July 2013

Department of Resources Recycling and Recovery (CalRecycle)

LEGACY DISPOSAL SITE ABATEMENT PARTIAL GRANT PROGRAM

APPLICATION GUIDELINES & INSTRUCTIONS

Fiscal Year 2013/14

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GRANT CYCLE OVERVIEW

This resource document provides Applicants with a cycle overview, instructions about how to access and complete the application online, and information about grant administration. The online application can be accessed on the Grant Management System Web (GMSWeb) at www.calrecycle.ca.gov/Grants/GMS/default.htm.

The Department of Resources Recycling and Recovery (CalRecycle) offers the Legacy Disposal Site Abatement Partial Grant Program pursuant to Section 48020 of the Public Resources Code. Assembly Bill 2136 (enacted October 1993) required the Department of Resources Recycling and Recovery (CalRecycle) to initiate the Solid Waste Disposal and Codisposal Site Cleanup Program (Program) for cleanup of solid waste sites and solid waste at codisposal sites where the responsible party either cannot be identified or is unwilling or unable to pay for timely remediation and where cleanup is needed to protect public health and safety and/or the environment. Under the Program, local governments can finance a wide range of remediation projects.

Public entities bear a financial responsibility for maintaining public landfill sites in compliance with State regulations and standards. The purpose of the grant is to provide financial assistance in the form of reimbursement grants up to $750,000 in matching funds for eligible costs to assist public entities requiring financial assistance, and committed to accelerating the pace of cleanup, restoring sites, and protecting public health and safety and the environment.

TIMELINE FOR LEGACY DISPOSAL SITE ABATEMENT PARTIAL GRANT PROGRAM, FY 2013/14

Date	Activity
July 17, 2013 September 17, 2013 December 17, 2013	**Question and Answer Period** • Questions may be submitted from application release date to this date • Questions must be submitted by email
July 24, 2013 October 1, 2013 January 2, 2014	• All answers will be posted (tentative)
August 1 , 2013 November 5, 2013 February 4, 2014	**Application Due Date** • Applications must be submitted in GMSWeb by this date • Customer service will only be available until 5:00 p.m. on this date
September 4 , 2013 December 5, 2013 March 4, 2014	**Secondary Due Date** **If Resolution not submitted with the application** Approved Resolution must be uploaded in GMSWeb by this date **If Applicant does not have an Environmentally Preferable Purchasing and Practices (EPPP) policy at time of application** EPPP Policy Notification document must be **uploaded in GMSWeb** by this date
October 2013 January 2014 April 2014	**Grants Awarded** CalRecycle considers funding recommendations, and if approved, conditionally awards grants during this month (tentative)
June 30, 2016	**Grant Term** Notice to Proceed to this date
June 30, 2016	**Final Report, Final Payment Request and Request for 10% withhold Deadline**

ELIGIBLE APPLICANTS

Grants are available to public entities, including counties, cities, districts, and State agencies, for site cleanup needed to protect public health and safety and/or the environment. Applicants must provide adequate documentation of financial need for assistance and show evidence of ability to pay for their matching share of costs and costs that are ineligible and/or that exceed the maximum grant amount.

ELIGIBLE PROJECTS

Eligible projects include the remediation of disposal sites closed in accordance with the local laws at the time of the closure and prior to implementation of the State's current permitting and/or closure requirements for landfills and disposal sites.

AVAILABLE FUNDS

- A total of $1,500,000 is available for this grant cycle, fiscal year (FY) 2013/14, subject to funding availability
- $750,000 is the maximum available for individual grant awards

GRANT TERM

The Grant Term begins on the date indicated in the Notice to Proceed. The Grant Term ends on **June 30, 2016**. This is also the date the Final Report and Final Payment Request are due to CalRecycle.

Grant-eligible program expenditures may start no earlier than the date indicated in the Notice to Proceed. In all cases, eligible program costs must be incurred no later than **May 15, 2016**.

CalRecycle recommends reserving the period from May 16, 2016 to June 30, 2016 exclusively for the preparation of the Final Report and Final Payment Request, though they may be completed earlier. **Costs incurred to prepare the Final Report and Final Payment Request are only eligible for reimbursement during the Grant Term.**

ELIGIBLE COSTS

Eligible costs may be incurred only during the Grant Term which starts when the Grantee receives a Notice to Proceed from CalRecycle and ends on May 15, 2016.

Eligible costs include, but are not limited to:

- Waste removal and disposal;
- Security measures such as fences, barriers, and warning signs;
- Site grading and drainage controls to minimize erosion;
- Slope and foundation stabilization;
- Excavation, consolidation, and capping of waste areas;
- Installation of landfill gas and leachate control systems;
- Field and laboratory testing; and
- Health and safety measures required for eligible project work.

See "Grant Term for additional information.

INELIGIBLE COSTS

Ineligible costs include, but are not limited to:

- Costs incurred prior to receipt of the Notice to Proceed letter or after May 15, 2016
- Expenses for services rendered or goods purchased prior to issuance of Notice to Proceed, or any expenses incurred after the end of the Grant Performance Period;
- Overhead or indirect costs (unless pre-approved in writing by the Grant Manager, but in no event an amount in excess of 10% of the amount approved for reimbursement);
- Costs explicitly for the profit of the Grantee;
- Bonus payments for early completion of grant project or any phase of the grant project;
- Any portion of a program currently covered or incurred under another CalRecycle contract, loan, grant or grant cycle;

- Overtime costs (except for local government staffing during specially scheduled evening or weekend events that have been pre-approved in writing by the CalRecycle Grant Manager when law or labor contracts REQUIRE overtime compensation or when such staffing and/or costs are pre-approved in writing by the Grant Manager);
- Cellular phones, personal digital assistants, personal electronic devices, pagers, and similar electronic and telecommunications devices;
- Programs that are not cost effective, as determined by the CalRecycle Grant Manager;
- Travel and per diem expenses (unless pre-approved in writing by the Grant Manager) (See Terms and Conditions, attached as Exhibit A, subsection (e) under Payment);
- Any food or beverages (e.g. as part of meetings, workshops, training, events, etc.);
- Equipment or other materials that are not predominantly used to implement the approved project;
- Staff training that is not directly related to the implementation of the approved project;
- Interest charges or other payments on bonds or indebtedness required to finance the project;
- Any personnel costs incurred as a result of time an employee assigned to the project funded by the grant does not actually work on the project (e.g. use of accrued vacation, sick leave, etc.);
- Costs connected with contractor claims/liens against the Grantee;
- Fines or penalties due to violation of federal, state or local laws, ordinances, or regulations;
- Permit, inspection and use fees;
- Closure activities as defined by 27 CCR 9 20164;
- Ground water remediations;
- Operation and maintenance of monitoring systems;
- Postclosure maintenance activities;
- Preparation of closure and/or postclosure maintenance plans;
- Improvements to property for postclosure land uses;
- Removal, abatement, and cleanup or otherwise handling of only hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C.§ 9601(14)] not codisposed with nonhazardous solid waste; and
- Any other costs not deemed reasonable or related to the purpose of the grant by the CalRecycle Grant Manager.

Those costs not specifically listed as eligible or ineligible are deemed discretionary and may be considered by CalRecycle for approval. Any deviations from the approved budget will require the pre-approval in writing from the Grant Manager.

CalRecycle may consider costs incurred prior to the submittal and approval of the grant application as a factor in CalRecycle's consideration of awarding a grant that provides greater than 50 percent of the project costs. These costs may include expenditures for site investigations and project design. However, CalRecycle will not reimburse cost for services rendered prior to grant performance period.

Eligible costs to be reimbursed include costs for eligible activities and tasks specified in the budget provided with the approved grant application. Any deviations from the approved budget will require the Grant Manager's written approval.

QUESTION-AND-ANSWER PROCESS

Questions regarding the Program or the application and its requirements must be in writing and received by the date identified in the Timeline for the specific cycle via email at Wes.Mindermann@CalRecycle.ca.gov

Periodically during the Question and Answer (Q&A) period, Qs&As will be posted on the Qs&As website. The Q&A website can be accessed from the Notice of Funds Available or from the application on the Summary Tab. Similar or related questions may be grouped together or re-worded for clarity and responded to as one question. All Qs&As will be posted approximately two weeks after the deadline and are subject to updates. It is the Applicant's responsibility to check this website for the latest information.

ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY REQUIREMENT

Consistent with CalRecycle's core values, all grant Applicants are required to develop, adopt and implement an Environmentally Preferable Purchasing and Practices (EPPP) Policy for their organizations. Applicants who have an EPPP Policy in place prior to submitting their application must certify to this fact in the application as shown on the Detail tab. Any Applicant who does not have an EPPP Policy in place when it submits its application may certify it will adopt one by the secondary due date.

To see concepts/policies that CalRecycle encourages organizations to include in their EPPP Policies open the EPPP Information document located in the Resource Document section of the grant application.

APPLICATION INSTRUCTIONS

APPLICATION ACCESS

The application is available in CalRecycle's web-based Grants Management System (GMSWeb). Access to GMSWeb is secure; therefore you must have a CalRecycle WebPass in order to log into the system. Applicants who have not previously obtained a CalRecycle WebPass can create an account at the CalRecycle WebPass site (https://secure.calrecycle.ca.gov/WebPass/).

After logging into GMSWeb (https://secure.calrecycle.ca.gov/Grants), select "Grant Application Search" on the left. Open grant cycles are displayed in a table. Find Legacy Disposal Site Abatement Partial Grant Program and select "Apply."

APPLICATION CONTENTS AND INSTRUCTIONS

The components of the application are divided into tabs. To fill out an application, click on each tab and complete the sections in each tab as required. General directions are on the top of each tab and detailed information about requirements for each tab is listed below.

Summary

This tab provides a summary of the application, directions, links to resources and documents. In addition, it contains several checklists to assist Applicants with completing the application:

- Application Checklist
- Required Document(s) By Application Due Date
- Other Supporting Document(s) as applicable for your Application/Project
- Required Document(s) By Secondary Due Date
- Application Submission

The checklists are provided for the Applicant's convenience and are not intended to be all inclusive. It is the Applicant's responsibility to ensure that all required documents, based on the individual grant application/project, are submitted by the application due date.

Applicant/Participant

The Applicant's name is entered in this tab. The Applicant name is the legal name of the jurisdiction/organization that is legally responsible for grant administration, if awarded.

- Department or unit names are not included in the Applicant name.
- County names must be listed with the name first followed by the word "County," e.g., "Sacramento County."
- City names must be listed as "City of" followed by the city's name, e.g., "City of Sacramento."
- Every application must have a Lead Participant even if it is an individual application with no participating jurisdictions.

For a list of eligible applicants, please see the Grant Cycle Overview section entitled "Eligible Applicants."

Detail

This tab contains several required elements of the application.

- Enter a dollar amount in the Grant Funds Requested field. Do not exceed the maximum grant award amount of $750,000 or the amount shown for the Current Cycle can be found at www.calrecycle.ca.gov/LEA/GrantsLoans/SolidWaste/LocalGrants/default.htm#Cycle. Please round all amounts to the nearest whole dollar.
- Enter the amount of matching funds.
- Enter the Assembly Districts and Senate Districts. To select more than one district hold the "Ctrl" key while selecting the numbers.
- Applicant's Department Name: Enter the department name only (e.g. Department of Solid Waste). Do not enter the Applicant/Particpant name (e.g. County of Sacramento).

- Grant Payment Address: Enter the address where you want the check mailed.
- Project Summary/Statement of Use: Provide a brief description of the project in 3-5 sentences.
- Select the appropriate option for the Resolution or Letter of Commitment Requirement and optional Letter of Designation.
- Select the appropriate option for the Environmentally Preferable Purchasing and Practices Policy.

Contacts

The application must include only one Primary Contact and at least one Signature Authority. Each contact entered into the application may be granted access by checking the box on the bottom of the contact's detail screen. The contact will be able to log into GMSWeb using his/her own CalRecycle WebPass and access the application.

Primary Contact	One person who has been authorized by the Signature Authority/Designee to manage and oversee the grant. This person will be the first contact with whom the Grant Manager will communicate.
Secondary Contact	A person authorized (by the Primary Contact or Signature Authority/Designee) as the alternate person with whom the Grant Manager will communicate. (Not required)
Signature Authority	The person(s) authorized to sign CalRecycle documents, such as grant applications, grant agreements, etc., as authorized by a board/council-adopted Resolution, Letter of Designation, or Letter of Commitment (if applicable). *Please see Applicant's Documents section for more information about documentation for Signature Authorities.*
Consultant	A professional who provides advice in a particular area of expertise. If the Applicant is awarded a grant, the consultants may manage the grant or only conduct specific activities, based on a written agreement between the Applicant and the consultant outlining work to be performed. (Not required)

Budget

Enter a dollar amount in each budget category, as applicable. Budget amount total must equal the Grant Funds Requested amount.

See Grant Cycle Overview section entitled "Eligible Costs" for further information.

Site(s)

Add an entry for each grant project/site.

Documents

Application documents must be uploaded to the Documents tab to complete the application. When uploading a document, enter a title, select the appropriate document type from the drop down list, and **enter the date that it was executed/signed**, if applicable, or select "today's date." If the document file is too large to upload electronically, the document can be mailed to CalRecycle by the application due date.

Application Certification

After all the application documents are uploaded, print the Application Certification from the Application Submission section in the Summary tab. The Applicant must obtain a signature from the authorized Signature Authority, scan the document, upload it, and retain the original hard copy document. After the Application Certification document is uploaded, see Application Submittal and Deadline below.

See the section entitled "Application Documents" for more information about document requirements.

APPLICATION SUBMITTAL and DEADLINE

The Submit Application button will be enabled after all required documents have been uploaded. Click the **Submit Application** button and then the application status will change to Submitted. This step can only be done once.

Applications must be submitted in GMSWeb no later than the Application due date identified in the Timeline for the specific cycle. Customer service will only be available until 5:00 p.m. on the application due date.

APPLICATION DOCUMENTS

Each Applicant must upload certain documents in addition to filling out the application. The application is not complete until all required documents have been uploaded to the Documents tab of the application.

CALRECYCLE DOCUMENTS

You can locate the CalRecycle documents on the **Summary** tab, in the Application Documents section. To access the document, you must click on the link, open it up, fill it out, save it to your computer, and then upload it to the Documents tab. Below is a list and examples of some of those documents.

Scoring Criteria Narrative -- Need, Goals, Objectives, and Evaluation (50 Points)

For a point breakdown, refer to the scoring sheet. Each section of the form must have a response. If there is no response for an item the application may be considered non-responsive and the application may be disqualified by GMSWeb. If the response to an item is "Not Applicable" or "None," so state in the space or Section provided for that item. Failure to submit any required information may cause the application to be deemed incomplete and be disqualified by GMSWeb.

<u>Substantiation of Threat to Public Health and Safety and/or the Environment</u>
Substantiate the threat to public health and safety and/or the environment by describing the site conditions that constitute an actual or potential threat to public health and safety and/or the environment, as determined by comparison with state minimum standards (27 CCR §§ 20510-21430, and Health and Safety Code § 25356).

<u>Substantiation of Need for Grant Funds</u>
Substantiate the need for grant funds by providing documentation that the proposed project site(s) meet(s) grant eligibility requirements, and demonstrate to the satisfaction of CalRecycle that grant funds are needed to assure timely remediation of the site.

If the site is owned by the Applicant or the applicant is a responsible party, submit Applicant's annual financial operating statements for the last three years and interim (within 90 days) independent audits, and other evidence of financial condition, all certified by the original signature of the person authorized in the Resolution to execute the Application and other grant documents.

If the Applicant is not a site owner/responsible party, provide evidence that the owner/responsible party is unwilling or unable to pay for the cost of remediation, or cannot be identified or located. Substantiate inability to pay by attaching a financial statement or audit of the owner/responsible party. Substantiate unwillingness to pay by documenting refusal of the owner/responsible party to comply with lawful enforcement orders. Substantiate that the owner/responsible party cannot be identified or located by attaching records searches and other actions taken leading to that conclusion. This information is required for each site proposed for cleanup. List the availability of other appropriate federal or state enforcement and/or cleanup programs to remediate the site.

The Applicant must agree to pursue cost recovery for funds expended on private properties to the extent possible, unless waived by CalRecycle. The Applicant must repay CalRecycle any funds collected through cost recovery, sale of liened properties, special tax assessments, or other methods of collection, less any reasonable administrative costs incurred by the Applicant in obtaining repayment. Applicants cleaning up public property for the public benefit where no responsible party can be identified may request a waiver of cost recovery. Applicants not requesting a waiver must address cost recovery, either through their own mechanisms on behalf of CalRecycle, or by assisting CalRecycle in pursuing cost recovery through its own Statutorily authorized mechanisms. Information presented in this section is subject to the review, verification, and approval of CalRecycle's Legal Office.

Goals and Objectives
Describe what you wish to accomplish by completing this grant project by listing measurable targets, and/or objectives that must be met on the way to attaining your goal. Examples include, but are not limited to: improvements to public health and safety and/or the environment; recycling and/or reuse of recovered materials; restoration of land to beneficial uses; and implementation of methods to prevent or minimize reoccurrence of problems corrected by this project.

Evaluation
Include, at a minimum, proposed personnel responsible for day-to-day management of cleanup activities and their qualifications, responsibilities, and methods and standards for inspecting, testing, and evaluating the work.

Application Completeness, Letters of Support, Experience, Etc.
Applicants are encouraged to include letters, endorsements, and reports from local constituents and regulatory/advisory agencies in support of the project. Factors used in evaluating this section are:

- Grant proposal is clearly presented and completed as required in the application instructions;
- The proposal describes past grants received from CalRecycle or from its predecessor, the California Integrated Waste Management Board (CIWMB); and
- Includes letters, endorsements, and reports from local constituents and regulatory/advisory agencies in support of the project.

California Conservation Corps (CCC) or Local Conservation Corps (LCC)
This criterion is intended to promote the use of the CCC or the LCC as a (sub) contractor in approved grant projects, where appropriate. To receive full points, Applicant must submit the following documents with its Application: 1) documentation that the CCC or the LCC can and is available to participate in the grant project; and 2) documentation that Applicant's signature authority or his/her designee has verified that there are no contracting requirements and/or regulations that would preclude the use of the CCC or the LCC.

Environmentally Preferable Purchasing and Practices Policy (EPPP) Notification

Any Applicant who does not have an EPPP Policy in place when it submits its application must adopt one and upload the EPPP Notification. CalRecycle must receive the Notification by the secondary due date or the application will be disqualified. **Do not upload a copy of the policy.**

EPPP Notification For applicants who adopt an EPPP Policy after the application is submitted. Upload the signed EPPP Notification to GMSWeb by the secondary due date or the application will be disqualified.	
Must check box	
☐	Yes, our entire organization has an EPPP Policy.
	Date Adopted: _____ By: (e.g., governing body name, executive officer, etc.) _____
Certification: I declare, under penalty of perjury, under the laws of the State of California, that the above information is true and correct to the best of my knowledge.	
X	
Signature Authority *- as authorized in Resolution or Letter of Commitmen or* ***Authorized Designee*** *- as authorized in submitted Letter of Designation*	***Date***
Print Name	***Print Title***

Site Characterization

For each site proposed for cleanup under the application, complete the Site Characterization document. Provide CalRecycle Solid Waste Information System (SWIS) number (if applicable), location, parcel numbers, and acreage. Describe the method of disposal, types and estimated quantity of waste to be disposed, period of operation and owners/operators. Topography, proximity to populated areas, environmentally sensitive areas, and other important information should also be included. Attach a copy of the grant deed with legal description of the property on which the site is located. Attach site investigation reports and regulatory inspections, investigations, and enforcement orders. All relevant information is required for each site proposed for cleanup and for which grant funds are requested.

The information in the Site Characterization document and the accompanying information should:

- Summarize actions taken to characterize/cleanup site prior to submittal of application (e.g., site investigation reports, regulatory inspections, investigations, enforcement orders, etc.).
- Provide evidence that sites pose a significant risk to public health and safety and/or the environment.
- Provide sufficient detail to substantiate that remedial actions proposed for funding are eligible work as defined in the Program regulations.
- Provide documentation that responsible parties cannot be identified or located, are unable to pay for timely and proper remediation, or are unwilling to pay for timely and proper remediation.

APPLICANT'S DOCUMENTS

The following provides information and examples of documents that you, as the Applicant, must provide. It is the Applicant's responsibility to ensure that the documents necessary to complete its application are uploaded to the Documents tab of GMSWeb, or for documents too large to submit electronically, mailed or delivered to CalRecycle by the applicable deadline.

Additional Scoring Documents

You may upload or mail additional scoring documents needed for your application. These types of documents may include reports, investigations, drawings, specifications, and other material too voluminous to upload. Identify all pages using a systematic and consistent numbering system. Mailed documents should be on 8-1/2" by 11" 100% recycled content paper, double sided. Furnish any engineering drawings preferably on 11" by 17" paper, but not on paper larger than 24" by 36".

Work Plan (15 Points)

Create a specific list of all procedures or tasks necessary to complete the project. Include major work items, field supervision, health and safety requirements, testing bonds, permits, etc. Each task must be itemized separately and listed as specifically eligible or ineligible for grant funds.

For small and simple projects, such as the remediation of illegal dumping sites, the attached simplified work plan can be used to list all the proposed work.

For more complicated and engineering types of projects, the proposed Work Plan must be prepared under the supervision of a registered civil engineer or other persons appropriately experienced and qualified, and it should contain the major elements of the proposed remediation. Include in the Work Plan each site proposed for cleanup. Examples of Work Plan elements include, but are not limited to:

1. Site description and history. Discuss prior site/land uses, ownership, and previous site investigations and characterizations.
2. Proposed project goals and objectives, and proposed remediation. Also indicate if a Remediation Action Plan to evaluate remedial alternatives was prepared and approved for the site.
3. Include a discussion of all the required regulatory agency approvals and permits and the status of these approvals and permits.

4. Site Access. Indicate the owner/responsible party has granted access to the site for remediation. Upload a copy of the consent form, signed by the owner/responsible party, granting access to the site for the purpose of remediation. If the owner/responsible party has not granted site access at time of application for grant funds, outline measures to be taken by the Applicant to obtain site access.
5. Mobilization/logistical preparation.
6. Health and safety requirements.
7. Quantity estimates by site (e.g. tires, solid waste for disposal, metals for recycling, fencing, revegetation, earthwork, etc.).
8. Excavation, sorting, loading and halting of solid waste to disposal or recycling facilities.
9. Sampling and testing to verify clean closure.
10. Construction management/inspection.
11. Work to be performed by participating organizations (e.g., County Vehicle Abatement Program, County Hazardous Materials Teams, etc.).
12. A project schedule from award of grant funds to project completion prior to the expiration of the Grant Performance Period. The schedule should include major elements of the Work Plan, including obtaining necessary contracts, final inspection, and preparation of final project documents.
13. Documentation that he project complies with the California Environmental Quality Act (CEQA). This requires a properly executed Notice of Exemption, Negative Declaration, or Environmental Impact Report.

Budget (10 Points)

Include total anticipated project costs broken down by each task outlined in the Work Plan and identify eligible and ineligible project costs. Include a list of funding sources required to complete the project. Show the value of the Applicant's initiatives to achieve project cost savings through volunteer labor/equipment, in-kind services, reduced or waived tipping fees, and other savings. Be sure to identify separately the costs for which grant funds are requested and any participating costs by the Applicant and/or others.

For each itemized task, show the estimated cost for labor, equipment, materials, contracts, consultants, and other costs (e.g., donated resources), Itemize work that is not eligible for grant funds. Include the cost of all activities directly related to implementing and completing the project, using the following guidelines.

Indirect costs of local government/state/federal entities and agencies (e.g., administrators, clerical, attorneys, local enforcement agency representatives, etc.) are generally ineligible costs and should not be included in the cost estimate unless supporting justification is attached to the application. In no case shall indirect costs exceed ten (10) percent of the total grant amount.

If an Applicant proposes to utilize its own resources for the site cleanup activities and to be reimbursed with grant funds, allowable costs shall be determined in accordance with procedures in *State Department of Transportation Standard Specifications* Section 9-1.03, Force Account Payment, except that overhead and profit markups to direct cost of labor, materials, equipment or subcontractors will not be allowed; or the Applicant shall submit its proposed costs along with any justification for review and approval and personnel rate breakdown (i.e. actual salaries, benefits, overheads, etc.) must be provided.

The evaluation of this section will be based on the following:

- The documentation that the project is cost effective and maximizes the use of available funds through cost savings, such as use of volunteer labor, in-kind services, and recycling options;
- Detail that expenses are reasonable with all work plan tasks itemized in the budget; and
- The Applicant's ability to adequately remediate the site with available funds including in-kind service match.

Resolution Information

-for Applicants subject to a governing body, e.g., City Council, Board of Directors

A copy of the authorizing Resolution is a required application document. However, if the Applicant needs additional time to obtain the Resolution, it must be uploaded no later than the secondary due date of identified in the Timeline for the specific cycle or the application will be deemed incomplete and will be disqualified.

Applicants that are subject to a governing body must submit a Resolution that specifically authorizes certain grant-related matters. The following identifies the required Resolution provisions.

- The Resolution must authorize submittal of an application for one or more specifically named CalRecycle grant(s) or for all CalRecycle grants for which the Applicant is eligible.
- The Resolution must identify the period of time, up to five years, during which the authorizations are valid. Five years is encouraged; however, periods of less than 5 years are acceptable. If a Resolution submitted to CalRecycle does not specifically identify a period of time, it will be considered valid for one year from the date of adoption.
- The Resolution must identify the job title of the person authorized to sign all grant-related documents necessary to implement and close-out the grant(s) (Signature Authority).

(Optional but encouraged) The Resolution should authorize the Signature Authority to delegate his/her signature authority to another person identified by job title. The Signature Authority must sign a Letter of Designation prior to the Designee's exercise of his/her authority.

Resolution Example

The following Resolution is for example purposes only. Please consult with your attorney to determine the Resolution language most appropriate for the application.

RESOLUTION OF THE **(Name Of The Governing Body)**
APPROVING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS
FOR WHICH **(Name Of Applicant)** IS ELIGIBLE

The following "Whereas" provisions are applicable to all CalRecycle grants; however, they are not required.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various Grant Programs (grants) in furtherance of the state of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant's governing body to declare by Resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the (**Title of Governing Body**) authorizes the submittal of application(s) to CalRecycle for (choose one of the following options) 1) (names(s) of specific grants)) or 2) all grants for which (**Name of Applicant**) is eligible for the cleanup of solid waste using funds from the Solid Waste Cleanup Program. [Note: this provision is either/or; do not include both options]; and

BE IT FURTHER RESOLVED that (**Title of Governing Body**) will have matching funds for the requested project, plus funds to pay for all ineligible work and eligible work in excess of the grant awarded, and will have sufficient funds to operate and maintaining the project; and

BE IT FURTHER RESOLVED that the (**Job Title**), or his/her designee is hereby authorized and empowered to execute in the name of the (**Name of Applicant**) all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for (*choose one of the following options*) 1) five (5) years from the date of adoption of this Resolution **or** 2) for a period less than five years (**insert Time Period: from Month, Day, Year through Month, Day, and Year**). [Note: this provision is either/or; do not include both options.].

Letter of Commitment Information
-for Applicants not subject to a governing body

Applicants, who are not subject to a governing body, must upload a letter on the Applicant's letterhead, dated, and signed by a person with authority to contractually bind the Applicant. If the Applicant needs additional time to obtain the letter, it must be uploaded no later than the secondary due date identified in the Timeline for the specific cycle, or the application will be deemed incomplete and will be disqualified. The document with the original signature must be maintained in Applicant/Grantee grant file. This letter must:

- authorize submittal of the (name of this Grant Program) application on behalf of applicant; and
- designate the job title of the person authorized to execute all grant documents necessary to secure grant funds and implement the approved grant project (Signature Authority); and
- authorize the Signature Authority to delegate this authority (not required but encouraged).

Letter of Commitment Example

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the application.

Date

I am **(Job Title)** of **(Name of Applicant)**. I am authorized to contractually bind **(Name of Applicant)**. Pursuant to this authority, I hereby 1) authorize the submittal of an application for the **Legacy Disposal Site Abatement Partial Grant Program**; 2) authorize **(Job Title)** as our Signature Authority to execute all grant documents necessary to secure grant funds and implement the approved grant project; documents include, but are not limited to, applications, agreements, amendments and requests for payment; and, 3) authorize our Signature Authority to delegate this authority. The following information more specifically identifies our Signature Authority:

Name & Job Title
Mailing Address
City, State, Zip Code
Telephone Number

Letter of Designation Information

- A Letter of Designation (LOD) is required when the authorized Signature Authority delegates his/her authority to another person. The approved Resolution must indicate the Signature Authority's ability to delegate or designate his/her authority. The letter must be submitted prior to the Designee's exercise of his/her authority. If the Designee signs any document in the application, the letter must be submitted with the application.

The letter must:

- be on the Applicant's letterhead
- be dated after the effective date of the approved Resolution
- identify the job title of the Designee
- identify the scope of the Designee's authority
- identify the period during which the Designee may exercise the authority. The Designee's authority may not extend beyond the effective date of the approved Resolution (for example, if the Resolution is effective until December 31, 2013, then the LOD may be effective only until December 31, 2013)
- be signed by the Signature Authority.

Letter of Designation Example

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the application.

Date

Pursuant to the Resolution authorizing an application for the **Legacy Disposal Site Abatement Partial Grant Program.** I am the designated Signature Authority for **(Name of Applicant/Grantee)**. I am authorized by the Resolution to execute on behalf of **(Name of Applicant/Grantee)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved Grant Project for this grant**.** The Resolution also authorizes me to delegate this authority. Accordingly, I hereby delegate this authority to the **(Job Title of Designee).** This delegation is effective as long as the Resolution is in effect.

The current **(Job Title)** is identified below:

Name & Job Title
Mailing Address
City, State, Zip Code
Telephone Number

GRANT REVIEW AND AWARD PROCESS

GRANT APPLICATION REVIEW PROCESS

After the close of the application period, CalRecycle Staff will review the applications for completeness and eligibility. Only complete applications can be considered for award. Grant Applications will be evaluated and scored by a CalRecycle review panel based on the approved *Scoring Criteria for Solid Waste Disposal and Codisposal Site Cleanup Grant Program, FY 2013/14*. This document can be located on the Summary tab, in the Resources Document section.

All eligible proposals will be ranked according to the total number of points received. An application may receive a maximum of 100 possible points, with a 70-point minimum score required to be considered eligible for funding under the Program. Concise applications with strong detail and justification will be given maximum points. Applications that are concise and include strong detail and justification have a better chance of receiving maximum points compared to applications lacking detail and justification. Applications receiving a passing score in each cycle will be recommended for funding. Grant recommendations will be in rank order according to Applicant's score (highest passing score to lowest passing score) until funds are exhausted. When eligible grant requests among Applicants with tie scores exceed funding availability, the tie shall be brought forward to the Director at the time the awards are considered. The Director shall make the determination on tie scores, as to which Applicant, if any, shall receive an award or portion of an award, in a manner that is both fair and equitable.

GRANT AWARD PROCESS

For qualifying applications, CalRecycle Staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or her designee. See the Timeline for Grants Awarded for the tentative date of a specific cycle. CalRecycle reserves the right to partially fund or fund individual phases of selected proposals, and CalRecycle may fund an amount less than requested. CalRecycle reserves the right to not award any grant funds under one or more cycles.

GRANT AWARDS CONDITIONS

When awarded, this Grant will be subject to two conditions: 1) the recommended Grantee's Signature Authority (or where delegation is authorized), his/her Designee must sign and return the Grant Agreement to CalRecycle within 60 days from the date of mailing by CalRecycle; and 2) the recommended Grantee must a) pay all outstanding debts due CalRecycle, or b) bring current outstanding payments owed to CalRecycle within 60 days from the date CalRecycle conditionally awarded the Grant.

Failure to comply with either requirement will nullify the grant award (i.e., the Applicant will not receive a grant).

COST RECOVERY REQUIREMENTS

Public Resources Code Section 48023 directs CalRecycle to seek reimbursement for monies expended under the Program to the extent possible. Expended funds may be recoverable by CalRecycle from the property owners and other responsible parties in a civil action brought by CalRecycle [Public Resources Code Section 48023(c)] and/or by imposing a lien upon the real property owned by the property owners that is subject to the remedial action [Public Resources Code Section 48023.5(a)]. Under the Program cost recovery policy, CalRecycle may decide not to pursue cost recovery based on factors including, but not limited to:

- Publicly owned sites maintained for public benefit and use;
- The owner did not cause the disposal of waste;
- The owner will not gain a benefit due to condition of property;
- The value of property significantly less than cost of cleanup;
- Hardship to the property owner; or
- No responsible party.

Applicants are advised that cost recovery must be addressed in the application as part of the Goals and Objectives narrative section discussion.

Applicants cleaning up public property for the public benefit where no responsible party can be identified may request a waiver of cost recovery. Examples of types of projects where the CIWMB elected to waive cost recovery include cleanup of sites on public rights-of-way, public parks, public lands, and other sites owned by public entities for the benefit of and use by the public.

Applicants not requesting a waiver must address cost recovery, either through their own mechanisms on behalf of CalRecycle, or by assisting CalRecycle in pursuing cost recovery through its own Statutorily authorized mechanisms. See the cost recovery instructions in the Goals and Objectives Section of the application for additional information.

CONDITION SUBSEQUENT

After the Grant Agreement has been executed by both parties, the Grant will be subject to the following condition subsequent: The Grantee may not file for protection under Chapter 9 of the U.S. Bankruptcy Code or declare a fiscal emergency any time within the Grant Term.

If you believe that either of these events is likely to occur in your jurisdiction during the Grant Term, please consult your attorney.

GRANT PROGRAM ADMINISTRATION

GRANT AGREEMENT

Following CalRecycle's conditional approval of the Grant awards, Grantees will be emailed the following:

- Award letter
- Grant Agreement Cover Sheet (CalRecycle 110).
- Exhibit A – Terms and Conditions: contain CalRecycle standard legal requirements for Grants.
- Exhibit B – Procedures and Requirements: contain specific requirements for administering this Grant, including but not limited to project, reporting, and audit requirements.
- Exhibit C – Grantee's Approved Application with revisions, if any, and any amendments*

* The Work Plan and Budget are submitted with and are a part of the Grantee's Approved Grant Application, and are incorporated into the Grant Agreement by reference.

REPORTING PROCESS

The Grant Manager may request a Progress Report at any time during the grant term. The Final Report is due on **June 30, 2016**. Detailed reporting information is included in the Procedures & Requirements – Exhibit B of the Grant Agreement.

PAYMENT REQUEST PROCESS

Eligible costs are authorized for reimbursement upon the Grant Manager's approval of the Payment Request, and the accompanying Progress/Final Report. Payment Requests must include itemized documentation of claimed expenses (e.g., itemized receipts and proof of payment of invoices). Ten percent (10%) of each approved Payment Request amount will be retained by CalRecycle until the Grant Manager approves the Final Report, the Final Payment Request and all required supporting documentation. Failure to submit these final documents by the deadline specified in the Procedures & Requirements or failure to receive the Grant Manager's approval of these documents may result in the nonpayment of otherwise eligible costs. Detailed payment information is included in the Procedures & Requirements – Exhibit B of the Grant Agreement.

All payments are reimbursed in arrears and based on verified actual costs as well as compliance with the grant agreement. Only expenses identified in the budget will be reimbursed. Eligible costs are authorized for reimbursement upon the Grant Manager's approval of the Payment Request, and the accompanying Progress/Final Report. Payment Requests must include itemized documentation of claimed expenses (e.g., itemized receipts and proof of payment of invoices).

Advance payments will not be authorized. Expenses incurred prior to the Notice To Proceed of the Grant Agreement and after the end of the Grant performance Period (except for report preparation costs incurred during the Report Preparation Period) are not reimbursable. Ten percent (10%) of each approved Payment Request amount will be retained by CalRecycle until the Grant Manager approves the Final Report, the Final Payment Request and all required supporting documentation. Failure to submit these final documents by the deadline specified in the Procedures & Requirements or failure to receive the Grant Manager's approval of these documents by the date identified in the Timeline for the specific cycle may result in the nonpayment of otherwise eligible costs. Detailed payment information is included in Exhibit B – Procedures & Requirements of the Grant Agreement.

Grantees will be allowed to submit Grant Payment Requests monthly to the Grant Manager for reimbursement via GMSWeb. Grant Payment Requests must be sequentially numbered and uploaded to GMSWeb with all supporting documents (e.g., receipts, cancelled checks, payroll stubs, etc.). All submitted documents must include annotations that specifically link the expenditure to the approved Work Plan.