

EXHIBIT D

FY 2005-2006 Waste Tire Enforcement Grant **General Work Plan**

This is a general Waste Tire Enforcement Work Plan (Work Plan), which is incorporated by reference into the Grant Agreement (Agreement) as Exhibit D, for the California Integrated Waste Management Board (CIWMB) funded fiscal year 2005-2006 Waste Tire Enforcement Grant Program (Grant Program). The Work Plan describes the grant activities required under each task and is to be followed as stated below. The Program tasks in this document correspond to the tasks in the Budget, which is incorporated by reference into this Agreement as Exhibit C. Changes to this Work Plan can only be made with prior written approval from the CIWMB Grant Manager (Grant Manager). Failure to comply with the specified requirements and timeframes or other unsatisfactory performance may result in termination of this Agreement, suspension of any or all outstanding Payment Requests, and/or loss of funding for future grant cycles.

Request for Changes. Send requests to modify the Work Plan and/or Budget to the Grant Manager's attention at:

California Integrated Waste Management Board
Attn: Amalia Fernandez
Special Waste Division, MS 22
P.O. Box 4025
Sacramento, CA 95812-4025

E-mail requests for such modifications may be sent to:
afernand@CIWMB.ca.gov

Grant Activities.

The purpose of the Grant is to implement an effective waste tire inspection and compliance program at the local level to protect public health and safety, and the environment. The work to be performed under these Grant Activities shall be in conformance with all applicable sections of the Public Resources Code and Title 14 of the California Code of Regulations, and shall include work outlined in the awarded Grant Application and the following tasks:

Task 1. Conduct Inspections and Surveys (Inspections)

A. Types and Quantity of Inspections

1) The Grantee will conduct ANNUAL inspections of:

- i. Permitted, exempt, excluded or illegal *Waste Tire Facilities (Facilities)*, as defined in Public Resources Code (PRC) section 42800 et. seq. and Title 14, California Code of Regulation (14CCR), section 18420 (business that store more than 500 waste tires), for ***Waste Tire Storage and Permit Standards*** described in 14CCR, Chapter 6, Articles 1 through 6; and ***Registration and Manifesting System Requirements*** described in 14CCR, Chapter 6, Article 8.5.
- ii. *Waste and Used Tire Haulers* as defined by PRC section 42950 et. seq. (***Haulers***) for compliance with ***Registration and Manifesting System Requirements***.

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- 2) The Grantee will not conduct more than a total of **one routine inspections and two re-inspections** at *Facilities* or of *Haulers* per Grant Cycle.
- 3) **The Grantee will conduct A SURVEY OF TIRE BUSINESSES** by identifying, educating, and inspecting businesses involved in the collection, transportation, and disposal of waste and used tires to determine compliance with *Waste Tire Storage and Permit Standards* and *Registration and Manifesting System Requirements*. This will be done by:
 - i. First conduct an initial inspection of *all generators (a business storing generating over 10 tires at a given time)* identified in the CIWMB's Waste Tire Management Database (WTMS) and in the awarded Grant Application for compliance with the *Waste Tire Storage and Permit Standards* and *Registration and Manifesting System Requirements*;
 - ii. Assure all businesses that are subject to the *Waste Tire Storage and Permit Standards* and *Registration and Manifesting System Requirements* have obtained a Tire Program Identification Number (TPID) Number; and
 - iii. Create an inspection schedule for conducting routine inspections of *all generators* (storing less than 500 waste tires but generating more than 10 tires at one time).
 1. Businesses with violations may be inspected up to three times per year, until a good compliance record is established.
 2. Businesses without violations or areas of concerns will be inspected **NO MORE THAN ONCE EVERY OTHER YEAR**. The Grantee **shall not exceed the inspection frequency** above unless there are known or suspected compliance problems with the business/site or written approval is provide by the Grant Manager.
 3. Note: Businesses storing over 500 tires are considered a facility and should be inspected annual, as mentioned above.
 - iv. The Grantee will continually identify, educate, and inspect new businesses involved in the collection, transportation, and disposal of waste and used tires to determine compliance *Waste Tire Storage and Permit Standards* and *Registration and Manifesting System Requirements* on an ongoing basis and update their database.

B. Conducting Inspections

- 1) When the **Grantee is acting on behalf of the CIWMB's Waste Tire Enforcement Program** and educating or inspecting a facility, hauler or business, **the Grantee shall document the results** accurately on **CIWMB Forms 181 (Survey Form), 182 (Inspection Form), and 183 (Comment Form)**.

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- 2) CIWMB Forms 181, 182, 183, 184 (Standard Notice of Violation) shall be used and **completed in accordance with the instructions** on the back of the form for all inspections.
- 3) During an inspection, the Grantee will assess the facilities, haulers or businesses compliance with *Waste Tire Storage and Permit Standards and Registration and Manifesting System Requirements*.

C. Areas of Concern, Violations and Notices of Violation (NOV)

- 1) Grantees will use "Areas of Concern" for first and insignificant offenses ONLY. Insignificant offenses **DO NOT** include noncompliance with the following Public Resources Code sections: PRC 42824 - Major Waste Tire Facility Permit, PRC 42834 - Minor Waste Tire Facility Permit, PRC 42951 – Used and Waste Tire Hauler Registration, PRC 42953 – Contracting with an unregistered Hauler.
- 2) Grantee's will document all violations on the inspection forms (CIWMB Forms 181, 182, 183), and issue an NOV (Form 184) along with attached informational sheets **any time violations are discovered**.
- 3) Only one extension of an NOV compliance due date may be given to a business only if a good faith effort can be documented (on the inspection report).

D. Grantee Referrals to the CIWMB for Further Enforcement

- 1) If a business is still in violation after three inspections/re-inspections, have been conducted, the Grantee shall refer the business to the CIWMB for further enforcement actions.
- 2) The Grantee will refer all violations that are not resolved at the NOV level to the CIWMB within 30 days of the last inspection.
- 3) Referrals shall include a chronology of the enforcement history and / or statement of facts, photographs and copies of inspection forms or inspection form numbers. Referrals can be sent via e-mail or mail to the Field Staff Contact and their supervisor.
- 4) Once a facility has been referred to the CIWMB, all Grantee inspections will be coordinated through the CIWMB, until that facility is in compliance.

The core of this Grant Program is the inspection component. The central objective of this task is to achieve compliance through oversight and education to the greatest extent possible, and to provide accurate information for entry into the CIWMB's statewide database, WTMS.

Task 2. Surveillance / Enforcement

The primary objective of this task is to prevent the illegal transport, storage and disposal of waste tires through an aggressive patrol and surveillance campaign and enforcement program. By providing a local tire surveillance and enforcement program, the Grantee will further increase industry's awareness of the State's Waste Tire Management Program. Grantees should give priority to situations that pose the greatest risk to public health and safety and the environment and Waste and Used Tire Haulers who are chronic violators of waste tire manifest laws and regulations. The work performed by the Grantees under this task shall include, but is not limited to the following:

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A. CIWMB Referrals to Grantee

- 1) The CIWMB may refer inspections, investigations, or other enforcement related activities to the Grantee. The Grantee will conduct the requested activity within **30 days** of receiving the referral. If the Grantee's budget or resources do not allow for this, the Grantee shall notify the CIWMB of such within 7 days of receiving the referral. CIWMB referrals to the Grantee may include, but are not limited to:
 - i. Inspecting a facility, hauler, business or location of an alleged violation as a result of a further enforcement action or in order to investigate public complaints.
 - ii. Conducting aerial or ground surveillance; including check points
 - iii. Following-up and /or investigate aerial survey data.
 - iv. Providing further education of the waste tire laws and regulations to the regulated businesses.
 - v. To conduct Enforcement Coordination activities as described below in Task 2, section B.
- 2) If the CIWMB referral requests an inspection of a facility, hauler, business or location of an alleged violation, the Grantee shall submit the results on CIWMB Forms 181, 182, 183 within **30 days** of receiving the referral.

B. Enforcement Coordination on facilities over 500 tires

- 1) Maintain enforcement files and records including inspection reports, correspondence, and evidence.
- 2) Conduct joint investigation and enforcement activities approved by the CIWMB, such as:
 - i. Attending administrative court and/or CIWMB hearings,
 - ii. Preparing declarations,
 - iii. Obtaining deeds, business licenses or other evidence
 - iv. Preparing to be a witness
 - v. Explaining cases to attorneys, including preparing a statement of facts and supporting documentation
 - vi. Attending enforcement coordination meetings.
- 3) Tracking and reporting to the CIWMB all enforcement actions of the jurisdiction on tire related cases, including any referrals to the DA's Office and any actions taken by the DA's Office, County Council and/or City Attorney's Office on waste tire cases.
- 4) Assist the CIWMB staff with the investigation of manifest discrepancies and violations, legal records searches, and the procurement of inspection warrants.

C. Surveillance Activities of Illegal Tire Dumping and Transportation

The following surveillance activities are listed in order of priority. The Grantee shall concentrate in their efforts on the highest priorities according to their given resources.

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- 1) Identify the location of illegal waste tire facilities (waste tire piles over 499 tires), the property owners and any other responsible parties. Document all illegal waste tire storage **over 499 tires** or illegal hauling activities through the inspection process outlined in Task 1 (CIWMB form 181, 182, 183, 184), and other effective documentation approved by the CIWMB, such as law enforcement citation.
- 2) Identify unregistered Waste and Used Tire Haulers.
- 3) Work with local law enforcement officers to cite illegal Waste and Used Tire Haulers and write NOVs to violators
- 4) Conduct surveillance; including patrolling, the use of cameras, stings or other proven surveillance methods.
 - I. Grantees under this task can **augment** the state's enforcement program, by conducting enforcement activities **for illegal waste tire dump sites with less than 500 tires**. These sites are a public nuisance, blight on the community, and pose a threat to public health and safety and the environment; therefore, this Grant is intended to support the Grantee's authority to deal with these situations through local laws and ordinances. This **Grant will pay only** for the Grantee to **identify the pile and one follow-up visit** to determine that the tires have been removed consistent with the hauler regulations, and taken to an authorized facility.
 - II. **The Grantee must log all surveillance activities**, including patrolling, installation of cameras, stings and identifying tire piles **under 500 tires**. **The log must identify the location of the activity, time spent, staff involved, what was found and the action that will be taken to remediate the situation.**

Task 3. Community and Industry Education

The CIWMB finds that most businesses comply with laws and regulations when the reasons for the regulations are clearly explained and the guidelines for compliance are plainly defined. An educational approach to compliance is productive and cost effective and there is no substitute for spending individual time with each business. The Grantee shall make reasonable efforts to perform the following educational activities and others as deemed appropriate:

- A. Distribute educational outreach materials and general program information to affected businesses and related governmental agencies.
- B. Develop industry and agency presentation materials.
- C. Conduct trainings to educate and foster working relationships with the Waste Tire Industry and other agencies responsible for tire enforcement issues.
- D. Conduct trainings as requested by the CIWMB, when given a 30-day notice.
- E. Promote sound waste tire management practices throughout the community.

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Task 4. Grantee Training

The CIWMB will provide waste tire formal and informal enforcement trainings throughout the Grant period. Grantees may be asked to participate in meetings and conferences to share important and unique aspects of their grant programs with other agencies, industry, and interested parties. All training must be related to tires, illegal dumping, surveillance and enforcement, or pertinent health and safety classes.

- A. Grantees must have a computer and internet connection by which they can receive routine *All Grantee E-mails* from the CIWMB on tire and Grant related issues.
- B. Grantees are responsible for knowledge of the information disseminated by the CIWMB to Grantees with regard to program information and requirements. Other training classes maybe approved by the Grant Manager upon written request.
- C. **Formal Training:** Grantee is required to send one representative to tire related portions of the 2006 LEA Conference, biannual Round Table Meetings and up to two other CIWMB sponsored Tire trainings.
- D. **Informal Training:** When given 30-day advance notice, the Grantee must schedule joint inspections or other training forums such as round tables with CIWMB staff for the purposes of training, assessing program uniformity, evaluating the Grant Programs effectiveness and sharing enforcement strategies. All staff who perform Grant duties and are paid from the Grant must be available to attend such events.

Task 5. Reporting Writing

The Grantee shall provide and maintain the following ongoing communications and reports:

- A. Prepare reports according to the Procedures and Requirements, Exhibit B, which is incorporated herein by this reference.
- B. Prepare and maintain a database that provides an inventory of sites and tracks results of inspections.
- C. **On-going notifications** and communication with the CIWMB's assigned waste tire enforcement staff is essential to the success of the Grant Program. The Grantee shall provide timely and on-going communication with CIWMB, at a minimum, as outlined below:
 - 1) All inspection reports shall be forwarded to the CIWMB within 30 days of the inspection date.
 - 2) Notify the CIWMB within 7-days of your jurisdictions ability to carry out CIWMB Referrals and requests.
 - 3) Any change in contact information (names, address, phone number and e-mail addresses) for anyone associated with the Grant or carrying out the duties of the Grant shall be given to the Grant Manager and Field Contact no later than 15 days after the change.