

**REQUEST FOR APPROVAL**

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

**From:** **Shirley Willd-Wagner**  
Branch Chief, Financial Resources Management Branch

**Request Date:** April 3, 2012

**Decision Subject:** Eligibility Criteria, Evaluation Process, Environmentally Preferable Purchases and Practices Policy and Scoring Process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FYs 2012/13 and 2013/14)

**Action By:** April 24, 2012

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**Summary of Request:** For the FYs 2012/13 and 2013/14 cycles of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, staff seeks approval to apply the eligibility criteria and evaluation processes approved in May 2010, and also seeks approval to eliminate the requirement for the Environmentally Preferable Purchases and Practices Policy (EPPP) and scoring process for reasons discussed below.

**Recommendation:** Staff recommends approval to apply the previously approved eligibility criteria and evaluation processes and approval to eliminate the requirement for the EPPP and scoring process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program for FYs 2012/13 and 2013/14.

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**Deputy Director Action:** On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve the use of the eligibility criteria and evaluation processes previously approved in May 2010, and the elimination of the EPPP requirement and scoring process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program FYs 2012/13 and 2013/14 cycles.

**Dated:** 8/21/12



Howard Levenson  
Deputy Director

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## **Background and Analysis:**

### Statutory Authority

Public Resources Code (PRC) Section 48100 authorizes CalRecycle to award grants to cities, counties, Resource Conservation Districts and Native American tribes, as defined by PRC 44201(b), for the purposes of cleaning up and abating the effects of illegally disposed waste on farm and ranch property owned by innocent parties. The Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) is further described in the California Code of Regulations, Title 14, Division 7, Chapter 4.5.

### Program Description

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 applicant. 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 the recurrence of illegal disposal after the projects are completed.

The grants are awarded to eligible applicants on behalf of innocent property owners, who meet all eligibility requirements. Applicants may apply for up to \$200,000 per fiscal year; funding for each eligible site shall not exceed \$50,000. Grantees may not expend more than seven percent (7%) of the grant for administrative costs. PRC Section 48100 specifies that annual funding for the Program shall not exceed \$1,000,000.

### Proposed Process and Eligibility

As part of CalRecycle's efforts to streamline and simplify its grant processes and procedures, grant applications and management processes are transitioning from paper-based to an on-line process. The Program will transition to an on-line process commencing July 1, 2012.

The current eligibility criteria process, evaluation process, and scoring process were presented through a Request for Approval (RFA) at the May 10, 2010, CalRecycle Meeting and subsequently approved by the Deputy Director. The approved RFA directed that the applications be reviewed for completeness, evaluated to ensure Program eligibility, and if qualified, scored according to the scoring process and criteria.

Staff will post a Notice of Funds Available on CalRecycle's website informing potential applicants of the funding, eligibility requirements, deadlines, and other important information. Proposed grant awards will be presented for approval two to three times per year (depending on activity).

### *Proposed Elimination of the Environmentally Preferable Purchases and Practices Policy (EPPP)*

The Program provides a valuable funding source to cleanup and abate the illegal disposal of waste on farm and ranch properties. The timely cleanup of contaminated property is necessary to protect the public health and some potential applicants may not have adopted and implemented an EPPP. Therefore, staff recommends eliminating the EPPP requirement.

### *Proposed Elimination of Scoring Process*

For FYs 2012/13 and 2013/14, staff proposes to continue to review and evaluate applications for completeness and Program eligibility (which is consistent with current practice), but to eliminate the scoring process.

Use of the scoring process for the Farm and Ranch Program is unnecessary and administratively burdensome for the following reasons:

- for grant programs that are oversubscribed, the scoring of applications is an effective way to choose among many eligible applications, however, scoring is unnecessary in this Program because, based on its award history, all eligible applications are funded
- because all eligible applicants can be funded, the elimination of the scoring process does not prejudice any applicant
- for grant programs that can fund a variety of different project types, scoring can identify the most worthwhile projects; however, the Farm and Ranch Grant Program is authorized to fund only cleanup projects so scoring is irrelevant for this purpose
- the elimination of the scoring process would provide staff additional time to help new applicants navigate through the application process and to help grantees manage their grants more effectively.

Based on the above, there is no compelling reason to continue scoring the Farm and Ranch applications. Historically, all applications that are complete and programmatically eligible receive funding; therefore, the scoring process is unnecessary and administratively irrelevant. Its elimination would streamline and make more efficient the granting process for both the applicant and staff.

Although unlikely, in the event a cycle is oversubscribed staff would recommend a funding order based on:

- a) The greatest threat to public health and safety and/or public nuisance presented by the illegal dumping, and
- b) The greatest amount of waste present.

In conclusion, unlike oversubscribed grant programs, the Farm and Ranch Grant Program does not need the scoring process to ensure fairness in funding or to distinguish among proposed grant projects. The elimination of the scoring process would provide staff more time to help applicants and grantees. Applications would still be required to meet completeness standards and eligibility requirements. This proposed change would, like the implementation of web-based tool discussed above, make the grant administrative process more streamlined and efficient. For these reasons, staff makes the above recommendation.

Tentative Timeline for FY 2012/13 and 2013/14

Tentative Dates FY 2012/13	Tentative Dates FY 2013/14	Activity
<del>May</del> <u>July</u> 2012	<del>May</del> <u>July</u> 2013	Post Notice of Funds Available and Application Guidelines and Instructions on CalRecycle web site
<del>July</del> <u>September</u> 2012, <del>November</del> 2012 <del>January</del> 2013, and <del>March</del> <u>April</u> 2013	<del>July</del> <u>September</u> 2013, <del>November</del> 2013 <del>January</del> 2014, and <del>March</del> <u>April</u> 2014	Applications due
<del>August</del> <u>October</u> 2012, <del>December</del> 2012 <del>February</del> 2013, and <del>April</del> <u>May</u> 2013	<del>August</del> <u>October</u> 2013, <del>December</del> 2013 <del>February</del> 2014, and <del>April</del> <u>May</u> 2014	Secondary due date for Resolutions and Environmentally Preferable Purchasing and Practices Policy
<del>September</del> 2013 <del>November</del> 2012, <del>February</del> <u>March</u> 2013, and <del>May</del> <u>June</u> 2013	<del>September</del> <del>2014</del> <u>November</u> 2013, <del>February</del> <u>March</u> 2014, and <del>May</del> <u>June</u> 2014	Present recommended grant awards for consideration/approval. Grant term begins on this date or as soon as the State budget for FY 2012/13 or 2013/14 has been signed and a Grant Agreement has been executed.
Notice to Proceed to <del>April 1, 2014</del> <u>March 2,</u> <u>2015</u>	Notice to Proceed to <del>April 1, 2015</del> <u>March 1, 2016</u>	Performance Period (Grantee may incur costs) <u>and Grant term ends</u>
<del>April 1, 2014</del>	<del>April 1, 2015</del>	<del>Grant term ends</del>