

**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:** January 4, 2015

**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:** January 20, 2015

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**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 (second 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 \$80,409.

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

Applicant	Total Award
Federated Indians of Graton Rancheria	\$17,403
Kings County	\$28,964
Resource Conservation District of Santa Cruz County	\$34,042
<b>Total</b>	<b>\$80,409</b>

**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)	\$873,509	\$80,409	\$793,100	Grants

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**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: 12/30/14

Howard Levenson

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Deputy Director

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**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.

Applications were due October 28, 2014. Three applications were received for the second cycle; one with a site yet to be remediated and two that are a request for reimbursement for sites previously cleaned by the property owner. The three projects being recommended for funding include:

**Federated Indians of Graton Rancheria - Reimbursement**

Number of Sites: 2

Grant Funds Recommended for Approval: \$17,403

The Tribe is requesting reimbursement grant funds for the cleanup, completed in October 2014, of a large homeless encampment. The property is owned by the Tribe and is zoned for agriculture, but is currently fallow. Over three tons of household waste was removed from the site, including propane tanks and syringes. The waste was a threat to Laguna de Santa Rosa, a waterway located less than 50 feet away, as well as the homeless that inhabited the area. Rats were also present at the site. Trees and shrubbery were trimmed to increase visibility on the property and weekly surveillance is ongoing to prevent illegal entry and future solid waste disposal. A fence and gate will be installed, using grant funds, to further limit access to trespassers. The land will remain as fallow farmland after cleanup.

**Kings County - Reimbursement**

Number of Sites: 2

Grant Funds Recommended for Approval: \$28,964

A 160-acre parcel was an illegal disposal site for many years. A new owner purchased the property and utilized a county voucher program to cover the cost of disposing of the household waste and tires. Unfortunately the transfer station allowed the property owner to use more than his fair share of the voucher funds. The waste consisted of 20 tons of green municipal solid waste, 85 tons of green waste, 16 tons of treated wood waste, 10 tons of construction and demolition waste and more than 4,300 tires. The county has paid the transfer station for the disposal. They are seeking to be reimbursed by CalRecycle for the cleanup of the illegally disposed waste so that the reimbursed funds can be placed back into their illegal disposal voucher fund. This will provide them with opportunities to assist other worthy homeowners. The property clean-up was completed in June 2014 and the new owner has put in a well and planted a crop of wheat grass.

**Resource Conservation District of Santa Cruz County**

Number of Sites: 1

Grant Funds Recommended for Approval: \$34,042

A privately owned parcel, zoned for residential agriculture in Watsonville, has an old car and some miscellaneous solid waste that was illegally disposed on the land many years ago. The homeowner discovered the car and the waste when he was clearing his land of overgrown brush. The waste is located in a drainage channel and is a concern for water quality (as the waste decomposes) as well as degradation of the wildlife habitat. The property has been fenced and cross-fenced for many years therefore future dumping is not a concern. The owner plans to plant wine grapes on the land after the cleanup takes place.

