

Local Enforcement Agency Grant Program Application Guidelines and Instructions

Cycle 33 (EA33) Fiscal Year 2022–23

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Grant Cycle Overview

The Department of Resources Recycling and Recovery (CalRecycle) offers the Local Enforcement Agency (LEA) Grant Program pursuant to Section 43230 of the Public Resources Code. The purpose of the grant is to be used exclusively for the support of solid waste facilities permit and inspection programs.

This resource document provides applicants with instructions to access and complete the application online and information about grant administration. The web-based application is in CalRecycle's <u>Grants Management System (GMS)</u> (https://www.calrecycle.ca.gov/Funding/GMS/). The applicant will need to sign in to GMS to complete and submit an application.

Note: The following terms used in this document are defined below, unless the context clearly indicates otherwise:

- "Applicant" refers to either the legal name of the entity that is legally responsible for grant administration and any entity that will receive and control grant funded equipment, if awarded, or to a person who is completing an application on behalf of the Applicant (this is usually the primary contact listed on the application, but could also be the secondary contact, signature authority, or consultant).
- "You" refers to a person who is completing the application on behalf of the Applicant.

Timeline

May 13, 2022: Application Due Date

- Applicants must submit applications in GMS by 11:59 p.m. on this date.
- Customer service will be available until 4:00 p.m. on this date.

June 13, 2022: Secondary Due Date

 Approved Resolution must be uploaded in GMS by this date if it was not submitted with the application.

June 2022: Grants Awarded

 CalRecycle considers funding recommendations, and if approved, conditionally awards grants during this month.

July 1, 2022-October 27, 2023: Grant Term

For milestones that take place during the grant term, refer to the Procedures and Requirements document.

Eligible Applicants

Applicants are limited to CalRecycle-certified Local Enforcement Agencies pursuant to Ink to California Code of Regulations

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I9F906126D7524D0CA49E166C31646A82&transitionType=Default&contextData=(sc.Default)]

Individual Application

An Individual Application is one in which a single eligible entity will be responsible for grant implementation. The applicant in an Individual Application will be responsible for the performance of the grant and all related documentation. In addition, the applicant will be the only entity receiving any real or personal property that is purchased with grant funds.

Regional Application

Local governments may join together in a Regional Application in which two or more eligible jurisdictions join together for the purpose of grant implementation. A Regional Lead Participant must be designated to act on behalf of all Non-Lead Participants. The Lead Participant is the applicant, and if awarded, will be the grantee responsible for the performance of the grant and all required documentation. CalRecycle will direct all official correspondence and grant payments to the Lead Participant. If a jurisdiction is a Non-Lead Participant in a Regional Application, it may not apply individually.

Eligible Projects/Products

Grant funds will supplement the LEA's existing solid waste facilities permit and inspection programs.

Available Funds

- \$1,500,000 is available for this grant cycle, fiscal year 2022–23, subject to funding availability.
- A total of \$96,000 of the \$1,500,000 appropriation will be set aside for LEA training and outreach. The remaining \$1,404,000 will be distributed among the grant applicants on a pro-rata basis.
 - The grant amount is established from a base grant award of \$15,000 per jurisdiction, plus additional grant funds based on population and the number of permitted, active solid waste facilities in each LEA jurisdiction.
 - The estimated amount each LEA is eligible to request in the application is emailed with the Notice of Funds Available (NOFA). The final award amount will be determined when all applications are processed.
 - For Regional LEAs, the Regional Lead Participant will be awarded the sum of their participating jurisdictions' allocated awards.

Grant Term

The Grant Term begins July 1, 2022. The Grant Term ends on October 27, 2023.

For detailed information about requirements within the grant term, refer to the Procedures and Requirements document.

Eligible and Ineligible Costs

Grantees may incur eligible costs only during the Grant Term. For detailed information about eligible and ineligible costs, refer to the Procedures and Requirements document.

Public Records Requests

CalRecycle's policy is to make records requested by the public promptly available in accordance with the laws governing disclosure of records and information to the public. In general, all records in the possession of a state agency are public records subject to disclosure, unless a law provides that a particular kind of record or information is not a public record or is exempt or prohibited from disclosure.

Upon request, the entire contents of the submitted application are subject to public records requests. This may include contact information, project summary, uploaded documents, and scoring information. Public records may be requested from CalRecycle through the California Public Records Act Requests web page (https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/).

Confidentiality

The following describes the treatment of certain confidential or proprietary information under the California Public Records Act (Government Code 6250, et seq.) and related regulations. It also describes how questions are resolved on whether information is truly confidential, the legal protections for confidential information, and internal and program procedures to maintain confidentiality.

Confidential or Proprietary Information

Title 14 of the California Code of Regulations (14 CCR), sections 17041—17046 (https://www.calrecycle.ca.gov/Laws/Regulations/Title14/), states that confidential or proprietary information shall include, but is not limited to:

- Personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications or other documents submitted to [CalRecycle] which if released would result in harmful effects on the person's competitive position.
- Tax information prohibited from disclosure, pursuant to the Revenue and Taxation Code.

Accordingly, appropriate documents submitted with an application that are clearly marked, on each page, "confidential or proprietary information" will be treated by CalRecycle pursuant to the procedures set forth in 14 CCR sections 17041-17046. However, the law does not treat documents marked as "confidential or proprietary information" (such as sales brochures, promotional literature and other general non-financial documents) as confidential if they do not fall within the categories of protected financial documents listed above.

What if there is a question about what is confidential?

If CalRecycle receives a request to disclose data claimed by the applicant to be confidential, CalRecycle would notify the applicant of the request and state that the documents were under review to determine whether information was correctly identified

as "confidential." If there was any question as to whether specific information was confidential, CalRecycle would contact the person(s) identified in the application to provide a justification and statement why the information is confidential. The process for evaluating confidentiality claims is set forth in section 14 CCR 17046.

What procedures does CalRecycle have in place to ensure that confidential information is kept confidential?

Confidential or proprietary information will be evaluated and analyzed only by CalRecycle staff, kept confidential, and will be maintained with restricted access. Records no longer needed to provide the services offered under the grant program are periodically destroyed, when allowed by audit policies and state law.

Application Instructions

Application Access

The application is available in CalRecycle's web-based Grants Management System (GMS). Access to GMS is secure; therefore, you must have a CalRecycle WebPass to log in to the system. Those who have not previously obtained a CalRecycle WebPass can create an account at the CalRecycle WebPass page (https://secure.calrecycle.ca.gov/WebPass/).

To start an application:

- 1. Log in to GMS (https://secure.calrecycle.ca.gov/Grants).
- 2. Select Apply for a Grant on the left.
 - All open grant cycles are displayed in a table.
- 3. Find Local Enforcement Agency Grant, EA33: FY 2022–23 and select **Start Application**.
 - A pop-up window will appear asking for contact information. If you have an existing GMS Account, the information may be auto populated.
 - GMS will automatically add you as the Primary Contact for the new grant application however; you may update this later.
- 4. Click Save.

GMS Tabs - Application Contents and Instructions

The components of the application are divided into tabs. To fill out an application, click on each tab and complete the sections in each tab as required. General directions are on the top of each tab, and detailed information about the requirements for each tab is listed below.

The applicant is responsible for a complete application. This includes signing documents, uploading required documents, and submitting the application by the due date(s). Failure to do so will result in disqualification from the EA33 Grant Program.

Examples of disqualifications may include:

- Applicant does not meet the eligibility requirements.
- Project is not eligible.
- Applicant fails to use required CalRecycle documents or forms.
- Applicant uploads incomplete or blank documents to the Documents tab.
- Signature Authority fails to sign Application Certification or any document that requires a signature.
- The online application is incomplete or missing information.

Summary Tab

This tab provides a summary of the application, due dates, resource documents and links, application documents, and the Application Submission section. It is the applicant's responsibility to submit all required documents, based on the particular grant application/project, by the appropriate due date.

Applicant/Participant Tab

The applicant name is the legal name of the entity that is legally responsible for grant administration, if awarded.

- 1. Select the **Add Applicant/Participant** button and type in the **Applicant Name** and **County**. Do not enter your personal name.
- 2. Search the table for the correct applicant name and select **Add Applicant/Participant**.
- 3. Choose the **Lead Participant** radio button and click **Save**.
 - Every application must have a Lead Participant even if it is an individual application with no Non-Lead Participants.

If the Participant Search List does not contain your Applicant/Participant name:

- 2. Click on Add New Applicant/Participant.
- 3. Enter the **Applicant/Participant Name** as it appears on the Resolution. Do not include the department or unit name. Do not enter your personal name.
 - List county names with the name first followed by the word "County," e.g., "Sacramento County."
 - List city names as "City of" followed by the city's name, e.g., "City of Sacramento."
- 4. Complete all required fields then click **Save**.

For Regional Applications, add the name of each eligible Non-Lead Participant and select the Participating Jurisdiction radio button.

For a list of eligible applicants, please see the Grant Cycle Overview section titled "Eligible Applicants."

Detail Tab

Complete this tab as follows:

- Enter a dollar amount in the Grant Funds Requested field. Do not exceed the maximum grant award amount listed in the Estimated Awards. Please round all amounts to the nearest whole dollar.
- 2. Enter the **Assembly Districts and Senate Districts**. To select more than one district hold the "Ctrl" key while selecting the numbers.
- 3. To request an advance of grant funds, check the **Request Advance Payment** box. You must also complete a Grant Payment Request Form (Form 87) and upload it in the documents tab. If you are electing to receive a reimbursement payment, do not check this box.
- 4. Enter the applicant's **Department Name**, e.g., "General Services." If the applicant does not have a department, enter the applicant's name.
- 5. Enter the grant payment mailing address.
- 6. Project Summary/Statement of Use:

A Statement of Use is a general description of how the applicant intends to use grant funds to benefit its solid waste facilities permit and inspection program. The Project Summary/Statement of Use should align with the proposed expenditures under the Budget categories identified in the Budget.

Example:

The goal of our solid waste program is to protect public health, safety, and the environment with regard to solid waste facilities within our jurisdiction. Example County's Environmental Health Division intends to use FY 2022–23 LEA grant funds to perform inspections, purchase new safety and computer equipment, conduct medical monitoring (annual check-up and tests for enforcement staff who perform inspections at solid waste facilities), and for maintenance on vehicles assigned to the LEA Solid Waste Program. Any interest earned will be used for training and education.

7. Select the appropriate option for the Resolution and optional Letter of Designation.

Contacts Tab

CalRecycle requires the application to have only one Primary Contact and at least one Signature Authority. Each application contact may be granted access by checking the box on the top of the contact's detail screen. The contact will be able to log in to GMS using their own CalRecycle WebPass and access the application.

Note: CalRecycle requires a valid email address for the Signature Authority in order to route the Grant Agreement, if awarded.

- Primary Contact. One person who the Signature Authority or their designee has authorized to manage and oversee the grant. This person will be the first contact with whom the Grant Manager will communicate.
- **Signature Authority**. The person(s) authorized to sign CalRecycle documents, such as grant applications, grant agreements, etc., as authorized by a board/council-adopted Resolution, or Letter of Designation.
- Secondary Contact. A person authorized (by the Primary Contact or Signature Authority or their designee) as the alternate person with whom the Grant Manager will communicate. (Not required.)
- Consultant. A professional who provides advice in an area of expertise. If CalRecycle awards a grant to the applicant, the consultants may manage the grant or only conduct specific activities, based on a written agreement between the applicant and the consultant outlining work to be performed. (Not required.)
- Participant Signature Authority. (Applicable to Cooperative applications only) The person(s) authorized to sign documents on behalf of their organization, as authorized by a Letter of Commitment, Resolution, or Letter of Designation.

Budget Tab

Select the applicable budget category and enter a dollar amount and budget detail information as listed below. The total must equal the Grant Funds Requested amount shown on the Detail tab.

If the Request Advance Payment box was checked to request an advance of grant funds, and the grantee intends to utilize the interest accrued on the advance payment, enter a note in the Budget Detail section of the appropriate Budget category. For example: "Interest earned will be spent in this category."

Budget categories are as follows:

- Analysis/Evaluation/Testing/Demo (expenses related to analysis and testing, equipment calibration, certification, demonstrations, site studies, and consultants).
- Compliance/Inspection/Visit/Enforcement (expenses related to legal counsel, inspection, enforcement, compliance, and consultants that support the applicant's solid waste facilities permit and inspection programs).
- **Education** (expenses related to providing education and outreach materials to local jurisdictions, businesses, and the public).
- **Equipment** (expenses related to the purchasing of tools, instruments, equipment, personal protection gear, tablets, and laptops as well as the maintenance of equipment essential for the inspection of solid waste facilities).
- **Personnel** (staff expenses related to conducting inspections such as salaries, benefits, physicals, and vaccinations).
- Training (expenses related to the training of LEA staff such as training materials, publications, periodicals, memberships, CalRecycle trainings, solid waste management conferences, and related costs).
- **Transportation** (expenses related to inspections such as maintenance of LEA vehicles, fuel expenses, and mileage).

Documents Tab

See the Application Documents section in the Summary tab for documents that must be uploaded in the Documents tab.

When uploading a document, enter a document title, select the appropriate document type from the drop-down list, and enter the date that it was executed/signed, if applicable, or select "today's date."

Application Submittal and Deadline

The **Submit Application** button located in the Summary tab will be enabled after all required documents have been uploaded.

Click the **Submit Application** button and the application status will change to **Submitted**. You can only submit the application once; however, you may upload the following documents until the secondary due date: Resolution, Letter of Designation, and Letters of Authorization.

You must submit your application no later than 11:59 p.m. on May 13, 2022. Customer service will be available until 4:00 p.m. on the application due date either by emailing grantassistance@calrecycle.ca.gov or calling (916) 341-6228.

Note: Applications that are not submitted by the due date will be deleted from GMS.

Application Documents

Electronic and Original Signatures

CalRecycle now allows for certified e-Signature or original wet signature on documents or forms that certify legally binding information.

Note: E-signatures must include the first and last name of the Signature Authority, be in the Adobe Digital ID format (or through another certified digital signature program), and cannot be completed using the "Fill and Sign" function within Adobe. Any documents using the "Fill and Sign" function, is considered incomplete and may be sent back to the applicant.

Once the document(s) have been signed by the Signature Authority, upload the digitally signed document, or scan the wet signature and save it to GMS. Retain the original document for potential CalRecycle audits. See Audit Considerations section of the Procedures and Requirements document for more information.

If you have questions, email grantassistance@calrecycle.ca.gov.

CalRecycle Documents

CalRecycle documents are on the Summary tab in the Application Documents section. To access a document, click on the link, open it up, fill it out, save it to your computer, and upload it to the Documents tab. If you are having trouble with a document, email grantassistance@calrecycle.ca.gov or call (916) 341-6228.

Altered or reproduced CalRecycle documents or templates may result in automatic disqualification of your application. Unless a document specifies that it may be reproduced as necessary, **do not** alter CalRecycle documents.

Below is a list of CalRecycle documents:

Application Certification

The Application Certification is a required application document that must be generated from GMS.

After you have completed each tab of the application and uploaded the required documents, generate the Application Certification from the Summary tab. Once the Application Certification is signed, upload it to the Documents tab.

Advance Payment Requests (Optional)

If you are requesting an Advance Payment, complete a **Grant Payment Request Form (Form 87)** and upload the Payment Request to the Documents tab. The requested amount should be the total grant award (10% will be withheld from the total requested amount).

Applicant's Documents

Below is a list of documents that the applicant is responsible for preparing and uploading to their application. For examples/templates of some of these documents, please refer to the Summary tab. Retain the original hard copy documents for potential CalRecycle audits. See Audit Considerations section of the Procedures and Requirements for more information.

Applicant's Required Authorization Documents

Below is a list of required authorizing documents by application type that the applicant is responsible for preparing and uploading to their application.

Note: For Resolution, Letter of Commitment, Letter of Authorization, and Letter of Designation templates refer to the <u>Resolution and Letter Examples</u> (https://www.calrecycle.ca.gov/Funding/SampleDocs) web page. CalRecycle staff are available to answer questions about the Resolution and Letter of Commitment or to review your draft Resolution to ensure it meets the requirements of the grant program. You may upload the Resolution or Letter of Commitment to your application as a "Draft Resolution" or "Draft Letter of Commitment" or, for immediate review, email it to grantassistance@calrecycle.ca.gov.

Individual Application Authorization Documents:

If **subject to a governing body**, the applicant must submit a Resolution no later than the secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant. The Resolution must:

- Authorize submittal of an application for one or more specifically named CalRecycle grant(s) or for all CalRecycle grants for which the applicant is eligible.
- 2. Identify the time period, up to five years, during which the authorizations are valid.
 - a. Five years is encouraged; however, periods of less than five years are acceptable.
 - b. If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.
- 3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all grant-related documents necessary to implement and close-out the grant(s).
 - a. (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.

Note: The Signature Authority must sign a Letter of Designation **prior** to the designee's exercise of their authority.

Regional Application Authorization Documents: Lead Participant

Applicant must submit a Resolution no later than the secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant.

The Resolution must:

- Authorize submittal of a Regional Application on behalf of itself as Lead Participant and all other Non-lead Participants for a specifically named CalRecycle grant.
- 2. Identify the time period, up to five years, during which the authorizations are valid.
 - a. Five years is encouraged; however, periods of less than five years are acceptable.
 - i. A Resolution that is valid for more than 1 year must contain either:
 - a list of all potential jurisdictions that may serve as Non-Lead Participants, or
 - 2. a provision that the Signature Authority may alter the list of Non-Lead Participants for each grant cycle.
 - b. If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.
- 3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all grant-related documents necessary to implement and close-out the grant(s).
 - a. (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.

Non-lead Participant

The Non-Lead Participant prepares the Letter of Authorization (LOA) and gives the Lead Participant authorization to apply for and to act on its behalf in the implementation and administration of the grant/program.

Applicant must submit a Letter of Authorization no later than the secondary due date or CalRecycle will remove the Non-Lead Participant(s) from the application.

The LOA must:

- 1. Be on the Non-Lead Participant's official letterhead.
- 2. Specify grant program name.
- 3. Be valid for as long as the Lead Participant's Resolution, not to exceed five years; otherwise, the participating entity must date the letter within the last 12 months.
- 4. Authorize the Lead Participant to submit a Regional or Collaborative Application and act as Lead Agency on behalf of the Non-Lead Participant.
- 5. Authorize the Lead Participant to execute all documents necessary to implement the grant.
- 6. Be signed by an individual authorized to contractually bind the Non-Lead Participant.

Letter of Designation

CalRecycle requires a Letter of Designation (LOD) only when the Signature Authority identified in the approved Resolution chooses to delegate their signature authority to another person.

The approved Resolution must indicate the Signature Authority's ability to delegate or designate their authority. The applicant must upload the LOD **prior** to the designee's exercise of their authority. If the designee signs an application document in place of the Signature Authority, the applicant must upload the LOD with their application.

The LOD must:

- 1. Be on the applicant's letterhead.
- 2. Include the job title of the designee and the scope of the designee's authority.
- 3. Include the time period during which the designee may exercise the authority.
- 4. Be signed by the Signature Authority.

The designee's authority may not extend beyond the effective date of the approved Resolution. For example, if the Resolution is effective until December 31, 2022, then the Letter of Designation may not be effective beyond December 31, 2022. If the letter does not identify a valid time period, the letter will follow the same time frame as the Resolution.

Grant Review and Award Process

Grant Application Review Process

After the close of the application period, CalRecycle staff will review the applications for completeness and eligibility. Only complete applications will be considered for award.

Grant Award Process

For qualifying applications, CalRecycle staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or their designee; CalRecycle tentatively schedules this for June 2022. CalRecycle reserves the right to partially fund or fund individual phases of selected proposals, and CalRecycle may fund an amount less than requested.

CalRecycle reserves the right to not award any grant funds under one or more cycles.

Grant Award Conditions

When awarded, this grant will be subject to two conditions:

- The recommended grantee must pay all outstanding debts due to CalRecycle, or bring current outstanding payments owed to CalRecycle, within 60 days of the award email date.
- 2. The recommended grantee's Signature Authority (or their delegated signature authority) must sign and return the Grant Agreement to CalRecycle. CalRecycle must receive the signed Grant Agreement within 60 days of the date of the award email.

Failure to comply with either condition will void the grant award.

Grant Program Administration

Grant Agreement

The Grant Agreement binds the Grantee to CalRecycle's requirements as outlined in the Grant Agreement documents. CalRecycle now sends the Grant Agreement Cover Sheet electronically to allow for a certified e-signature using Adobe Sign.

These documents shall guide the grantee's administration of the grant project.

Following CalRecycle's conditional approval of the grant awards, we will email grantees the information below.

- Award email
- Grant Agreement Cover Sheet (CalRecycle 110)
- Exhibit A: Terms and Conditions
 - Contain CalRecycle standard legal requirements for grants
- Exhibit B: Procedures and Requirements
 - Contain specific requirements for administering this grant, including but not limited to project, reporting, and audit requirements
- Exhibit C: Grantee's approved application with revisions, if any, and any amendments
- e-Signature Instructions for Awardees
 - Contains instruction on how to sign the Grant Agreement Cover Sheet using Adobe Sign

Reporting Process

CalRecycle requires grantees to report on the progress of their grant on the Final Report. It is due on October 27, 2023. The Procedures and Requirements document contains detailed reporting information and deadlines.

Payment Request Process

CalRecycle will retain 10 percent of each approved Payment Request amount until the Grant Manager approves the Final Report, the final Payment Request, and all required supporting documentation. The Procedures and Requirements document contains detailed payment information.

Advance Payment

As provided for in the Terms and Conditions, CalRecycle may advance up to 90 percent of the grant funds to the grantee. The remaining 10 percent shall be reimbursed to the grantee upon satisfactory completion of the Grant Agreement and approval of the Final Report.

The advance payment will not be processed until the previous cycle's advance has been fully reconciled and any money owed is paid to CalRecycle.

Please Note: Since Grant Agreements are now signed electronically, the process for requesting an advance payment has changed. Please follow these steps to request an advance payment before submitting your application:

• Ensure the Request Advance Payments checkbox located on the Detail tab in

- GMS is checked.
- Complete a Grant Payment Request Form (Form 87). The requested amount should be the total grant award (10% will be withheld from the total requested amount).
- Upload the Payment Request to the Documents tab.

Please note: Upon receipt of advanced grant funds, the grantee shall deposit and maintain, until expended, all grant funds in an interest-bearing account within a federally insured financial institution. The Grantee shall maintain a separate accounting system for the grant funds including the earned interest. All earned interest must be tracked and accounted for in the final payment request. It is anticipated that Interest will be expended on grant activities.

Any unspent grant funds or <u>unspent earned interest</u> must be returned to CalRecycle by the end of the Grant Term. Contact the Grant Manager to initiate this process.

CalRecycle may not execute subsequent grant agreements with a grantee until all EA32 grant funds and interest are fully reconciled.

Grant funds must be used for eligible costs as described in the **Eligible Costs** section in the Procedures and Requirements document, and must be spent in the following order:

- 1. Advance payment
- 2. Reimbursement payment (10 percent withhold)
- 3. Interest earned on advance payment, if approved by the Grant Manager

Reimbursement Payment

Grantees that do not request an advance by checking the Advance Payment box in the application, and submitting a Payment Request Form 87 with their application, will receive payment on a reimbursement basis. The reimbursement payment will be made to the grantee upon satisfactory completion of the Grant Agreement and CalRecycle approval of the Final Report.