

MEMORANDUM OF UNDERSTANDING

MONTEREY BAY AREA GREEN BUSINESS PROGRAM TASK FORCE

1.0 INTRODUCTION

This Memorandum of Understanding ("MOU") is made between various governmental and regulatory environmental agencies (hereby referred to as partners) in the Monterey Bay Area listed below. This MOU will address the basic relationship, roles and responsibilities of the partners in developing and implementing a Monterey Bay Area Green Business Program. This MOU will evolve over time. Specifically, it will change in one to two years as program costs will change and other partners may wish to be involved. The above-listed parties have varying degrees of involvement. Some are participating on an advisory level while others are also contributing funding and/or staff time to the program. Those agencies that are contributing staff and/or funding must provide a signature authority whereas those participating on an advisory level may just acknowledge this MOU. During the development of this MOU, certain participants from Monterey County and Santa Cruz City decided that they were unable to commit to the MOU at this time due to workload and budget constraints but would potentially be able to within the next few years. Therefore, these agencies are involved on an advisory level. Following are the agencies involved and their involvement level (advisory or participatory):

- County of Santa Cruz-Public Works (Stormwater Management, Sanitation, and Solid Waste), *Coordinating Participant*
- County of Santa Cruz-Environmental Health Services, *Participant*
- City of Santa Cruz-Environmental Compliance, *Advisor*
- City of Watsonville, *Participant*
- City of Scotts Valley-Wastewater Treatment Plant, *Participant*
- Ecology Action of Santa Cruz, *Coordinating Participant*
- County of Monterey-Environmental Health, *Coordinating Participant*
- City of Monterey-Public Works, *Participant*
- City of Salinas-Public Works, *Advisor*
- Soquel Creek Water District, *Participant*
- Monterey Bay National Marine Sanctuary, *Advisor*
- Monterey Bay Unified Air Pollution Control District, *Participant*
- Monterey Regional Water Pollution Control Agency, *Participant*
- California Environmental Protection Agency-Department of Toxic Substances Control, *Participant*

2.0 BACKGROUND

Several public agencies have devised incentive-based programs for businesses that meet or exceed environmental standards. An incentives program combined with strong public outreach has been proven to be more effective than enforcement and fines at preventing pollution. As a result, many environmental agencies have allocated funds to perform public outreach and even to develop an incentive-based program. Perhaps the most successful of these programs is one that pools together these funds from several regional environmental agencies to implement a Green Business Program.

Endorsed by the United States Environmental Protection Agency (EPA) and the Department of Toxic Substances Control (DTSC), the Green Business Program is a multi-media (soil, water, and air) pollution prevention effort that creates a positive relationship between government, the public, and the business community. This is a voluntary incentive program for environmentally conscientious businesses. The program will allow environmental regulators and advocates to give participating businesses a competitive advantage over competitors that utilize sloppy and/or illegal environmental practices. The program empowers the public to patronize businesses that are environmental stewards, establishes a positive relationship between government and business, and provides a convergence point for all environmental regulators.

There are several existing successful Green Business Programs in California. The San Francisco Bay Area Green Business Program is modeled after the Sonoma Green Business Program (compliance) and the Palo Alto Clean Bay Program (pollution prevention) and was piloted in Alameda and Napa counties with the Automotive Service and Repair business sector in 1995/1996. After the initial successes, the program has expanded to four other counties, including Sonoma, Santa Clara, Contra Costa, and Marin; and five other business sectors. San Francisco is actively pursuing the program. The states of Arizona and Hawaii have begun implementation of the program as well. San Diego County has a well-established Green Business Steering Committee, and Sacramento County has expressed interest in pursuing the program. Many local Santa Cruz and Monterey Bay Area county regulators and environmental advocates have been researching the Green Business Program and have long planned to implement such a program in the Monterey Bay Area.

The existing programs have received numerous awards, including one from the County Supervisors Association of California (CSAC). In 1999, Sonoma Green Business received a prestigious national award from the Joint Center for Sustainable Communities.

As a result, several public and private environmental agencies recently united to discuss the development of a Monterey Bay Area Green Business Program (MBAGBP). The agencies previously listed have resolved to commit resources to implement a MBAGBP. Additionally, in partnership with the MBAGBP, a local non profit, Ecology Action of Santa Cruz applied for and received funding to support local start up of the MBAGBP for the Vehicle Service Repair industry.

2.0 PURPOSE

The objectives of this program are 1) to unite environmental agencies in the Monterey Bay Area to prevent pollution of our water, air, and soil and to establish a positive relationship between government, the public, and the business community; and 2) to maximize benefits from public outreach funding by combining resources.

3.0 ROLES AND RESPONSIBILITIES OF THE PARTNERS

The Partners intend to undertake the following activities pursuant to this MOU:

Santa Cruz and Monterey County Green Business Coordinators: The Green Business Program Task Force will appoint a MBAGBP Coordinator for each County. The coordinator will be responsible for auditing businesses against the relative criteria checklist in their respective Counties. It is estimated that approximately less than 3% of a coordinator's time will be devoted to the Green Business Program. Ideal candidates for the coordinator position are regulators that

currently audit businesses as part of their job duties, so that their normal work requirements may overlap with that of the Green Business Program coordination. Coordinators must be knowledgeable in pollution prevention and resource conservation and be able to maintain a good rapport with businesses. The individual County must elect the ideal Coordinator for their region. The Coordinator will be responsible for auditing a business against the Green Business Criteria Checklist developed by consensual process by the Green Business Task Force.

Environmental Regulatory (Member) Agencies: Each agency wishing to be involved will need to review files for a list of potential Green Business Certificate candidates to ensure that they have not received recent violations that have not been corrected. This is estimated to take one hour per month per agency. Additionally, where uncorrected violations are detected after a Green Business certificate has been issued, the agencies will notify the coordinator so that the certificate can be revoked. Finally, member agencies may be asked for funding to assist with promotion of the Green Business Program where additional program promotion is desired over what is specified in this MOU. Funding amounts will be agreed upon by consensus by the Task Force.

Ecology Action, MBAGBP Facilitator: Ecology Action has received a grant from the California Integrated Waste Management Board (CIWMB) to perform administrative coordination and the majority of the purchases for the Green Business Program for the two years of program start up for the Vehicle Service Repair industry. Namely, \$14,750 [draft amount] is available for material purchases and 40% full-time employee (FTE) will be dedicated to coordination. With direction from the MBAGBP Task Force, Ecology Action will coordinate 1) design and printing of materials, 2) advertising and promotion, 3) review of certificate applications and approval/denials, and 4) scheduling and coordination with local environmental agencies for inspections/file reviews.

DTSC: The DTSC OPPTD will provide copying and printing services, as well as mailing. If needed, they can also provide graphic design services. They will also serve as an advisory member of the Task Force.

All Agencies:

Each agency involved must send one representative to attend a 1.5-hour meeting every six weeks.

The flow charts in Exhibit A detail the required actions by the Program Coordinators, Ecology Action as the administrative coordinator, the member Agency Representatives on the Task Force, and Businesses.

Proposed Flow Chart for Agency Responsibilities in Program Start Up:

Step	Task Description	Green Business Program Coordinator	Ecology Action GBP Admin	Member Agency Representative (Task Force)	Business Owner
1.	Memorandum of Understanding Drafted and Approved.	Drafts, finalizes		Reviews, Revises, Approves	
2.	Participation in GBP by interested agencies confirmed via MOU	Facilitates, gains all required signatures and approvals		Explains program to signature authorities and gains signatures	
3.	Vehicle Service Facility GBP Criteria Checklist finalized	Drafts, finalizes		Reviews, Revises, Approves	
4	Program materials developed including: selection of logo and look, development of decals, folders, brochures, application forms and other printed/produced items	Reviews, approves as part of MBAGBP Task Force meetings	Selects and coordinate artist contractor if needed, provides drafts, facilitates, gets printed	Reviews, approves as part of MBAGBP Task Force meetings	
5	Initial promotion plan developed (goal of recruiting participants) including: marketing approach, media selection, ad development, outreach plan, and networking with local associations.	Reviews, approves as part of MBAGBP Task Force meetings	Drafts, facilitates discussion	Reviews, approves as part of MBAGBP Task Force meetings	
6	Promotion implemented	Inclusion of notices in mailings, attend local meetings, promotes program during inspections	Facilitates with vendors	Inclusion of notices in mailings, attend local meetings, promotes program during inspections	Hears about program

Flow Chart for Agency Responsibilities in Green Business Program Operation:

Step	Task Description	Green Business Program Coordinator	Ecology Action GBP Admin Coordinator	Member Agency Representative	Business Owner
1.	Business hears of program and submits application	Refers to Ecology Action coordinator	Facilitates process, answers questions	Refers to Ecology Action coordinator	Completes and submits
2.	Program coordinator reviews application and completes compliance check	(Same as member agency)	Reviews application, works with business to fill in blanks, requests compliance checks from member agencies	Completes a file check for applicant and provides OK or compliance problems and date of last inspection to GBP admin coordinator	Answers questions if needed
3.	Program completes audit and verifies application/checklist	Visits business, walks through checklist		Can attend audit if desired	Facilitates walkthrough of shop
4.	Program accepts or denies application, provides decal and information to business if accepted	Makes final determination with approval from Task Force	Receives and processes paperwork, sends file entry to member agencies.	Task Force approves final applications during monthly meetings. Files note in inspection file that business is a green business, informs Coordinator if business falls out of compliance.	Receives decal and program materials, can promote themselves as a Green Business
5.	Program works with denied applicants (if so desired) to correct problem areas, and resubmit application	Assists business where needed to submit a qualifying application	Facilitates needed next steps and transfer of info between business and Task Force agencies	Assists businesses to come into compliance if problem was within member jurisdiction	Corrects compliance problems, increases P2 efforts, resubmits application
6.	Once enough Green Businesses are certified, promotion plan (goal of promoting green businesses to the public) is developed and implemented	(Same as member agency).	Drafts with consultant facilitates discussion with Task Force. Facilitates implementation with consultants and vendors, pays for services up to grant budget	Reviews, approves, may assist with local promotion; acknowledge businesses in public forum to government entities.	Gets more business! Retains customers
7.	Continuing promotion of Green Businesses program to recruit businesses	(Same as member agency)	Facilitates with consultants and vendors, pays for services	Inclusion of notices in mailings, attend local meetings, promotes program during inspections	Hears about program, frequents green businesses

4.0 FUNDING

Several Bay Area Green Business Program coordinators were contacted regarding their start-up costs and operational costs. Local newspaper advertising costs were obtained. Based on this research, it is estimated that the MBAGBP will require approximately \$36,000 during the first two year development phase, broken down as follows:

	Funding Item	Funding Agency	Funding Amount
1	Launch Promotional Costs	DTSC- \$5,000 per County	\$10,000
2	Printing Costs & Graphic Design	DTSC	In house printing services
3	Decal Printing	Ecology Action (CIWMB grant)	\$1,000
4	Business Promotion Costs: Newspaper Ads and Affairs Promotion	DTSC (likely but pending)	\$10,000
5	Materials and Supplies	Ecology Action (CIWMB grant)	\$10,000
6	Internet Publishing Costs	Ecology Action (CIWMB grant)	\$4,000
7	40% Full-time employee	Ecology Action (CIWMB grant)	40% FTE
8	<3% Full-time employee	Coordinating Agency (one from each County)	<3% FTE

The above funding amounts are to fund the program for two years for vehicle service facilities only. Additional funding may be obtained to fund other industrial sectors, such as restaurants, hospitality, medical facilities, etc. prior to the end of the two year period. Total program costs will lessen during subsequent years after the development phase. It is estimated that these costs will be reduced to approximately \$12,000 after the first year for continuation of the Vehicle Service Repair Facilities program. Cost may increase as the Task Force members decide to add additional industries. Due to the limited nature of the Ecology Action grant start up funds, agencies who wish to be involved in this program after the first two years will need to pursue additional grant funding or come up with their own funding of the program.

As more businesses volunteer in various sectors, more time will be required of the coordinator and a separate position may need to be established. Where possible, grants may be obtained to fund a full-time MBAGBP Coordinator. Local non-profit and government organizations such as Ecology Action, the Monterey Bay National Marine Sanctuary, Save Our Shores, and County and City agencies may contribute by pursuing grants to fund such a position. Otherwise, the County agencies will supply time from currently employed staff. Local non-profit agencies will also assist with developmental tasks as well as promoting the program as their resources allow.

4.1 Funding Contingency

The signature approval of this MOU will occur before the final budget approval for the state DTSC. In the event that the DTSC is unable to provide the services and funds anticipated above, participating Santa Cruz County agencies will provide a specified percentage funding contributions, with a cap of \$18,000 (see following page). If this were to occur, the program would launch in Santa Cruz County until budget constraints allowed expansion into Monterey County.

Funding Contingency Amounts

Santa Cruz Agencies:	Funding Contribution for the 1st year	Funding Contribution for the 2nd year
County of Santa Cruz (Broken down in equal parts between Public Works Sanitation, Storm Water Management, Solid Waste & Environmental Health)	\$10,000 (total) \$2,500 \$2,500 \$2,500 \$2,500	\$4,000 (total) \$1,000 \$1,000 \$1,000 \$1,000
City of Scotts Valley	\$2,000	\$800
Soquel Creek Water District	\$2,000	\$800
City of Watsonville	\$2,000	\$800
Employee Time Commitment	<1% FTE Salary	<1% FTE Salary
Monterey Bay Unified Air Pollution Control District	\$2,000	\$1,000

5.0 AGREEMENTS

In order to foster the successful completion of this MOU, the partners agree to the following terms and conditions:

- Each partner pledges in good faith to go forward with this MOU and to further the goals and purposes of this MOU, subject to the terms and conditions of this MOU. The Partners shall attempt to resolve disputes through good faith discussions.
- Any partner may unilaterally withdraw at any time from this MOU by transmitting a signed writing to that effect to the other Party. This MOU and the public/private partnership created thereby shall be considered terminated thirty (30) days from the date the non-withdrawing Party actually receives the notice of withdrawal from the withdrawing Party. The MOU may continue if a partner withdraws providing that the remaining partner are still in agreement with the MOU.
- By mutual agreement, which may be either formal or informal, the Partner may modify the list of intended activities set forth in Section 3.0 and 4.0 above and/or determine the practical manner by which the goals, purposes and activities of this MOU will be accomplished. However, any modification to any other written part of this MOU must be made in writing and signed by both partners or their designees.
- Nothing in this MOU shall be construed to authorize or permit any violation of any Federal, State or local law imposed upon the partners.
- Nothing in this MOU shall be construed to authorize or permit any violation of any Federal, State or local law, including, but not limited to, any environmental law.
- All partners involved in this MOU understand that participation in this MOU does not constitute an endorsement, express or implied of (a) any policy advocated by any of the partners, or any stakeholder; or (b) any good or service offered by any stakeholder.

6.0 PRIMARY CONTACTS

The Partners intend that the work under this MOU shall be carried out in the most efficient manner possible. To that end, the partners intend to designate individuals that will serve as primary contacts between the partners. The partners intend that, to the maximum extent possible and unless otherwise approved by the other Party, all significant communications between the partners shall be made through the primary contacts. The designated primary contacts for the partners are listed in the Attachment to this MOU.

7.0 AMENDMENTS

This MOU will extend 50 years unless all parties agree to terminate. The funding specified in this MOU is for a period of two years. At the end of two years, the funding contributions must be amended and agreed upon by representatives from each agency. Future funding amendments can be verbal in nature.

The Partners, on this 1st day of June, 2003, hereby agree to the foregoing MOU, which shall be effective immediately upon full execution by the signatories listed on the following pages.

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the County of Santa Cruz: (Program Coordinator Agency) Tom Bolich, Director of Public Works County of Santa Cruz	Signature:
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By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the County of Santa Cruz:	Signature:
(Member Agency) Robert Kennedy, Director of Environmental Health Services County of Santa Cruz	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the City of Watsonville:	Signature:
(Member Agency) Nancy Lockwood, Public Works and Utilities Department City of Watsonville	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the Monterey Bay Unified Air Pollution Control District:	Signature:
(Member Agency) Doug Quetin, Executive Office MBUAPCD	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the County of Monterey (Program Coordinator Agency) Allen Stroh, Director of Environmental Health County of Monterey	Signature:
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By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the County of Monterey	Signature:
(Member Agency) Greg Antosz Environmental and Safety Services Manager, Monterey Water Pollution Control Agency	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the Department of Toxic Substances Control:	Signature:
(Technical Advisor Participant, Endorser) Ray Wong Green Business Program Manager DTSC	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the City of Scotts Valley:	Signature:
(Member Agency) Scott Hamby, Environmental Program Manager City of Scotts Valley	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For the Soquel Creek Water District:	Signature:
(Member Agency) Daniel Kriege President, Board of Directors Soquel Creek Water District	

By signing to this Memorandum of Understanding (MOU), the undersigned agency is able to commit to the items specified in this MOU at the present time.

For Ecology Action	Signature:
(Administrative Coordinator during grant) Virginia Johnson, Executive Director Ecology Action	

ATTACHMENT List of Designated Primary Contacts

Air Quality	Wastewater	Hazardous Materials	Storm Water	Solid Waste	Water Conservation/Supply
<p>Monterey Bay Unified Air Pollution Control District Lance Ericksen Engineering Division Manager Ph: 831-647-9411 Fax: 831-647-8501 lericksen@mbuapcd.org</p>	<p>Monterey Regional Water Pollution Control Agency Karen Harris Community Relations Representative Ph: 831-645-4604 Fax: 831-372-6178 karenh@mrwpca.com www.mrwpca.org</p>	<p>County of Santa Cruz Environmental Health Services Steven Schneider Hazardous Materials Program Manager Ph: 831-454-2022 Fax: 831-454-3128 env026@co.santa-cruz.ca.us</p>	<p>County of Santa Cruz Public Works Alyson Tom Associate Civil Engineer Ph: 831-454-2364 dpw261@co.santa-cruz.ca.us</p>	<p>Salinas Valley Solid Waste Authority Stephen Johnson Operations Manager Work: 831-758-7295 Fax: 831-758-7308 Stephenj@ci.salinas.ca.us 65 W. Alisal St. #210 Salinas, CA 93901 www.svsua.org</p>	<p>County of Santa Cruz, Public Works Jane Henson Resource Planner Flood Control & Water Conservation District dpw169@co.santa-cruz.ca.us Ph: 831-454-3255 Fax: 831- 454-2385</p>
	<p>Santa Cruz County Sanitation District Jo Fleming Environmental Programs Coordinator Ph: 831-465-7439 Fax: 831-462-3426</p>	<p>County of Monterey Division of Environmental Health Jon Jennings Hazardous Materials/Solid Waste Management Branch Chief Ph: 831-755-4541 Fax: 831-755-4880 jenningsj@co.monterey.ca.us</p>	<p>City of Santa Cruz Water Pollution Control Facility Akin Babatola Ph: 831-420-6045 Fax: 831-420-6589 Email: ababatola@ci.santa-cruz.ca.us</p>	<p>Monterey Regional Waste Management District William Merry Work: 831-384-5313 Fax: 831-384-3567 wmerry@mrwmd.org</p>	<p>Soquel Creek Water District Chris Regan Ph: (831) 475-8500 x 118 Fax: (831) 475- 4291 chris@soquelcreekwater.org 5180 Soquel Drive Soquel, CA. 95073</p>
	<p>City of Watsonville, Scotts Valley Larry Bush Source Control Inspector Ph: 831-728-6042 Fax: 831-763-1970</p>		<p>City of Scotts Valley POTW Ken Anderson Public Works Director (831) 438-5854</p>	<p>City of Watsonville Public Works and Utilities Department Nancy Lockwood (831) 728-6153 ph. (831) 763-4065 fax</p>	<p>City of Watsonville Bob Geyer Assistant Director Public Works and Utilities (831) 728-6149 250 Main St. Watsonville, CA. 95076</p>

	<p>City of Santa Cruz Water Pollution Control Facility Akin Babatola Ph: 831-420-6045 Fax: 831-420-6589 Email: ababatola@ci.santa- cruz.ca.us</p>		<p>City of Watsonville Bob Geyer Assistant Director Public Works and Utilities (831) 728-6149 geyer@ci.watsonvill e.ca.us</p>		
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