (CalRecycle 641)
- ... Reliable Contractor Declaration(s) (CalRecycle 168)

Failure to submit the Final Payment Request and Final Performance Report with appropriate documentation by September 30, 2011, may result in rejection of the Payment Request and/or forfeiture by the Grantee of claims for costs incurred that might otherwise have been eligible for Grant funding. No extensions for submitting the Final Payment Request and Final Performance Report will be granted.

Performance Reports must be mailed to the CalRecycle Grant Manager:

Ms. Mary LeClaire, TEA Grant Manager
Department of Resources Recycling and Recovery
Post Office Box 4025, MS 10A-17
Sacramento, CA 95812

Payment Requests and Supporting Documentation

Payment Requests are the means by which Grantees request reimbursement of eligible Grant costs expended during the Grant Performance Period, and supporting documentation is the proof of those expenditures. A minimum of one Mid-Year Payment Request and one Final Payment Request is required for TEA 17. The Mid-Year Payment Request must include costs expended from June 30, 2010, through December 31, 2010, and must be submitted no later than March 31, 2011. The Final Payment Request must include costs expended from January 1, 2011, through June 29, 2011, and must be submitted no later than September 30, 2011. The period between June 30, 2011, and September 30, 2011, is referred to as the Report Preparation Period. Costs incurred to prepare the Final Performance Report and Final Payment Request, and all supporting documents, are the only costs that are eligible for reimbursement during the Report Preparation Period.

All amounts claimed in a Payment Request must be actual eligible costs that are adequately supported with appropriate documentation, and may not exceed the Budget amount per task approved by CalRecycle. The Grantee must submit an original Grant Payment Request with an original signature of the individual authorized in the resolution, or his/her designee. Copies, faxes, or e-mailed versions of the form will not be processed for payment.

All Payment Requests must be accompanied by accurate and complete supporting documentation, and *costs must be summarized and totaled by task and type*. Adequate Payment Request and supporting documentation includes but is not limited to:

- ... Expenditure Itemization Summary.
 - o See additional information about personnel hours and costs in the following Sections *Personnel Hours* and *Hourly Labor Rate*.
- ... Certification signed by the Grantee's chief financial officer, or equivalent official.

- ... If Board of Supervisors or City Council approved labor rates are claimed, Grantees must submit:
 - A copy of the governing body resolution approving the hourly rate used.
 - A copy of the fee and/or rate schedule submitted to the governing body showing the hourly rate used. (Grantees only need to submit the cover page(s) of the schedule and the page that shows the hourly rate used, with the rate circled. Grantees do not have to submit the entire schedule if it contains fees and rates for other groups within their organization.)
- ... If a separate labor rate is calculated for each employee that includes actual salary, wages, shift differentials, fringe benefits, and indirect/overhead costs, Grantees must submit a detailed spreadsheet which shows a breakdown of the each employee's hourly rate by cost components.
- ... Surveillance forms (CalRecycle 229) for all surveillance activities supported by the Grant.
- ... Copies of outreach materials created and/or published, samples of each promotional item, and photographs of signs/displays paid for with TEA 17 funds.
 - Outreach materials include brochures, presentations, promotional items, etc., and promotional items must be trinkets of nominal value. (Clothing items such as hats, shirts, etc., are not allowable promotional items.) For large items such as billboards, displays, signs, etc., Grantees must submit a photograph of the item with the Payment Request.
- ... 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).
 - For Task #8, eligible vendor costs may include:
 - the cost of disposing of waste tires at a CalRecycle permitted, excluded or exempted waste tire storage facility or disposal site;
 - the cost of fencing, gates, signs and other methods to safely secure the location where illegal dumping of waste tires has occurred; and,
 - the cost of equipment and tools purchased, rented and consumed during the cleanup process.
- ... Agenda(s) for all pre-approved non-mandatory training attended.
- ... Training note: When multiple sessions of a training event are scheduled, Grantees should attend the session closest to their location. Exceptions for attending classes that are not the closest will be considered but must be supported by a compelling justification, and must be pre-approved in writing by the CalRecycle Grant Manager. If attending an event with multiple subjects of which only part are related/beneficial to waste tire enforcement, only the waste tire enforcement-related portion of the class fee, divided proportionally, may be charged to this Grant.
- ... Employee's approved travel expense claim for hotel, meals, per diem and other expenses, hotel receipts and other receipts for conference fees, tuition, etc.
- ... Mileage logs, lease payment documents, and support of interdepartmental vehicle use costs.
- ... Tire Pickup Logs, Task #8 Cleanups template, and copy of waste tire manifest forms for the pick-up and disposal of waste tires.
 - More information about tire manifests can be found at www.calrecycle.ca.gov/tires/manifest/default.htm . Reimbursement for Task 8 costs **will not** be made if these forms are incomplete, incorrect or missing.

NOTE: The CalRecycle Grant Manager may approve acceptable alternatives to some of the previously mentioned forms. All Grantee proposed alternative forms must contain the same level of detail as shown in the CalRecycle form, and must be submitted to TireEnforcement@calrecycle.ca.gov. Grantees must receive the CalRecycle Grant Manager's written pre-approval before using their proposed alternative forms. Grantees may propose alternatives for the following forms:

- ... Surveillance form (CalRecycle 229)
- ... Tire Pickup Log
- ... Task #8 Cleanup template

Payments will be approved when the CalRecycle 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.

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, and proof of payment must be submitted with the Payment Request. Encumbrances, invoices, purchase orders, etc., are not eligible for reimbursement until the Grantee has actually paid the funds to the employee, vendor, etc.

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

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

Failure to submit the Final Payment Request and Final Performance Report with appropriate documentation by September 30, 2011, may result in rejection of the Payment Request and/or forfeiture by the Grantee of claims for costs incurred that might otherwise have been eligible for Grant funding.

Grantees must use the current version of the Payment Request form available on CalRecycle's web pages. Other documents that Grantees may need to submit with the Payment Request are also available on the web.

- ... The Surveillance Form (CalRecycle 229) (required when surveillance activities are performed and funded by this Grant) can be found at <http://www.calrecycle.ca.gov/Tires/Enforcement/Inspections/Forms.htm>
- ... The following forms may all be found at <http://www.calrecycle.ca.gov/Grants/Forms/> :
 - o Grant Payment Request form (CalRecycle 87)
 - o Sample personnel expenditure summary (CalRecycle 165)
 - o Sample travel expense log (CalRecycle 246)

The Waste Tire Enforcement Grant Program has been exempted from the requirement to submit a *General Checklist of Permits, Licenses, and Filings* (CalRecycle 669) with the Payment Requests.

Payment Requests must be mailed to the CalRecycle Grant Manager:

Ms. Mary LeClaire, TEA Grant Manager
California Department of Resources Recycling and Recovery
Post Office Box 4025, MS 10A-17
Sacramento, CA 95812

Personnel Hours

Grantees must maintain, and provide if requested, detailed timekeeping records of personnel hours worked. For each pay period, the employee's timekeeping document must contain at least the following:

- Employee name and classification
- Total hours worked and leave taken during the pay period
- Hours worked/leave taken per day
- For each hour worked, a description/listing of the activity/task they were working on.
 - For Grantees claiming actual hours for TPIDs inspected with a waste tire count of 500 or more, the timekeeping documentation must also show the hours per day for each of the TPIDs with a waste tire count of 500 or more.

A sample Personnel Expenditure Summary (CalRecycle 165) can be found at <http://www.calrecycle.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. Grantees should contact the CalRecycle Grant Manager if they have any questions about the adequacy of their own personnel expenditure system.

Supervision of staff conducting eligible activities constitutes a direct Grant cost; therefore, Grantees may claim under each task direct supervision time and costs related to that task, as long as the supervision time and costs have not been included as a component of a Board or Council approved rate, or an indirect, overhead or administrative rate.

Hourly Labor Rate

Grantees must choose one of the following options to determine how they charge the grant for their employees' time spent on the TEA 17 Grant:

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 calculate the value of employee time spent on eligible Grant activities.

A Board or Council approved rate usually includes a large variety of components, including items such as: indirect, administrative and overhead costs; travel, transportation and training; and, equipment, supplies and materials. Grantees may only claim those costs directly against the Grant if they can show those costs were not

included as a component of the Board or Council approved rate, and if the Grantee's chief financial officer (or equivalent) signs the previously mentioned certification.

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, 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. Most local governments already have an indirect cost rate that is prepared annually by their accounting, finance or budget office. Grantees should use that indirect cost rate as a component of the hourly rate calculated for each employee.

An indirect, administrative or overhead rate usually includes a large variety of components, including items such as: supervisor costs; travel, transportation and training; and, equipment, supplies and materials. Grantees may only claim such costs directly against the Grant if they can show that these costs were not included as a component of the indirect, administrative or overhead rate, and if the Grantee's chief financial officer (or equivalent) signs the previously mentioned certification.

There is no indirect cost rate standard that every organization must follow. Each Grantee should follow its own organization's methodology for applying and including indirect costs as part of the employee's hourly rate. Grantees should contact their own accounting, budget or finance office to ascertain what their jurisdiction's indirect cost rate is.

Under either option, Grantees must maintain, and provide if requested, documentation to support rates used, the components thereof, and demonstrate how it was calculated. The documentation must provide a clear trail from the actual and projected costs and components, through the rate determination process and methodology, to the rate used. For Grantees that do not use a Board or Council approved rate, the Grantee must demonstrate that the rate and supporting methodology has been approved by the Grantee's chief financial officer, or equivalent, and was the rate in effect and used during TEA 17.

Grant Closeout

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

Failure to submit the Final Payment Request and Final Performance Report with appropriate documentation by September 30, 2011, may result in rejection of the Payment Request and/or forfeiture by the Grantee of claims for costs incurred that might otherwise have been eligible for Grant funding.

Termination or Suspension of Grant or Payments

Failure to comply with any part of the Grant Agreement, or interfering with CalRecycle enforcement actions, may result in the termination of the Agreement or suspension of any outstanding Grant Payment Requests.

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

All Grant-related documents submitted to CalRecycle become the property of CalRecycle and are subject to disclosure under the Public Records Act. Do not submit confidential information with the Application, Performance Report, Payment Request, or any other Grant document.

Grantee records and supporting documentation pertaining to the performance of this Grant are subject to audit and must be maintained for a minimum of three (3) years after final payment date or 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; mileage logs; payroll registers and entries; time 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 CalRecycle, 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 Grant Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three (3) 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 Grant Agreement.
2. **Waiver of Personal Jurisdiction.** Should CalRecycle 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.

Grantee Contacts and Information

All Grantee contact person updates regarding names, addresses, phone numbers, e-mail addresses, etc., should be sent to TireEnforcement@calrecycle.ca.gov, or the CalRecycle Grant Managers listed in the next section.

CalRecycle Grant Manager

Ms. Mary LeClaire and Ms. Phanessa Fong are the CalRecycle Grant Managers for all TEA Grants. Ms. LeClaire may be reached at (916) 341-6433, or via e-mail at MLeClaire@ciwmb.ca.gov. Ms. Fong may be reached at (916) 341-6689, or via e-mail at PFong@ciwmb.ca.gov.

Task #1 - Inspections

Introduction

Inspections are a 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 tire operations for compliance with waste tire permitting, hauling, storage and disposal laws and regulations.

Inspections on Federal, State and Tribal Owned land

Grantees may perform inspections on land owned by the federal or state government; however, inspections may not be performed on land owned by tribal governments.

Inspection Priorities

CalRecycle has established the order in which inspections should be performed. Grantees must perform inspections in accordance with the following order of priorities:

1. Inspect unpermitted and/or illegal waste tire piles, and other waste tire violations, that pose an immediate risk or threat to public health and safety, and the environment.
2. Inspect waste tire locations, operations, and issues in response to requests or complaints received from the general public, and from business and government representatives from within the Grantee's own jurisdiction.
3. Inspect waste tire locations, operations and issues as requested by CalRecycle.
4. Reinspect TPIDs within 30 days of the compliance deadline when a Notice of Violation is issued and documented on an inspection report.
5. Inspect active* permitted major and minor waste tire facilities.
6. Inspect active* TPIDs that have never been inspected.
7. Inspect all other active* TPIDs that accept, generate or store more than 500 waste tires.
8. Inspect all other active* TPIDs that accept, generate or store 500 or fewer tires.

Closed and inactive* facilities should only be inspected if a referral, complaint, or other urgent information has come to the Grantee's attention.* Grantees must note on the

Inspection Report the information they received which necessitated the inspection of a closed* or inactive* facility.

*Active, inactive, and closed refers to the TPID's Business Status per WTMS.

Inspection Location

In general, inspections should be performed at the site address shown in WTMS. If WTMS shows both site and mailing address for the TPID, and the addresses are in separate jurisdictions, Grantees may only perform inspections of the TPID if the site address is in their jurisdiction.

If there is no site address listed in WTMS, and if the mailing address is in the Grantee's jurisdiction, the Grantee should contact the TPID representative to determine if the mailing address is also the site address. If the mailing address is also the site address, and the mailing/site address is in the Grantee's jurisdiction, the Grantee may perform an inspection of that TPID. If there is a separate site address, the Grantee may only perform an inspection at the site address if it is in the Grantee's jurisdiction. In all cases, when the Grantee learns of the TPID's site address, that information should be passed along to the Hauler Hotline or to the CalRecycle inspector assigned to the Grantee.

Inspection Frequencies

Inspection frequencies are as follows.

- ... A maximum of one routine inspection is allowed per TPID during TEA 17.
- ... A maximum of two re-inspections may be performed per TPID during TEA 17 if a Notice of Violation was documented during the previous inspection.
- ... Referral inspections may be performed as needed if a referral, complaint, or other urgent information comes to the Grantee's attention about a possible waste tire violation. If an inspection is performed for any of those reasons, Grantees must note on the Inspection Report the information they received which necessitated the inspection, and must mark "Referral" as the Inspection Type on the Survey Form, CalRecycle 181.
- ... A maximum of one observation inspection may be performed per TPID during TEA 17, and is allowed under limited circumstances. To qualify as an Observation inspection, the Grantee must already be in the field and be prompted by an observation to perform a spontaneous inspection. If an Observation inspection is performed, Grantees must note on the Inspection Report the observation that prompted the spontaneous inspection, and must mark "Observation" as the Inspection Type on the Survey Form, CalRecycle 181. An observation that prompts a spontaneous inspection is generally something that appears to be in violation of applicable waste tire laws and regulations.

Additional inspections may be performed if pre-approved in writing by the CalRecycle Grant Manager.

Inspection Reports

An Inspection Report documents what the Inspector observed during a field inspection of the TPID's site address, including statements made by the owners/operators of the site, as well as any statements or directives the Inspector made to the owner/operator. The Report should

also include comments as to whether or not previous Areas of Concern or Notices of Violation have been resolved.

An Inspection Report may include more than one piece of paper. It must include a Survey Form (CalRecycle 181), and may include an Inspection Form (CalRecycle 182), Comments Form (CalRecycle 183), and any other appropriate attachments such as photographs. All inspections should be thoroughly documented so that the Report provides complete and accurate information in case future enforcement actions are taken. An Inspection Report should be able to stand on its own without any explanations or additional information.

Some businesses have more than one role under its TPID. All business roles under one TPID must be inspected during the same field/site inspection and must be documented on one Inspection Report. Separate reports are only allowed for separate TPIDs, not separate roles under one TPID.

If the Report documents a change of the TPID's Operational Status, the Inspector must document on the report the observation or information that led to the conclusion that the Operational Status should change. Definitions of Operational Status are found on the back of the Survey Form (CalRecycle 181).

Inspection Reports may only be completed when the Inspector performs an inspection at the TPID's site address.

Notices of Violation (NOV)

If a violation is identified during an inspection:

- ... Advise the tire business representative of the violation(s), issue CalRecycle-provided Notice of Violation (NOV) and informational sheets found at <http://www.calrecycle.ca.gov/Tires/Enforcement/Inspections/Forms.htm#NOV>, and indicate on the Report what the tire business must do by date certain (compliance deadline date) to comply. The compliance deadline date must be written on the inspection report.
- ... Reinspect the tire business within 30 days of the NOV compliance deadline date.
 - If the violation is corrected after the first or second reinspection, additional inspections are allowed during TEA 17 only if a request, complaint or referral is received about the TPID.
 - If a violation is not corrected at the time of the first 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 violation(s) to CalRecycle for further enforcement action. The referral must be noted on the inspection form, and the Grantee must complete and submit CalRecycle Referral form 228 found at <http://www.calrecycle.ca.gov/Tires/Enforcement/Inspections/Forms.htm#Referral>. The referral should be made within 30 days of the last re-inspection and must include evidence collected, including inspection reports and photographs.

NOTE: While up to two reinspections are allowed, Grantees are not required to perform two reinspections before referring the tire business to CalRecycle. Grantees may make

referrals to CalRecycle after the first inspection or after the first reinspection, based upon the Grantee's judgment of the severity of the non-compliance issue and the responsiveness of the tire business.

Maximum Hours Allowed per Inspection

When Grantees prepare and submit their Payment Request for reimbursement of actual inspection costs, the maximum hours allowed per inspection depends on the Grantee's record keeping system.

If the Grantee has a record keeping system that separately accumulates inspection hours for each TPID inspected with a waste tire count of 500 or more, the Grantee may claim the actual number of hours spent on:

- ... each TPID inspected with a waste tire count of 500 or more; and,
- ... all inspections with a waste tire count of 499 or fewer, as long as the average actual hours per inspection is 4 hours or less.

For Grantees that do not have the ability or desire to separately accumulate inspection hours for each TPID inspected with a waste tire count of 500 or more, the Grantee may claim the actual number of hours spent on all inspections as long as the average actual hours per inspection is 4 hours or less.

NOTE: Time in and out on the Inspection report does not limit reimbursable hours to that period of time. Also, inspection preparation and report writing tasks may be performed on days other than the date of the inspection.

Task #2 - Enforcement

Introduction

Enforcement includes the steps beyond inspections that a Grantee takes to identify and bring into compliance those that illegally haul, store and dispose of waste tires. Priority should be given to those situations that pose the greatest risk to public health and safety, and the environment.

Maximum Allowed Enforcement Costs

When Grantees prepare and submit their Payment Request for reimbursement of actual enforcement costs, the amount requested under Task #2 must be less than or equal to 75% of the actual approved and eligible costs reimbursed under Task #1. CalRecycle staff do not have the authority to approve costs in excess of the 75% limitation.

Task #3 - Outreach

Introduction

Outreach takes many forms and includes the Grantee's efforts to inform tire businesses and the general public of waste tire hauling, storage, permitting, and disposal laws and regulations.

Outreach Materials

Outreach materials include brochures, presentations, promotional items, etc. The final draft or mock-up of these items must be pre-approved, in writing, by the CalRecycle Grant Manager before the item goes to the printer or supplier, or is presented to tire businesses and/or the general public. If a presentation or other items were approved by CalRecycle in a prior Grant cycle, they must be re-approved in writing by the CalRecycle Grant Manager during the TEA 17 cycle. The reason for the re-approval is to ensure that the items still comply with current laws and regulations.

Additional requirements are found in the following sections of the Terms & Conditions for this Grant:

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

Promotional items must be trinkets of nominal value. (Clothing items such as hats, shirts, etc., are not allowable promotional items.) Promotional items must include information related to waste tire storage, hauling or disposal, and should include information such as local telephone numbers for learning more about waste tire laws and regulations, or for reporting illegal waste tire dumping.

Grantees may continue to distribute brochures and promotional items that were purchased under previous Grant cycles as long the information is still accurate. Failure to obtain the CalRecycle Grant Manager's written pre-approval for outreach materials purchased under TEA 17 may result in those activities and costs being ineligible for reimbursement; any such costs may be deducted from the Grantee's Payment Request.

Task #4 - Grantee Training

Introduction

Grantee Training is generally training that the Grantee's tire enforcement staff attend. Limited Grantee provided training may be allowed under this task.

All training must be directly related or beneficial to the enforcement of waste tire hauling, storage, permitting and disposal, and must be pre-approved by CalRecycle's Grant Manager. Training related to tire reuse, recycling, landfills, solid waste, state minimum standards, etc., are generally not eligible under this task. Additionally, classes related to obtaining or maintaining Peace Officer or Public Officer status, or weapons qualifications, are not eligible under this task.

When multiple sessions of a training event are scheduled, Grantees should attend the session closest to their location. Exceptions for attending classes that are not the closest will be considered but must be supported by a compelling justification, and must be pre-approved in writing by the CalRecycle Grant Manager. If attending an event with multiple subjects of which only part are related/beneficial to waste tire enforcement, the portion of the class fee charged to the TEA 17 Grant must be proportionally-related to the proportion of the class time devoted to waste tire enforcement.

Task #5 - Grant Management

Introduction

Grant Management is the work the Grantee performs to manage the Grant as a whole. This task was previously entitled Report Writing.

Task #6 - Equipment, Materials and Supplies

Introduction

Equipment, materials and supplies are needed to perform eligible waste tire enforcement activities and to maintain the health and safety of staff performing those activities. In general, all equipment, materials and supplies necessary to perform eligible waste tire enforcement activities are eligible.

Office related items may also be eligible, such as: file cabinets; postage; printer, toner, paper and ink cartridges; copier, toner and paper; document scanner; supplies such as paper, pens/pencils, paperclips; and, computer, accessories, standard software and licensing.

The CalRecycle Grant Manager must pre-approve the purchase of all items and will consider items the Grantee purchased in prior Grant cycles. Failure to obtain the CalRecycle Grant Manager's written pre-approval may result in those items and costs being deducted from the Grantee's Payment Request. Additionally, Grantees may be allowed to only claim a proportion of the cost of an item based upon the percentage of time it is used for waste tire enforcement activities.

For items with a purchase price of \$100 or more, Grantees may be required to provide a compelling justification to purchase the item, including an explanation as to why a lesser expensive item is inadequate, or why previously purchased items are inadequate.

Items such as tazers, police type scanners and radios, mobile command posts, and other law enforcement type items are ineligible under the TEA Grant.

Maximum Allowed Equipment, Materials and Supplies Costs

When Grantees prepare and submit their Payment Requests for reimbursement of actual equipment, materials and supplies costs, the amount requested under Task #6 must be less than or equal to 10% of the approved expenditures for all tasks.

Task #7 - Transportation

Introduction

Transportation is necessary for Grantees to perform eligible activities.

Eligible Items

In general, transportation necessary to performing waste tire enforcement activities is eligible. Eligible items include purchasing or leasing a vehicle, as well as using a Grantee owned or personal vehicle.

Additional items may be eligible; however, they must be pre-approved, in writing, by the CalRecycle Grant Manager before the Grantee orders or purchases the item.

Vehicle Purchase and Lease

Purchases of new and used vehicles, or leasing of vehicles, are eligible as long as they are in accordance with the following:

- ... The Grantee has successfully performed under the Grant Program during TEA 14 and 15.
- ... All vehicle purchases and leases must be included in the TEA 17 Application Work Plan and Budget and must be pre-approved in writing by the CalRecycle Grant Manager before the vehicle is purchased or leased.
- ... Grantees who purchase vehicles, in whole or in part with Grant funds, must provide CalRecycle with a purchase money security interest in the vehicle for a 5-year term. Grantees who lease vehicles, in whole or in part with Grant funds, must provide CalRecycle 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 predominantly used for Grant-funded activities, the Grantee will return to CalRecycle all Grant funds expended during the Grant term(s) in which the vehicle is not used predominantly for Grant-funded activities.
- ... Grantees must include CalRecycle as a lien holder on the vehicle title from the date of purchase. CalRecycle will release the lien when the security interest expires, or 5 years after the execution of the Security Agreement.
- ... All vehicles purchased or leased with Grant funds must be used predominantly for Grant-funded activities.

- ... Grantees are **strongly encouraged** to follow the State of California's Vehicle Purchase and Lease policy for vehicles purchased by state agencies. The policy is contained in Management Memo Number MM06-03 and can be found at http://www.documents.dgs.ca.gov/osp/sam/mmemos/mm06_03.pdf . 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.

- ... For Grantees that purchased a new vehicle under a previous Grant cycle, a vehicle purchase under TEA 17 will be approved if:
 - o the previously purchased vehicle is no longer in the possession of the Grantee; and,
 - o at least 100,000 miles of the previously purchased vehicle were documented and claimed against the Grant Program; and,
 - o the purchase amount for a vehicle purchased under TEA 17 is reduced by the value of the previously purchased vehicle when title was transferred to a person or group that is not the Grantee.

- ... For Grantees that purchased a used vehicle under a previous Grant cycle, a vehicle purchase under TEA 17 will be approved if:
 - o the previously purchased vehicle is no longer in the possession of the Grantee; and,
 - o at least 75,000 miles of the previously purchased vehicle were documented and claimed against the Grant Program; and,
 - o the purchase amount for a vehicle purchased under TEA 17 is reduced by the value of the previously purchased vehicle when title was transferred to a person or group that is not the Grantee.

Maximum Allowed Transportation Costs

When Grantees prepare and submit their Payment Request for reimbursement of actual transportation costs, the amount requested under Task #7 must be less than or equal to 10% of the approved expenditures for all tasks, up to a maximum of \$25,000.

Grantees have the option of claiming vehicle usage costs based upon actual mileage at the lesser of the Grantee or state mileage rate, or to claim actual costs in lieu of a mileage rate. Under either option, the Grantee must submit mileage usage logs to show the actual mileage driven to perform eligible TEA 17 activities. Additionally, if the Grantee claims actual costs in lieu of a mileage rate, the average actual cost per mile must be no more than the state's standard mileage rate.

Task #8 - Small Tire Pile Cleanup

Introduction

Small tire pile cleanups are cleanups of piles with a total of 499 or fewer waste tires from public rights-of-way and private property where no responsible party can be determined or found.

The Grantee must use its best judgment in selecting sites for cleanup. Where possible, investigation of the source of the waste tire piles should be conducted, and those responsible should be directed to cleanup the piles in accordance with applicable laws and regulations. Additionally, appropriate enforcement action should be considered against those who dumped the waste tires. (The investigation of and enforcement against those who illegally dump waste tires is only eligible under Task #2.)

Waste tires dumped on private property by the property owner(s) or those associated with the property owner, waste tires placed on public rights-of-way by businesses, and cleanups on land owned by federal, state or tribal governments, are not eligible for cleanup under this task. Additionally, cleanups may not be performed on land owned by jurisdictions that are not Regional or Notified jurisdictions of the Grantee, and Grantees may not solicit or encourage businesses to place tires in the public right-of-way.

Public Right-of-Way Cleanups

Public rights-of-way include roads, parks, parking lots, alleys, waterways, and any number of other types of public properties for which the Grantee, or a partner Regional or Notified jurisdiction, has actual or delegated responsibility.

To comply with the CalRecycle waste tire manifest requirements, Grantees who pick up illegally dumped tires from public rights-of-way must obtain a TPID specifically for that activity to be used as the generator TPID. Additionally, a tire pickup log must document the date and location of each tire picked up, the number of waste tires picked up at each location, and the location to which the tires were taken. Grantees do not have to obtain a separate TPID for each public right-of-way location from where illegally dumped waste tires are removed.

An example Tire Pickup Log is available from the CalRecycle Grant Manager. CalRecycle strongly encourages Grantees to review the Tire Pickup Log for areas of repeated illegal dumping, and to monitor those areas to determine if surveillance or other investigation needs to occur.

Waste Tire Hauling and Disposal

Waste tires cleaned up under this task must be hauled by a waste tire hauler who is currently registered or exempted by CalRecycle, and disposed of at an end use facility that is permitted, excluded or exempted by CalRecycle to accept waste tires. All tires cleaned up under this task must be properly manifested.

CalRecycle **will not** reimburse Grantees for services rendered by haulers or end use facilities without a current TPID, or non-exempt 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) (CalRecycle 168), CalRecycle may deny payment to the Grantee.

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

More information may be found on CalRecycle's and other state web sites:

- ... TPID numbers www.calrecycle.ca.gov/tires/TPID/ .
- ... Haulers and registration <http://www.calrecycle.ca.gov/Tires/Haulers/> and www.calregs.com [Specifically PRC Section 42951(a) which requires that every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954.]
- ... Title 14, California Code of Regulations, Division 7, Chapter 1, Sections 17050-17062 www.calregs.com .

Maximum Allowed Cleanup Costs

When Grantees prepare and submit their Payment Request for reimbursement of actual enforcement costs, the amount requested under Task #8 must be accordance with these limitations:

- ... A maximum of \$4,990 may be claimed for any one site*;
- ... A maximum of 499 tires may be claimed for any one site*;
- ... The average cleanup cost per tire per site must be \$10 or less;
- ... A maximum of \$25,000 or 10% of the total Grant Award, whichever is greater, may be claimed in total.

*as previously stated, multiple claims may be submitted for tires removed from the Grantee's staging area.