



Office of the City Manager

CONSENT CALENDAR
July 13, 2010

To: Honorable Mayor and Members of the City Council
From: *PK* Phil Kamlarz, City Manager
Submitted by: Dan Marks, Director, Planning and Development
Subject: Grant Applications to CalRecycle for All Hazardous Waste Grants Including Extension of the Used Oil Payment Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit applications to and accept grant funds and execute any result grant agreement and amendments with the Department of Resource Recycling and Recovery (CalRecycle) for the Used Oil Payment Program and other hazardous waste grants.

FISCAL IMPACTS OF RECOMMENDATION

No matching funds are required. The City has received grant funding for the Used Oil Collection program for several years, in amounts ranging from \$15,000 to \$35,000 annually. The amount the City will apply for in Fiscal Year 2011 has not been determined, but will cover all costs associated with running grant programs, including staff time as it has in previous years. Funds received will be deposited into the California Integrated Waste Management Fund revenue code number 181-8304-331-2057. The funds will be expended by the Planning Department's Toxics Management Division (TMD) and appropriated in an amendment to the FY 2011 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The TMD has applied for and managed various used oil and household hazardous waste (HHW) grants from California EPA, including household hazardous waste, universal waste and used oil recycling programs, all of which provide services to Berkeley community members. The California EPA has restructured and CalRecycle is a new department within the California Natural Resources Agency that administers programs formerly managed by the State's Integrated Waste Management Board and Division of Recycling. The latest Oil Payment Program (OPP) grant application requires a new resolution, due to changes in this state program.

The City has a five-year resolution (Resolution No. 63,766-N.S., approved on July 10, 2007) authorizing the City to apply for grants for used oil recycling and household hazardous waste. However, CalRecycling now requires a resolution exclusively for used oil recycling. The attached resolution meets the new state requirements.

BACKGROUND

The California Oil Recycling Enhancement Act, which is administered by CalRecycle, is a law designed to discourage the illegal disposal of used oil. This law requires oil manufacturers to pay to CalRecycle \$0.26 per gallon through December 31, 2013, of lubricating oil sold in California. This program pays grants to used oil curbside collection programs, and certified collection centers through CalRecycle.

The City has administered the used oil program since 2003. Grants pay for costs related to developing and promoting alternatives to the illegal disposal of used oil by establishing a citywide network of collection opportunities. The TMD will use the current grant to inspect the official used oil recycling centers, of which there are six in Berkeley, pay for advertising and other educational materials for the public, pay for staff time to administer the program, and compensate the Public Works Department for ongoing costs associated with its used oil collection program at the Transfer Station.

The TMD has also received grants for household hazardous waste, universal waste and related grants over the years. These grants also cover costs of staff time to administer the program and serve the community directly. TMD will continue to apply for grants as long as staffing is available to do the job.

RATIONALE FOR RECOMMENDATION

TMD would like to continue applying for CalRecycle grants to administer the used oil payment program and for as many years as the state is able to pay for the services. To do so, the City of Berkeley needs a new resolution that authorizes staff to apply for used oil grants.

ALTERNATIVE ACTIONS CONSIDERED

Without a new resolution, TMD cannot apply for grant funding for used oil recycling programs.

CONTACT PERSON

Nabil Al-Hadithy, Hazardous Materials Manager, Planning and Development, 981-7460

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS TO, ACCEPT GRANT FUNDS AND EXECUTE ANY RESULTANT AGREEMENTS AND AMENDMENTS WITH THE DEPARTMENT OF RESOURCE RECYCLING AND RECOVERY (CALRECYCLE) FOR THE USED OIL PAYMENT PROGRAM AND OTHER HAZARDOUS WASTE GRANTS

WHEREAS, Public Resources Code sections 48690 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, to make payments to qualifying jurisdictions for implementation of their used oil programs as required by PRC § 48690 et seq.; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program; and

WHEREAS, the people of the State of California have enacted laws that provide Household Hazardous Waste Grants (HHW Grants) to local governments to establish and implement waste diversion and separation programs to prevent disposal of hazardous waste, including household hazardous waste (HHW), in solid waste landfills.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council authorizes the submittal of grant applications, including the Used Oil Payment Program, and accept grant funds for all relevant hazardous waste grants, to accept such grants awarded, and to execute any resulting revenue agreements and amendments, and authorizing the implementation of projects and appropriation of funding for related expenses.

BE IT FURTHER RESOLVED that the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Berkeley all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support the Used Oil Collection Program and other hazardous waste related program.

BE IT FURTHER RESOLVED that this authorization is effective for the period of up to five (5) years beginning July 1, 2010 through June 30, 2015.

