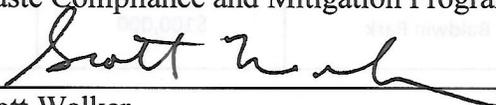


PROGRAM MANAGER ACTION REQUEST

To: Ted Rauh, Program Director
Waste Compliance and Mitigation Program

From: 
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Prepared On: February 16, 2010

Subject: **PROPOSED GRANT AWARDS FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL SITE CLEANUP TRUST FUND, FY 2009/10)**

TIME FACTOR: Approval required no later than March 31, 2010.

SUMMARY: Staff has completed an evaluation and recommends approval of new grant proposals totaling \$325,000 pursuant to the two grant programs under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program): the illegal disposal site cleanup grants and the local government partial grants. Table 1 and Table 2 provide general information on the grants. Detailed project information for the grants recommended for approval is presented below.

Table 1. Summary of local government partial grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	City of Hayward	\$225,000	\$225,000

Table 2. Summary of illegal disposal site cleanup grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	City of Baldwin Park	\$100,000	\$100,000

OPTIONS: The Program Manager may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or
2. Disapprove the proposed awards and direct staff as to further action.

RECOMMENDATION: Staff recommends Option 1.

DISCUSSION: The Program addresses 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. The California Integrated Waste Management Board (Board) approved Program policies in February and September 1994, March and September 1995, and February, June, and August 1999. Regulations incorporating the approved policies were adopted by the Board in May 2000 and became effective September 11, 2000. In addition, the Board approved the grant scoring criteria and the evaluation process for fiscal years 2008/09 and 2009/10 in July 2008.

Local Government Partial Grant Program

In July 2009 the Board approved \$1.5 million to fund the FY 2009/10 Local Government Matching Grant Program. After grant awards in November 2009, \$273,211 remained for the Local Government Partial Grant Program. One application was received for the second cycle of FY 2009/10. The application was reviewed and scored and is eligible for funding consideration. If approved, \$48,211 would remain for the FY 2009/10 Local Government Matching Grant Program. A brief summary of the recommended grant is as follows:

Applicant: City of Hayward

Estimated Project Cost: \$450,000

Requested Amount: \$225,000

Amount Recommended: \$225,000

Description: The West Winton Landfill is a 60 acre area site that is located in Hayward, California, on the eastern edge of the San Francisco Bay and approximately three miles north of

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the San Mateo Bridge. The landfill was in operation from the early 1950's to the 1970's, when it was capped and closed.

In 1978, the City of Hayward (City) purchased the closed landfill site from the Oakland Scavengers Company with the intent of using the site as a recreation area. East Bay Regional Park District (EBRPD) was allowed to oversee the day to day operation of the site as a part of the East Bay Regional Shoreline Park. The site is currently controlled by EBRPD and is open to the public for hiking and biking trails that run around the perimeter of the landfill cap and the tidal wetlands at the western end of the site. In addition various hiking trails traverse across most areas of the landfill.

In the 1980's and 90's, the City made improvements to the landfill that include the placement of a two-foot protective clay cap and the installation and operation of a leachate removal system. To further protect the landfill from erosion, the Regional Water Quality Control Board (RWQCB) also required the placement of a two-foot vegetative cover. The City installed the vegetative cover in 2001.

In September 2008, the RWQCB issued a Notice of Violation to the City for failure to comply with the WDR Order No. 95-088 which requires the City to maintain the landfill cap and vegetative layer.

The City is requesting a partial grant of funds to bring the site into compliance. The proposed project will include: (1) the installation of a new prescriptive engineered cap and cover in areas with exposed waste; (2) site grading and drainage controls to minimize erosion; and (3) installation of one additional leachate extraction pump system.

With respect to solid waste disposal site partial grants such as this, the Program may award partial grants to public entities to clean up (among other sites) publicly operated solid waste disposal and codisposal sites that have always operated as public facilities. As a grant is essentially a bestowal of funds, cost recovery is not an issue in those cases, even though the public entity grantee is the "responsible party" for the cleanup. Here the site was operated by a private party, the Oakland Scavengers Company (now Waste Management) and subsequently purchased by the City with the understanding that the City would be assuming responsibility for any subsequent postclosure obligations pertaining to the closed site. While the Program is not bound by the parties' arrangement in determining whether to pursue cost recovery of grant funds against former operators, any such attempt here could trigger a claim by the former operator for recoupment of any such recovery against the City under their arrangement. Indeed, the City's grant request is predicated on its representation that it should be deemed the sole responsible party and will attempt to meet its remedial obligations even if this partial grant is not awarded (albeit with more difficulty), without looking to the former operator for contribution.

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As with many local governments, the City local economy has been significantly impacted by the severe state and national recession. All major revenue sources including property taxes, sales taxes, real property transfer taxes and construction revenues are being negatively affected by the economic downturn. During this time of economic stress, the City is making every effort to manage expenditures responsibly, while maintaining its focus of providing critical services to the residents and businesses of Hayward. Thus through CalRecycle provision of this partial grant, the City will be on a more solid footing in assuring that its General Fund resources meet the needs of its community.

Illegal Disposal Site Cleanup Grant Program

In July 2009 the Board approved \$1 million to fund the FY 2009/10 Illegal Disposal Site Cleanup Grant Program. After grant awards in November 2009, \$100,000 remained for the Illegal Disposal Site Cleanup Grant Program. Three applications were received for the second cycle of FY 2009/10. The applications were reviewed and scored and are eligible for funding consideration. Due to previous demand and current funding levels, only the top-ranked grant is being recommended for funding at this time. Staff cannot recommend funding the remaining two eligible grant proposals due to a lack of available funds. If the recommended grant proposal is approved, no funding would remain in the Illegal Disposal Site Cleanup Grant Program for FY 2009/10. A brief summary of the proposed grant is as follows:

Applicant: City of Baldwin Park

Estimated Project Cost: \$149,750

Requested Amount: \$100,000

Amount Recommended: \$100,000

The City of Baldwin Park (City) has a significant and increasing problem with illegal dumping that is creating serious public health and safety problems. The issue is most problematic and immediate in the City's alleyways where illegally dumped items become a haven for the City's homeless population as well as a magnet for illegal drug and gang activities. Illegal dumping is also an immediate health and environmental issue. Refuse piles are proven nesting areas for rodents and insects. Illegally dumped refuse may contain household hazardous waste and other undesirable materials. Illegally dumped material can also end up in the storm drain system and in direct contact with surface water, potentially impacting downstream communities. The San Gabriel River is adjacent to the City and illegally dumped material coming in contact with public waterways can pose extremely significant public health risk.

The City has identified nine chronic illegal dumping and high priority areas and is requesting grant funds to create a pilot program for a small-scale, effective and efficient program to mitigate and prevent illegal dumping in City alleyways.

The proposed program elements include illegal dumping remediation; enhanced response to illegal dumping activity; preventive barriers, signage, lighting and/or surveillance; code enforcement enhancements; increased and targeted community outreach and media relations; and grant administration and activity monitoring.

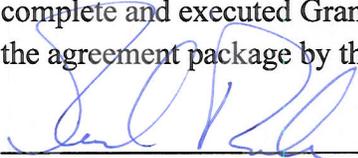
Grant funds requested include up to \$50,000 for waste removal, transportation, and disposal/recycling activities, up to \$42,500 for preventative activities relating to site security (surveillance and public outreach), and up to \$7,500 for administration and project management. The City will contribute \$49,750 of in-kind services toward the project.

I hereby approve grants totaling three hundred, twenty-five thousand dollars (\$325,000) and direct staff to develop and execute the Grant Agreements with the following:

City of Hayward.....	\$225,000
City of Baldwin Park	\$100,000
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Total	\$325,000

The award of each grant is conditioned upon full payment within ninety (90) 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 Recovery and Recycling (CalRecycle).

The award of each grant is further conditioned upon the return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date of the mailing of the agreement package by the Program.



Ted Rauh, Program Director
Waste Compliance and Mitigation Program

2/26/2010
Date

