

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: January 20, 2016

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

Action By: February 16, 2016

Summary of Request

Staff requests approval of grant awards for the second cycle of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for fiscal year (FY) 2015–16. Staff received two eligible applications for this competitive grant program and both are being recommended for funding.

Recommendation

Staff recommends approval of two grant awards, as listed in Table 1 below, for \$245,118.

Table 1. Recommended Awards

Applicant	Total Award
Mendocino Solid Waste Management Authority	\$ 195,540
Sonoma County	49,578
Total	\$245,118

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 Fund, California Tire Recycling Management Fund, and the California Used Oil Recycling Fund. Funds are not to exceed \$1,000,000 annually for this program. In the first cycle for FY 2015-16, three applications totaling \$135,395 were awarded, leaving \$864,605 available for funding this cycle.

Table 2. Funding

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Solid Waste Cleanup and Abatement Account (FY 2015–16)	\$864,605	\$245,118	\$619,487	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. Each proposed grantee's award is conditional upon:

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



Howard Levenson
Deputy Director


Dated

Background and Findings

Statutory Authority

Public Resources Code (PRC) section 48100 et seq. 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 48103(e) and 14 CCR 17992.2(a) allow a farm and ranch property owner to receive reimbursement, through a public entity, 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 Notice of Funds Available was placed on the CalRecycle web site in June 2015. 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 for this cycle were due November 3, 2015, with a secondary due date of December 3, 2015 for Resolution submission. Staff reviewed the applications for completeness and eligibility. The applications being recommended for funding are described below.

Mendocino Solid Waste Management Authority

Grant Funds Recommended for Approval: \$195,540

Number of Sites: 4

This project will clean up illegally dumped solid waste in addition to makeshift buildings and greenhouses, travel trailers and vehicles that were left behind from over 50 illegal, abandoned marijuana growing operations. The actual cost of this large cleanup is estimated to be well above \$250,000, however the applicant was able to secure in-kind assistance for many administrative costs and road preparation in addition to reduced disposal and recycling costs. Further cost savings will be seen with the use of the California Conservation Corps who will provide reasonably priced hand labor for the cleanup. The waste threatens important salmonid spawning and rearing habitat, as well as other important ecosystem functions and beneficial uses of water. Now owned by a private company, the property has been placed under a conservation easement with the intent to return it to timberland management. The agriculturally zoned land is located in a remote area of northern Mendocino County. A locked gate and regular security patrols will help prevent any future dumping.

Sonoma County

Grant Funds Recommended for Approval: \$49,578 – Includes partial reimbursement

Number of Sites: 1

This project is a multi-agency collaboration to clean up a single site of garbage along two privately owned ranches, which are active in commercial agriculture. The properties are at the confluence of two large creeks that create a unique opportunity to catch trash and woody debris that was illegally dumped upstream as well as thrown from passing cars. Trash from homeless encampments has also contributed to the issue. The accumulation of the garbage creates dams, which results in flooding, crop loss and additional work for the landowners who must

remove the garbage and debris prior to planting and harvesting. Hazards from the waste include construction debris with nails, broken glass, rusted fencing materials and tires. These materials pose a threat to the grazing cattle as well as the various crops grown on the properties.

Phase one of the project, the reimbursement portion, was completed in summer of 2015 and covers the cost of equipment and some of the cleanup and disposal expenditures. Phase two, scheduled for summer 2016, encompasses the removal of all remaining trash on the site. This area is environmentally sensitive and supports a number of endangered species of fish and birds. To help prevent future deposition of waste onto the properties, the city is considering placement of catch basins upstream at drainage outfalls. In addition, recent efforts have been focused on the homeless population including increased patrols and rapid cleanup of materials to help stop the spread of such waste by flood waters.