File No. 120935

Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date 10/10/2012

Board of Supervisors Meeting Date _____

Cmte	Board	
☐	☐	Motion
☒	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☒	☐	Grant Information Form
☒	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☒	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date October 5, 2012
Completed by: Victor Young Date _____

FILE NO. 120935

RESOLUTION NO.

[Accept and Expend Grant - Certified Unified Program Agency Electronic Reporting - $109,492]

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $109,492 from California Environmental Protection Agency to participate in a program entitled Certified Unified Program Agency Electronic Reporting for the period of January 1, 2010, through March 31, 2013, waiving indirect costs.

WHEREAS, California Environmental Protection Agency (CalEPA) has agreed to fund Department of Public Health (DPH) in the amount of $109,492 for the period of January 1, 2010, through March 31, 2013; and

WHEREAS, As a condition of receiving the grant funds, CalEPA requires the City to enter into an agreement (Agreement), a copy of which is on file with the Clerk of the Board of Supervisors in File No.120935; which is hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, The purpose of this project is to initiate the implementation of a state-mandated electronic reporting system for hazardous materials and waste; and

WHEREAS, An Annual Salary Ordinance amendment is not required as the grant partially reimburses DPH for five existing positions, one Senior Industrial Hygienist (Job Class No. 6139) at .019 FTE, one IS Business Analyst (Job Class No. 1052) at .038 FTE, one Senior Environmental Health Inspector (Job Class No. 6122) at .211 FTE, one Senior Environmental Health Inspector (Job Class No. 6122) at .154 FTE, and one Senior Environmental Health Inspector (Job Class No. 6122) at .154 FTE, for the period of January 1, 2010 through March 31, 2013; and

WHEREAS, Certified Unified Program Agency Electronic Reporting grant does not allow for indirect costs to maximize use of grant funds on direct services; and

WHEREAS, The grant terms prohibit including indirect costs in the grant budget; now, therefore, be it

RESOLVED, That DPH is hereby authorized to retroactively accept and expend a grant in the amount of $109,492 from CalEPA; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs in the grant budget; and, be it

FURTHER RESOLVED, That DPH is hereby authorized to retroactively accept and expend the grant funds pursuant to San Francisco Administrative Code section 10.170-1; and, be it

FURTHER RESOLVED, That the Director of Health is authorized to enter into the Agreement on behalf of the City.

RECOMMENDED:

for

Barbara A. Garcia, MPA
Director of Health

APPROVED:

Office of the Mayor

Office of the Controller

City and County of San Fra: 'sco

Edwin M. Lee
Mayor

:partment of Public Health

Barbara A. Garcia, MPA
Director of Health

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Barbara A. Garcia, MPA Cmc for
Director of Health

DATE: August 13, 2012

SUBJECT: Grant Accept and Expend

GRANT TITLE: Certified Unified Program Agency Electronic Reporting- $109,492

Attached please find the original and 4 copies of each of the following:

- ☒ Proposed grant resolution, original signed by Department
- ☒ Grant information form, including disability checklist -
- ☒ Budget and Budget Justification
- ☐ Grant application: Not Applicable. No application submitted. Asked to participate in the project.
- ☒ Agreement / Award Letter
- ☐ Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted resolution:

Name: Richelle-Lynn Mojica Phone: 255-3555

Interoffice Mail Address: Dept. of Public Health, Grants Administration for Community Programs, 1380 Howard St.

Certified copy required Yes ☐ No ☒

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Certified Unified Program Agency Electronic Reporting**

2. Department: **Department of Public Health, San Francisco Hazardous Materials & Waste**

3. Contact Person: **Sue Cone** Telephone: **415.252.3991**

4. Grant Approval Status (check one):

[X] Approved by funding agency [ ] Not yet approved

5. Amount of Grant Funding Approved or Applied for: **$109,492**

6a. Matching Funds Required: $
b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: **California Environmental Protection Agency (CalEPA)**
b. Grant Pass-Through Agency (if applicable):

8. Proposed Grant Project Summary: **For the past 3 years, regulated businesses in San Francisco have been paying an Electronic Reporting Surcharge of $24 per year to Cal EPA. These funds are being made available to Unified Program Agencies for the purpose of initiating the implementation of a state-mandated electronic reporting system for hazardous materials and waste. See addendum for a further explanation.**

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **1/1/2010*** End-Date: **3/31/2013**

**The start date was established by legislation but we will beging billing against the grant funds beginning 1/1/2012.*

10a. Amount budgeted for contractual services: **0**

b. Will contractual services be put out to bid?

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements?

d. Is this likely to be a one-time or ongoing request for contracting out?

11a. Does the budget include indirect costs? [ ] Yes [X] No

b1. If yes, how much? **$**
b2. How was the amount calculated?

c1. If no, why are indirect costs not included?
[ ] Not allowed by granting agency [X] To maximize use of grant funds on direct services
[ ] Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs?

Indirect costs may not exceed 35% of grant allotment.

12. Any other significant grant requirements or comments:

GRANT CODE (Please include Grant Code and Detail in FAMIS:
HCEH11/12
Index code HCHPBADMINGR.

Although the start date of this grant was set by the CA legislature as 1/1/10, we will begin billing against the grant beginning 1/1/12. The delay was due to a staffing shortage and technical delays. We are requesting retroactive approval because CAL EPA had experienced contractual as well as funding difficulties early on in the grant process. Because of these issues, grant funds were withheld until fy12-13 from medium sized Unified Program agencies like the City and County of San Francisco.

See Addendum (Page 3) for additional grant information.

****Disability Access Checklist***(Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

[X] Existing Site(s)
[ ] Rehabilitated Site(s)
[ ] New Site(s)

[X] Existing Structure(s)
[ ] Rehabilitated Structure(s)
[ ] New Structure(s)

[X] Existing Program(s) or Service(s)
[ ] New Program(s) or Service(s)

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Jason Hashimoto
(Name)

Director, EEO, and Cultural Competency Programs
(Title)

Date Reviewed: 8/15/12

(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Barbara A. Garcia, MPA
(Name)

Director Of Health
(Title)

Date Reviewed: 8/15/12

for
(Signature Required)

Grants Information Form ADDENDUM

The California Electronic Reporting System (CERS)

Assembly Bill (AB) 2286 (Feuer, PDF) was signed by Governor Arnold Schwarzenegger, chaptered on September 29, 2008 and went into effect January 1, 2009. The law requires all regulated businesses and all regulated local government agencies, called Unified Program Agencies (UPA), to use the Internet to file require Unified Program information now filed by paper forms. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. It also includes UPA data such as inspections and enforcement actions. All regulated businesses and Unified Program Agencies in the State of California must use the Internet to file by January 1, 2013.

In order to to pay for the costs of implementing electronic reporting statewide, the legislature established an Electronic Reporting Surcharge of $25, which has been paid by all regulated businesses for the past 3 years. Each quarter, monies collected by DPH-EHS were forwarded to CAL EPA. The funds will be used for system development, outreach & training, and technical support for UPAs to be able to accept the information electronically. They are the source of funding for this grant.

San Francisco Department of Public Health
Environmental Health -- Hazardous Materials and Waste Program
California Environmental Reporting System (CERS) Transition
Funded by the California Environmental Protection Agency

Budget for 4 Years as follows:

Budget Date 8/7/2012

Year 1: January 1, 2010 through June 30, 2010
Year 2: July 1, 2010 through June 30, 2011
Year 3: July 1, 2011 through June 30, 2012
Year 4: July 1, 2012 through March 31, 2013

A. Personnel

Position	Salary	FTE Year 3	FTE Year 4	Year 1 Budget	Year 2 Budget	Year 3 Budget	Year 4 Budget	Total Budget
6139 Sr Ind Hygienist Sue Cone	$122,642	.019	0	0	0	$2358	0	$2358
6122 Sr Env Health Inspector Pam Jin	$108,264	.166	.045	0	0	$12,618	$4829	$17,447
6122 Sr Env Health Inspector Liz Leong	$108,264	.096	.058	0	0	$10,410	$6246	$16,656
6122 Sr Env Health Inspector Les Lum	$108,264	.096	.058	0	0	$10,410	$6246	$16,656
1052 IS Business Analyst Processo Hernandez	$90,766	.019	.019	0	0	$1746	$1746	$3492
Total Personnel				0	0	$37,542	$19,067	$56,609
B. Fringe				0	0	$9,840	$4,997	$14,837
C. Equipment				0	0	0	$38,046	$38,046
D. Travel				0	0	0	0	0
E. Supplies				0	0	0	0	0
Total Direct Cost				0	0	$47,382	$62,110	$109,492
Indirect Cost				0	0	0	0	0
Total Cost				0	0	$47,382	$62,110	$109,492

San Francisco Department of Public Health
Environmental Health -- Hazardous Materials and Waste Program
California Environmental Reporting System (CERS) Transition

Budget Justification Year 1 (FY 9-10)

We did not perform work for this project during this fiscal year due to a staffing shortage as well as technical issues regarding readiness of the state's electronic reporting system.

Budget Justification Year 2 (FY 10-11)

We did not perform work for this project during this fiscal year due to a staffing shortage as well as technical issues regarding readiness of the state's electronic reporting system.

Budget Justification Year 3 (FY 11-12)

A. Personnel **$37,542**

6139 Senior Industrial Hygienist (Sue Cone) 0.019 fte $2,358
Manages overall program. In this capacity, directs the work of field staff who perform inspections at businesses that are regulated under any Certified Unified Program Agency Element, including Hazardous Materials Storage, Hazardous Waste Generation, Hazardous Waste Treatment, Underground Storage Tanks, Above Ground Storage Tanks and Regulated Substances. Specifically for this project, acts as liaison to CAL EPA to implement electronic reporting and develops program policies and procedures for business to CUPA reporting as well as CUPA to State reporting for inspection and enforcement data.

6122 Senior Environmental Health Inspector (Pam Jin) 0.166 fte $12,618
Functions as Lead Inspector for the permitting function of the program. Specifically for this project, is responsible for the over-all coordination with IS staff. In this capacity, she oversees and directs local data base modifications to assure compatibility with CERS, the state's electronic reporting system. Additionally, she performs QAQC on data being readied for upload to CERS and develops internal policies and procedures for administrative staff who will ultimately be responsible for reviewing business submissions.

6122 Senior Environmental Health Inspectors (Liz Leong and Les Lum) 0.192 fte $20,820
Function as field inspectors for the program. Specifically for this project their routine field assignments have been reduced so as to allow them to perform outreach to the regulated community. This includes classes as well as one-on-one assistance both in the field and in the office for representatives of regulated businesses. We anticipate that it will take at least one year to assure that all 2500 regulated businesses have established accounts in CERS and are capable of filing electronically. During the transition project they will be cleaning up data already in CERS and helping CERS users establish accounts on-line.

1052 IS Business Analyst (Processo Hernandez) 0.019 fte $1746
Performs IS support functions for this project, including modifications to internal database to assured compatibility with CERS, the State's electronic reporting system. Coordinates with programmers at CAL EPA to develop scripts to initially seed data into CERS as well as exchange data on a regular basis, once electronic reporting has been implemented.

B. Fringe **$9,840**

Payroll taxes and fringe benefits include employer's share of Federal, State, and local mandated payroll taxes; health, vision and dental insurance premiums; worker's compensation, unemployment, and disability insurance premiums; and employer's contribution to employee retirement plans. SFDPH fringe benefits are budgeted at 26.21% of personnel costs (salaries).

C. Equipment **$0**

D. Travel **$0**

D. Supplies **$0**

Indirect **$0**

Indirect costs were not included in grant application so as to maximize available funds for other aspects of the CERS implementation project.

Budget Justification Year 4 (FY 12-13)

A. Personnel **$19,067**

6139 Senior Industrial Hygienist (Sue Cone) n/a $0

Program manager time was not included in grant budget since we expect that major development work will have concluded by the fourth year of the grant.

6122 Senior Environmental Health Inspector (Pam Jin) 0.045 fte $4,829

During the last year of the grant, the Lead Inspector will continue to develop procedures as required and fully integrate electronic reporting into the permitting process.

6122 Senior Environmental Health Inspectors (Liz Leong and Les Lum) 0.116 fte $12,492

They will continue their outreach activities as specified above.

1052 IS Business Analyst (Processo Hernandez) 0.019 fte $1746

Will continue limited support of internal data base. Since the primary emphasis was first on business to CUPA reporting, the primary emphasis for the last year of the grant will be on CUPA to state reporting for inspection and enforcement data.

B. Fringe **$4,997**

Payroll taxes and fringe benefits include employer's share of Federal, State, and local mandated payroll taxes; health, vision and dental insurance premiums; worker's compensation, unemployment, and disability insurance premiums; and employer's contribution to employee retirement plans. SFDPH fringe benefits are budgeted at 26.21% of personnel costs (salaries).

C. Equipment **$38,046**

Unified Program Agencies such as SFDPH are required to report Inspection and enforcement data to the State on a regular basis. Beginning 1/1/2013, these reports must be submitted electronically. CAL EPA agrees that the most efficient way to accomplish this is for each field inspector to have field notebook computers so that they can enter violations as they are identified and immediately issue Notices of Violation by emailing them to the business. On a regular basis, this data will then be uploaded to CERS, thus eliminating the need for duplicative work. The grant covers the cost of 14 field notebook computers as well as accessories including cases, extra

batteries, and ergonomic grips, which will help avoid fatigue during long days carrying the notebooks during inspections. The fourteen computers include one each for the 12 field staff as one for the technician and one additional to serve as a spare as recommended by CAL EPA.

We anticipate that not all businesses in San Francisco will have ready access to a computer, nor the expertise to enter their own data to file electronically. In the grant application, we therefore included funds to purchase two desk-top computers that we will maintain in the office at 1390 Market St. We will make these computers available to businesses on an as needed basis and provide one-one-one assistance to establish their accounts on the CERS and file their annual submittals.

D. Travel **$0**

D. Supplies **$0**

Indirect **$0**

Indirect costs were not included in grant application so as to maximize available funds for other aspects of the CERS implementation project.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

EDMUND G. BROWN JR.
GOVERNOR

June 14, 2012

Ms. Sue Cone
City and County
of San Francisco
Public Health Department
1390 Market Street, #210
San Francisco, California 94102

Dear Ms. Cone:

The California Environmental Protection Agency (Cal/EPA) has received and signed the Electronic Reporting Grant Agreement for the City and County of San Francisco Public Health Department Certified Unified Program Agency. Please find the enclosed copy of the signed Grant Agreement for your records.

In these difficult budget times for all governments, it is prudent for us to point out paragraph 8 of Exhibit B, the Funds Contingency clause. We have every belief that the Legislature and Governor will adopt the upcoming fiscal year's proposed budget, which includes all of the funding and authority necessary to meet these grant obligations. However, in the event that the authority or the funding is not approved in the budget, this clause defines the state's liability.

If your local rules require, please send your local resolution to Cal/EPA Unified Program Section in order to receive your initial advance allocation of the grant.

If you need further assistance or have questions, you may contact Shinita Bryson at (916) 445-6800 or UPGrants@calepa.ca.gov.

Sincerely,

Jim Bohon, Manager
Unified Program
California Environmental Protection Agency

Enclosure

Printed on Recycled Paper

CERTIFIED UNIFIED PROGRAM AGENCY ELECTRONIC REPORTING
GRANT AGREEMENT
BETWEEN THE
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
AND
CITY & COUNTY OF SAN FRANCISCO PUBLIC HEALTH DEPARTMENT
CERTIFIED UNIFIED PROGRAM AGENCY
AGREEMENT NO. G10-UPA-79

State and Grantee hereby agree as follows:

1. PROVISIONS. The following statute authorizes the State to enter into this Grant Agreement:

   a. California Health and Safety Code, division 20, chapter 6.11, section 25404

2. PURPOSE. The State shall provide a grant to and for the benefit of the Grantee for the purpose of allocating monies from the regulated businesses oversight surcharge to the Certified Unified Program Agencies (CUPAs). Assembly Bill 2286 authorizes the Secretary to use funds from the oversight surcharge to provide certified unified program agencies and participating agencies assistance in implementing electronic reporting requirements through grant funds for the purposes of the system. Up to 25% of the grant is authorized to be paid in advance on approval of the grant application.

3. GRANT AMOUNT. **$109,492.00**

   a. Advanced Payment Amount. **$27,373.00**

4. TERM OF AGREEMENT. The term of the Agreement shall begin on January 1, 2010, and end on March 31, 2013. ABSOLUTELY NO GRANT DISBURSEMENT REQUESTS WILL BE ACCEPTED AFTER June 1, 2013.

5. REPRESENTATIVES. Either party may change its Representative(s) upon written notice to the other party. The Representatives during the term of this Agreement will be:

California Environmental Protection Agency **GRANT MANAGER**	
James Bohon	
1001 "I" Street, 2nd Floor	
Sacramento, California 95814	
Phone (916) 327-5097	
Fax (916) 322-5615	
Email: jbohon@calepa.ca.gov	
GRANTEE City & County of San Francisco Public Health Department	**GRANT CONTACT**
Name of Project Director, Title: Rajiv Bhatia, M.D., M.P.H.	Name: Sue Cone
Street Address: 1390 Market St. #822	Street Address: 1390 Market St. #210
City, Zip: San Francisco 94102	City, Zip: San Francisco 94102
Phone: 415.252.3931	Phone: 415.252.3991
Fax: 415.252.3818	Fax: 415.252.3910
e-mail: rajiv.bhatia@sfdph.org	e-mail: sue.cone@sfdph.org

6. STANDARD AND SPECIAL PROVISIONS. The following exhibits are attached and made a part of this Agreement by this reference:

Exhibit A REPORTING AND GRANT DISBURSEMENT PROVISIONS

Exhibit B SPECIAL AND GENERAL PROVISIONS

Exhibit C GRANT APPLICATION

Exhibit D TRANSITION PLAN

7. GRANTEE REPRESENTATIONS. The Grantee accepts and agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and commitments made by the Grantee in its application, accompanying documents, and communications filed in support of its request for grant funding.

8. DEFINITIONS. The following defined terms apply throughout this Agreement:
   "Cal/EPA" means the California Environmental Protection Agency;
   "CUPA" means the Certified Unified Program Agency;
   "Grantee" means the City and County of San Francisco Public Health Department;
   "PA" means the Participating Agency;
   "Electronic Reporting" means the Electronic Reporting requirements of Assembly Bill 2286
   "Secretary" means the Secretary of the California Environmental Protection Agency; and
   "State" means the State of California, including Cal/EPA.

IN WITNESS THEREOF, the parties have executed this Agreement on the dates set forth below.

By: [signature]

Grantee Signature

Rajiv Bhatia, M.D. M.P.H.
San Francisco Department of Public Health
Medical Director, Occupational and
Environmental Health

Grantee Name, Title (Typed/Printed)

5/24/2012

Date

By: [signature]

Donald A. Johnson, Assistant Secretary
California Environmental Protection Agency

13 June 2013

Date

EXHIBIT A
REPORTING AND GRANT DISBURSEMENT PROVISIONS

A. REPORTING PROVISIONS

1. The Grantee shall prepare and submit a Transition Plan Status Reports, including Grant Disbursement Request form for documentation of expenditures, to the Cal/EPA Grant Manager at the following address:

   California Environmental Protection Agency
   Unified Program Section
   Attn: Shinita Bryson
   1001 "I" Street, 2nd Floor
   Sacramento, California 95814

2. The Transition Plan Status Report and Grant Disbursement Request Form will be provided by Cal/EPA upon the approval of the Grant Application.

3. Each report shall have a cover letter certified by the Project Director or the Grant Contact.

4. For purposes of the Electronic Reporting Implementation Status Reports, the reporting period is as follows:

Report	Reporting Period	Report Due Date
Report 1	June 1, 2010, to September 30, 2010	November 1, 2010
Report 2	October 1, 2010, to December 31, 2010	February 1, 2011
Report 3	January 1, 2011, to March 31, 2011	May 1, 2011
Report 4	April 1, 2011, to June 30, 2011	August 1, 2011
Report 5	July 1, 2011, to September 30, 2011	November 1, 2011
Report 6	October 1, 2011, to December 31, 2011	February 1, 2012
Report 7	January 1, 2012, to March 31, 2012	May 1, 2012
Report 8	April 1, 2012, to June 30, 2012	August 1, 2012
Report 9	July 1, 2012, to September 30, 2012	November 1, 2012
Report 10	October 1, 2012, to December 31, 2012	February 1, 2013
Report 11	January 1, 2013, to March 31, 2013	May 1, 2013

B. GRANT DISBURSEMENT PROVISIONS

1. Grant Disbursement Request Forms shall be used to depict the expenditures incurred by the Grantee in implementation of Electronic Reporting throughout the period of performance.

2. The grant disbursement request shall include all Electronic Reporting implementation expenditures incurred by the Grantee during the reporting period.
3. The Grantee shall use the Grant Disbursement Request Form provided by Cal/EPA.

EXHIBIT B
SPECIAL AND GENERAL PROVISIONS

A. SPECIAL PROVISIONS

1. AMENDMENTS: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or agreement not incorporated in the Agreement is binding on any of the parties.

2. WAIVERS: Any term, provision, condition, or commitment of this Agreement may be waived at the discretion of Cal/EPA. All waivers shall be documented in writing.

3. DISPUTES: The Grantee shall continue with the responsibilities under this Agreement during any dispute. Any dispute arising under this Agreement which is not otherwise disposed of by agreement shall be decided by the Cal/EPA Assistant Secretary for Local Programs or an authorized representative. The decision shall be in writing and a copy thereof furnished to the Representatives of this Agreement. The decision of the Assistant Secretary shall be final and conclusive unless, within thirty (30) calendar days after mailing of the decision to the Grantee, the Grantee furnishes a written appeal of the decision to the Secretary for Environmental Protection, with carbon copies furnished to the Cal/EPA Assistant Secretary for Local Programs and the Cal/EPA Grant Manager. The decision of the Secretary shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal under this clause, the Grantee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Grantee shall continue to fulfill and comply with all the terms, provisions, commitments, and requirements of this Agreement. This clause does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the Cal/EPA Assistant Secretary for Local Programs or the Secretary, on any question of law.

4. FISCAL MANAGEMENT SYSTEMS AND ACCOUNTING STANDARDS: The Grantee agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracing of grant funds to a level of expenditure adequate to establish that such funds have not been used in violation of state law or this Agreement. The Grantee further agrees that it will maintain financial accounts in accordance with generally accepted accounting principles. Without limitation of the requirement to maintain financial management systems and accounting standards in accordance with generally accepted fiscal and accounting principles, the Grantee agrees to:

    a. Establish a financial account(s) and accounting system(s) that will adequately and accurately depict all Electronic Reporting Grant amounts received and expended during the term of this Agreement, including but not limited to:

        i. All Electronic Reporting implementation expenditures; and
        ii. Running balance of grant allocations and expenditures.

5. RECORDS MANAGEMENT: Maintain all documentation and financial records, as may be necessary, for the state to fulfill federal reporting requirements, including any and all reporting requirements under federal tax statutes or regulations. Establish an official file for the allocation that shall adequately document all significant activities and actions relative to the Implementation of the Electronic Reporting Implementation, including but not limited to:

    a. Fiscal accounting;
    b. Electronic Reporting Implementation Status Reports; and,
    c. Grant Disbursement Requests and supporting documentation.

6. TIMELINESS: Time is of the essence in this Agreement. The Grantee shall proceed with Electronic Reporting implementation in an expeditious manner. The Grantee shall prepare and submit all required reports and Grant Disbursement Request Forms as stipulated in this Agreement.

7. WITHHOLDING OF GRANT DISBURSEMENTS: Cal/EPA may withhold all or any portion of the allocations provided for by this Agreement in the event the Grantee:

   a. Materially violates, or threatens to materially violate, any term, provision, condition, or commitment of this Agreement; or
   b. Fails to maintain reasonable progress toward Electronic Reporting implementation.

8. FUNDS CONTINGENCY: Cal/EPA's obligations under this Grant Agreement are contingent upon the availability of funds. In the event funds are not available, the State shall have no liability to pay any funds whatsoever to the Grantee or to furnish any other considerations under this Grant Agreement.

9. BUDGET REVISIONS: Budget revisions of 15% or less of the total agreement allocation may be made in writing and approved by Cal/EPA without an amendment to the agreement.

B. GENERAL PROVISIONS

1. ASSIGNMENT: This grant is not assignable by the Grantee, either in whole or in part, without the consent of the State.

2. AUDIT: Grantee agrees that the Cal/EPA, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the expenditure of allocated moneys and performance of this Agreement. The Grantee agrees to maintain such records for a possible audit for a minimum of three (3) years after term of the Agreement, unless a longer period of records retention is stipulated. Grantee agrees to allow the auditor(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 related to performance of this Agreement.

3. COMPUTER SOFTWARE: The Grantee certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.

4. CONFLICT OF INTEREST: The Grantee certifies that it is in compliance with applicable state and/or federal conflict of interest laws.

5. GOVERNING LAW: This grant is governed by and shall be interpreted in accordance with the laws of the State of California.

6. INDEPENDENT ACTOR: The Grantee, and its agents and employees, if any, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees or agents of the State.

7. NONDISCRIMINATION: During the performance of this Agreement, the Grantee and its contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religion, color, national origin, ancestry, disability, sexual orientation, medical condition, marital status, age (over 40) or denial of family-care leave, medical-care leave, or pregnancy-disability leave. The Grantee and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment.

8. NO THIRD PARTY RIGHTS: The parties to this grant Agreement do not create rights in, or grant remedies to, any third party as a beneficiary of this grant Agreement, or of any duty, covenant, obligation or undertaking established herein.

9. TERMINATION: The State may terminate this Agreement and be relieved of any payments should the Grantee fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination, the Grantee agrees, upon demand, to immediately return the remaining unused portion, if any, of the Grantee's allocation.

10. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement shall continue to have full force and effect and shall not be affected thereby.

GRANT APPLICATION FORM

1. **Entity Information**
   Unified Program Agency Name: **CITY AND COUNTY OF SAN FRANCISCO**

GRANTEE	GRANT CONTACT (if different from Project Director)
Name of Project Director, Title: Rajiv Bhatia, M.D., M.P.H.	Name: Sue Cone
Street Address: 1390 Market St. #822	Street Address: 1390 Market St. #210
City, Zip: San Francisco 94102	City, Zip: San Francisco 94102
Phone: 415.252.3931	Phone: 415.252.3991
Fax: 415.252.3818	Fax: 415.252.3910
e-mail: rajiv.bhatia@sfdph.org	e-mail: sue.cone@sfdph.org

2. **Grant Amount:** **$109,492**

   Advanced payment requested: **$27,373**

3. **Scope of Work**
   In order to become complaint with AB 2286, which requires the Unified Program related information exchange between the UPA and Cal/EPA, the City and County of San Francisco Hazardous Materials Unified Program Agency (SFHMUPA has developed a new Inspection/Enforcement module in HEHD, our in-house data base. This enhancement will enable us to accurately upload inspection and enforcement data to the state. Field Note book computers and accessories such as carrying cases and spare batteries will need to be purchased for each field staff. Staff will require training in wireless access and desktop functionality.

   In order for the regulated businesses to file electronically, SFHMUPA will need to provide outreach and training as well as on site support to regulated businesses on the state wide system, called the California Environmental Reporting System (CERS). Awarded Grant funds will be used for:
   - Computer hardware such as portable printers, scanners, field tablets, carrying cases, extra batteries USB adapters, flash drives, etc.
   - Hardware warranty for additional support
   - Training of and support for the regulated community in order to comply
   - IT support to coordinate with CERS technical staff to facilitate seeding, data and data transfer.

4. Work Plan

A. New Hardware
- i. Determine Staff needs for hardware
- ii. Prepare order for hardware
- iii. Purchase hardware
- iv. Configure hardware to allow date in field
- v. Reiterate security features on portable devices
- vi. Review hardware warranty and limitations

B. Business Outreach
- i. Notify businesses of AB 2286
- ii. Send Mailers for training dates
- iii. Conduct training
- iv. Reassign 1 FTE fulltime as CERS business liaison
- v. Perform on-site help sessions as needed

C Coordinate with CERS technical support to establish data exchange protocols
- i. Develop scripts
- ii. Maintain the scripts for data exchange
- iii. Discuss technical support situation and triage workflow
- iv. Develop documentation

D. Training UPA staff on Inspection/Enforcement enhancements and CERS
- i. Determine staff training needs
- ii. Introduce staff to broadband connectivity using tablet or portable devices
- iii. Train staff on how to use VPN client and remote desktop functionality
- iv. Train staff on CERS

E. Regulated Business on CERS
- i. Determine class size, space needs
- ii. Utilize state curriculum
- iii. Communicate with regulated community about training
- iv. Coordinate class signups
- v. Print training information
- vi. Provide training sessions
- vii. As businesses come up for renewal, CERS liaisons will do on-site visits to assist with data capture.

5. **Projected Budget:**

Program Costs	Fiscal Year 11/12	Fiscal Year 12/13
Personnel Services	$47,382	$24,064
Operating Expenses	$ 0	$ 0
Travel Expenses	$ 0	$ 0
Supplies/Materials		
Equipment/Software	$28,000	$10,046
Professional/Consultant Services	$ 0	$ 0
FISCAL YEAR TOTAL	**$75,382**	**$34,110**
TOTAL		**$109,492**

*Indirect costs may not exceed 35% of grant allotment

CERTIFICATION

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge and that I am an employee of the applicant authorized to submit the application on behalf of the applicant. I further understand that any false, incomplete, or incorrect statements may result in the disqualification of this application. By signing this application, I waive any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent provided in this program.

Sue Cone 6/4/12

Applicant Signature Date

Sue Cone

Printed Name of Applicant

ELECTRONIC REPORTING TRANSITION PLAN

UNIFIED PROGRAM AGENCY NAME: **CITY AND COUNTY OF SAN FRANCISCO**

Transition Plan Representative	
Name of Project Director	Sue Cone
Street Address	Hazardous Materials Unified Program Agency (HMUPA) 1390 Market St. #210
City, Zip	San Francisco, 94102
Phone	415.252.3991
Fax	415.252.3910
Email	sue.cone@sfdph.org

1. GENERAL DESCRIPTION OF TRANSITION PLAN

The San Francisco HMUPA (SFHMUPA) will transition from their current paper-based reporting system to electronic reporting as mandated by Assembly Bill 2286. All regulated businesses will be required to submit Unified Program consolidated Form (UPCF) information by January 1, 2013. Currently, SFHMUPA collects all hazardous materials business plan, hazardous waste generator and underground storage tank forms in paper/hard copy format for approximately 2340 regulated businesses. Businesses have typically submitted their UPCFs by mail, by email or fax directly to SFHMUPA staff. Once received, hard copy documents are "scan prepped" and sent to an outside vendor for scanning into a web-based electronic image data base.

SFHMUPA will use the California Environmental Reporting System (CERS) for all business to CUPA reporting transactions. Mailers will be sent to businesses to notify them about the transition process and about what business owners need to do to comply. State resource web links will be included in the mailers so that businesses have access to more information about CERS.

HMUPA is supported by an in house IT staff consisting of one programmer a network specialist and a project manager.

All HMUPA data is currently tracked using a data base (HEHD) developed by in-house programmers. HEHD utilizes a Microsoft Access front end and a SQL back end.
The data base consists of 3 main components:

- Business Information
- Inspection and Enforcement
- Business Tracking/Permitting/Accounting

Business Information
Our current data base contains all fields that are described in Title 27 as well as those that we have determined to be essential locally.

Inspection and Enforcement
This data base component incorporates daily activity tracking, including inspections, Notices of Violation and Enforcement activities. A new version of the Inspection and Enforcement component was released in 2010. The enhancement will streamline and facilitate state reporting.

Business Tracking/Permitting/Accounting
All regulated businesses are on a rolling due date with renewal applications being mailed throughout the year on the anniversary date. Due dates are the 15th of the month preceding the expiration of the current certificate if a renewal and approximately 45 days after the mailing date for new applications. SFHMUPA does its own accounts payable/receivable utilizing HEHD.

a) Current Level of Automation

i. Business Information
Currently, businesses must submit required forms via hard copy. All data elements (both state and locally required) from the BOOIF, BADF, UST and Tiered Permitting Forms are data entered, but chemical inventory is not. All forms received from businesses are pdf'd by an outside vendor onto a web based retrieval system that is new as of 2010. Previously, all forms were scanned, but the system was not web-based.

ii. Inspection and Enforcement
In addition to daily activity data, inspectors enter inspection data, including program elements that were inspected as well as violation data, including violation identification, classification and status. Currently, staff write hard copies of NOVs, leave a copy with the business at the time of the inspection or issue them from the office after the conclusion of the inspection. Each inspector is responsible for their own data entry.

iii. Business Tracking/Permitting/Accounting
This module is fully automated, with monthly applications (both new and renewal) generated automatically. Renewal applications include hard copies of the current BOOIF and BADF, already populated with existing business information as well as an invoice.

b) Initial Data Conversion Plan

We plan to assign a total of 1 FTE on a temporary basis to act as CERS-Business liaisons. Beginning 1/1/2011, as businesses are due for renewal, the liaisons will visit the business to assist with data conversion and transition to CERS.

c) On-going Data Entry Plan

Business – Business will initially be able to review and approve data already entered into CERS by the SFHMUPA; subsequent data would be entered by the business. We expect all businesses to use the CERS portal to enter their own data. We plan to provide at least two terminals at a "kiosk" in our office for those that do not have their own computer. We plan to use grant funds to purchase hardware for the kiosk. Since we anticipate that businesses will need a great deal of support initially, we plan to assign a total of 1 FTE responsible for working with the regulated community on a one on one basis in order to achieve compliance.

Agency – Staff will have field note book computers to enter violation data at the time of their inspection. Current plans call for the conversion of our data base to a web based format in order to facilitate field data entry.

d) Business Outreach Plan

A number of options exist for Business Outreach. Our past experience has shown us that businesses here in San Francisco are not fully responsive to workshops as about 70% of our businesses are small businesses and cannot afford the time away from their business locations. A large number of these do not utilize English as a primary language. We expect to take advantage of all web based training offered by Cal/EPA.

It is for the reasons above that we developed the concept of CERS Liaison. A total of 1.0 FTE will be initially assigned to act in this capacity.

2. NEEDS ASSESSMENT

SFHMUPA recognizes that converting our business to CUPA reporting system from paper/hardcopy to electronic will require an assessment of the resources needed to implement the new system. There are some critical needs that we must address in order to efficiently and effectively convert to and manage electronically reported data through CERS. The needs and the plan to address them are listed below:

a) Currently, our seeding plan calls for the seeding of only those businesses that are new to HEHD since our data was last uploaded to CERS, several years ago. We will be seeding approximately 350 new businesses with basic business information.

b) Businesses that do not regularly use a computer will need assistance from SFHMUPA and possibly the state to report data electronically. SFHMUPA will offer periodic training for basic CERS functions at the Department of Public Health. Public Library computers will be available for businesses that do not have computers or internet access. SFHMUPA will make available two computers at "kiosks" for those who wish to enter data at the SFHMUPA office. SFHMUPA plans to utilize grant funds to purchase two computer terminals for this purpose.

c) SFHMUPA staff will need to change how field inspections are performed because UPCF data will be electronic. Staff will need to know how to access business data in CERS.

d) SFHMUPA staff will need CERS straining from the state.

e) The business community will need CERS training based on the state curriculum. SFHMUPA will offer basic CERS guidance and support to the business community as well as direct on –site assistance as needed.

f) SFHMUPA staff will need CERS technical support from the state.

g) SFHMUPA will need grand funds from the state to fully implement electronic reporting.

h) Since chemical inventory is not currently input into the local data base, SFHMUPA must pay for staff time to assist businesses to input inventory data. Currently SFHMUPA is about 95% fee supported. For the current years budget, this equates to a short fall of about $152,000. Grant funds would be used to bridge this shortfall.

i) We must also pay for continuing IT support, and staff hours for training. Ongoing IT support includes management of the internal inspection and enforcement database, HEHD, and management of the data exchange activities between HEHD and CERS.

j) SFHMUPA will need to redirect program resources away from routine work so that adequate support for the regulated community is available.

3. COLLECTING, SUBMITTING AND STORING UP-RELATED INFORMATION

Business data will be entered and maintained in CERS and there will be periodic XML downloads of business related data from CERS to HEHD.

CERS will collect and store local UPA information specified in the Title 27 data dictionary. CERS will also collect locally required non-Title 27 related UPA information agreed upon by the Data Steering Committee. Basic business information has already been uploaded from HEHD to CERS, but the data has not been updated since its initial upload. Upload scripts will be written and procedures for regular uploads will be established. Businesses will submit and update UPCF information into CERS directly.

Note: SFHMUPA will electronically submit Inspection and Enforcement information to the state using CERS when this function is available. SFHMUPA already utilizes UPDS for the purpose of LQG reporting. There will be periodic XML uploads of inspection and enforcement data.

4. MANAGEMENT OF DATA CHANGES/UPDATES

SFHMUPA will manage UPCF changes through CERS. Businesses will submit UPCF information directly into CERS. SFHMUPA will review submissions, compare the new submissions with previously submitted information using the CERS comparison tool, and will make a determination on the approval status. If a business data submission is not approved and/or is incomplete, SFHMUPA staff will enter a notation in CERS specifying what is needed to complete the approval process. Businesses that receive an incomplete approval status from SFHMUPA will receive an email notice of their status. Businesses will need to click on the email link to their UPCF information to review SFHMUPA staff notations and make the required corrections.

5. INSPECTION/ENFORCEMENT

Field notebook computers will be purchased for each inspector. Each inspector will enter violations in the field at the time of their inspections directly into HEHD. A copy of the Notice of Violation will be emailed to the business. If the business does not have access to a computer or the internet at their facility, then the inspector will return to the office, print the NOV and mail it to the business. SFHMUPA staff will provide one-on-one basic CERS assistance during the inspection.

Inspection and enforcement data needed to complete Summary Reports will be managed in HEHD. SFHMUPA will continue to submit paper versions of the Summary Reports to the state via email until Inspection and Enforcement data can be submitted into CERS. At which time, SFHMUPA IT staff will upload Inspection and Enforcement data into CERS.

6. BILLING /INVOICING

SFHMUPA will continue to utilize HEHD to generate invoices for the regulated community. Data downloaded form CERS will be used to calculate the level of fees businesses will be billed for each UPA program element.

7. TRAINING

SFHMUPA staff received training on the HEHD Inspection/Enforcement module on 6/17/2010. SFHMUPA management will administer data management system training for all new hires. New staff will be scheduled for HEHD training within 2 weeks after hire.

SFHMUPA will initially offer 2 CERS training sessions at our offices at 1390 Market St. Additional sessions may be scheduled if attendance warrants. Past experience has shown that training sessions are not well attended and in fact, training on a one-on-one basis works best for the regulated community in San Francisco. SFHMUPA will utilize the many CERS resources offered by the state on its electronic reporting web site. The intent of this training is to guide businesses through the general operation of CERS. CERS technical issues must be addressed by the CERS administrator at cers@calepa.gov. SFHMUPA will send a basic guide to CERS to businesses along with their invoices. SFHMUPA will provide on-site assistance to the regulated community to assist with data capture and initiation of CERS access.

SFHMUPA has initiated a CERS email list. Periodic updates about eReporting are forwarded to members of the list as necessary.

8. HELP SYSTEM

SFHMUPA will offer a basic level of assistance for CERS to businesses. Businesses may call or email administrative staff for this assistance. Inspection staff will be asked to help as well. For more technical or complicated CERS issues and support, businesses and SFHMUPA staff will contact the CERS administrator via email at cers@calepa.gov or the help line, once it is established. SFHMUPA's web site will contain guidance on the general operation of CERS as well as links to state resources and to CERS itself.

12. SB2286 GRANT APPLICATION PROCESS

SFHMUPA will submit its electronic reporting Transition Plan along with its grant application to Cal/EPA. Status reports on the use of grant funds will be submitted to Cal/EPA periodically before release of grand funds to SFHMUPA.