

REQUEST FOR APPROVAL

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

From: **Shirley Willd-Wagner**
Branch Chief, Financial Resources Management Branch

Request Date: February 28, 2013

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2012/13)

Action By: March 12, 2013

Summary of Request:

Staff requests approval of grant awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program), Fiscal Year (FY) 2012/13 (second cycle). CalRecycle received three eligible applications requesting a total of \$118,895 for this competitive grant program.

Recommendation:

Staff recommends approval of three grant awards, as listed in Table 1 below, for \$115,009.

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

Applicant	Award
Alameda County Resource Conservation District	\$46,114
Butte County	\$54,895
Fall River Resource Conservation District	\$14,000
Total	\$115,009

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 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 2012/13)	\$702,906	\$115,009	\$587,897	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 for the second cycle of FY 2012/13. Each proposed grantee's award is conditional 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;
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; and

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 Performance Period.

Dated: 2/28/13

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 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 or dumping 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.

Criteria and Process

The Scoring Criteria was discussed at the April 17, 2012, CalRecycle Public Meeting and subsequently approved by the Deputy Director. 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. Grantees may not expend more than seven percent of the grant for administrative costs.

Applications were due January 1, 2013, with a “secondary” due date of February 1, 2013, for the Resolution, Property Access Authorization, and Non Responsibility Affidavit. Applications for illegal disposal sites previously remediated by the property owner are eligible. 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 have higher priority.

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.

Alameda County Resource Conservation District
Grant Funds Recommended for Approval: \$46,114

Number of Sites: 1

In 2005, a family purchased a large parcel of land on the Altamont Pass in Alameda County sight unseen. Unbeknownst to them, the property was covered in illegally disposed waste and over 300 vehicles. While it was purchased as a bank liquidation, the landowners have spent over \$150,000 of their own money to clean up the vehicles and waste. Unfortunately the dumping has continued since they took possession of the property so they are now requesting assistance with the illegally disposed waste, a new fence and solar lighting for security to prevent additional waste from being deposited onto their property. The land is zoned for agriculture and includes organic orchards of pomegranates, peaches, mulberries and nectarines on the 95 acre parcel.

Butte County
Grant Funds Recommended for Approval: \$54,895

Number of Sites: 2

The two privately owned sites are strewn with over 1,800 tires, 4 appliances and 25 cubic yards of household trash. Removal of the waste will eliminate the temptation for others to add to the piles, and eliminate the threat to public health, safety and the environment. One site is zoned for timber production and is active forestland. The illegally disposed solid waste on this property is leftover from several marijuana grows and an illicit target range. Gates were erected, signs were posted and surveillance has been increased to prevent future dumping. The second site is zoned for agricultural use, but is currently fallow. It is likely that the huge pile of tires dumped on the property was from a tire hauler, but there is no evidence to prosecute. The property owner has already removed several hundred tires, but would like some financial assistance to remove the rest. A cable has been installed at the property entrance to prevent future dumping and new construction in the area has helped deter additional dumping.

Fall River Resource Conservation District
Grant Funds Recommended for Approval: \$14,000

Number of Sites: 20

The Fruit Growers Supply Company has twenty parcels in Shasta County that are littered with trash. The property is utilized for timber production and is periodically harvested. Over 300 cubic yards of trash and 150 tires are scattered throughout the properties. The waste is a threat to the health and safety of the public and the environment. The Intermountain Conservation Camp will be utilized to clean up the waste at a very reasonable price. Fruit Growers Supply has conducted periodic cleanups of the properties in 1995, 2000, and 2006. They installed berms and placed boulders to help deter dumping. After the cleanup is complete, “No Dumping” signs will be posted and a public education campaign will be conducted at area schools and at the local fair to educate people about the negative effects of illegal dumping.

