

CITY OF OAKLAND
AGENDA REPORT

2010 JUN 30 AM 10: 53

TO: Office of the City Administrator
ATTN: Daniel Lindheim
FROM: Public Works Agency
DATE: July 13, 2010

RE: **Resolution Authorizing Submittal Of Used Oil Payment Program Applications And To Act As Lead Jurisdiction For Other Alameda County Jurisdictions, To The California Department Of Resources Recycling And Recovery And Appropriation Of Those Payments For Used Motor Oil And Used Oil Filter Recycling Beginning With Fiscal Year 2010/2011 And Effective Until Rescinded By The City Council.**

SUMMARY

A resolution has been prepared to update an existing resolution authorizing the City of Oakland to submit applications to the California Department of Resources Recycling And Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board (CIWMB), under its Used Oil Payment Program (OPP), and to appropriate the funds. The resolution would also authorize the City to serve as lead jurisdiction, applying for and appropriating OPP funds on behalf of other Alameda County jurisdictions.

The proposed resolution is necessary for procedural purposes only, due to the funding agency's change of the program name. CalRecycle, the funding agency that replaced CIWMB, requires that applicants have an authorizing resolution that uses the new program name, "Used Oil Payment Program" (OPP), and not the old program name, "Used Oil Block Grant Program" (UBG). The proposed resolution would replace existing Resolution No. 81214 C.M.S. (April 2008) authorizing the City to continue to submit applications and appropriate Used Oil funds for recycling of used motor oil.

OPP funding will be used to pay for the same expenditures as the former UBG program. These activities are residential curbside collection and recycling of used motor oil and oil filters, and related public education activities. OPP funding will allow the City to further the Council's adopted Zero Waste goal. Staff recommends that this resolution be approved.

FISCAL IMPACT

This resolution authorizes the City to apply for OPP payments. OPP payments are awarded annually and allowed to be spent over a 24-month period. Annual OPP payment amounts are based on Oakland's population and available CalRecycle funds. In 2008/09 Oakland received \$105,247 in funding. In 2009/10 Oakland received \$72,759 in funding. The Fiscal Year 2010/11 funding amount is not known at this time. The funds received would continue to be

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appropriated to California Integrated Waste Management Board Fund (2154). The funds are used for used oil and filter recycling services.

Additionally, this resolution will authorize the City to act as a lead jurisdiction, allowing the City to apply for and appropriate OPP funds on behalf of other Alameda County jurisdictions. Participating jurisdictions would authorize the City to apply for and appropriate OPP funds on their behalf for the express purpose of passing through 100% of these funds to an established regional public education campaign organized by StopWaste.Org (the Alameda County Waste Management Authority). Acting as a lead agency will have no fiscal impact on the City.

BACKGROUND

The improper disposal of used motor oil is a significant environmental hazard and long-term health concern. Since 1993, the City has received used oil grants pursuant to section 48690 of the Public Resources Code. The Code provides local governments block grants if it develops and submits a local used oil collection program to the State and files a report. The State makes grants to every local government that submits a program and files a report. The State may make a block grant to another entity that will implement the program of a local government in lieu of making a block grant to that local government with the concurrence of that local government.

To date, over 200,000 gallons of used oil have been collected through the residential recycling program, and approximately 85,000 free oil recycling kits have been distributed through Oakland retailers.

KEY ISSUES AND IMPACTS

The City must submit OPP applications annually in order receive this funding. Without this funding, the City would have to identify other funding sources to pay for the cost of existing used oil and oil filter curbside collection and recycling services from Recycling Program Fund (1710). In 2008/09 Oakland received \$105,247 in funding. In 2009/10 Oakland received \$72,759 in funding. The Fiscal Year 2010/11 funding amount is not known at this time. By having the option to apply to CalRecycle for OPP funds as a lead jurisdiction, the City would continue to be able to apply for and receive funds that might not otherwise be disbursed for use in Alameda County. All of the funds received on behalf of other jurisdictions would continue to be appropriated and disbursed to StopWaste.Org to help fund the regional public education program. These jurisdictions are either ineligible, or would otherwise not apply for these funds except under a lead agency.

PROGRAM DESCRIPTION

The funds received would continue to be appropriated to California Integrated Waste Management Board Fund (2154). These funds would continue to:

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- Pay for existing contracted residential curbside collection of used motor oil and oil filters by Waste Management of Alameda County and California Waste Solutions
- Fund Oakland's portion of a regional media campaign including outdoor, transit and newspaper ads
- Fund distribution of used oil and oil filter recycling kits made available at no charge to Oakland residents at local retailers
- Pay for used oil recycling curriculum in English second language (ESL) classes at various adult education venues in Oakland
- Fund other promotional or educational activities

SUSTAINABLE OPPORTUNITIES

Economic: Funds are used to contract with CiviCorps, which provides job training and green collar employment for at-risk youth.

Environmental: Recovering and recycling these hazardous materials prevents pollution and conserves natural resources. Additionally, by educating the public about used oil and oil filter recycling, the program helps the City to meet the Public Information and Participation component of its Countywide National Pollutant Discharge Elimination System Permit, by which the City complies with the Federal Clean Water Act.

Social Equity: This funding provides direct access to a safe, legal and environmentally sustainable disposal method for used oil by residents who maintain their own vehicles.

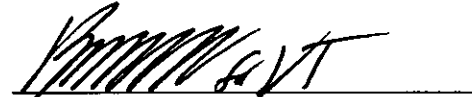
DISABILITY AND SENIOR CITIZEN ACCESS

This project does not have direct access impacts on disabled or senior citizens.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the resolution authorizing the submittal of OPP applications and the appropriation of funds be approved.

Respectfully submitted,



Vitaly B. Troyan, P.E.
Interim Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Reviewed by:
Susan Katchee, Environmental Services Manager

Prepared by:
Peter Slote, Recycling Specialist
Environmental Services Division

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:**



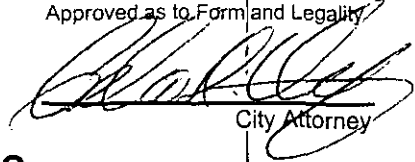
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FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 JUN 30 AM 10:53 RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING SUBMITTAL OF USED OIL PAYMENT PROGRAM APPLICATIONS AND TO ACT AS LEAD JURISDICTION FOR OTHER ALAMEDA COUNTY JURISDICTIONS, TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY AND APPROPRIATION OF THOSE PAYMENTS FOR USED MOTOR OIL AND USED OIL FILTER RECYCLING BEGINNING WITH FISCAL YEAR 2010/2011 AND EFFECTIVE UNTIL RESCINDED BY THE CITY COUNCIL

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil recycling programs; and

WHEREAS, CalRecycle's procedures for administering the OPP require, among other things, a regional applicant's governing body to declare by resolution certain authorizations related to the administration of the OPP; and

WHEREAS, the OPP allows regional participation; and

WHEREAS, if awarded the City of Oakland (City) will enter into an agreement with CalRecycle for implementation of said payments; and

WHEREAS, the City will submit applications for OPP funds for used motor oil and oil filter collection and recycling services and public education activities; and

WHEREAS, all jurisdictions in Alameda County are member agencies of StopWaste.Org (the Alameda County Waste Management Authority), a regional Joint Powers Authority that was formed for the purpose of, and having expertise in, recycling and solid waste project planning and implementation; and

WHEREAS, StopWaste.Org provides services and programs to its member agencies, and may provide and receive funds from its member agencies, and

WHEREAS, the City and other Alameda County jurisdictions have agreed, but are not obliged, to provide a percentage of OPP funds to StopWaste.Org to provide regional used oil and oil filter recycling public education; and

WHEREAS, the City desires to have the ability to join with participating jurisdictions in the implementation of a regional used oil recycling public education program; now, therefore be it

RESOLVED: That the City Council hereby authorizes the submittal of applications to CalRecycle for OPP funds; and be it

FURTHER RESOLVED: That the City Administrator or a designee is hereby authorized and empowered to execute in the name of the City of Oakland any and all documents currently required by CalRecycle, including but not limited to, applications, agreements, annual reports including expenditure reports, and any subsequent amendments to or extensions of said documents, to secure OPP funds and implement approved projects; and be it

FURTHER RESOLVED: That the City Administrator or a designee is hereby authorized to receive and appropriate OPP funds to the California Integrated Waste Management Fund (2154), to expend the funds on used motor oil and oil filter collection and public education activities; and be it

FURTHER RESOLVED: That, should StopWaste.Org, other Alameda County jurisdictions and the City agree to implement a Countywide public education campaign, the City Council authorizes the expenditure of appropriated funds to be payable to StopWaste.Org for that purpose; and be it

FURTHER RESOLVED: That the City Council authorizes the City of Oakland to be applicant and lead jurisdiction for OPP funds on behalf of itself, and participating jurisdictions that authorize the City to act on their behalf; and be it

FURTHER RESOLVED: That this authorization is effective until rescinded by the City Council; and be it

FURTHER RESOLVED: That the City Attorney's Office has reviewed this resolution as to form and legality and a copy of this resolution shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California