

DEPUTY DIRECTOR REQUEST FOR APPROVAL

To: Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division

From: 

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Manager
Engineering Support Branch

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Prepared On: May 2, 2011

Attachments: A. Grant Information for the Local Government Partial Grant Program
B. Grant Information for the Illegal Disposal Site Cleanup Grant Program

Subject: **PROPOSED GRANT AWARDS FOR THE SOLID WASTE
DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM
(SOLID WASTE DISPOSAL TRUST FUND, FY 2010/11)**

TIME FACTOR: Approval required no later than May 30, 2011.

SUMMARY: Staff has completed an evaluation and recommends approval of two new grant proposals totaling \$401,570 pursuant to the two grant programs under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program): the local government partial grants and the illegal disposal site cleanup grants. Table 1 and Table 2 provide general information on the grants. Detailed project information for the grants recommended for approval is in Attachments A and B.

OPTIONS: The Acting Deputy Director 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.

Table 1. Summary of local government partial grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	City of East Palo Alto	\$323,570	\$323,570

Table 2. Summary of illegal disposal site cleanup grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	Del Norte County	\$78,000	\$78,000

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 [now the Department of Resources Recycling and Recovery (CalRecycle)] 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, CalRecycle approved the grant scoring criteria and the evaluation process for fiscal years 2010/11 and 2011/12 in August 2010.

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, section 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.

Local Government Partial Grant Program

The funding of the proposed grant totaling \$323,570 is summarized in Table 3. A brief summary of the recommended grant is included in Attachment A.

Table 3. Funding summary of local government partial grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2010/11)	\$323,570	\$323,570	\$0	Grants

With respect to local government partial grants, CalRecycle 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. Therefore, this applicant is not subject to cost recovery by CalRecycle.

Illegal Disposal Site Cleanup Grant Program

The funding of the proposed grant totaling \$78,000 is summarized in Table 4. A brief summary of the recommended grant is included in Attachment B.

Table 4. Funding summary of illegal disposal site cleanup grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2010/11)	\$78,876	\$78,000	\$876	Grants

With respect to illegal disposal site cleanup grants, 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. The proposed grant involves the cleanup of mostly public land maintained for public benefit and use and the applicant did not cause or gain a benefit from the disposal of the waste. Therefore, the applicant will not be subject to cost recovery by the CalRecycle. However, if grant funds are used to clean up private parcels, the grantee agreed to pursue cost recovery on behalf CalRecycle.

I hereby approve grants totaling four hundred one thousand, five hundred seventy dollars (\$401,570) and direct staff to develop and execute the Grant Agreements with the following:

Lorraine Van Kekerix

May 2, 2011

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Local Government Partial Grant Program

City of East Palo Alto\$323,570

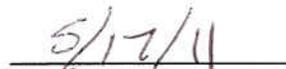
Illegal Disposal Site Cleanup Grant Program

Del Norte County\$78,000

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 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.


Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division


Date