

REQUEST FOR APPROVAL

To: Mark De Bie
Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Steve Santa Croce
Senior Waste Management Engineer
Engineering Support Branch

Reviewed By: Steve Levine, Legal Office

Request Date: July 7, 2015

Decision Subject: Award of a Solid Waste Disposal and Codisposal Site Cleanup Program Grant (Solid Waste Disposal Trust Fund, FY 2014–15)

Action By: July 13, 2015

Summary of Request:

Staff requests the approval of a grant award for Cycle 3 of the Legacy Disposal Site Abatement Partial Grant Program under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). Table 1 lists the applicant and recommended grant award amount. Detailed project information for the recommended grant is located in Attachment A.

Table 1. Legacy Disposal Site Abatement Partial Grants

Applicant	Total Award
City of Long Beach	\$500,000

Recommendation:

Staff recommends approval of a grant award.

Funding:

The Legacy Disposal Site Abatement Partial Grant Program typically allocates \$1,500,000 per fiscal year with a maximum award of \$750,000 for individual grants. Grant cycle funding is listed in Table 2.

Table 2.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Solid Waste Disposal Trust Fund (FY 2014–15)	\$639,456	\$500,000	\$139,456	Legacy Disposal Site Abatement Partial 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 award under the Solid Waste Disposal and Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FY 2014–15) as listed in Table 1. The 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 mails the Grant Agreement.

Dated: 7/7/15


Mark de Bie
Deputy Director

Background and Findings:

Statutory Authority

Public Resources Code (PRC) Section 48020 et seq. authorizes CalRecycle to expend funds from the Solid Waste Disposal Trust Fund directly for cleanup, to provide loans to responsible parties who demonstrate the ability to repay, to provide partial grants to public entities for legacy disposal site cleanups, and to provide full grants to public entities for the abatement of illegal disposal sites.

Program Background

The Program addresses the cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through contracts, grants, and loans. Under the Program, public entities can finance a wide range of projects through both Legacy Disposal Site Abatement Partial Grant and Illegal Disposal Site Abatement Grant Programs.

As these are grants, any applicant’s need for the funds is to be considered. Each grant application has a section for applicants to substantiate the need for the grant funds that is evaluated by staff as part of the General Scoring Criteria. The applicant has expressed that their current funding is inadequate to complete the project. In addition, there is also a section for the substantiation of the threat to public health and safety and/or the environment, which is also evaluated by staff as part of the General Scoring Criteria. Based on the evaluation of each grant application, the need for funding and threat being remediated are quantified and included in the grant’s overall score and subsequent prioritization.

Title 14, California Code of Regulations (14 CCR), Section 18904 specifically lists eligible and ineligible remedial actions under the Program and allows CalRecycle to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for this project is specifically eligible pursuant to the regulations.

Cost recovery is not applicable when the grants involve the cleanup of public land maintained for public benefit and use and the entity did not cause or gain a benefit from the disposal of the waste. A grant is appropriate and cost recovery is not applicable as to the public entity.

Criteria and Process

The Program's eligibility criteria and evaluation process were available for discussion at the CalRecycle meeting on June 17, 2014. The FY 2014–15 Notice of Funds Available was placed on the CalRecycle web site on July 2, 2014.

Cycle 3 grant applications were due February 4, 2015, with a secondary due date of March 4, 2015, for the submission of Resolutions. A total of seven applications were received for illegal disposal site abatement grants and one application was received for the legacy disposal site cleanup grant. Staff reviewed the applications in accordance with the approved evaluation and scoring criteria. Four illegal disposal site abatement grant applications were not recommended for funding due to a lack of available funds and one illegal disposal site abatement grant application was not eligible for funding. Two illegal disposal site abatement grant applications were approved in a separate Request for Approval on June 18, 2015. This Request for Approval recommends award of the remaining legacy disposal site cleanup grant listed in Table 1 and described in Attachment A.

Attachment A
City of Long Beach

Grant Program: Legacy Disposal Site Abatement Partial Grant

Total Estimated Project Cost: \$1,753,268

Total Eligible Project Cost: \$1,493,840

Requested Amount (Percent of Total Eligible Project Cost): \$500,000 (34 Percent)

Recommended Amount: \$500,000

Project Information: The Paramount Dump, also known as the East 55th Way Landfill (Facility No. 19-AK-0084), was owned and operated by the City of Long Beach (City) as a municipal solid waste landfill from 1945 until the facility closed in 1948. Subsequently, the landfill property was subdivided into five separate parcels with different land uses (e.g., commercial, industrial, and multi-family residential) and owners.

The Solid Waste Local Enforcement Agency (LEA) determined the site to be the highest priority for oversight by the LEA and requested investigation by the CalRecycle Closed, Illegal and Abandoned Site Program on another portion of the site not related to this grant request. A CalRecycle investigation was completed in November 2010, and substantiated the threat posed by the site to public health and safety with respect to landfill gas and waste underlying and adjacent to the property.

A recent site inspection by the LEA, documented numerous areas of concern at the portion of the site owned by the City, identified as 5550 Paramount Boulevard, regarding gas monitoring and control (27 CCR 20921); an incomplete perimeter monitoring network (27 CCR 20925); poor grading (27 CCR 20650); and litter control (27 CCR 20830). The inspection also recommended the installation of a comprehensive landfill gas monitoring network to determine if any off-site landfill gas migration is occurring.

The responsible parties of the five parcels have elected to address the areas of concern using a phased approach. The first phase, which is the subject of this grant and addresses the areas of concern on the City-owned parcel, will address areas of settlement and low lying areas noted on the City-owned portion of the site which need to be remediated to promote lateral rainfall runoff and eliminate water ponding during the winter by regarding the site and constructing a new cap consisting of a two-foot thick foundation layer, a geomembrane barrier layer, a geosynthetic drainage/liner protection layer and a soil vegetative cover. The goals and objectives of these proposed activities are to address the concerns noted and documented by the LEA (as each activity has a remedial nexus to solid waste issues) and to provide the remedial work needed to further the restoration of the property for the public benefit of a separate and future project to construct Phase 2 of Davenport Park. The above-mentioned tasks are eligible for grant funding under the regulations pertaining to the Program and are estimated to cost \$1,493,840, \$500,000 (34 percent) of which will be funded by the proposed grant.

To address landfill gas buildup under the geomembrane cap installation the City will install a gas collection system limited to its property along the northern portion of the site. The purpose of this system is not to address any outstanding landfill gas regulatory exceedances (which would call for a site-wide approach), but instead is a function of the installation of the geomembrane layer over this discrete area of the site, which calls for area-specific control of landfill gas to preserve the integrity of the geomembrane layer. The gas collection system will consist of a temporary or permanent (if required) low flow blower, a granular activated carbon treatment system, horizontal extraction trenches tied in with the foundation layer, and three gas collection wells that were installed on the northeast portion of the site in 2006. Three new landfill gas monitoring probes will be installed that may be integrated into a potentially forthcoming 27 CCR compliant landfill gas perimeter monitoring network. Since there is currently no site-wide landfill gas analysis, Program staff recommend the gas phase of the project be solely funded by the City at an estimated cost of \$259,428.

At the current time there does not appear to be any consensus as to how and when the other phase(s) of the site landfill gas perimeter monitoring and/or potential remediation will be implemented. However, Program staff concur with the proposed remediation on the City-owned property at this time because the project addresses the most notable concerns on that property and is consistent with future potential activities than may be required for compliance at the entire site. Staff has questioned the LEA regarding the conformity of the enforcement approach at the site with suggested guidance specified in the CalRecycle's October 2008 "Point Paper on Enforcing State Minimum Standards at Pre-Regulation Subdivided Landfills (Closed, Illegal and Abandoned Sites)". The LEA concurred with the suggested guidance and at the most recent inspection of the site generated a site-wide inspection report which included all the areas of concern currently existing on all properties that make up the site.

