

REQUEST FOR APPROVAL

To: Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division

Through: 
Scott Walker, P.E., C.E.G., Manager
Engineering Support Branch

From: 
Michael Wochnick, P.E., Supervisor
Closure and Facility Engineering

Subject: Application for the Landfill Closure Loan Program
(Integrated Waste Management Account FY 2010/11)

Date: June 24, 2011

Action Date: June 24, 2011

Summary: This memorandum requests and recommends Deputy Director approval of one Landfill Closure Loan Program (LCLP) loan from the Notice of Funding Availability (NOFA) announced on July 9, 2010, for FY 2010/11.

Authority: The Acting Director of the Department of Resources Recycling and Recovery (CalRecycle) is empowered to take and approve a number of actions including the delegation to staff holding specified CalRecycle positions. Accordingly, the Acting Director has delegated the approval of LCLP loans to the Deputy Director, Compliance and Enforcement Division (CED).

Analysis: The LCLP was added to the Integrated Waste Management Act in 2002 by PRC §§48200-48207. The California Integrated Waste Management Board (precursor to CalRecycle) has adopted regulations to implement LCLP at 27 CCR §§23001-23014. Under the LCLP, CalRecycle is authorized to award loans to operators of unlined, older technology landfills desiring to close early to avoid or mitigate potential environmental problems caused or threatened by continued operation of the site. Maximum loan amounts are limited by statute to \$500,000 for each landfill closure project and loans must be repaid with 10 years. The interest rate for the loans may be zero. The total loan amount appropriated for the FY 2010/11 LCLP cycle is \$640,000.

A NOFA for LCLP loans from FY 2010/11 funds was placed on the CalRecycle website and mailed or e-mailed to interested parties on or about July 9, 2010. No application was received prior to the initial application deadline of October 1, 2010. Applications received after October 1, 2010, may be considered on a first-come, first-served basis if there are remaining loan funds available after CalRecycle awards the initial loans.

On June 23, 2011, CalRecycle staff received one (1) application requesting funds from the LCLP to facilitate the early closure of one landfill site. The application submitted was from Trinity County for the Weaverville Landfill (53-AA-0013). The total amount requested was \$147,157.

Since the application was submitted after the initial application period, the application was reviewed only for compliance with eligibility criteria and whether sufficient funds were available to fund the loan request.

On June 23, 2011, the LCLP review committee completed its analysis of the loan application using the LCLP Eligibility Criteria established within the LCLP 2010/11 cycle application and instructions.

Based upon the review, staff recommends fully funding the LCLP loan application for the Weaverville Landfill in the amount of \$147,157

The following summarizes the current status of the 2010/11 LCLP funding cycle.

LCLP Applications for FY 2010/11	Recommended Funding Amount
Weaverville Landfill	\$147,157
Amount of LCLP funds allocated for FY 2010/11	\$640,000
Remaining LCLP funds available for FY 2010/11	\$492,843

Recommendation: Approve funding for the Weaverville Landfill in the amount shown above

Deputy Director Findings:

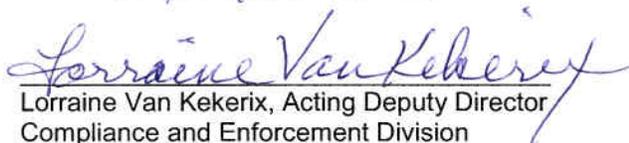
1. Under the LCLP, CalRecycle is authorized to award loans not exceeding \$500,000 for each landfill closure project from its Integrated Waste Management Account to assist operators of unlined solid waste landfills to pursue early closure.
2. The Acting Director of CalRecycle has delegated this authority to the Deputy Director, CED.
3. \$640,000 is available for LCLP loans for the FY 2010/11.
4. CalRecycle received one LCLP application from a landfill operator for a loan totaling \$147,157 for the FY 2010/11 cycle.
5. The LCLP review committee reviewed the LCLP application for eligibility.
6. Staff recommends approval of the LCLP loan application for:
Weaverville Landfill, Trinity County, \$147,157.
7. The interest rate is to be set by CalRecycle. Staff recommends a rate of zero (0) percent consistent with previous loan approvals.

Deputy Director Approval:

On the basis of the information in this Request for Approval and the findings set out above, the Deputy Director, CED, hereby approves the Landfill Closure Loan Program loan in the amount set out in Paragraph 6, above, subject to all the following conditions:

1. The award of the loan is conditioned upon the return by the proposed loan recipient of an executed loan agreement satisfactory in form and content to the Deputy Director, CED, within (60) days from the date of this approval, provided that the Deputy Director, in his or her discretion, may extend such time upon the request of the loan applicant.
2. The Deputy Director, CED, and his or her authorized representative(s), and each of them, is authorized to do and perform any and all acts that they, in their sole discretion, deem necessary or advisable to carry out the purposes of this Approval, including, but not limited to, execution of the loan agreement and all other documents or certificates.

Dated: 6/24/2011


Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division