



Board Agenda Item 64

DATE: June 18, 2024

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RH, PHN, Director, Department of Public Health

SUBJECT: Revenue Agreement with the California Department of Resources Recycling and Recovery for Waste Tire Enforcement Grant Funds

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a revenue Agreement with the California Department of Resources Recycling and Recovery for 2024-25 Waste Tire Enforcement Grant funding, effective June 30, 2024 through September 30, 2025 (\$300,000); and**
- 2. Approve and authorize the Director of the Department of Public Health, or designee, to be the signatory on behalf of the Board of Supervisors on associated grant agreement documents, expenditure forms and reports.**

Approval of the first recommended action will allow the Department of Public Health (Department) to receive non-competitive grant funds from the California Department of Resources Recycling and Recovery (CalRecycle) to continue inspection and enforcement activities related to handling and disposing of waste tires in the County. Approval of the second recommended action will allow the Department Director, or designee, to submit required grant items and reports, excluding budget or contract amendments, on behalf of the County. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. If the Board does not approve the recommended actions, the Department would discontinue the Waste Tire Enforcement Program, which would result in the inability to investigate illegal waste tire dumping and unpermitted waste tire haulers, including related enforcement and clean-up of illegal dump sites in coordination with CalRecycle and local law enforcement agencies.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The 2024-25 Waste Tire Enforcement revenue agreement (\$300,000) is consistent with the grant funding from the prior year. The grant performance period, which include submitting claims for reimbursement, begins June 30, 2024 and ends June 29, 2025. The report preparation period is from June 30, 2024 through September 30, 2025 and only the costs incurred to prepare the final report and final payment are eligible for reimbursement during the report preparation period. The grant allocation is non-competitive and does not require matching funds. The revenue agreement allows for full recovery of indirect costs at 20% of total direct costs in the approved budget. Sufficient appropriations and estimated revenues will be included in the Department's Org 5620 FY 24-25 Recommended Budget.

DISCUSSION:

The Department has received Waste Tire Enforcement funds since 2000. On January 3, 2023, the Board passed Resolution 23-002 authorizing the submission of up to five years of applications to CalRecycle for Waste Tire Enforcement Grant funds. In accordance with the Resolution, the Department submitted its application on November 13, 2023, which resulted in the recommended revenue agreement before the Board. The recommended revenue agreement represents the second year of funding under the Resolution.

Waste Tire Enforcement Program staff are responsible for performing initial and follow-up inspections for waste tire generators, haulers, and end-use facilities. Inspections are the core component of the Waste Tire Enforcement Program and are followed up with appropriate compliance actions to ensure operators are following all used and waste tire regulations, including storage standards, use of appropriately registered waste tire haulers, and maintaining manifest documentation requirements. The second component is surveillance; it includes investigating illegal tire disposal activities, surveying tire dealers, auto dismantlers, and other tire facilities to ensure compliance with all applicable laws and regulations. When violations are discovered, a Notice of Violation is issued to operators or facilities to correct and achieve compliance with regulations. Currently there are approximately 790 waste tire facilities identified in the County's database, which is consistent with the facilities identified during the prior fiscal year. It is estimated that the program will conduct over 1,100 inspection and surveillance activities during the current fiscal year with similar inspections in the 2024-25 fiscal year.

A one dollar and seventy-five cent (\$1.75) fee on new tires sold in California funds the Waste Tire Enforcement Program, which enables local solid waste enforcement agencies to implement effective waste tire inspection, enforcement, and compliance programs to protect public health and the environment. The recommended revenue agreement provides funding for program personnel costs equivalent to one full-time Environmental Health Specialist, mandatory training conducted by the State, and meeting/conference expenses. In addition, the Department proposes to continue staffing the program with a District Attorney Investigator through an Inter-Departmental Agreement with the District Attorney's Office. As a peace officer, a District Attorney Investigator can investigate Criminal and Business and Professional Code violations in conjunction with inspection and enforcement duties under the program.

The recommended agreement deviates from the County's standard indemnification language in that it requires that the venue for any action under this agreement must be in Sacramento County and requires the County (and the County's contractors receiving this funding) to provide one-way indemnification to the State in the performance of the Agreement. This language is typically present in State grants; therefore, the Department has determined that its acceptance of the indemnification language is advantageous to the County, as the State grant is an essential funding source for Waste Tire Enforcement-related activities, without which the continued provision of these services would be negatively impacted.

REFERENCE MATERIAL:

BAI #39, April 25, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CalRecycle

CAO ANALYST:

Ronald W. Alexander, Jr.