



January ~~28~~, 2010

CALIFORNIA NATURAL RESOURCES AGENCY

*California Department of Resources Recycling and Recovery
(CalRecycle)*

TEA 17

WASTE TIRE ENFORCEMENT GRANT PROGRAM

Application Guidelines and Instructions

17th Cycle – FISCAL YEAR (FY) 2009/10

~~revised January 5, 2010~~

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Application Instructions & Award Process

The Application Guidelines and Instructions contain information, processes and examples that supplement the separately available Notice of Funds Available (NOFA), Grant Application Form, Work Plan, Budget, Terms and Conditions, and Procedures and Requirements to assist the Applicant in completing its Application for the Waste Tire Enforcement Grant Program (Program). Applicants are advised to carefully read and understand all Grant related information before applying for the Program.

NOFA, Application and other Grant Documents

The Notice of Funds Available (NOFA), Application, and other Grant related documents can be found at <http://www.ciwmb.ca.gov/Tires/Grants/Enforcement/FY200910/default.htm>
<http://www.calrecycle.ca.gov/Tires/Grants/Enforcement/FY200910/default.htm> .

New Applicants

New Applicants are those Applicants that did not receive a Waste Tire Enforcement Grant Award for Fiscal Year (FY) 2008/09 (TEA 16), or a Waste Tire Enforcement Grant Award for FY 2007/09 (TEA 15) that was extended into the TEA 16 Grant Performance Period. At the time of application, there must be a total of 50 or more active* businesses with Tire Program Identification (TPID) numbers in the Applicant's jurisdiction. New Applicants must be one of the following:

1. City;
2. County; or,
3. City and County.

New Applicants that are under the jurisdiction of an existing Waste Tire Enforcement Grantee that is also applying for a TEA 17 Grant may apply for this Grant only if the new Applicant:

- Meets the eligibility requirements of this Grant;
- Notifies the existing Grantee and CalRecycle in advance of its intent to apply;
- Meets with the existing Grantee and CalRecycle;
- Demonstrates complementary services are needed in its jurisdiction(s); and,
- Is approved by CalRecycle.

*"Active" means the Business Status is "Active" in CalRecycle's Waste Tire Management System.

Reapplying Grantees

Reapplying Grantees are those Applicants that received a TEA 16 Grant Award, or a TEA 15 Grant Award that was extended into the TEA 16 Grant Performance Period. A reapplying Grantee must be a City, County, or City and County, and is eligible to apply for a TEA 17 Grant if it satisfactorily performed in accordance with its TEA 16 (or TEA 15, if extended) Grant Agreement, including, but not limited to, the Terms and Conditions, Procedures and Requirements, Work Plan and Budget. The CalRecycle will use joint field inspections and

other performance measures to determine if a reapplying Grantee has satisfactorily performed in the TEA 16 (or TEA 15, if extended) Grant cycle.

Previous Grant cycles included reapplying Grantee performance measures; however, the measures were difficult to quantify and apply. To better define and quantify satisfactory performance, the following are examples of performance measures and standards that may be reviewed to determine if a reapplying Grantee has performed satisfactorily in prior Grant cycles:

- Spending at least 80% of awarded funds on eligible and approved items and activities;
- Completing at least 80% of inspections estimated in Application;
- Performing reinspections within 30 days of the Notice of Violation compliance deadline;
- Submitting inspection forms to CalRecycle within 30 days of the end of the month in which the inspection was performed;
- Following-up on complaints and referrals within 30 days of receipt;
- Submitting enforcement referrals to CalRecycle within 30 days of identification;
- Submitting complete Performance Reports, Payment Requests, and other required Grant documents by the due date;
- Referring all non-compliant TPIDs to CalRecycle for enforcement action after a maximum of two follow-up inspections and within 30 days of the last compliance deadline;
- Attending all mandatory training events;
- Participating with CalRecycle on the development of enforcement cases, including testifying at hearings and other legal proceedings as needed;
- Participating in joint training with CalRecycle field staff; and,
- Complying with all requirements of the Grant Agreement.

CalRecycle staff will work closely with reapplying Grantees that are not performing satisfactorily. If a reapplying Grantee does not perform satisfactorily for two or more consecutive grant cycles, staff may recommend to the Director that the reapplying Grantee not receive a TEA Grant Award.

Managing Entity

For both new Applicants and reapplying Grantees, the Applicant must designate a managing entity to implement and oversee the Program. The managing entity must be one of the following:

- A Local Enforcement Agency (LEA);
- An Environmental Health Agency, department, office, etc.;
- A Code Enforcement Agency, department, office, etc.; or,
- Another agency, department, office, etc., that has inspection and code enforcement authority, experience and capability.

Regional Applications

A Regional Application includes one lead and one or more participating jurisdiction(s), and any Applicant may choose to submit a Regional Application. The lead jurisdiction will act on behalf of all jurisdictions included in the Regional Application. Participating jurisdictions are those that have designated the lead jurisdiction to enforce waste tire laws and regulations

within their jurisdiction. See Appendix B for examples of Lead and Participating Jurisdiction Resolutions, and an example Letter of Authorization for participating jurisdictions.

NOTE: No jurisdiction may be included in more than one Application.

Notified Jurisdictions

~~A county Applicant may perform inspections and enforcement activities outside its own or participating jurisdictions *as long as* it has:~~

- ~~• sent a letter to the Executive Officer (City Manager or other person similarly titled) of its intention to perform waste tire inspections and enforcement activities in their jurisdiction;~~
- ~~• given the notified Executive Officer at least 21 days to object; and,~~
- ~~• received no objection from the notified Executive Officer.~~

~~A county Applicant may only use this process for cities within its county. The county may not use this process to notify other counties, or cities outside its county. Example language for the body of the notification letter can be found in Appendix C.~~

~~This option is not available to city Applicants.~~

Grantee's Authority

The CalRecycle is responsible for performing all activities related to enforcing waste tire permit, hauling and storage laws and regulations. When a local jurisdiction receives a TEA Grant and becomes a Grantee, that Grantee ~~becomes an agent contractor of is authorized CalRecycle and enforces is authorized to enforce~~ waste tire laws and regulations under CalRecycle's authority, not its own. Some Grantees or managing entities have authority as Local Enforcement Agencies (LEA) or code enforcement agencies; however, that authority is not applicable to the waste tire enforcement program.

Under the TEA Grant:

- County Grantees may perform waste tire activities in the following areas:
 - the unincorporated area of the County and the incorporated area of all Cities within the boundaries of the County; and,
 - the unincorporated area of a County, and/or the incorporated area of a City that is outside the boundaries of the County, that is a participating jurisdiction in a regional application; ~~and,~~
 - ~~○ the incorporated area of a City within the jurisdictional boundaries of the County that did not object after the County notified it that the County would be performing waste tire inspection and enforcement activities in its area.~~
- City Grantees may perform waste tire activities in the following areas:
 - the incorporated area of the City; and,
 - the unincorporated area of a County, and/or the incorporated area of a City, that is a participating jurisdiction in a regional application.
- City and County Grantees may perform waste tire activities in the following areas:
 - the unincorporated and incorporated area of the City and County; and,
 - the unincorporated area of a County, and/or the incorporated area of a City, that is a participating jurisdiction in a regional application.

Available Funds and Maximum Awards

There is \$7,141,334 available for TEA 17 Awards. Applicants may request up to and including the maximum award amount allowed for its qualifying population.

The maximum Award for any Applicant is:

- \$300,000 for Applicants with qualifying populations equal to or less than 900,000;
- \$450,000 for Applicants with qualifying populations 900,001 through 2,000,000; and,
- \$600,000 for Applicants with qualifying populations of 2,000,001 or more.

Qualifying Populations for Maximum Awards

Qualifying populations for maximum award amounts are determined from the California Department of Finance (DOF) report, *E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change*. The report is generally published in May of each year and may be found at

<http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/ReportsPapers.php#estimates>.

Following is a description of how an Applicant's qualifying population is determined:

- For a County Applicant, the qualifying population includes all of the following:
 - the population of the unincorporated area of the Applicant County and the population of all Cities within the boundaries of the County; and,
 - the population of the unincorporated area of a County, and/or the incorporated area of a City(ies) that is outside the boundaries of the County, that is/are a participating jurisdiction(s) in a regional application; ~~and,~~
 - ~~the population of the incorporated area of a City that did not object when it received notice that the Applicant would be performing waste tire inspection and enforcement activities in its area.~~
- For a City Applicant, the qualifying population includes all of the following:
 - the population of the incorporated area of the Applicant City; and,
 - the population of the unincorporated area of a County, and/or the incorporated area of a City(ies) that is/are a participating jurisdiction(s) in a regional application.
- For a City and County Applicant, the qualifying population includes all of the following:
 - the population of the unincorporated and incorporated area of the Applicant City and County; and,
 - the population of the unincorporated area of a County, and/or the incorporated area of a City(ies) that is/are a participating jurisdiction(s) in a regional application.

Application Package Components

All Applicants must submit a complete Application Package, which includes the following components:

- One original of the Application, Work Plan and Budget
<http://www.ciwmb.ca.gov/Tires/Grants/Enforcement/FY200910/default.htm>
<http://www.calrecycle.ca.gov/Tires/Grants/Enforcement/FY200910/default.htm> ;
- Original Signature of Signature Authority*, Resolutions and Letters of Designation or Authorization (see Appendices A and B for examples); and,
- (If applicable) One original of an explanation regarding unspent funds in TEA 14 and/or 15.

- If the Applicant received a Grant Award in TEA 14 and/or 15, and spent less than 80% of the Grant Award in either or both cycles, the Applicant must submit with its Application an explanation as to why less than 80% of the Award was spent under either or both cycles.

**The Signature Authority is the person who is authorized in the Resolution to execute Applications, Agreements, Amendments, Contracts, requests for payment and all Grant documents necessary to secure Grant funds and implement the approved Grant project. The submitted Grant Application must include a current approved resolution approved by the Applicant's governing body, such as its Board of Supervisors or City County, authorizing submittal of the Application, and identifying the position title of the authorized Signature Authority. The resolution may be submitted late as long as it is received by CalRecycle no later than April 2, 2010. If the resolution is received after April 2, 2010, the Application will be disqualified.*

Application Delivery Instructions & Deadline

Applications that are mailed must be postmarked no later than March 5, 2010. ~~The application deadline is March 5, 2010. Mailed Applications must be postmarked by that date, and~~ Hand delivered Applications must be received and date stamped by CalRecycle or its agent no later than 3:00 p.m. on ~~that date~~ **March 4, 2010**. In addition to mailing or delivering the Application package as previously described, Applicants must also e-mail a copy of the Application Work Plan and Budget to TireEnforcement@calrecycle.ca.gov no later than **3:00 p.m. on March 4, 2010**. E-mailing the Application Work Plan and Budget does not constitute submittal of the Application, which must be separately submitted in its entirety as set forth in these Guidelines and Instructions no later than the Application deadline.

Faxed, e-mailed, late or incomplete Applications will not be accepted and will not be considered for funding.

Applications sent by U.S. Postal Service should be mailed to:

Department of Resources Recycling and Recovery
Attention: Waste Tire Enforcement Grant Program
Financial Assistance Division, MS 9A
Post Office Box 4025
Sacramento, CA 95812-4025

Applications sent by Commercial Carrier or by Hand should be delivered to:

California Environmental Protection Agency Building
Department of Resources Recycling and Recovery
Attention: Waste Tire Enforcement Grant Program
Financial Assistance Division, 9th Floor
1001 "I" Street
Sacramento, CA 95814

Applications sent by U.S. Postal Service or a commercial delivery service should be sent by a means that allows for tracking by the sender and that provides an addressed and dated

receipt, demonstrating mailing to CalRecycle's address. Failure to do so is at the risk of the Applicant and if delivery is delayed or the Application is lost by the delivery service, the burden is on the Applicant to demonstrate timely mailing or delivery of the Application. For hand-delivered applications, Applicants are encouraged to obtain a signed and dated receipt to verify a timely submitted application

Grant Term, Grant Performance Period, 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 CalRecycle. Eligible Grant expenditures may start no earlier than the indicated date, which will be no earlier than June 30, 2010. In all cases, all eligible Program costs must be incurred no later than June 29, 2011.

The Grant Term starts on the same date as the Grant Performance Period and ends on September 30, 2011, the date the Final Performance Report and Payment Request are due to CalRecycle. 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 Payment Request are the only costs that are eligible for reimbursement during the Report Preparation Period.***

Tentative TEA 17 Dates

Date	Activity
January 5, 2010	Notice of Funds Available, Application, and other Grant related documents will be posted to web page.
January 5, 2010 through February 19, 2010	Question and Answer Period - all questions must be submitted to TireEnforcement@calrecycle.ca.gov .
February 26, 2010	Last day answers will be posted to web page.
March 4, 2010	Hand delivered Applications are due to CalRecycle no later than 3pm.
March 5, 2010	Postmark Application deadline.
May 7, 2010	TEA 17 grants awarded.
May 21, 2010	Grant Agreement packages sent to Applicants.
90 days from receipt of Grant Agreement Package	Applicant signed Grant Agreements must be returned to CalRecycle.
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 Report and Final Payment Request. <u>No extensions will be given beyond September 30, 2011.</u>
Friday, September 30, 2011	Grant Term Ends.

Eligible Costs

Eligible costs generally include approved costs necessary to perform eligible activities and enforce waste tire permitting, hauling and storage laws and regulations. To be considered for eligibility, costs must be reasonable, cost-effective and adequately supported; incurred during the Grant Performance Period; directly and clearly related to the performance of eligible Grant activities; and, incurred in accordance with the Grant Agreement. Such costs may include, but are not limited to:

- Costs incurred on or after the date specified in the Notice to Proceed received by the Grantee from CalRecycle **and** prior to the end of the Grant Performance Period on June 29, 2010;
- Expenses that are described in the Grantee's Application, approved Budget (Exhibit D), and that are within the scope of the Work Plan (Exhibit C).
- Personnel Costs.
- Travel and per diem.
- Transportation.
- Purchase or lease of a vehicle, if pre-approved, in writing, by the CalRecycle Grant Manager; or a use of a Grantee-owned or personal vehicle.
 - Grantees who purchase vehicles, in whole or in part with Grant funds, must provide CalRecycle with a purchase money security interest in the vehicle purchased 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. The 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.
- Equipment such as:
 - Hand-held camera, standard and zoom lens, camera bag, film or memory stick, film processing or picture prints, connecting cords and standard accessories;
 - Portable GPS;
 - Range finder, tape measure, and other measuring devices;
 - Cell phone and monthly service ;
 - Steel-toed work boots (maximum of \$200 per pair, and 1 pair per Inspector every 2 years);
 - Waterproof rain gear, including: coat, hat, pants, boots, gloves;

- Clinometer;
- Clipboard;
- Binoculars and case;
- Portable calculator;
- Hard Hat;
- Gloves (disposable and durable);
- Disposable face mask;
- Safety glasses;
- Reflective safety vest, lightweight windbreaker, or logo/identification vest;
- Surveillance Camera and standard accessories, such as video recording equipment and tripod, if CalRecycle free cameras are regularly unavailable when requested;
- Ear plugs (disposable and durable);
- Flashlight; and,
- Batteries and battery charger.

Ineligible Costs

Ineligible costs include, but are not limited to:

- Expenses incurred prior to the date indicated in the Notice to Proceed letter or after June 29, 2011.
- Expenditures for waste tire activities outside the jurisdiction(s) approved Work Plan in the Grantee's Application (see preceding information about the Grantee's authority to perform eligible Grant activities.)
- Expenditures incurred in the performance of more than one inspection of a waste tire location. (See the Task 1 - Inspections section of the Procedures and Requirements for the limited exceptions where more than one inspection is allowed.)
- Any expenditures incurred as a result of changes to the approved Work Plan or Budget without the written pre-approval of the CalRecycle Grant Manager, including:
 - Purchasing equipment, materials and supplies;
 - Attending non-mandatory training classes;
 - Providing outreach; and,
 - Cleaning up illegally dumped waste tires.
- Costs covered by or incurred under any other loan, Grant, Grant Cycle, or contract with the limited exception that time spent with Department of Finance or CalRecycle auditors who are conducting audit(s) of previous TEA grant cycles. Those costs may be charged to Task #5 under the current Grant cycle for reimbursement, as long as audit costs are not already included in the Grantee's overhead or indirect cost rate already being charged to the grant, or in the Grantee's Board of Supervisors or City County approved rate already being charged to the grant.
- Costs incurred for items such as car washes, auto detailing, vehicle window tinting, law enforcement packages for vehicles, etc.
- Costs associated with purchasing, leasing, renting or maintaining land or buildings.
 - These items are not eligible as a direct line item charge to the Grant; however, these costs are allowable if included in an eligible overhead or indirect cost rate, or in an hourly labor rate approved by the Grantee's Board of Supervisors or City Council.
- Hourly labor rates in excess of an employee's:
 - actual regular time hourly rate (including benefits, overhead, indirect and non-productive adjustments, etc.); or,
 - Board of Supervisors or City Council approved hourly rate.

Exceptions: An hourly labor rate in excess of the previously described limits is allowable IF the rate is pre-approved, in writing, by the CalRecycle Grant Manager for specially scheduled evening or weekend events, or when a law or labor contract requires payment in excess of the employee's regular time hourly rate.

- Any costs that are not directly related to 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 leave time such as sick leave or vacation, daily breaks, lunch periods, general work meetings, etc.).
- Costs associated with Amnesty Day events, such as creating and distributing hauler exemption letters.
- Costs associated with activities related to the use of recycled products.
- Costs associated with the clean-up of illegally dumped waste tires.

Exceptions: Some limited activities and costs associated with the clean-up of illegally dumped waste tires are eligible. See Task #8 earlier in this document for eligible cleanup activities and costs.

- Items described as other, miscellaneous, to be determined, etc.
- The direct cost of items that are already included in another cost or rate, such as those items included in an indirect or overhead rate.
- Costs that the CalRecycle Grant Manager deems unreasonable, excessive, ineligible, inappropriate, duplicative or not related to the Grant.

Work Plan and Budget

The following examples of eligible activities under each Task are given to assist the Applicant in the preparation of the Work Plan and Budget. The Applicant may wish to detach this list of examples from the Grant Application Guidelines and Instructions for easy reference during the Grant Performance Period to assist in managing grant activities and to ensure compliance with the Grant Agreement. Eligible activities may include, but are not limited to, the activities listed under the following Tasks.

Task #1 - Inspections - Eligible Activities

In general, all activities related to planning and performing inspections of active businesses with Tire Program Identification (TPID) numbers, preparing and submitting CalRecycle Survey and Inspection Forms (CalRecycle 181 and 182), and tracking inspection results, are eligible. Eligible work under this task includes, but is not limited to:

- Researching CalRecycle's Waste Tire Management System (WTMS) and the Grantee's own database of inspections, to develop a complete Plan of inspections to be performed during the TEA 17 Grant cycle.
- Gaining an understanding of how to perform inspections and preparing to conduct a specific inspection by researching sources such as: Grantee and CalRecycle databases; past inspections and enforcement activities; Grant requirements; and, waste tire permitting, hauling storage and disposal laws, regulations, policies, processes, procedures and protocols.

- Writing inspection-related planning, preparing, performing, and reporting policies, processes, procedures and protocols.
- Developing tools to track inspection-related activities.
- Discussing inspection related planning, preparing, performing and reporting with CalRecycle Inspectors and Grant Managers.
- Meeting with the Grantee's own tire enforcement staff to discuss inspection-related planning, preparing, performing and reporting, and applicable waste tire laws, regulations, policies, processes, procedures, etc. This may include on the job inspection training for new Grantee tire enforcement staff.
- Updating and correcting Survey and Inspection report data, and tire business information, in CalRecycle's Waste Tire Management System (WTMS) and the Grantee's own database.
- Maintaining files of inspection report copies as needed.
- Correcting Survey and Inspection reports when returned by CalRecycle for correction of inaccurate information, or completion of missing information.
- Coordinating inspections with other Grantees when both a City and the County in which the City is located are TEA Grantees. This coordination is essential to ensure no duplication or gaps in inspections.
- Exchanging information with Regional and Notified Grantee partners on complaints, referrals, inspections, and other inspection related activities.
- Traveling to and from the inspection site.
- Attempting and completing an on-site inspection.
- Providing technical assistance to tire businesses on waste tire laws and regulations, and distributing educational brochures and information as needed. (This may occur during or after inspection, or when no inspection has been performed and a tire business has contacted the Grantee for information, assistance and guidance. This activity is also eligible under Task #3.)
- Performing inspections and completing all applicable sections of CalRecycle Survey and Inspection forms for each complete inspection.
- Completing a Referral form and gathering appropriate documentation when a tire business is referred to CalRecycle for enforcement action. (This activity is also eligible under Task #3 2.)
- Submitting the survey, inspection and referral forms every month.

Northern California Grantees should submit their forms to:

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

Southern California Grantees should submit their forms to:

Ms. Lillian Conroe, Tire Facilities - South
 California Department of Resources Recycling and Recovery
 1955 Chicago Avenue, Suite 100
 Riverside, CA 92507

Task #2 - Enforcement - Eligible Activities

In general, all activities related to planning and performing waste tire enforcement activities are eligible. Eligible work under this task includes, but is not limited to:

- Researching, surveiling, identifying, and documenting:
 - illegal waste tire disposal sites and activities;
 - individuals responsible for illegal dumping of waste tires;
 - owners of private property on which illegal dumping of waste tire is occurring; and,
 - unregistered waste tire haulers. (Grantees must refer illegal haulers to CalRecycle within 30 days of identification.)
- Conducting and reporting on investigations, surveillance and other waste tire enforcement activities related to illegal waste tire hauling, storage and disposal.
- Making waste tire enforcement referrals to CalRecycle and local law enforcement, as appropriate.
- Gaining an understanding of allowable and appropriate waste tire enforcement activities and preparing enforcement actions or referrals. Researching sources such as: Grantee and CalRecycle databases; past enforcement activities; Grant requirements; and, waste tire permitting, hauling, storage and disposal laws, regulations, policies, processes, procedures and protocols.
- Participating in task forces, working groups, etc. actively involved in waste tire enforcement activities within the Grantee's jurisdiction.
- Providing waste tire storage, hauling and disposal awareness training to local law and code enforcement personnel within the Grantee's jurisdiction to encourage referrals or citations of illegal waste tire dump sites, illegal waste tire dumpers, and unregistered waste tire haulers. (Awareness training is generally limited to 1 hour per session.)
- Working with CalRecycle, the California Highway Patrol (CHP), and local law enforcement to establish checkpoints to identify unregistered waste tire haulers.
- Assisting CalRecycle with the investigation of waste tire referrals, complaints, violations, discrepancies, legal records searches, etc.
- Writing waste tire enforcement related planning, preparing, performing, and reporting policies, processes, procedures and protocols.
- Developing tools to track waste tire enforcement related activities, including maintaining appropriate enforcement and referral documents and files.
- Discussing waste tire enforcement related planning, preparing, performing, reporting, etc. with CalRecycle Inspectors and Grant Managers.
- Meeting with the Grantee's own tire enforcement staff to discuss waste tire enforcement related planning, preparing, performing and reporting, and applicable waste tire laws, regulations, policies, processes, procedures, etc. This may include on the job waste tire enforcement training for new Grantee tire enforcement staff.
- Investigation and enforcement activities pre-approved in writing by the CalRecycle Grant Manager, such as working with the local District Attorney (DA), attending administrative, court and/or CalRecycle hearings, and supporting case development.
- Reporting to CalRecycle all enforcement actions on waste tire-related cases, including any referrals to the DA's Office and any actions taken by the DA's Office on waste tire related cases.
- Preparing and submitting CalRecycle Surveillance forms.
- Coordinating waste tire enforcement activities with other Grantees when both a City and the County in which the City is located are TEA Grantees. This coordination is essential to ensure no duplication or gaps in inspections.
- Exchanging information with Regional and Notified Grantee partners on waste tire enforcement related activities.
- Traveling to and from waste tire enforcement activities.
- Obtaining inspection and other warrants as needed, participating with local law

enforcement activities, performing interviews and field investigations, developing enforcement cases, etc.

- Following-up in locations with known illegal waste tire dumping, or where complaints and referrals have been received. This is sometimes referred to as "field patrolling". This activity should be purposeful and should be focused on known areas of illegal waste tire dumping. Grantees should also be able to show substantive results from this activity, such as identification and citation of illegal waste tire dumpers or unregistered waste tire haulers, decreases in illegally dumped waste tires, etc.

NOTE: Inspections are only eligible under Task #1 - Inspections.

Task #3 - Outreach - Eligible Activities

In general, all activities related to informing waste tire businesses and the general public about waste tire hauling, storage, permitting, and disposal laws and regulations are eligible. All activities should be primarily directed to waste tire businesses. Eligible work under this task includes, but is not limited to:

- Researching Grant requirements and waste tire permitting, hauling, storage and disposal laws, regulations, policies, processes, procedures and protocols, and developing outreach materials and brochures, presentations, and promotional items.
- Identifying waste tire businesses, informing them of applicable waste tire laws and regulations, and distributing educational brochures and information as needed. This may include obtaining WTMS reports of newly issued TPIDs, or canvassing business areas to determine if new or established businesses perform waste tire activities.
- Obtaining TPIDs for businesses that perform waste tire activities that should be monitored.
- Providing waste tire information to the general public via large and small community events, and distributing educational brochures and information as needed. (All general public outreach events must be pre-approved, in writing, by the CalRecycle Grant Manager.)
 - Presentations to groups or at events consisting primarily of K-8 children are generally not eligible.
- Developing tools to track outreach activities.
- Providing outreach as requested by CalRecycle.
- Discussing outreach activities with CalRecycle Inspectors and Grant Managers.
- Meeting with the Grantee's own tire enforcement staff to discuss outreach planning, events and activities, reporting, etc. This may include on the job outreach training for new Grantee tire enforcement staff.
- Coordinating outreach with other Grantees when both a City is a Grantee, and the County which it is in is also a Grantee. This coordination is essential to ensure no duplication or gaps in activities.
- Exchanging information with Regional and Notified Grantee partners on outreach related activities.
- Reporting to CalRecycle all outreach activities.
- Traveling to and from outreach events and meetings.

Task #4 - Grantee Training - Eligible Activities

All training must be received by the Grantee's waste tire enforcement staff, 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. Eligible training under this task includes, but is not limited to:

- Attending basic health and safety classes to ensure that tire enforcement staff remain safe while performing waste tire field inspections, enforcement, etc.
- Attending all CalRecycle sponsored waste tire Round Tables, Grant Management Workshops, and the annual Training Symposium. These events are mandatory and all Grantees must send at least one representative to each of these events.
- Attending eligible non-mandatory training such as the CalEPA sponsored Enforcement Symposium, Basic Inspector Academy, Conducting Effective Interviews for Inspectors, and Environmental Enforcement Training.
- Providing training or participating in meetings and/or conferences as requested by CalRecycle and upon pre-approval in writing by the CalRecycle Grant Manager.
- Discussing eligible training classes with CalRecycle Inspectors and Grant Managers.
- Traveling to and from each approved training event.

Task #5 - Grant Management - Eligible Activities

In general, all activities related to managing the TEA Grant are eligible. Eligible work under this task includes, but is not limited to:

- Preparing and submitting TEA 17 Performance Reports, Payment Requests, and all other required documents, forms and information. Grantees are required to submit a Mid-Year and Final Performance Report and Payment Request.
- Discussing with CalRecycle Grant Managers eligible Grant activities, performance reporting, Payment Requests and supporting documentation, and Work Plan and Budget changes.
- Developing and maintaining an accurate system to capture and report waste tire enforcement staff time, activities and costs, and monitoring activities, costs, and systems for accuracy, completeness, and eligibility.
- Writing policies, processes and procedures for tracking and reporting staff time, activities and costs, and meeting with the Grantee's own tire enforcement staff to discuss these items.
- Maintaining files of documentation and records to support Grant activities and costs.
- Preparing and submitting the TEA 18 Grant Application.
- Cooperating with CalRecycle, California Department of Finance and California Bureau of State Audits auditors during the audit of any TEA grant cycles, and responding to audit reports and findings, as long as audits are not otherwise included in an approved overhead or indirect cost rate or Board of Supervisors or City Council approved rate already being charged to the Grant.
- Responding to CalRecycle questions about the Grantee's TEA 16 Final Performance Report, Payment Request, and supporting documentation.

Task #6 - Equipment, Materials and Supplies - Eligible Activities

In general, all equipment, materials and supplies purchased to perform approved and eligible waste tire activities are eligible. Eligible purchases under this task include, but are not limited to:

- Hand-held camera, standard and zoom lens, camera bag, film or memory stick, film processing or picture prints, connecting cords and standard accessories;
- Portable GPS;
- Range finder, tape measure, and other measuring devices;
- Cell phone and monthly service;
- Steel-toed work boots (maximum of \$200 per pair, and 1 pair per Inspector every 2 years);
- Waterproof rain gear, including: coat, hat, pants, boots, gloves;
- Clinometer;
- Clipboard;
- Binoculars and case;
- Portable calculator;
- Hard Hat;
- Gloves (disposable and durable);
- Disposable face mask;
- Safety glasses;
- Reflective safety vest, lightweight windbreaker, or logo/identification vest;
- Surveillance Camera and standard accessories, such as video recording equipment and tripod, if CalRecycle free cameras are regularly unavailable when requested;
- Ear plugs (disposable and durable);
- Flashlight; and,
- Batteries and battery charger.

Task #7 - Transportation - Eligible Activities

In general, all transportation costs incurred to perform approved and eligible waste tire activities are eligible. Eligible transportation costs include, but are not limited to:

- purchase and lease of vehicle (when pre-approved in writing by CalRecycle at the time of Application); and,
- vehicle usage costs.

Task #8 - Small Tire Pile Cleanup - Eligible Activities

In general, all activities related to planning and performing small tire pile cleanups are eligible; however, all cleanup locations must be pre-approved, in writing, by the CalRecycle Grant Manager. Eligible work under this task includes, but is not limited to:

- Cleaning up piles with a total of 499 or fewer waste tires illegally dumped at any one location along a public right-of-way that is the responsibility of the Grantee, or a Regional participant jurisdiction or Notified jurisdiction.
 - Grantees may choose to take the tires to a legal disposal site, or back to their public works yard or similar location, referred to as a staging area. If the tires are taken to a

staging area, the Grantee may accumulate up to 499 tires at any one time. Once the staging pile reaches 499 tires, the tires must be taken to a legal disposal site. Grantees are allowed to have more than one pickup from their staging area during TEA 17 as long as the pile never exceeds 499 tires.

- Cleaning up piles with a total of 499 or fewer waste tires illegally dumped on private property where the responsible party cannot be determined or found. For cleanups on private property:
 - the Grantee must determine that the property owner(s) is not responsible for the waste tire pile;
 - the property owner must sign a Declaration of Non-responsibility;
 - the Grantee must determine that the site is a health and safety hazard; and,
 - the site must be pre-approved in writing by the CalRecycle Grant Manager for cleanup.
- Working with the Grantee's Department of Public Works its contractor, or other public agencies, to haul and dispose of illegally dumped tires to be cleaned up.
- Developing and managing a contract for the cleanup of small tire piles. Contractors and subcontractors must not be on CalRecycle Unreliable Contractor List pursuant to Title 14, California Code of Regulations, Division 7, Chapter 1, Sections 17050-17062.
- Developing tools to track cleanup related activities and costs.
- Discussing cleanup related planning, performing and reporting with CalRecycle Inspectors and Grant Managers.
- Coordinating cleanups with other Grantees when both a City and the County in which the City is located are TEA Grantees.
- Exchanging information with Regional participant jurisdictions and Notified jurisdiction partners on cleanup activities.

If you have any questions or concerns regarding the eligibility of an activity or cost, please consult the CalRecycle Grant Manager. While general inquiries may be verbal, any requests for authorization must be in writing and all approvals must be in writing prior to the activity being undertaken or the cost being incurred. When requesting a change, Grantees should submit a compelling justification for moving funds or revising the Work Plan. ***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. Reimbursement will not be approved if the CalRecycle Grant Manager determines that an activity or cost is unreasonable, excessive, ineligible, inappropriate, duplicative or not related to the Grant.

Budget Limitations

Tasks 1, 2, 6, 7 and 8 each have limitations on eligible hours or costs and will be reviewed by the CalRecycle Grant Manager when the Final Payment Request and Performance Report are submitted. Expenditures in excess of the limitations may result in funds being withheld from the Final Payment Request or the Grantee being required to return funds to CalRecycle. Grantees are strongly advised to track their expenditures during the Grant Performance Period to ensure that they stay within the limitations for each of the previously mentioned tasks.

Additionally, Grantees must claim actual travel expenses and mileage 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>. Reimbursable mileage and other travel expenses (per diem) may not exceed the State rates as set forth in the State Administrative Manual.

Task #1

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 may be performed on days other than the date of the inspection.

Task #2

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. *If Task #1 actual costs are less than originally budgeted, then the maximum amount that can be claimed on Task #2 will be adjusted proportionally.*

Task #6

The amount requested under Task #6 must be less than or equal to 10% of approved expenditures for all tasks.

Task #7

Eligible transportation costs conditionally include the actual cost of vehicle purchase, lease, and usage. 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 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.

- If a mileage rate is used to claim transportation costs, Grantees must use the lesser of their 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 and usage of the vehicle. Therefore, Grantees cannot claim vehicle usage costs using 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 50.5 cents per mile and includes all the cost components previously listed. If the rate changes during the Grant term, Grantees should use the rate in effect at the time the mileage was incurred.
- If actual costs are claimed in lieu of a mileage rate, the costs may include any and all of the components previously listed as being covered by a mileage rate

Grantees may also claim the cost of lease and purchase payments, and interdepartmental charges from the Grantee's pooled car or fleet maintenance group. Those costs are not included as a component when determining the actual usage cost per mile.

Task #8

The amount requested under Task #8 must be in 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; and,
- 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

Public Records

All documents submitted in relation to the Grant become the property of CalRecycle and are subject to disclosure under the Public Records Act. Do not submit confidential information with the Application package.

Application Review Process

After the Application deadline has passed, CalRecycle staff will review the Grant Applications for completeness, accuracy, eligibility, reasonableness, and for compliance with the Grant Criteria, Grant Application Guidelines and Instructions, Terms and Conditions, and the Procedures and Requirements. Only eligible Applicants and activities, and accurate, complete, reasonable and compliant Applications will be recommended for funding.

If Program Funding Requests Exceed Funds Available

If total grant requests received exceed the allocated amount of \$7,141,334, the grant requests will be adjusted until they total \$7,141,334 or less. CalRecycle staff will initially consider the Applicant's qualifying population to set a potential base grant award.

The potential base grant award amount for any Applicant is:

- \$70,000 for Applicants with qualifying populations less than or equal to 99,999;
- \$90,000 for Applicants with qualifying populations 100,000 through 499,999;
- \$130,000 for Applicants with qualifying populations 500,000 through 1,000,000; and,
- \$210,000 for Applicants with qualifying populations of 1,000,001 or more.

CalRecycle staff will also consider the following information to determine the recommended award amount for each Applicant:

- the number of active permitted sites and other businesses with TPIDs;
- known threats to public health and safety or the environment;
- the number of waste tire complaints and referrals received in previous grant cycles;
- the number of illegal waste tire dump sites identified in previous grant cycles;
- grant funds used and/or unused in previous grant cycles;
- the number of inspections completed in previous grant cycles; and,
- enforcement and surveillance activities in previous grant cycles.

Grant Award Process

CalRecycle staff will prepare award recommendations for the Director's consideration and approval. The TEA Grant Program is a non-competitive Program and CalRecycle will award Grants on a non-competitive basis. CalRecycle reserves the right to fund individual phases of selected proposals, and therefore, may fund an amount less than requested or recommended. Should this occur, CalRecycle staff will incorporate additional conditions or changes into the Grant Agreement. CalRecycle reserves the right to not award any funds under this Program.

Grant Agreement and Notice to Proceed

The Grant Agreement will be mailed to successful Applicants after Awards have been approved by CalRecycle. The Grant Agreement will include:

- Grant Agreement Form (CalRecycle 110).
- Terms and Conditions, which contain legal requirements of all Grants.
- Procedures and Requirements, which contain project, reporting, survey, and audit requirements.
- CalRecycle approved Work Plan.
- CalRecycle approved Budget.
- Other documents as appropriate.

In addition, the following documents are incorporated by reference and are also a part of the Grant Agreement:

- CalRecycle approved Grant Application.
- The Application Guidelines and Instructions.

Applicants must sign and return the Grant Agreement Form no later than 90 days from the date CalRecycle mails the Grant Agreement package to the Grantee. The CalRecycle will send a Notice to Proceed letter to the Grantee after the signed Grant Agreement has been returned. Expenditures under the Grant Award may begin after the date indicated in the Notice to Proceed letter.

Grant Award Contingent

All Grants awarded by CalRecycle are contingent on the Grantee:

1. Returning the executed Grant Agreement within 90 days of the date CalRecycle mails the Grant Agreement to the Grantee; and,
2. Paying in full or bringing current any outstanding payments owed to CalRecycle within 90 days of the date CalRecycle awards the Grant.

Failure to fulfill either of these conditions will render the Grant Award null and void.

CalRecycle Grant Manager for Waste Tire Enforcement Grant

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 Mary.LeClaire@calrecycle.ca.gov. Ms. Fong may be reached at (916) 341-6689, or via e-mail at PFong@ciwmb.ca.gov Phanessa.Fong@calrecycle.ca.gov. They may also be reached via TireEnforcement@calrecycle.ca.gov.

Appendix A - Signature Authority Example Resolutions and Letter of Designation

For Applicants that have a governing authority such as a City Council or Board of Supervisors, the Grant Application package must include a current approved resolution authorizing submittal of an Application to CalRecycle. The resolution must identify the position title of the official authorized to execute Applications, Agreements, Amendments, Contracts, requests for payment and all Grant documents necessary to secure Grant funds and implement the approved Grant project. A copy of a current approved resolution should be submitted with the Application; however, the resolution may be submitted late as long as it is received by CalRecycle by April 2, 2010. If the resolution is received after April 2, 2010, the Application will be disqualified.

Following are Resolution and Letter of Designation examples that may be useful to Applicants.

Resolution Example #1 - Authorized Application for all CalRecycle Grants for Five Years

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

Note: This example can be modified for less than 5 years and/or for specific Grants.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application[s] to CalRecycle; and

WHEREAS, if awarded, the (Name of Applicant) will enter into a Grant Agreement with CalRecycle for implementation of said Grant(s);

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of Grant Applications to CalRecycle for all available Grants for which (Name of Applicant) is eligible for the period of (Insert Time Period: Month, Day, Year through Month, Day, Year); time period not to exceed five years from the date of adoption.

BE IT FURTHER RESOLVED that the (Title of Official), or his/her designee is hereby authorized and empowered to execute in the name of the (Name of Applicant) all Grant-related documents, including but not limited to, Applications, Agreements, Amendments and requests for payment, necessary to secure Grant funds and implement the approved Grant project.

The foregoing resolution was passed by the (Title of Governing Body) on (date).

ATTEST:

X

Signature Authority

Date

Resolution Example #2 - Authorized Application for all or Designated CalRecycle Grants for One Year

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application(s) to CalRecycle; and

WHEREAS, if awarded a Grant, (Name of Applicant) will enter into a Grant Agreement with CalRecycle for implementation of the Grant(s);

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of Grant Application(s) to CalRecycle for all available Grants for which (Name of Applicant) is eligible for Fiscal Year 2009/10.

BE IT FURTHER RESOLVED that the (Title of Official) or his/her designee, is hereby authorized and empowered to execute in the name of the (Name of Applicant) all Grant-related documents, including, but not limited to, Applications, Agreements, Amendments, and Payment Requests necessary to secure Grant funds and to implement the approved Grant project.

The foregoing resolution was passed by the (Title of Governing Body) on (date).

ATTEST: (Name and Title of Official Authorized to Sign Resolution)

Signature:

Printed Name:

Title:

Date:

Resolution Example #3 - Authorized Application for the Waste Tire Enforcement Grant for One Year

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application for the Waste Tire Enforcement Grant to CalRecycle; and

WHEREAS, if awarded a Grant, (Name of Applicant) will enter into a Grant Agreement with CalRecycle for implementation of the Waste Tire Enforcement Grant;

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of an Application to CalRecycle for a Waste Tire Enforcement Grant for Fiscal Year 2009/10.

BE IT FURTHER RESOLVED that the (Title of Official) or his/her designee, is hereby authorized and empowered to execute in the name of the (Name of Applicant) all Grant-related documents, including, but not limited to, Applications, Agreements, Amendments, and Payment Requests necessary to secure Grant funds and to implement the approved Grant project.

The foregoing resolution was passed by the (Title of Governing Body) on (date) .

ATTEST: (Name and Title of Official Authorized to Sign Resolution)

Signature:

Printed Name:

Title:

Date:

Letter of Designation Example #1 - Authorization for Designation of Signature Authority

A Letter of Designation is used when the Applicant's resolution authorizes the Signature Authority to delegate his/her signature authority to another individual.

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

LETTERHEAD (Should include Applicant's address)

DATE (must be dated for current year)

California Department of Resources Recycling and Recovery
Waste Tire Enforcement Grant Program
Financial Assistance Division, 9th Floor
Post Office Box 4025
Sacramento, CA 95812-4025

To Whom It May Concern:

Pursuant to Resolution **(Number XXX, dated XXX)**, adopted by the **(Name of Governing Body)** for **(Name of Applicant)**, I am authorized to execute all Grant-related documents necessary to apply for the Waste Tire Enforcement Grant, to secure Grant funds, to implement the approved Grant project and to delegate this authority. Accordingly, I hereby delegate this authority to the following individual: **(Title of delegate, not name of delegate)**.

Name & Title
Name of Applicant
Mailing Address
City, State, Zip Code
Telephone Number

Sincerely,

Name **(Signature Authority per Resolution)**
Title

Appendix B - Regional Applications and Programs

Example Resolutions and Letter of Authorization

Cities or counties may submit a regional Application with authorization from other cities and/or counties participating in the regional program. Regional programs have one lead jurisdiction that acts on behalf of all participating jurisdictions, and at least one participating jurisdiction. If a jurisdiction submits an Application as part of a regional program, it cannot apply individually or as part of another regional program.

In addition to the resolution for the lead jurisdiction, regional Applications must also include one of the following authorization documents for each participating jurisdiction:

1. A resolution from each participating jurisdiction authorizing the lead jurisdiction to act on its behalf as both Applicant and Grant Administrator (entity that implements the Grant Program); OR,
2. An authorization letter from the Town/City/County Administrator from each participating jurisdiction stating that the jurisdiction wants to participate in the regional program and authorizing the lead jurisdiction to act on its behalf as both Applicant and Grant Administrator; OR,
3. A copy of a Memorandum of Understanding specifically for this Grant from each participating jurisdiction authorizing the lead jurisdiction to act on behalf of the jurisdiction both as Applicant and Grant Administrator.

The inclusion of the participant jurisdiction(s) name(s) in the lead jurisdiction's resolution does not take the place of the required authorization document.

Following are Resolution and Letter of Authorization examples that may be useful to Applicants.

Resolution Example #1 - Lead Jurisdiction of a Regional Program

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

WHEREAS, funds are allocated and available from the California Department of Resources Recycling and Recovery (CalRecycle) for Grants to ~~solid waste Local Enforcement Agencies (LEA)~~ and cities, counties, and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities; and

WHEREAS, CalRecycle has been delegated the responsibility for the administration of the Program within the State of California (State); and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of Grant Application to CalRecycle; and

WHEREAS, if awarded a Grant, the (Name of Applicant) for itself and on behalf of the participating jurisdictions will enter into an Agreement with CalRecycle for implementation of a regional waste tire enforcement program;

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of a regional Application on behalf of the participating jurisdictions (as shown by the attached authorizing letters) to the California Department of Resources Recycling and Recovery for the Waste Tire Enforcement Grant, Fiscal Year 2009/10.

BE IT FURTHER RESOLVED that the (Title of Official), or its designee, is hereby authorized and empowered to execute in the name of the participating jurisdictions all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

Resolution Example #2 - Participant Jurisdiction in a Regional Program

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

WHEREAS, funds are allocated and available from the California Department of Resources Recycling and Recovery (CalRecycle) for Grants to ~~solid waste Local Enforcement Agencies (LEA)~~ and cities, counties, and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities of entities and/or individuals involved with the waste tire industry; and

WHEREAS, CalRecycle has been delegated the responsibility for the administration of the Program within the State of California; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of Grant Application to CalRecycle; and

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

NOW, THEREFORE, BE IT RESOLVED that the (Name of Participating Jurisdiction) authorizes the (Name of Lead Jurisdiction) to submit to the California Department of Resources Recycling and Recovery a regional Application for the Waste Tire Enforcement Grant, Fiscal Year 2009/10 on its behalf.

BE IT FURTHER RESOLVED that the (Name of Lead Jurisdiction) is hereby authorized and empowered to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

Letter of Authorization Example #1 - Authorization from Participating Jurisdictions in a Regional Grant Application

The following language is presented as an example only. Applicants are advised to consult with their organization's attorney.

LETTERHEAD (Should include Applicant's address)

DATE

California Department of Resources Recycling and Recovery
Waste Tire Enforcement Grant Program
Financial Assistance Division, 9th Floor
Post Office Box 4025
Sacramento, CA 95812-4025

To Whom It May Concern:

The **(Name of Participating Jurisdiction)** authorizes the **(Name of Lead Jurisdiction)** to submit to the California Department of Resources Recycling and Recovery a regional Application for the Waste Tire Enforcement Grant, Fiscal Year 2009/10 on its behalf. The **(Name of Lead Jurisdiction)** is hereby authorized and empowered to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

Sincerely,

Town/City/County Administrator

~~Appendix C - Notified Jurisdictions~~

~~An Applicant may perform waste tire inspections and enforcement activities outside of its own or participating jurisdictions *as long as* it has:~~

- ~~• sent a letter to the Executive Officer, such as the City Manager, County Administrator, or other person similarly titled, of its intention to perform waste tire inspections and enforcement activities in their jurisdiction;~~
- ~~• informed the notified Executive Officer of their right to object and explained how such an objection, if any, must be made;~~
- ~~• given the notified Executive Officer at least 21 days to object; and,~~
- ~~• received no objection from the notified Executive Officer.~~

~~The following language for the body of the notification letter is presented as an example only. Applicants are advised to consult with their organization's attorney.~~

~~Pursuant to California Public Resources Code §42889(b)(4), **Applicant Name** is applying for a Waste Tire Enforcement Grant (Grant) from the California Department of Resources Recycling and Recovery (CalRecycle) for the period June 30, 2010 through June 30, 2011. If a Grant is received, **Applicant Name** will have the authority to enforce regulations relating to the storage of waste and used tires as provided in California Public Resources Code §42850(e), and regulations relating to the hauling of waste and used tires as provided in California Public Resources Code §42963(b), for the period June 30, 2010 through June 30, 2011. In that capacity, agents of **Applicant Name** plan to conduct waste tire enforcement activities within your jurisdiction, including, but not limited to:~~

- ~~• inspections of waste tire businesses;~~
- ~~• surveillance and patrolling to deter and identify illegal dumping of waste tires;~~
- ~~• outreach to waste tire businesses to inform them of applicable waste tire laws and regulations; and,~~
- ~~• citation of businesses and others that are out of compliance with applicable waste tire laws and regulations.~~

~~If your jurisdiction has any questions about **Applicant Name**'s planned enforcement activities within your jurisdiction, please contact **Name and title of Applicant's contact person** at **telephone number for Applicant's contact person**.~~

~~If your jurisdiction objects to **Applicant Name** conducting these enforcement activities within your jurisdiction, please submit a written objection within 21 days of the date of this letter. Please submit the response to **Applicant Name and Address** and to CalRecycle at TireEnforcement@calrecycle.ca.gov.~~