

September 2005

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
INTEGRATED WASTE MANAGEMENT BOARD

TIRE-DERIVED PRODUCT (TDP) GRANT PROGRAM

APPENDICES

FISCAL YEAR 2005/2006



The appendix accompanies the application, which contains grant program information, processes, examples, and definitions.

	<i>page</i>
Appendix A — Grant Program Information.....	2
Appendix B — Resolution Information and Example	6
Appendix C — Recycled-Content Purchasing Policy or Directive Example.....	7
Appendix D — Work Plan Task Form Example.....	9
Appendix E — Definitions.....	10

Appendix A GRANT PROGRAM INFORMATION

Background

The California Integrated Waste Management Board (CIWMB) offers a Tire-Derived Product (TDP) Grant Program to promote markets for recycled-content products derived from waste tires generated in California. Section 42889(g) of the Public Resources Code (PRC) requires CIWMB to assist in developing markets for waste tires. Further, PRC 42872(a) allows for the awarding of grants to public entities involved in activities and applications that result in reduced landfill disposal or stockpiling of waste tires. The TDP Grant Program increases markets for waste tire rubber and educates the public on waste tire product uses.

Eligible Applicants

Eligible applicants for the TDP Grant Program are public entities (i.e., California cities, counties, public college and universities, school districts, qualifying California Indian tribes, park districts, special districts, and public recreational facilities). Only one application per qualifying public entity will be accepted. An application may include multiple TDP products/projects.

In the application, an applicant must:

- Certify compliance with the principles of Environmental Justice.
- Provide an approved original resolution.
- Acknowledgement that the applicant has a recycled-content purchasing policy or directive.
- Certify that the applicant has or will comply with all applicable state, federal, and local laws, ordinances, regulations, license and permit requirements. Grantees must complete the General Checklist of Business Permits, Licenses, and Filings (CWIMB 669). <http://www.ciwmb.ca.gov/Grants/Forms/CIWMB669.doc>

As stated in the grant agreement, an applicant must:

- Certify that any contractors hired for the project are reliable. Grantees must complete the Reliable Contractor Declaration (CIWMB 168). <http://www.ciwmb.ca.gov/Grants/Forms/CIWMB168.doc>
- Certify that one-hundred percent (100%) California Waste Tires are used in the project. Grantees must complete Recycled-Content Certification Form for Waste Tire Grants (CIWMB 74G). <http://www.ciwmb.ca.gov/Grants/Forms/CIWMB074GTire.doc>
- Provide and post a permanent sign at the project site designating “California Integrated Waste Management Board” as a sponsor and containing the Board’s slogan: “Zero Waste California!”. The sign must be clearly visible from each project location and indicate the number of waste tires diverted from the waste stream as a result of the project.

Eligible Products/Projects

Tire-Derived Products (TDP) are final or finished products ready for sale to the public that were made from recycled 100% California waste tires.

Below are some examples of TDPs. This list is not exclusive and there may be projects incorporating other eligible TDP products/projects not listed here.

Transportation	Agricultural/ Landscape	Recreation
Guard Rails or Components	Mulch or Soil Amendment	Sports Fields
Railroad Ties	Weed Abatement Coverings	Tennis Courts
Sound Barriers	Lumber (Includes: Decking,	Tracks
Traffic Cones or Barriers	Fencing, Benches, Chairs,	Playgrounds
Truck Bed Liners	Tables)	Sidewalks/Pathways
	Tree Wells	Resilient Flooring

Ineligible Projects

- Projects that are not made from or do not include materials made from 100% California Waste Tires.
- Projects sites that are not open to the public during normal recreation hours.
- Projects sites that are not owned by a public entity.

Grant Funding

CIWMB receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the California Tire Recycling Act (Act) (SB 937, Statutes of 1990, Chapter 35) Public Resources Code section 42860 et. seq.

For FY 2005/2006 there is \$1,792,818 in grant funds available, with up to \$100,000 per qualifying public entity. Grant funds will be distributed to applicants based on the calculation they have provided on the Application Cover Sheet. The calculation is “Number of Tires Diverted X actual cost per tire up to a maximum of \$10 = Grant Amount (\$100,000 max)”.

After the close of the application period, staff will review the grant applications. The applications will be evaluated based on eligibility. Staff will develop funding recommendations for the Board's consideration during its monthly Board meeting in December 2005 (tentative).

Random Selection Process Information

Only eligible applicants will be funded. However, if more grant funds are requested than are available, the random selection process will be conducted. Please check CIWMB's Tire Program web site for more information at: <http://www.ciwmb.ca.gov/Tires/Grants/Product/default.htm> If the random selection process is conducted, CIWMB will allocate grant funds by lottery rank order and funding will be split as follows: sixty-one percent (61%) to applicants located in southern California and thirty-nine percent (39%) to applicants located in northern California. The division of the state is based on the most current estimated population of each county provided by the Department of Finance. Southern California counties are defined as those counties south of and including San Luis Obispo, Kern, and San Bernardino. Northern California counties are all those counties north of and including Monterey, Kings, Tulare, and Inyo.

Number of Tires Diverted

A minimum of 2,500 tires must be diverted per application. An application may include multiple TDP products/projects (reimbursement at actual cost per PTE up to a maximum of \$10 per PTE*). If an application includes multiple TDP products/projects, they may be combined to achieve a minimum of 2,500 PTE's*. Products must use recycled 100% California waste tires. Tire buffings cannot be included in calculations and can only include material cost in calculation – cannot include installation or equipment cost.

** Passenger Tire Equivalent (PTEs): If a TDP contains less than 30% (by weight) of the original fiber and steel that was in the whole tire, then use 12 lbs. to calculate the number of PTEs. If a TDP contains 30% or more (by weight) of the original fiber and steel that was in the whole tire, then use 20 lbs. to calculate the number of PTEs.*

Cost Per Tire Diverted

The grant award amount is determined based on the number of tires diverted by the project. Grantees will be awarded the actual cost per recycled 100% California waste tire up to a maximum of \$10 per tire up to the maximum available award of \$100,000.

Eligible Costs

Eligible costs are limited to material costs and cannot include installation and/or production costs. These costs must be incurred during the term of the grant, i.e. receipt of the Notice to Proceed from CIWMB through March 31, 2008.

Ineligible Costs

Any costs that are not material costs are ineligible for reimbursement. Costs incurred prior to the receipt of the Notice to Proceed or after March 31, 2008, are also ineligible.

Payment of Grant Funds

Grant funds are paid on a reimbursement basis for the material costs as approved in the Grant Agreement. All payment requests must include an itemization with documentation of claimed expenses (i.e., itemized receipts and proof of payment of invoices). Ten percent (10%) of the requested reimbursement amount from each payment request will be retained until completion of the grantee's obligations under the Grant Agreement. At the end of the grant term or upon completion of the grant project, the ten percent (10%) withheld will be reimbursed after the CIWMB Grant Manager receives and approves the final payment request and final report.

Grant Term

The grant term begins when the grantee receives a Notice to Proceed and continues through March 31, 2008. All costs must be incurred during this term. The Final Report and Final Payment Request are due by April 4, 2008. Grantees who fail to submit the Final Report and Final Payment Request, with all required supporting documentation, by April 4, 2008 may forfeit reimbursement of otherwise eligible costs and/or cause the Final Payment Request to be rejected. Additionally, grantees are required to complete and submit an Annual Tire-Derived Product Performance Survey Form for five years after the grant closes.

Tire-Derived Product (TDP) Grant Program Tentative Timeline

Date	Activity
September 2005	<ul style="list-style-type: none">• Notice of Funds Available mailed & posted on CIWMB's website• Applications mailed & posted on CIWMB's website
September 2005 – October 21, 2005	Questions-and-Answer Period
November 10, 2005 at 3:00 p.m.	<ul style="list-style-type: none">• Mailed applications must be postmarked by this date• Hand delivered applications must be received and date stamped by CIWMB by this date and time
December 2, 2005	<ul style="list-style-type: none">• Resolution must be received• Recycled-Content Policy or Directive must be adopted and CIWMB notified
December 13-14, 2005	Board considers funding recommendations
Notice to Proceed – March 31, 2008	Grant term

Awarding of Grants

After the close of the application period, staff will review the grant applications. The applications will be evaluated based on eligibility. Staff will develop funding recommendations for the Board's consideration during its monthly Board meeting in December 2005 (tentative). In the event the Board awards only a portion of an applicant's grant request, CIWMB reserves the right to fund individual phases of selected proposals, and may therefore fund an amount less than requested. Should this occur, staff will incorporate additional conditions or changes in the final grant agreement. CIWMB reserves the right to not award any grant funds under this program.

Question-and-Answer Process

CIWMB staff cannot answer any questions about your project or the application except through the Question and Answer Process. Therefore, if you have questions, you must submit them in writing to the CIWMB by **October 21, 2005**. No program-specific questions will be accepted after October 21, 2005. Similar or related questions may be reworded for clarity and responded to as one question. Questions and answers will be compiled and posted on CIWMB's web site, or can be mailed or emailed upon request. The questions and answers will tentatively be posted the week after October 21, 2005, and are subject to updates. Applicants are encouraged to check the web site regularly.

Mailing address for questions:

California Integrated Waste Management Board
Tire-Derived Product (TDP) Grant Program
Special Waste Division - MS #22
1001 "I" Street
P.O. Box 4025
Sacramento, CA 95812-4025

Web site address: www.ciwmb.ca.gov/Tires/Grants/

Email address: tiregrants@ciwmb.ca.gov

Audit Requirements

All grantees are required to comply with the following provisions:

1. **Audit/Records Access.** The grantee agrees that the CIWMB, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the grant term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.
2. **Waiver of Personal Jurisdiction:** Should CIWMB seek reimbursement of costs paid to a grantee as a result of an audit finding, the grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.

Appendix B
RESOLUTION INFORMATION AND EXAMPLE

The grant application package must include an approved resolution from the applicants' governing body authorizing submittal of an application to CIWMB. The resolution must identify the position title of the official authorized to execute any agreements, contracts, and requests for payment. In the event the applicant cannot obtain a resolution prior to submission of the application, the application must state when the resolution will be approved. Upon approval, the resolution must be received by the CIWMB no later than **December 2, 2005** at the address provided in these instructions. If the resolution is not received by December 2, 2005, the application will be disqualified.

RESOLUTION EXAMPLE

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Senate Bill 876 (Escutia, Statutes of 2000, Chapter 838) authorizes the California Integrated Waste Management Board to establish a grant program to provide opportunities to divert waste tires from landfill disposal, prevent illegal tire dumping, and to promote markets for recycled-content waste tire products; and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by California cities, counties, city and county, special districts or political subdivisions thereof, and qualifying California Indian tribes; and

WHEREAS, said procedures established by the California Integrated Waste Management Board require the applicant to certify by resolution approval of the application before submission of said application to the State; and

WHEREAS, if awarded a grant, the applicant will enter into an agreement with the State of California for development of the project.

NOW, THEREFORE, BE IT RESOLVED that the *(Title of Governing Body)* authorizes the submittal of an application to the California Integrated Waste Management Board for a FY 2005/2006 Tire-Derived Product (TDP) Grant Program. The *(Title of Official)* of the *(Name of Jurisdiction)*, or his or her designee, is hereby authorized and empowered to execute in the name of the *(Name of Jurisdiction)* all necessary applications, contracts, agreements, amendments and payment requests hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was passed by the *(Title of Governing Body)* day of *(Date)*. Effective on *(Date)*.

ATTEST:

<i>Signature (as authorized in Resolution)</i>	<i>Date</i>

Appendix C

RECYCLED-CONTENT PURCHASING POLICY OR DIRECTIVE EXAMPLE

Example #1

Recycled-Content Purchasing Policy

Purpose

The jurisdiction provides that all departments shall, whenever possible, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate compliance with the Waste Management Reduction Act and foster market development for recycled products.

General Policies

- All jurisdiction departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- All jurisdiction departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- The jurisdiction shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- The jurisdiction shall promote the use of recycled products publicizing its procurement policy whenever practicable.

Responsibilities of (title of person assigned to coordinate the policy)

The (title of the person assigned to coordinate the policy) shall coordinate the implementation of this policy. He/she will establish a list of recycled products that shall be purchased by all jurisdiction departments whenever practicable and will develop the mechanism for maintenance, additions and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available and make available to departments specifications on the new products along with a list of suggested uses. The (title of the person assigned to coordinate the policy) will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled-product availability, recycled content, and competition. To the extent such information is known; city/county staff shall identify to the (title of the person assigned to coordinate the policy), products available with recycled content and vendors from whom such products are available. The (title of the person assigned to coordinate the policy) will also be responsible for information and dissemination of that information to all departments and for annual policy review.

Responsibilities of All Other Jurisdiction Departments

- Each department shall purchase recycled products whenever practicable.
- Evaluate recycled products on the established list.

Example #2

Waste Reduction and Recycling Directive

Purpose

The jurisdiction will act to make resource conservation an integral part of the physical operation of the waste reduction and recycling programs. The practice of discarding materials used in jurisdictional facilities is wasteful of natural resources, energy, and money. It is also a function of the jurisdiction to set an example of stewardship of our natural resources.

It will be the policy of the jurisdiction to implement the following actions:

- The jurisdiction will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
- The jurisdiction will decrease the amount of waste of consumable materials by: a) reduction of the consumption of consumable materials wherever possible; b) full utilization of all materials prior to disposal; and c) minimization of the use of non-biodegradable products wherever possible.
- The jurisdiction will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for the recovery of waste and recycling are developed within the jurisdiction, they will participate by appropriately separating and allowing recovery of recyclable waste products.
- The jurisdiction will purchase, where financially viable, recycled products. The jurisdiction will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
- Representatives of the jurisdiction will actively advocate where appropriate for resource conservation practices to be adopted at the local, regional, and state levels.

**Appendix D
WORK PLAN TASK FORM EXAMPLE**

EXAMPLE

Task #	Task Description	Product or Results	Staff/Contractor	Timeframe (use dates)
Pre-Installation Phase				
1.	Develop & Advertise Contractor Bid Package	Playground/Track Designer Secured	Staff	April 2006 – May 2006
2.	Design Project Site	Project Site Designed	Contractor	December 2006
3.	Develop Progress Report	Progress Report	Staff	
Installation Phase				
4.	Site Preparation	Demolition, Drainage, Curbing Surfacing Installed	Contractor	June 2006 August 2006
5.	Install Surfacing		Staff	
6.	Monitor Project	Project Success	Staff	October 2006 – December 2007
7.	Develop Progress Report	Progress Report	Staff	December 2007
Post-Installation Phase				
8.	Purchase & Install Signage	Signage Installed	Staff	January 2008
9.	Evaluate Project	Project Evaluation	Staff	January 2008
10.	Develop Final Report	Final Report	Contractor / Staff	March 2008

Appendix E DEFINITIONS

Applicant—the jurisdiction submitting an application and requesting grant funds.

Authorized Signature—the signature of the person authorized (by position title) by the applicant's governing body, as designated in the resolution, to execute in the name of the jurisdiction all necessary applications, contracts, agreements, amendments, and payment requests for the purpose of securing grant funds and to implement and carry out the purposes specified in the grant application and/or grant agreement.

Board—refers to the six-member governing body of CIWMB.

CIWMB—refers to the California Integrated Waste Management Board, staff, programs, projects, etc.

Contingency—an unforeseen event. Contingent expenses are those used for unexpected conditions.

Endorsement—written approval or sanction.

Environmental Justice—"The fair treatment of people of all races, cultures, and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" {Government Code § 6540.12(c)}.

Estimate—a written statement of the approximate charge for the work to be done, submitted by a person, or company ready to undertake the work.

Evaluation—to determine the significance or quality of; to assess methods used to measure the success of the project.

Grantee—the term used to refer to the jurisdiction after it has a signed grant agreement with the CIWMB.

Grant Agreement—legal, binding document that includes a cover sheet, terms and conditions, procedures and requirements, work statement, budget, attachments, and is signed by both the grantee (with designated signature authority) and CIWMB's Executive Director or his designated signatory.

Grant Award—amount of money awarded by the CIWMB to complete the proposed project.

Grant Payment Request—the amount of grant money requested by the Grantee.

Guard Rails or Components-A protective railing, as on a staircase or along a highway.

Jurisdiction—for the purposes of this application, jurisdiction means California cities, counties, public colleges, public universities, school districts, qualifying California Indian tribes, park districts, special districts, and public recreational facilities.

Lumber—timber sawed into boards, planks, or other structural members of standard or specified length.

- **Decking:** A platform extending horizontally from one side of a ship to the other.
 - A platform or surface likened to a ship's deck.
 - A roofless, floored structure, typically with a railing, that adjoins a house.
 - The roadway of a bridge or an elevated freeway.
- **Fencing:** A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.
- **Benches:** long seat, often without a back, for two or more persons.

- **Chairs:** A piece of furniture consisting of a seat, legs, back, and often arms, designed to accommodate one person.
- **Tables:** An article of furniture supported by one or more vertical legs and having a flat horizontal surface.

Mulch or Soil Amendment - Anything added to the soil to improve the present situation, i.e. drainage, nutrients, or makeup.

Notice to Proceed—the formal letter from CIWMB notifying the grantee to start its grant project.

Playground—is an improved outdoor area designed, equipped, and set aside for children’s play that is not intended for use as an athletic playing field or athletic court, and shall include all playground equipment, surfacing, fencing, signs, internal pathways, vegetation, and related structures.

Post-Consumer Material—as defined in the Public Contract Code (PCC) 12200 (b) "...a finished material that would have been disposed of as a solid waste, having completed its life cycle as a consumer item." It does not include manufacturing wastes. Post consumer material is generally a product that was bought by the consumer, used, and then recycled into another product.

Practicable—sufficient in performance and available at a reasonable price within a reasonable time period.

Pre-Consumer—materials or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Examples of pre-consumer recovered materials include, but are not limited to; obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting, and other converting operations.

Primary Contact—the main person with whom the CIWMB grant manager will communicate regarding questions, requests, and clarifications.

Public Entity—a California cities, counties, public colleges, public universities, school districts, qualifying California Indian tribes, park districts, special districts, and public recreational facilities.

Qualifying California Indian Tribe—means an Indian tribe, band, nation, or other organized group or community, residing within the borders of California, which: 1) is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians; or 2) which can establish that it is a governmental entity and which meets the criteria of the grant program.

Quote—to provide in writing, the current or market price of a service, supply, materials, or piece of equipment.

Railroad ties—one of the cross braces that support the rails on a railway track.

Recipient—the jurisdiction receiving a grant award from CIWMB to complete a project.

Recreational Site—is defined as an area, not including a playground, that is designed, equipped, and set aside for the public’s recreation. For example, but not limited to; running tracks, tennis courts, skateboard parks, swimming pools, soccer fields, football fields, hockey fields, weight rooms, and fairgrounds.

Recycle—to treat or process used or waste material so as to make it suitable for re-use or a new use.

Recycled-Content Material (Recycled Product)—as defined in PCC, Section 12200(a)(1). All materials, goods, and supplies, no less than fifty (50) percent of the total weight of which consists of secondary and post-consumer material with not less than ten (10) percent of its total weight consisting of

post-consumer material. A recycled product shall include any product that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of its form.

Recycled-Content Purchasing Directive—an administrative order, policy, or memo instructing the purchase of recycled-content products.

Recycled-Content Purchasing Policy—a policy of a jurisdiction specifically to purchase recycled-content products instead of non-recycled products whenever price, quality, and availability are comparable.

Recycling Program—a plan of action to accomplish recycling and/or to create awareness of the importance of recycling.

Resilient Flooring—a durable floor cover that has the ability to resume its original shape

Resolution—a formal authorization of opinion, support or intention made, usually after voting by a formal organization.

Secondary Contact—the alternate person (if the primary contact is not available) with whom the CIWMB grant manager will communicate regarding questions, requests, and clarifications.

Secondary Material—as defined in PCC 12200(c) "...fragments of unfinished products or finished products of a manufacturing process that has converted a resource into a commodity of real economic value, and includes post-consumer material, but does not include excess virgin resources of the manufacturing process." The material (product) did not get to the consumer before being recycled.

Sidewalks/Pathways—a paved walkway along the side of a street/a path

Sound Barriers—a set of tall barriers placed along a road or highway to muffle the sound of traffic

Sports Fields—piece of land prepared for playing a game

Task—the specific activities conducted to complete a project.

Tennis Courts—a place or court for playing the game of tennis

Timeframe—a period of time during which something has taken or will take place; the project beginning and ending date required to complete the project or task.

Total Grant Request—the amount of the grant funds requested.

Tracks—course laid out for running or racing; athletic competition on such a course; track events.

Traffic Cones or Barriers—cone-shaped marker on road: a marker in the shape of a cone, usually made of orange plastic, used to separate lines of traffic during road repairs or to prevent vehicles from entering an area.

Tree Wells— A structure designed to protect the trunk and roots of a tree from being covered by soil or other material.

Truck Bed Liners— A liner (either sprayed on or custom molded) to protect the truck bed/tailgate from damage.

Used Tire—means a tire that meets all of the following requirements:

1. The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire;
2. The tire meets the application requirements of the Vehicle Code and Title 13 of the California Code of Regulations; and
3. The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards. The used tire shall be stored in a manner to allow inspection of each individual tire.

Waste Tire—a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with Public Resources Code Section 42950(k).

Weed Abatement Coverings— A barrier (either sprayed, rolled, or individual tiles/blocks) that prevents vegetation from penetrating to the surface.

Work Plan—the detailed listing of all tasks (and sub-tasks) necessary to complete the proposed project.