

REQUEST FOR APPROVAL

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

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

Request Date: September 16, 2015

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Cleanup and Abatement Account, FY 2015–16)

Action By: October 20, 2015

Summary of Request: Staff requests approval of grant awards for the first cycle of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program), fiscal year (FY) 2015–16. Department of Resources Recycling and Recovery (CalRecycle) received three applications for this competitive grant program, all of which are being recommended for funding.

Recommendation: Staff recommends approval of three grant awards, as listed in Table 1 below, for \$135,395.

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

Applicant	Total Award
Butte County	\$28,853
Kings County	\$56,542
Placer County	\$50,000
Total	\$135,395

Funding: Upon appropriation from the annual Budget Act, funds are transferred into the Farm and Ranch Solid Waste Cleanup and Abatement Account from the Integrated Waste Management Account, California Tire Recycling Management Fund, and the California 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 Solid Waste Cleanup and Abatement Account (FY 2015–16)	\$1,000,000	\$135,395	\$864,605	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 2015–16. 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: _____

9/18/15

Howard Levenson

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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 shall not exceed one million dollars (\$1,000,000). PRC Section 48103(e) and 14 CCR 17992.2(a) allow a farm and ranch property owner to receive reimbursement for solid waste cleanup 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 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.

A property owner is unable to apply for funding directly for the cleanup of his/her property, but must work through an eligible applicant. Eligible applicants for the Program include cities, counties, federally recognized Native American tribes and resource conservation districts. 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.

Before a site can be remediated with Program funds, a signed Property Access Authorization and Non-Responsibility Affidavit (affidavit) must be submitted by each of the property owners, or an authorized

agent for the property owner. The affidavit states 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.

Applications for illegal disposal sites previously remediated by the property owner are eligible as long as the site can be adequately documented with photographs and disposal receipts. 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 will have higher priority.

Criteria and Process

The Eligibility and Evaluation Process was discussed at the June 16, 2015, CalRecycle public meeting and subsequently approved by the Deputy Director. The eligibility and evaluation process covers FYs 2015–16 and 2016–17 and allows for continuation of the pilot project for the third cycles of those two fiscal years. The purpose of the pilot project is to encourage more applicants to apply for this undersubscribed program by relaxing the due dates for several required application documents. Since applicants that apply for the pilot project provide only minimal information by the application due date, the pilot project application project descriptions contain less detail than the descriptions for the standard applications.

Applications were due July 28, 2015. CalRecycle received three applications and they are described below.

Butte County

Grant Funds Recommended for Approval: \$28,853

A very large, remote piece of property on Hell Town Road outside Chico has been used for years by squatters and those growing marijuana illegally. The owner, who acquired the property in 2013, is committed to cleaning up all the garbage left behind. He has already removed 43 cars, 9 motorhomes, 300 cubic yards of trash and over 100 cubic yards of scrap metal. The owner is now seeking financial assistance from CalRecycle to remove the remaining motorhomes, travel trailers, a mobile home, cars and tires. While he was aware of some of the trash prior to purchase, the properties' topography, in addition to the heavy brush and trees, did not allow him to fully assess the extent of the illegal dumping. While there are currently no crops growing on the land, the zoning of the property does allow for agricultural uses. Butte Creek, which runs through the property, supports the largest, wild-run, naturally spawned spring-run of Chinook salmon in the state. With the new owner's continued presence and the installation of a new gate, there should be no future dumping.

Kings County

Grant Funds Recommended for Approval: \$56,542 - Reimbursement of prior cleanup

Two parcels, separated by a canal, near Kettleman City have been chronically dumped on for years. The two parcels are zoned for agricultural use and used for cattle grazing. The property owner has been routinely removing the waste, but the problem persists. In 2000, and again in March 2015, the owner was given a Notice of Violation by the county to clean up the property. Over 170 tons of illegally dumped waste was completely removed and the property was certified as clean in August 2015 by the Kings County Department of Public Health. Receipts, invoices and photographs have been submitted to document the waste was completely removed and the parcels have been fully

remediated. The owner is now seeking reimbursement of his expenses. A gate has been erected and no dumping signs have been posted to help prevent future dumping.

Placer County

Grant Funds Recommended for Approval: \$50,000 - Reimbursement of prior cleanup

On a forested site zoned for agricultural use in Colfax, a property owner was excavating to lay footings for an out building and came across buried solid waste and tires. The owner purchased the property in 2011 and does not know how the waste came to be on the site. He removed the waste himself and asked the county to apply for a reimbursement grant on his behalf. The cleanup is complete and the property will soon be regraded. Approximately 5,000 tires and 40 tons of solid waste were removed. The owner estimates the entire project will cost around \$70,000. He is seeking reimbursement of the maximum allowed under this grant, \$50,000. There should be no further dumping because the property is gated and occupied by the owner.