

REQUEST FOR APPROVAL

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

From: Scott Walker, Manager
Engineering Support Branch

Request Date: April 20, 2012

Decision Subject: Awards for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program (Solid Waste Disposal Trust Fund, FY 2011/12)

Action By: May 15, 2012

Summary of Request: Staff requests approval of grant awards for the Solid Waste Disposal and Codisposal Site Cleanup Program (Program): the legacy disposal site abatement partial grants and the illegal disposal site abatement grants. CalRecycle received 2 eligible applications requesting a total of \$732,690 for this competitive grant program. Detailed project information for the grants recommended for approval is in Attachments A and B.

Recommendation: Staff recommends approval of two grant awards, as listed in Tables 1 and 2 below for \$732,690.

Table 1. Legacy Disposal Site Abatement Partial Grants

| Applicant | Total Award |
|------------------|-------------|
| San Diego County | \$700,690 |

Table 2. Illegal Disposal Site Abatement Grants

| Applicant | Total Award |
|--------------------|-------------|
| Los Angeles County | \$32,000 |

Funding Summary:

| Fund Source | Amount Available | Amount to Fund Item | Amount Remaining | Line Item |
|--------------------|------------------|---------------------|------------------|---|
| SWDTF (FY 2011/12) | \$702,517 | \$700,690 | \$1,827 | Legacy Disposal Site Abatement Partial Grants |
| SWDTF (FY 2011/12) | \$157,024 | \$32,000 | \$125,024 | 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 for the Program as listed in Tables 1 and

2. Each proposed grantee's award is condition upon:

1. The full payment within 90 (ninety) days of the 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 completed and executed Grant Agreement within 90 (ninety) days from the date that CalRecycle staff mails the Grant Agreement.

Dated: May 9, 2012



Mark de Bie
Deputy Director

Background and Findings:

Statutory Authority

Public Resources Code (PRC) Section 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 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.

With respect to legacy disposal site abatement 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.

With respect to illegal disposal site abatement 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. Where grant funds will be used to clean up private parcels, the grantee has agreed to pursue cost recovery on behalf CalRecycle.

Criteria and Process

The Program Eligibility, Scoring Criteria, and Evaluation Process were discussed and approved at the August 11, 2010 CalRecycle Meeting. The Notice of Funds Availability was placed on the CalRecycle web site for FY 2011/12 on August 1, 2011.

ATTACHMENT A

Grant Information for the Legacy Disposal Site Abatement Partial Grant Program

Applicant: San Diego County

Estimated Project Cost: \$1,727,669

Requested Amount: \$700,690

Amount Recommended: \$700,690

Project Description: The Former Fallbrook 1C burn dump (facility number 37-CR-0023), which is located in northern San Diego County, occupies the northwestern portion of an approximately 9-acre area comprising four contiguous parcels in Fallbrook, California. The site was initially owned by Will and Mary Papenhausen and was leased and operated as a public dump by the County of San Diego Department of Public Works from 1955 through 1959. In 2004 the County purchased two of the parcels.

Based on previous investigations at the site by URS in 2005 and Ninyo & Moore in 2010, the presence of exposed and poorly capped burn debris on the County-owned and adjacent residential parcels were documented. Most of the burn debris is situated on one of the County-owned parcels, with smaller amounts of burn debris extending onto the other County-owned parcel and two adjacent privately-owned parcels. Previous URS investigations report a site cap thickness ranging from 0 to 7.5 feet, with the primary constituent of concern being lead. Surface and subsurface soil samples contained lead at concentrations above the California-modified residential PRGs for lead of 150 mg/kg.

The goal of this project is to mitigate the threat posed by the exposed and poorly capped burn debris associated with the Fallbrook 1C burn dump and bring the site into compliance with the State Minimum Standards. Corrective action will be completed by the County's acquisition of the contaminated portions of the two residential parcels, then consolidating and capping the burn debris. This will eliminate or greatly reduce the threat to public health and the environment via the exposure pathways associated with burn debris and restore unrestricted use of the unaffected portions of the private parcels upon which burn debris currently resides. The County of San Diego Solid Waste Local Enforcement Agency has approved the proposed remediation plan.

ATTACHMENT B
Grant Information for the Illegal Disposal Site Cleanup Grants

Applicant: County of Los Angeles (County)

Estimated Project Cost: \$47,500

Requested Amount: \$32,000

Amount Recommended: \$32,000

Project Description: In a project entitled to Team Up to Clean Up!, the County of Los Angeles Department of Parks and Recreation (County DPR) has submitted a grant application requesting funding in the amount of \$32,000 for cleanup projects in three wildlife sanctuaries located in the Antelope Valley, east of the City of Palmdale, and in the Mojave Desert. The 200 acre Carl O. Gerhardy Wildlife Sanctuary, the 120-acre Jackrabbit Flats Wildlife Sanctuary, and the 100-acre Mescal Wildlife Sanctuary are subject to significant amounts of illegal dumping that cause tremendous long-term damage to the desert ecosystem. Because the wildlife sanctuaries are in open park land, visitors are at risk when exposed to accumulated hazardous waste (e.g. household, industrial, etc.) and the vectors they harbor. In addition, the collection of debris contaminates a natural resource, which is extremely detrimental to public health and safety.

The goal of the Team Up to Clean Up! project is to remove illegal waste from the three sanctuaries in order to restore healthy habitat, prevent further soil and water contamination, prevent future dumping, and enhance public enjoyment of these natural areas. Grant funds will be used for waste removal, transportation, and disposal/recycling activities, and the County will contribute \$15,500 toward the project for signage, project management and oversight. Following the cleanup of the sanctuaries, County DPR staff will prevent recurrence by patrolling twice a month to control and mitigate future illegal dumping.