

REQUEST FOR APPROVAL

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

From: Michelle Martin
Branch Chief, Financial Resources Management Branch

Request Date: September 1, 2014

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2014/15)

Action By: September 16, 2014

Summary of Request:

Staff requests approval of grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Grant Program), Fiscal Year (FY) 2014/15 (first cycle). CalRecycle received three applications for this competitive grant program, all of which are being recommended for funding.

Recommendation:

Staff recommends approval of three grant awards, as listed in Table 1 below, for \$126,491.

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

Applicant	Total Award
Imperial County	\$87,082
Placer County	\$ 3,720
Tehama County Sanitary Landfill Agency	\$35,689
Total	\$126,491

Funding:

Upon appropriation from the annual Budget Act, funds are transferred into the Farm and Ranch Cleanup Account from the Integrated Waste Management Account, Tire Recycling Management Fund, and the Used Oil Recycling Fund. Funds are not to exceed \$1,000,000 annually for this Program.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Cleanup Account (FY 2014/15)	\$1,000,000	\$126,491	\$873,509	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. Each proposed grantee's award is conditional upon:

1. The full payment within 60 (sixty) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed grantee to CalRecycle.
2. The return by the proposed grantee of a completed and executed Grant Agreement within 60 (sixty) days from the date that CalRecycle staff emails the Grant Agreement.

Dated: 8/20/14



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. PRC Section 48100 specifies that annual funding for the Farm and Ranch Grant Program not exceed \$1,000,000. PRC Section 48103(e) and 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup and/or abatement costs previously remediated under the Program.

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 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.

A property owner is unable to apply for funding directly for the cleanup of his/her property, but must work through an eligible applicant. Eligible applicants for the Program include cities, counties, federally recognized Native American tribes and Resource Conservation Districts. 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.

Before a site can be remediated with Program funds, a signed Property Access Authorization and Non-Responsibility Affidavit (Affidavit) must be submitted by each of the property owners, or an authorized agent for the property owner. The Affidavit states 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.

Applications for illegal disposal sites previously remediated by the property owner are eligible as long as the site can be adequately documented with photographs and disposal receipts. In the event a grant cycle is oversubscribed,

illegal disposal sites which have *not* been remediated and pose the greatest threat to public health, safety and/or the environment will have higher priority.

Criteria and Process

The Scoring Criteria (Criteria) were discussed at the November 19, 2013, CalRecycle Public Meeting and subsequently approved by the Deputy Director. The Criteria were revised mid-year in order to seek approval for a pilot project (Pilot) to be conducted in the last cycle of FYs 2013/14 and 2014/15. The purpose of the Pilot is to encourage more applicants to apply for this undersubscribed program by relaxing the due dates for several required application documents. Since applicants that apply for the Pilot provide only minimal information by the application due date, the Pilot application project descriptions contain less detail than the descriptions for the standard applications. This Program is offered three times per FY.

Applications were due July 15, 2014. Three applications were received for the first cycle. The applications include four sites in need of remediation and one request for reimbursement for a site that was previously cleaned by the property owner. The three projects being recommended for funding include:

Imperial County

Number of Sites: 3

Grant Funds Recommended for Approval: \$87,082

The county is requesting grant funds to clean up two active illegal disposal sites and reimburse one property owner for a site that were previously remediated. Two of the sites are currently being utilized for agricultural purposes and one site is fallow farm land. All three sites are privately owned and zoned for agricultural use. The three sites collectively had the following waste illegally dumped: 750 tons of solid waste, 80 tires and 100 tons of construction debris and metal. The presence of the waste is a concern because children reside on the properties and the leachate from the waste could potentially drain into nearby agricultural properties and the Alamo River, which discharges into the Salton Sea and serves as an important habitat for birds. To help prevent future dumping, barrier gates will be installed at two of the sites and the third will have ongoing surveillance as the owner now resides on the property.

Placer County

Number of Sites: 1

Grant Funds Recommended for Approval: \$3,720

About 350 tires, household waste and construction debris were illegally dumped years ago onto property now used for the cultivation of rice in rural Placer County. The property is privately owned (by owners who live out of the area) and leased to farmers. The pile of illegally disposed waste and tires has grown over the years. The hazardous materials and leachate could potentially threaten the crops. The waste is also obstructing the way of farmers moving equipment to work the field. The lessee has cleaned up the solid waste and the owner is now requesting grant funds to remove the tires. The potential for future dumping is negligible since there is frequent activity on the property now.

Tehama County Sanitary Landfill Agency

Number of Sites: 1

Grant Funds Recommended for Approval: \$35,689

Over one thousand passenger and truck tires, eight tractor tires, twelve earth mover tires and approximately one thousand cubic yards of solid waste were illegally dumped on five acres of privately owned, agriculturally zoned, land in Cottonwood. The waste could potentially contaminate the seasonal creek that runs through the property and a nearby pond. Previously, there were fires on the property. The ash from the fires is potentially hazardous and could be washed into the local water sources during the upcoming rainy season. Additionally, the immense number of tires is not only a fire hazard in drought-ridden Tehama County, but could also offer an ideal habitat for mosquitoes. The property is fenced and did have a gate until it was torn down. Surveillance cameras will be installed in high-security lock boxes at both entry points. The Department of Fish and Wildlife warden has agreed to install and monitor the equipment to help prevent future dumping.

