



Board Agenda Item 38

DATE: April 27, 2021

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

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

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a revenue Agreement with the California Department of Resources Recycling and Recovery for FY 2021-22 Waste Tire Enforcement Agency Grant funding, effective July 1, 2021 through September 30, 2022 (\$300,000).

There is no additional Net County Cost associated with the recommended action. Approval will allow the 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 the handling and disposing of waste tires in Fresno County. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended action, the Department would discontinue the Waste Tire Enforcement Program.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The FY 2021-22 Waste Tire Enforcement revenue agreement (\$300,000) is consistent with the grant funding from the prior year. The grant performance period begins June 30, 2021 and ends September 30, 2022. The grant allocation is non-competitive and does not require matching funds. Sufficient appropriations and estimated revenues are included in the Department's Org 5620. The grant allows for an annual maximum indirect cost of 20% (60,000) of allowable program costs. The Department's current indirect costs rate is 22.67%. Health Realignment will cover the remaining indirect cost (\$8,010).

DISCUSSION:

On January 9, 2018, your Board passed a Resolution authorizing the submission of up to five years of applications to CalRecycle for Waste Tire Enforcement Grant funds. The recommended revenue agreement represents the fourth year of funding under the Resolution. A one dollar and seventy-five cents (\$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 Department has been receiving Waste Tire Enforcement funds since 2000.

Waste Tire Enforcement Program staff are responsible for performing initial and follow-up inspections for all

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 that operators are following all used and waste tire regulations, including storage standards, use of appropriately registered waste tire haulers and manifest/receipt 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 operations or facilities to correct and achieve compliance with regulations. Currently there are approximately 672 waste tire facilities identified in the County's database which represents no change from 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 for the 2021-22 fiscal year.

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 has the ability to investigate Criminal and Business and Professional Code violations in conjunction with inspection and enforcement duties under the program.

The revenue agreement requires that the venue for any action under this agreement is in Sacramento County; that the County indemnify the State for any claims or losses arising out of the performance of this agreement, and that the agreement may be terminated by the State without cause upon giving the County at least thirty day's advance written notice of termination. The grant does not include the County's indemnification language nor does it include insurance requirements; however, any subcontractors, if utilized, would be required to meet the County's indemnification and insurance requirements.

REFERENCE MATERIAL:

BAI # 36, January 9, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CalRecycle

CAO ANALYST:

Ron Alexander