

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: September 6, 2011

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2011/12)

Action By: September 15, 2011

Summary of Request: Public Resources Code (PRC) Section 48100 authorizes the Department of Resources Recycling and Recovery (CalRecycle) to award grants to public entities and Native American tribes to clean up illegal disposal sites on farm and ranch property.

Staff requests approval of grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, Fiscal Year (FY) 2011/12 (first cycle). Four grant applications were received this cycle requesting a total of \$241,695. Each application was scored using the CalRecycle-approved scoring criteria and evaluation process that were approved in June 2010. Two of the Applications were disqualified due to ineligible costs leaving \$14,554 in total eligible grant requests. The Applications being requested for approval are summarized below:

Recommendation: Staff recommends approval of two grant awards (as listed below) for \$14,554.

Table 1. Recommended Farm and Ranch Solid Waste Cleanup and Abatement Award List

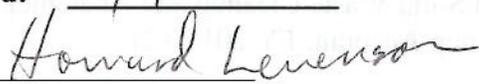
Applicant Name	Recommended Award Amount
Kern County	\$ 6,981
Mariposa County Resource Conservation District	<u>\$ 7,573</u>
Total	\$14,554

Funding:

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm & Ranch Cleanup Account (FY 11/12)	\$1,000,000	\$14,554	\$ 985,446	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) for the first cycle of FY 2011/12. Each proposed grantee's award is conditioned upon:

1. The full payment within ninety (90) days of the effective date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed Grantee to CalRecycle; and
2. The return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date that CalRecycle staff mails the Grant Agreement.

Dated: 9/8/11


Howard Levenson
Deputy Director

Background and Findings

Statutory Authority:

Public Resources Code (PRC) Section 48100 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.

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 or dumping 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.

PRC Section 48103(e) and 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup and/or abatement costs under the Program. Applications for reimbursement are scored using the Board-approved scoring criteria and evaluation process. Any reimbursement grants are specifically noted in the project description and, if recommended for approval, receive the necessary score to be eligible and receive available funding.

Criteria and Process:

PRC Section 48100 specifies that annual funding for the Farm and Ranch Grant Program not exceed \$1,000,000. Eligible applicants include cities, counties, federally recognized Native American tribes and Resource Conservation Districts. Eligible 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.

Applications were due July 1, 2011; with a “secondary” due date of August 1, 2011 for Resolutions and Environmentally Preferable Purchasing Policy submissions. Two Grant Applications are eligible requesting a final, revised total amount of \$14,554, which are detailed in Table 1.

A signed affidavit was submitted by each of the property owners, or authorized agent for the property owner, for the eligible sites. The affidavits state 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. Subject to the conditions listed above, grant awards will be made to the Applicants listed in Table 1.

Findings:

Mariposa County Resource Conservation District

Grant Funds Recommended for Approval: \$ 7,573

Number of Sites: 1

About 200 tires and 15 tons of wire and wood waste were dumped into a drainage area on land used to graze llamas. The waste endangers the animals, impacts the water quality and impedes the surface flow of water in the area. The landowners were unaware of the waste at the time of purchase. The land is privately owned.

Kern County

Grant Funds Recommended for Approval: \$ 6,981

Number of Sites: 1

A 385 acre parcel, zoned for agriculture, has had over 400 tires illegally dumped upon it. The land is currently fallow, but has historically been used for agriculture. The landowner was unaware of the tires on his property until he was contacted by the county. The tires provide a breeding ground for mosquitoes, which can carry West Nile virus, and are an attractive nuisance. A no dumping sign will be posted after cleanup.

