

REQUEST FOR APPROVAL

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

From: **Shirley Willd-Wagner**
Division Chief, Financial Assistance Division

Request Date: January 19, 2011

Decision Subject: Approval of Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, FR41 Cycle (Farm and Ranch Cleanup Account, FY 2010/11)

Action By: January 31, 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. Three award cycles are being offered in fiscal year (FY) 2010/11 for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Grant Program). This request is for approval of four grant awards for the second cycle of FY 2010/11, FR41 cycle.

Five grant applications were received this cycle, but only four are recommended for funding. One grant application was disqualified as during the scoring and evaluation process, it was determined that the waste material on the site was not illegally disposed. Therefore, the application cannot be considered for funding.

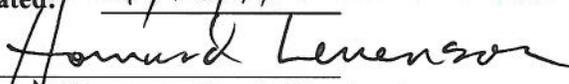
Recommendation: Staff recommends approval of the FY 2010/11 second cycle awards for the total amount of \$96,154 for the Farm and Ranch Grant Program as identified in Attachment 1.

Assistant 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 awards for the Farm and Ranch Grant Program for the second cycle of FY 2010/11.

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: 1/19/11

Howard Levenson, Deputy Director
Materials Management and Local Assistance Program

Attachment 1: Farm and Ranch Grant Award Recipients FY 2010/11 second cycle awards

Statutory Authority

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 owned by innocent parties. The grants are awarded to eligible entities on behalf of the property owner.

Program Background

PRC Section 48100 et seq. 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.

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 applicant. 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.

Pursuant to the provisions in PRC Section 48103(e) and 14 CCR 17992.2(a), an eligible applicant may file an application for reimbursement on behalf of an innocent owner who incurred eligible costs for solid waste cleanup and/or abatement. One of the proposed grants for this cycle is for reimbursement. All eligible applications are scored using the CalRecycle-approved scoring criteria and evaluation process. Applications that receive a passing score are recommended for award.

Pursuant to application requirements, 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.

Pursuant to the terms of the conditional award, the grant recipient and CalRecycle enter into a written grant agreement that defines the grant terms and conditions. Following completion of the project, the grantee must submit for approval and as a condition for payment, a final report detailing how the costs were incurred.

The Farm and Ranch grant term for the FY 2010/11 grant cycle is from January 1, 2011 through April 15, 2013. Subject to the conditions listed above, grant awards will be made to the Farm and Ranch grant applicants listed on Attachment 1.