

REQUEST FOR APPROVAL

To: **Howard Levenson**
Deputy Director, Materials Management and Local Assistance Division

From: **Laurie Kikumoto**
Acting Branch Chief, Financial Resources Management Branch

Request Date: November 4, 2013

Decision Subject: Eligibility Criteria, Evaluation Process and Implementation of the Proposed Pilot Project for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FYs 2013/14 and 2014/15)

Action By: November 19, 2013

Summary of Request:

This memo seeks approval of the proposed eligibility criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for FYs 2013/14 and 2014/15. In addition, staff is proposing a pilot project to include an alternate way for public entities to apply in the third cycle of each fiscal year in an attempt to encourage more applications and, if successful, potentially implement this approach as a permanent alternative within the Program. The pilot project is more fully described in the *Proposed Pilot Project* section on page three.

Recommendation:

Staff recommends approval of the eligibility criteria and evaluation process for FYs 2013/14 and 2014/15, and implementation of the pilot project in the third cycle for each fiscal year for FYs 2013/14 and 2014/15 as described in the *Proposed Process and Eligibility* and *Proposed Pilot Project* sections, respectively.

Deputy Director Action:

On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve the eligibility criteria and evaluation process, and implementation of the pilot project for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for FYs 2013/14 and 2014/15.

Dated: 11/20/13


Howard Levenson
Deputy Director

Background and Analysis:

Statutory Authority

Public Resources Code (PRC) section 48100 authorizes CalRecycle to award grants to cities, counties, Resource Conservation Districts and Native American tribes (as defined by PRC 44201(b)), for the purposes of cleaning up and abating the effects of illegally disposed waste on farm and ranch property owned by innocent parties. The Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) is further described in the California Code of Regulations, Title 14, Division 7, Chapter 4.5.

Program Background

Properties eligible for grants include those involving a broad range of agricultural activities (e.g., farms, ranches, horticulture activities, and silviculture activities) where the property owner is not directly responsible for the illegal disposal or dumping based on a determination by the applicant. The Program's funding is primarily used to pay for the removal and proper disposal of small nuisance illegal dump sites containing non-hazardous solid waste including, but not limited to, tires and incidental amounts of household hazardous materials, and for site security measures to prevent the recurrence of illegal disposal after the projects are completed.

Up until April 2012, the grant applications for this program were scored using an approved eligibility criteria and scoring and evaluation process. The applications were reviewed for eligibility and completeness, based on the requirements of an eligible site set forth in regulation. The complete applications were scored by a panel of three staff using approved scoring criteria. It became evident at that time that the effort put forth to score the applications was unnecessary and administratively burdensome given the low subscription of the Program; grant funds were being awarded to all eligible applicants. Because all eligible applicants were being funded, the elimination of the scoring process did not prejudice any applicant. For this reason the decision was made to eliminate scoring and continue to evaluate the applications based on eligibility and completeness. This process was approved in April 2012.

The Program is severely undersubscribed with the number of submitted grant applications declining overall for several years. Currently, the Program offers three cycles each fiscal year.

Proposed Process and Eligibility

Staff will conduct an initial review of all applications to confirm applicant eligibility and application completeness. Eligible applicants must be either a local agency such as a city or county, a resource conservation district, or Native American tribe.

Applicants may apply for up to \$200,000 per fiscal year and funding for each eligible site shall not exceed \$50,000. Grantees may not expend more than seven percent (7%) of the grant funds for administrative costs. PRC section 48100 specifies that annual funding for the Program shall not exceed \$1,000,000.

Staff is proposing a pilot project to change how the third cycle of each fiscal year is administered and implemented by allowing applicants to choose either to apply for the standard Program or to apply for the pilot project. Applicants in the third cycle may choose to apply under the pilot project if they need additional time to submit the documents listed below. Applicants who apply

under the pilot project must adhere to the requirements listed in the *Proposed Pilot Project* section.

Applicants who apply in the third cycle that do *not* want to be part of the pilot project must adhere to the established process and eligibility requirements and will be given priority over those applicants applying for the pilot project. For those applicants *not* applying for the pilot project, the documents below are required to be submitted by the application due date to be considered complete and eligible for award. Due to certain modifications that will be made to the application on GMSWeb to account for the implementation of the pilot project the documents will appear as optional.

- Budget
- Land Use/Zoning Designation
- Property Access Authorization and Non-Responsibility Affidavit
- Site Characterization Form
- Vicinity Map
- Work Plan

Proposed Pilot Project

The proposed pilot project follows a previous pilot project approved by the former California Integrated Waste Management Board on June 17, 2008 (Agenda Item 4), in which Imperial County requested and was awarded funding for illegal disposal sites which had already been identified by the County but for which the County did not want to undergo the standard grant application process. As is the case here, the expectation was that property owners would be more motivated to undergo clean up efforts without county enforcement based on funding which had already been authorized. The pilot project was successful. Imperial County was able to effectuate the clean up of 11 sites that most likely would not have been cleaned up without county enforcement had Imperial County not taken part in the pilot project. As addressed below, this proposed follow-up pilot project would increase the eligibility and scope of the prior project by, among other measures (a) expanding the eligibility pool from only Imperial County to all eligible applicants and; (b) implementing the project during the third cycle of each fiscal year for FYs 2013/14 and 2014/15.

Applicants who wish to apply under the pilot project must adhere to the process described below:

- Applicants must have identified illegal disposal sites.
- Applicants must fill out and complete all required fields in the online system and a Resolution must be received by the application secondary due date as indicated in the timetable below.
- Applicants must upload an estimated budget to GMSWeb by the secondary due date.
- Applicant must upload the Application Certification to GMSWeb.
- The land use/zoning designation, property access authorization and non-responsibility affidavit, site characterization form, vicinity map, work plan and detailed budget for each site may be submitted after further investigation of the identified sites, but not later than July 1, 2015 as indicated in the timetable below.
- Applicant may not incur any costs for a particular site prior to submission and verification of the documents listed above for that site.

Staff will conduct the third cycle of each fiscal year in this manner for FYs 2013/14 and 2014/15. At the end of FY 2014/15, program staff will analyze the outcome of the pilot program and, if successful, recommend taking steps to formally implement this approach as a permanent alternative within the Program.

Tentative Timeline for FY 2013/14 (Third Cycle Only)

As shown in the table below, staff will post a notice on CalRecycle’s website informing potential applicants of the third cycle. Notices will also be distributed through the Grants Management System database, at outreach presentations and to current and past Program recipients. CalRecycle’s Local Assistance and Market Development staff will be asked to inform their local jurisdictions of this funding opportunity.

Target Date	Activity
December 2013	Notice of third cycle posted on CalRecycle’s website.
February 11, 2014	Applications due.
March 11, 2014	Application Secondary Due Date; Application evaluation/review process conducted; funding determined for eligible applicants.
April 2014	Grant awards presented at CalRecycle Public Meeting.
May 2014	Grant agreements distributed and executed.
July 1, 2015	All sites must be approved by this date.
March 2016	Grant term ends.

The FY 2014/15 third cycle timeline will be similar to the tentative FY 2013/14 third cycle timeline.