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**PROGRAM DIRECTOR ACTION REQUEST**

**To:** Ted Rauh, Assistant Director  
Waste Compliance and Mitigation Program

**From:**   
Scott Walker, Division Chief  
Cleanup, Closure and Financial Assurances Division

**Prepared By:** Carla Repucci  
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**Reviewed By:** Steve Levine, Legal Office  
Marie Carter, Legal Office  
Annabel Farrall, Budgets Office  
Michelle Martin, Grant Fiscal & Process Oversight

**Prepared On:** August 16, 2010

**Subject:** **REQUEST FOR APPROVAL OF GRANT AWARDS FOR THE FARM AND RANCH SOLID WASTE CLEANUP AND ABATEMENT GRANT PROGRAM (FARM AND RANCH CLEANUP ACCOUNT, FY 2010/11)**

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**TIME FACTOR:** Approval required no later than September 13, 2010.

**SUMMARY:** This memo requests Program Assistant Director approval of four Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) grants in the amount of \$197,028 for the first cycle of Fiscal Year (FY) 2010/11. Funding of these grants is contingent upon the enactment of the California State Budget Act of 2010 (Budget) as signed by the Governor, and enrolled by the Secretary of State. These grant awards are effective upon the enrollment of the Budget by the Secretary of State (effective date).

Each proposed grantee's award is conditioned upon:

1. The full payment within ninety (90) days of the *effective date* of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed Grantee to CalRecycle; and
2. The return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date that CalRecycle staff mails the Grant Agreement.

OPTIONS: The Program Assistant Director may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or
2. Disapprove the proposed awards and direct staff as to further action.

RECOMMENDATION: Staff recommends Option 1.

DISCUSSION: Senate Bill 1330 (Lockyer, Statutes of 1997, Chapter 875) established a grant program under which cities and counties may seek financial assistance for cleanup of illegal solid waste disposal sites on farm or ranch property. Public or private property owners that desire grant funding must coordinate with a local government agency as the applicant.

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 responsible for the illegal disposal or dumping based on a determination by the city or county. 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 recurrence of illegal disposal after the projects are completed.

Grant Applications for the first cycle of FY 2010/2011 were due to the Department of Resources Recycling and Recovery (CalRecycle) on July 1, 2010. Five grant applications were received. One application was denied due to lack of substantiation to justify the proposed expenses. The remaining four applications, totaling 14 sites, were reviewed and scored using the approved scoring criteria and evaluation process and each received a passing score.

Public Resources Code Section 48103(e) and Title 14, California Code of Regulations, Section 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup and/or abatement costs under the Program. Applications for reimbursement are scored using the Board-approved scoring criteria and evaluation process. Any reimbursement grants are specifically noted in the descriptions of the project and, if recommended for approval, receive the necessary score to be eligible and receive available funding.

A signed affidavit was submitted by each of the property owners, or authorized agent for the property owner, for the eligible sites. The affidavits state that neither the property owner, nor any other person allowed on the property, directed, authorized, permitted or otherwise consented to the disposal of solid waste onto their property. Furthermore, each application includes a statement by the local government applicant that supports the property owner's affidavit. A brief summary of the proposed grants is as follows:



ESTIMATED COST: The Budget Act for FY 2010/11 proposed \$1 million for the purposes of the Program. If funding for FY 2010/11 is reduced or deleted by the Budget Act for the purposes of this Program, CalRecycle shall have the option to cancel the award of any grant(s) with no liability to CalRecycle. If the proposed grants are approved and \$1 million is appropriated for the Program, \$802,972 will remain in the fund for the remaining two cycles for FY 2010/11.

APPROVED: On the basis of the information and analysis in this Request for Action and the findings and award conditions set out above, I hereby approve grants totaling one hundred ninety-seven thousand twenty eight dollars (\$197,028) and direct staff to develop and execute the Grant Agreements with the following:

Placer County.....	\$ 17,120
Humboldt County.....	\$43,977
Trinity County Resource Conservation District .....	\$28,784
Yuba County.....	\$107,147
<u>Total.....</u>	<u>\$197,028</u>



Ted Rauh, Assistant Director  
Waste Compliance and Mitigation Program

AUGUST 26, 2010  
Date