

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 10, 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: April 1, 2015

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) 2014–15 (third cycle). CalRecycle received two applications for this competitive grant program, both of which are being recommended for funding.

Recommendation:

Staff recommends approval of two grant awards, as listed in Table 1 below, for \$40,476.

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

Applicant	Total Award
Coarsegold Resource Conservation District*	\$37,800
Tuolumne County	\$2,676
Total	\$40,476

*Indicates Pilot Application

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)	\$793,100	\$40,476	\$752,624	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 third cycle of FY 2014–15. 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: 3/17/15


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 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 Criteria, Evaluation Process and Implementation of the Proposed Pilot Project (criteria) were discussed at the November 19, 2013, CalRecycle Public Meeting and subsequently approved by the Deputy Director. The criteria were changed 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 February 3, 2015. Two applications were received; one for a standard grant and one for the Pilot. The two projects being recommended for funding include:

Coarsegold Resource Conservation District (Pilot Application)

Number of Sites: 5

Grant Funds Recommended for Approval: \$37,800

The Resource Conservation District plans to remove waste from five sites in Madera County, all owned by the United States Forest Service. The waste was illegally dumped onto the parcels by unknown persons. The waste is a hazard to public health and safety and the environment and may attract further dumping if not remediated. Because this is a pilot application, many of the site details have not yet been ascertained, but all required application information will be gathered and approved by the CalRecycle grant manager prior to any grant funds being expended on cleanup.

Tuolumne County

Number of Sites: 1

Grant Funds Recommended for Approval: \$2,676

With grant funds the county intends to clean up approximately 33 cubic yards of illegally disposed household waste and construction debris from a privately owned 38 acre parcel that is zoned for agriculture. While the parcel is currently fallow, it has been used on and off over the years for rangeland for cattle. The waste is unsightly, a hazard to wildlife and cattle when they are grazing there and has the potential to contaminate a surface water body within one mile of the waste. A cable gate will be installed after cleanup to help prevent future dumping.

