

REQUEST FOR APPROVAL

To: Mark De Bie
Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Steve Santa Croce
Senior Waste Management Engineer
Engineering Support Branch

Reviewed By: Steve Levine, Legal Office

Request Date: June 12, 2015

Decision Subject: Awards for the Solid Waste Disposal and Codisposal Site Cleanup Program Grants (Solid Waste Disposal Trust Fund, FY 2014–15)

Action By: June 19, 2015

Summary of Request:

Staff requests the approval of grant awards for Cycle 3 under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). Detailed project information for the recommended grants is located in the attachments.

Recommendation:

Staff recommends approval of two grant awards, as listed in Table 1 below totaling \$321,380.

Table 1. Illegal Disposal Site Abatement Grants

Applicant	Total Award
City of Clearlake	\$160,645
City of Jarupa Valley	\$160,735
Total	\$321,380

Funding:

Illegal Disposal Site Abatement Grant Program typically allocates \$1,000,000 per year with a maximum award of \$500,000 for individual grants. The amount remaining in the grant program after this award action is listed below.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Solid Waste Disposal Trust Fund (FY 2014–15)	\$321,470	\$321,380	\$90	Illegal Disposal Site Abatement 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 from the Solid Waste Disposal and Codisposal Site Cleanup Grant Program (Solid Waste Disposal Trust Fund, FY 2014–15) as listed in Table 1. 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 mails the Grant Agreement.

Dated: 6/18/15



Mark de Bie
Deputy Director

Background and Findings:

Statutory Authority

Public Resources Code (PRC) §48020 et seq. authorizes CalRecycle to expend funds from the Solid Waste Cleanup Trust Fund directly for cleanup, to provide loans to responsible parties who demonstrate the ability to repay, to provide matching grants to public entities for site cleanups, and to provide full grants to public entities for the abatement of illegal disposal sites.

Program Background

The CalRecycle Solid Waste Disposal and Codisposal Site Cleanup Program (Program) addresses the cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through contracts, grants, and loans. Under the Program, local agencies can finance a wide range of projects through both Legacy Disposal Site Abatement Partial Grants and Illegal Disposal Site Abatement Grants.

Applications were due February 4, 2015, with a secondary due date of March 4, 2015 for Resolution submission. Eight applications were received. Four illegal disposal site abatement grant applications are not being recommended for funding due to a lack of available funds and one illegal disposal site abatement grant application was not eligible for funding. One legacy disposal site abatement partial grant application is under staff review.

Staff reviewed the applications in accordance with the approved evaluation and scoring criteria and recommends award of two grants as listed in Table 1.

As these are grants, any applicant's need for the funds is to be considered. Each grant application has a section for applicants to substantiate the need for the grant funds that is evaluated by staff as part of the General Scoring Criteria. In all cases, the applicants have expressed that their current funding is inadequate to complete the project. In addition, there is also a section for the substantiation of the threat to public health and safety and/or the environment, which is also evaluated by staff as part of the General Scoring Criteria. Based on the evaluations, the need for funding and threat being remediated are quantified and included in the grant's overall score and subsequent prioritization.

Title 14, California Code of Regulations (14 CCR), §18904 specifically lists eligible and ineligible remedial actions under the Program and allows CalRecycle to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for each project are specifically eligible pursuant to the regulations.

Cost recovery is not applicable when the grants involve the cleanup of public land maintained for public benefit and use and the entity did not cause or gain a benefit from the disposal of the waste. A grant is appropriate and cost recovery is not applicable as to the public entity. Where grant funds will be used to clean up private parcels, the grantee has agreed to pursue cost recovery on behalf of CalRecycle.

Criteria and Process

The Program's eligibility criteria and evaluation process were available for discussion at the CalRecycle meeting on June 17, 2014. The FY 2014–15 Notice of Funds Available was placed on the CalRecycle web site on July 2, 2014.

Attachment A
City of Clearlake

Grant Program: Illegal Disposal Site Abatement Grant

Estimated Project Costs: \$160,645

Requested Amount: \$160,645

Recommended Amount: \$160,645

Project Information: The City of Clearlake (City) is seeking grant funds to clean up two private properties within its jurisdiction where the responsible parties have proven to be unwilling to clean up their property.

The first site is located at 14718 Emory Avenue (Assessor's Parcel Number 040-193-35) and is owned by Ms. Claudia Schilling. City staff have issued several notices to the property owner with no responses from the owner, the last being in December 2013, when the City issued a public nuisance citation to Ms. Claudia Schilling requiring her to remediate her property by January 2014.

The second site is located at 14709 Palmer (Assessor's Parcel Number 040-193-56) and is owned by the non-profit agency Lake County Community Action Agency. The agency abandoned the property and filed for bankruptcy several years ago. The Internal Revenue Service and State have several liens and judgments against the property. A public nuisance citation was issued to Lake County Community Action Agency requiring the agency to remediate the property by November 2014 with no response. In addition, unsuccessful attempts were made to contact the lienholder on the property, Higher Power Zen.

The proposed grant project will clean up large accumulation of trash, junk and debris on the properties and remove substandard, uninhabitable, and unsafe structures. The demolition of the buildings will prevent transients and children from entering unsafe structures and will also enhance the livability, community appearance and environmental conditions of the community.

The City will obtain abatement warrants to access the sites in order to remediate the properties and imposing liens pursuant to their local ordinance. The City will fully cooperate with CalRecycle to recover costs for funds expended on both the above private and public properties to the fullest extent practicable. The City will repay CalRecycle any funds collected through cost recovery, sale of the lien property, special tax assessments or other methods of collection.

The City has agreed that as a condition of the grant for these projects: (a) the accounting of costs in the abatement proceedings shall include CalRecycle's grant costs in remediating the property; (b) said costs shall be made special assessments added to the County assessment roll and become a lien on the real properties; (c) CalRecycle shall be named as a third party beneficiary of any and all recoveries under the assessments and/or the liens, up to the full amount of said costs as specified in the accounting, which shall have priority over any city costs in said accounting; (d) CalRecycle shall be named in the lien document, along with the city, as a party to receive notice

of any and all payoff demands and/or other notices relating to the liens; and (e) drafts of the lien documents shall be submitted to CalRecycle prior to issuance, and said document must reflect the above requirements to CalRecycle's satisfaction before issuance.

Attachment B
City of Jurupa Valley

Grant Program: Illegal Disposal Site Abatement Grant

Estimated Project Costs: \$160,735

Requested Amount: \$160,735

Recommended Amount: \$160,735

Project Information: The City of Jurupa Valley (City) is located in Riverside County (County). Large portions of the City were underserved by the County prior to incorporation in 2011. Since its inception, the City has made public works maintenance, clean-up, and code enforcement within the right-of-ways very high priorities to enhance public safety; improve storm water quality; and provide a more aesthetically desirable community. Roughly 50 percent of the City's already limited Public Works Department field maintenance operations annual budget is spent on abating illegal dumping activities citywide.

The City has identified the following two public right-of-way sites which have constant illegal dumping activities that generate over 300 tons of solid waste per site annually:

1. Along Granite Hill west of Pyrite
2. Adjacent to 2950 Wallace Street

Both sites are in rural settings near the heavily traveled State Route 60 with no streetlights or fencing structures to prevent dumping.

The City's proposed plan includes cleaning up these two chronic illegal dumping sites, the installation of security measures and warning signs, and an extensive public outreach and education campaign including the design, printing, and distribution of informational material to the affected communities.