

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: August 23, 2013

Decision Subject: Award for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2013/14)

Action By: August 29, 2013

Summary of Request:

Staff requests approval of a grant award for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program), Fiscal Year (FY) 2013/14 (first cycle). CalRecycle received one eligible application requesting a total of \$98,946.97 for this competitive grant program.

Recommendation:

Staff recommends approval of one grant award, as listed in Table 1 below, for \$93,784.

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

Applicant	Total Award
Los Angeles County	\$93,784
Total	\$93,784

Funding:

Upon appropriation from the annual Budget Act, funds are transferred into the Farm and Ranch Cleanup Account from the Integrated Waste Management Account, Tire Recycling Management Fund, and the Used Oil Recycling Fund. Funds are not to exceed \$1,000,000 annually for this Program.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Cleanup Account (FY 2013/14)	\$1,000,000	\$93,784	\$906,216	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 2013/14. Each proposed grantee's award is conditional upon:

1. The full payment within 60 (sixty) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed grantee to CalRecycle;
2. The return by the proposed grantee of a completed and executed Grant Agreement within 60 (sixty) days from the date that CalRecycle staff emails the Grant Agreement; and

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 Term.

Dated: 8/27/13



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 July 16, 2013. 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.

The project recommended for funding is below:

Los Angeles County

Number of Sites: 20

Grant Funds Recommended for Approval: \$93,784

In northern Los Angeles County 20 parcels have been strewn with over 2,400 cubic yards of household waste, construction debris, agricultural waste and various unwanted electronic components. The 20 parcels are zoned *Light Agriculture* and *Light Manufacturing*. While agricultural uses are allowed per the county zoning description on all of the parcels, they are currently all fallow farm land. The properties are all owned by private individuals, but the owners reside elsewhere. These owners first learned of the illegally dumped waste on their land from the county health department/Local Enforcement Agency. The waste is a threat to public health and safety and the environment, is an attractive nuisance and has the potential to contaminate a nearby creek and plant nursery. The LEA will place surveillance cameras before and after cleanup to monitor the sites and hopefully catch any future illegal dumping.

