REQUEST FOR APPROVAL

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

From: **Shirley Willd-Wagner**
Branch Chief, Financial Resources Management Branch

Request Date: October 30, 2012

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2012/13)

Action By: November 15, 2012

Summary of Request:
Staff requests approval of grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, Fiscal Year (FY) 2012/13 (first cycle). CalRecycle received three eligible applications requesting a total of $297,094 for this competitive grant program.

Recommendation:
Staff recommends approval of three grant awards, as listed in Table 1 below, for $297,094.

Table 1. Farm and Ranch Solid Waste Cleanup and Abatement Grant Program Recommended Award List

Applicant	Award
Butte County	$ 84,308
Riverside County	$200,000
Sloughhouse Resource Conservation District	$ 12,786
Total	$297,094

Funding:
Funding is transferred into the Farm and Ranch Cleanup Account, upon appropriation from the annual Budget Act, from the Integrated Waste Management Account, Tire Recycling Management Fund and Used Oil Fund, not to exceed $1,000,000 annually.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Cleanup Account (FY 2012/13)	$1,000,000	$297,094	$702,906	Grants

Deputy Director Action: On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby conditionally approve the grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program as listed in Table 1 for the first cycle of FY 2012/13. Each proposed grantee's award is conditioned upon:

1. The full payment within 90 (ninety) days of the 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 completed and executed Grant Agreement within 90 (ninety) days from the date that CalRecycle staff mails the Grant Agreement.

Condition Subsequent
After the Grant Agreement has been executed by both parties, the Grant will be subject to the following condition subsequent: The Grantee may not file for protection under Chapter 9 of the U.S. Bankruptcy Code or declare a fiscal emergency any time within the Grant Performance Period.

Dated: 11/5/12

Howard Levenson
Deputy Director

Background and Findings:

Statutory Authority
Public Resources Code (PRC) Section 48100 authorizes CalRecycle to award grants to public entities and Native American tribes for the purposes of cleaning up and abating the effects of illegally disposed waste on farm and ranch property owned by innocent parties. The grants are awarded to eligible entities on behalf of the property owner. PRC Section 48100 specifies that annual funding for the Farm and Ranch Grant Program not exceed $1,000,000. PRC Section 48103(e) and 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup and/or abatement costs under the Program.

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 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.

Criteria and Process
The Scoring Criteria was discussed at the April 17, 2012, CalRecycle Public Meeting and subsequently approved by the Deputy Director. Eligible applicants include cities, counties, federally recognized Native American tribes and Resource Conservation Districts. Eligible applicants may apply for up to $200,000 per fiscal year and each eligible site shall not exceed $50,000. Grantees may not expend more than seven percent of the grant for administrative costs.

Applications were due September 1, 2012, with a "secondary" due date of October 1, 2012, for the Resolution and Property Access Authorization and Non Responsibility Affidavit. Applications for illegal disposal sites previously remediated by the property owner are eligible. In the event a grant cycle is oversubscribed, illegal disposal sites which have not been remediated and pose the greatest threat to public health, safety and/or the environment have higher priority.

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.

Butte County - Partial Reimbursement Grant
Grant Funds Recommended for Approval: $84,308 Number of Sites: 5

The five privately owned sites are strewn with over 7,800 tires, 15 appliances, and 60 cubic yards of automotive/metal debris and 40 cubic yards of construction debris. One of the sites is for the reimbursement of the cost to remove and recycle 56 vehicles. Removal of the waste will eliminate the temptation for others to add to the piles, and eliminate the threat to public health, safety and the environment. Each of the five parcels is zoned for agricultural use. Two sites are currently used for the grazing of cattle and the remaining three are fallow farm land. None of the landowners purchased the property knowing the waste was present or paid a reduced price for the property. The potential for future dumping on these sites has been addressed by the addition of new fencing and gates and/or increased surveillance.

Riverside County
Grant Funds Recommended for Approval: $200,000 Number of Sites: 4

Over 6,300 tires, 400 cubic yards of trash, 120 cubic yards of automotive/metal waste, and 700 cubic yards of construction debris and 100 cubic yards of electronic waste are spread across five parcels on four sites of rural, fallow farmland in Riverside County. The waste, which is in huge, unsightly piles, is a threat to the health and safety of the public. The presence of the waste threatens an irrigation canal which runs along the border of three of the sites and the site also attracts scavengers. The county will utilize prison labor crews to collect the waste at a reduced price and has negotiated the dump fees with the landfill to stay within the $50,000 per site Farm and Ranch Grant limit. K Rail will be installed and surveillance will be increased to help prevent future dumping.

Sloughhouse Resource Conservation District Number of Sites: 1
Grant Funds Recommended for Approval: $12,786

During years of heavy rainfall, waste illegally dumped in Dry Creek in Galt flows over the banks and is deposited in the landowner's field, including ten tons of metal debris. In addition, a large pile of concrete has been deposited there. The landowner purchased the property without knowledge of the illegally disposed waste. The land is zoned for agriculture and is located in Galt. The 99 acre parcel is currently being used for the grazing of horses, but will be tilled and farmed again once the waste is removed.