

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: February 24, 2015

SUBJECT: ADOPT RESOLUTION NO. 15-10 AUTHORIZING THE CITY TO APPLY FOR THE CALRECYCLE USED OIL COMPETITIVE GRANT PROGRAM TO FUND THE PURCHASE AND INSTALLATION OF TRASH/OIL CAPTURE DEVICES

Report in Brief

The Department of Resources Recycling and Recovery (CalRecycle) offers the Used Oil Competitive Grant Program (UOC) pursuant to Section 48632 of the Public Resources Code. The purpose of the grant program is to reduce the potential for illegal disposal by increasing used oil and oil filter collection, recycling opportunities, public education, source reduction, and reuse of used oil, and the prevention of stormwater pollution from used oil.

Staff recommends that the City Council adopt Resolution No. 15-10, authorizing the City to apply for Used Oil Competitive Grant Program funding for the purchase and installation of trash/oil capture devices, and authorize the Director of Public Works, or his designee, to execute all necessary documents.

Background

The City of Concord is mandated by both State and Federal laws to maintain a National Pollutant Discharge Elimination System (NPDES) permit for the City's stormwater discharge. As part of NPDES permit conditions, Concord is required to implement a comprehensive Stormwater Management Plan of Best Management Practices including mitigation of storm water runoff. Stormwater mitigation is defined in Public Resources Code 48618.4 as "...the prevention of stormwater pollution from used oil and oil byproducts and the reduction or alleviation of the effect of stormwater pollution from used oil and oil byproducts by means of action taken on public property. Mitigation includes the installation of devices and implementation of practices that effectively prevent used oil and oil byproducts from causing stormwater pollution."

The Department of Resources Recycling and Recovery (CalRecycle) offers the Used Oil Competitive Grant Program (UOC) pursuant to Section 48632 of the Public Resources Code of which funds can be used to purchase and install devices that prevent trash, used oil and oil byproducts from causing storm water pollution. Applications are now being accepted for Used Oil Competitive Grant Program 2nd Cycle (UOC2) – Fiscal Year 2015–16. Eligible applicants for this cycle include all California cities and counties.

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Discussion

The California Oil Recycling Enhancement Act (SB 546), which is administered by the California Department of Resources Recycling and Recovery (CalRecycle), is a law designed to discourage and mitigate the illegal disposal of used oil. This law requires oil manufacturers to pay to CalRecycle \$0.24/gallon of lubricating oil sold in California. California Public Resource Code (PRC) section 48632 authorizes CalRecycle to award used oil-related grants for education and mitigation projects relating to storm water pollution from used oil.

In compliance with the Municipal Regional Permit (MRP), NPDES Permit No. CAS612008 issued October 14, 2009, the City of Concord installed approximately 300 inlet filters to capture pollutants in stormwater runoff. The purchase and installation of these initial devices were paid for through the Association of Bay Area Government's Bay Area Trash Capture Demonstration Project. These devices are serviced twice a year by City staff as one of the City's routine stormwater pollution prevention program activities.

The MRP, Provision C.10, requires that the City treat stormwater runoff from a Minimum Trash Capture Area of 305 acres. UOC grant funds can be used to purchase and install additional inlet filters which capture both trash and used oil to assist the City in meeting this requirement. Storm drain filter types eligible under UOC2, include, among other things, catch basin inlet inserts that contain oil absorbent media plus a debris screen that covers the opening to the storm drain inlet (the debris screen prevents debris and sediment from entering the storm drain and obstructing the oil absorbent media).

CalRecycle has a total of \$2,000,000 available for UOC2, Fiscal Year (FY) 2015–16. Of this, \$100,000 is the maximum allowed to each individual applicant. Staff estimates that \$100,000 would cover the cost of procuring and installing approximately 200 storm drain filters, which would assist the City in meeting trash capture requirements while helping to prevent storm water pollution from used oil byproducts.

Fiscal Impact

The City of Concord's share of \$2 million available statewide depends on how many municipalities apply for funding. Each municipality that applies has an opportunity to receive up to \$100,000. If Concord's application is not submitted, grant funding would be divided up between other municipalities that apply. Alternative funding for the trash capture, oil absorbent inserts does not exist in the City's stormwater fund. Ongoing maintenance (cleaning) of the new devices will be conducted as a part of the City's routine stormwater program activities (which already includes inlet cleaning) using existing program staff.

Public Contact

The City Council agenda has been posted.

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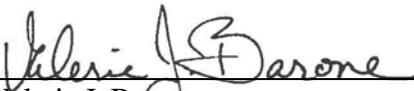
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Recommendation for Action

Staff recommends that the City Council adopt Resolution No. 15-10, authorizing the City to apply for Used Oil Competitive Grant Program funding for the purchase and installation of trash/oil capture devices, and authorize the Director of Public Works, or his designee, to execute all necessary documents.

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Attachment No. 1 - Resolution No. 15-10

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Authorizing the Application for the
CalRecycle Used Oil Competitive Grant**

Resolution No. 15-10

WHEREAS, pursuant to Public Resources Code § 48632 the California Department of Resources Recycling and Recovery (CalRecycle) has established the Used Oil Competitive Grant Program (UOC) to make funds available to qualifying jurisdictions for implementation of their used oil pollution prevention programs; and

WHEREAS, the City of Concord is eligible to apply for grant funding under the UOC to support City-sponsored used oil pollution prevention programs; and

WHEREAS, CalRecycle’s procedures for administering the UOC require an applicant’s governing body to declare by resolution certain authorizations related to the administration of the Used Oil Competitive Grant Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Approves the filing of an application for funding under the Used Oil Competitive Grant Program.

Section 2. Authorizes the Director of Public Works, or his designee, as the Signature Authority to execute all documents necessary to implement and secure payment under the UOC.

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

Section 4. This Resolution shall be effective until rescinded.

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PASSED AND ADOPTED by the City Council of the City of Concord on February 24, 2015,
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing Resolution No. 15-10 was duly and regularly
adopted at a regular meeting of the City Council of the City of Concord on February 24, 2015.

Joelle Fockler, CMC, City Clerk

APPROVED AS TO FORM:

Mark Coon, City Attorney