

REQUEST FOR APPROVAL

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

From: **Michelle Martin**
Acting Branch Chief, Financial Resources Management Branch

Request Date: January 6, 2014

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

Action By: January 22, 2014

Summary of Request:

Staff requests approval of grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program), Fiscal Year (FY) 2013/14 (second cycle). CalRecycle received three eligible applications requesting a total of \$102,858 for this competitive grant program.

Recommendation:

Staff recommends approval of three grant awards, as listed in Table 1 below, for \$101,718.

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

| Applicant | Total Award |
|---|------------------|
| Big Valley Band of Pomo Indians | \$27,442 |
| Dixon Resource Conservation District | \$34,952 |
| Kashia Band of Pomo Indians of the Stewarts Point Rancheria | \$39,324 |
| Total | \$101,718 |

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.

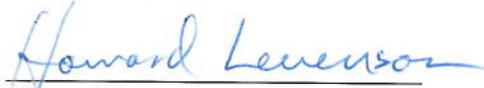
| Fund Source | Amount Available | Amount to Fund Item | Amount Remaining | Line Item |
|---|------------------|---------------------|------------------|-----------|
| Farm and Ranch Cleanup Account (FY 2013/14) | \$906,216 | \$101,718 | \$804,498 | Grants |

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 second cycle of FY2013/14. 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.

Dated: 1/7/14



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 October 29, 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 projects recommended for funding include:

Big Valley Band of Pomo Indians

Number of Sites: 2

Grant Funds Recommended for Approval: \$27,442

Two sites on tribal land have been illegally dumped on. Both sites are zoned for *agriculture* and were previously used to grow pears. The types of waste present on the two sites include household trash, tires, electronic waste, metal, and construction debris.

Site on Mission Rancheria at Soda Bay Road: This site has been owned by the current owner for over 40 years, but the owner does not live on site. There are no agricultural activities currently taking place on the property, however, the family intends to move onto the property and put in an orchard once the illegally disposed waste is gone. Grant funds will also pay for fencing to prevent future dumping.

Site on Mission Rancheria at Mission Way Road: This site is owned by the tribe and now houses the tribal fiscal office. The waste was dumped on-site prior to the tribe's acquisition of the property, and no new dumping has appeared since the tribe took over. Two security cameras have recently been installed and a fence will be constructed to prevent future dumping. The land is currently fallow.

Dixon Resource Conservation District

Number of Sites: 1

Grant Funds Recommended for Approval: \$34,952

In a stand of trees and adjacent to a sod farm in rural Solano County is an illegal dump that has been accumulating waste for several years. The waste is composed of several boats, household appliances, trash, furniture, and over 200 tires. The land is zoned *exclusive agriculture* and is used for a staging area for the sod farm. Once the waste has been removed, a ditch will be constructed to prevent access to the site. Some of the vegetation will be cleared away to allow the tenant, who lives on the property, a clear line of sight from his residence. It is anticipated that these measures will prevent future illegal disposal.

Kashia Band of Pomo Indians of the Stewarts Point Rancheria

Number of Sites: 1

Grant Funds Recommended for Approval: \$39,324

Multiple piles of waste were discovered by tribal members while surveying other previously remediated sites. The newly discovered piles are located at old domestic sites dating back before refuse service was provided to the community. The waste consists of over 670 cubic yards of household trash that is obscured by vegetation and forest litter. The property's zoning allows for timber production in addition to various agricultural uses such as the raising of farm animals and the growing and harvesting of shrubs, plants, flowers, trees, etc. Timber was last harvested on the property back in the 1980's, but the property is currently fallow. Future dumping is not likely, given the remote location of the property.

