

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: March 14, 2016

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Management Cleanup and Abatement Account, Fiscal Year 2015–16)

Action By: May 13, 2016

Summary of Request

Staff requests approval of grant awards for the third cycle of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for fiscal year (FY) 2015–16. The Department of Resources Recycling and Recovery (CalRecycle) received four applications for this competitive grant program, all of which are being recommended for funding.

Recommendation

Staff recommends approval of four grant awards listed below for \$202,380.

Table 1. Recommended Awards

Applicant	Total Award
City of Visalia	\$ 17,309
Coarsegold Resource Conservation District	44,175
Trinity County Resource Conservation District	90,896
Yolo County Resource Conservation District	50,000
Total	\$202,380

Funding

Upon appropriation from the annual Budget Act, funds are transferred into the Farm and Ranch Solid Waste Cleanup and Abatement Account from the Integrated Waste Management Fund, California Tire Recycling Management Fund, and the California Used Oil Recycling Fund. Funds are not to exceed \$1,000,000 annually for this program. In the first two cycles for FY 2015–16, five applications totaling \$380,513 were awarded, leaving \$619,487 available for funding this cycle.

Table 2. Funding

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Solid Waste Cleanup and Abatement Account (FY 2015–16)	\$619,487	\$202,380	\$417,107	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 sixty (60) 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 Recycling and Recovery (CalRecycle).
2. The return by the proposed grantee of a completed and executed Grant Agreement within sixty (60) days from the date that CalRecycle staff emails the Grant Agreement.



Howard Levenson
Deputy Director


Dated

Background and Findings

Statutory Authority

Public Resources Code (PRC) section 48100 et seq. 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 48103(e) and 14 CCR 17992.2(a) allow a farm and ranch property owner to receive reimbursement, through a public entity, for solid waste cleanup or abatement costs 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 Eligibility and Evaluation Process was discussed at the June 16, 2015, CalRecycle public meeting and subsequently approved by the Deputy Director. The Notice of Funds Available was placed on the CalRecycle web site in June 2015. The eligibility and evaluation process covers FYs 2015–16 and 2016–17 and allows for continuation of the pilot project for the third cycles of those two fiscal years. The purpose of the pilot project 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 project provide only minimal information by the application due date, the pilot project application project descriptions contain less detail than the descriptions for the standard applications.

Applications for this cycle were due February 9, 2016, with a secondary due date of March 8, 2016 for Resolution submission. Staff reviewed the applications for completeness and eligibility. The applications being recommended for funding are described below.

City of Visalia (Reimbursement Application)

Number of Sites: 1

Grant Funds Recommended for Approval: \$17,309

There is a homeless population in the City of Visalia (City) that, from time to time, inhabits the open land and banks along the St. John's River. The river separates active farmland from public open space. The property in question is owned by the City and zoned for agricultural use. In early 2015 the presence of homeless encampments in this area had reached epic proportions and something had to be done. The materials and waste present had the potential to cause flooding to a housing subdivision in close proximity by blocking the natural flow of the river, and cause environmental damage to the adjacent farmland from the solid waste and unknowns within the makeshift homes. In March 2015 the City orchestrated the cleanup of several parcels, removing 160 tons of solid waste from five large homeless encampments. The City is

now seeking reimbursement of their expenses for this effort. After cleanup, a meandering walking trail was added along the top of the levee and the area was revegetated. With more foot traffic from the public and a diligent presence by law enforcement, both sides of the river have remained clear of homeless encampments.

Coarsegold Resource Conservation District (Pilot Application)

Number of Sites: 1

Grant Funds Recommended for Approval: \$44,175

The Resource Conservation District plans to remove waste from six sites in Madera County, all zoned for agricultural use and owned by the United States Forest Service. All of the sites proposed for cleanup are on forest land. The area is prone to illegal dumping as it is very remote and the winding roads allow plenty of room to hide. The waste was illegally dumped by unknown persons, is a hazard to public health and safety and the environment, and may attract further dumping if not readily remediated. Because this is a pilot application, many of the site details have not yet been ascertained, but all required application information will be submitted by the applicant and approved by the CalRecycle grant manager prior to any grant funds being expended.

Trinity County Resource Conservation District (Pilot Application)

Number of Sites: 20

Grant Funds Recommended for Approval: \$90,896

There are many illegal disposal sites and properties strewn with waste left behind from illegal marijuana grow operations throughout Trinity County. The Resource Conservation District (RCD) will work with various partners, including the U.S. Forest Service, county sheriff's department, Bureau of Land Management and California Department of Fish and Wildlife, to identify the worst of up to 20 sites to remediate with grant funds. Sites proposed for cleanup may be on private, or public land and will be zoned for agricultural use. Prevention measures may include signage, fencing, gates, rock barriers or other methods depending upon the specific site topography and situation present. In addition to site remediation, the project will include education and outreach in the form of newsletters, newspaper articles and presentations at community events or fairs. These efforts will focus on illegal dumping and proper disposal of waste materials to help prevent the reoccurrence of dumping.

Yolo County Resource Conservation District (Pilot Application)

Grant Funds Recommended for Approval: \$50,000

Number of Sites: 1

Babel Slough, which winds through active farmland in rural Yolo County, has many illegally dumped waste tires in its murky depths which are only visible during times of low water. These tires are old and may be contaminating the water in the slough, which is used for irrigation of the adjacent fields. The Sacramento Regional Conservation Corps will partner with the Yolo County Resource Conservation District to perform the cleanup of a portion of the slough when the water level is at its lowest point. While the banks and roadway continue to receive occasional tires and bags of trash from careless passers-by, the local farmers and ranchers are committed to picking up this waste on a weekly basis and legally disposing of it. The Yolo County Landfill accepts this illegally dumped waste at no charge. However, tires that are half buried in mud within the slough will take a more concerted, and cost intensive, effort than the landowners can handle so they are requesting assistance in the form of a grant.