

Request for Approval

To: **Matt Henigan**
Deputy Director, Materials Management and Local Assistance Division

From: **Michelle Martin**
Branch Chief, Financial Resources Management Branch

Request Date: **October 26, 2021**

Decision Subject: Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Cleanup and Abatement Account, Fiscal Years 2020–21 and 2021–22)

Action By: November 16, 2021

Summary of Request

Staff requests approval of seven grant awards for the first cycle of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for fiscal years (FY) 2020–21 and 2021–22. Staff received seven eligible applications totaling \$579,777 in eligible costs for this competitive grant program cycle.

Funding

The FY 2021–22 Budget Act allocates \$1,000,000 to the Farm and Ranch Solid Waste Cleanup and Abatement Account for the Program after subtracting for administrative costs. Funds are transferred from the Integrated Waste Management Fund, California Tire Recycling Management Fund, and California Used Oil Recycling Fund. The Program encompasses three cycles per fiscal year. In addition to the \$1,000,000, \$22,445 became available from FY 2020–21 due to unspent funds from FY 2020–21 grantees.

Table 1. Funding

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
Farm and Ranch Solid Waste Cleanup and Abatement Account (FY 2020–21)	\$22,445	\$22,445	\$0	State Operations/Grants
Farm and Ranch Solid Waste Cleanup and Abatement Account (FY 2021–22)	\$1,000,000	\$557,332	\$442,668	State Operations/Grants
Total	\$1,022,445	\$579,777	\$442,668	

Background and Findings

Statutory Authority

Public Resources Code (PRC) section 48100 et seq. 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 48103(e) and 14 CCR 17992.2(a) allow a farm and ranch property owner to receive reimbursement, through a public entity, for solid waste cleanup 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, county, resource conservation district, or tribe. 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 not an eligible applicant. Property owners must work with eligible applicants to clean up his/her property. Eligible applicants for the Program include cities, counties, resource conservation districts, and federally recognized Native American tribes.

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.

Each property owner, or an authorized agent for the property owner, must submit a signed Property Access Authorization and Non-Responsibility Affidavit (affidavit) before a site can be remediated. 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 applicant supporting the property owner's affidavit.

Applications for illegal disposal sites previously remediated by the property owner are eligible if the site can be adequately documented with photographs and disposal receipts.

Criteria and Process

The Eligibility and Evaluation Process was discussed at the June 15, 2021, CalRecycle public meeting and subsequently approved by the Deputy Director. The Notice of Funds Available was placed on the CalRecycle website on June 29, 2021. The eligibility and evaluation process covers FYs 2021–22 and 2022–23 and allows for continuation of the pilot project for the third cycle of those two fiscal years. The purpose of the pilot project is to encourage more applicants to apply when the Program is undersubscribed in the first two cycles. The pilot project extends the deadline for some application documents.

Applications for this cycle were due August 12, 2021, with a secondary due date of September 9, 2021 for the Resolution. Staff received eight applications and reviewed them for completeness and eligibility. One application was ineligible. The projects recommended for funding are described below.

Butte County Resource Conservation District

Number of Sites: 1

Grant Funds Recommended for Approval: \$47,480

The Butte County Resource Conservation District will help clean up a two-parcel 38-acre peach orchard located in Gridley. An estimated 40 cubic yards of material is estimated for cleanup—materials include tires, batteries, sofas, and mattresses. The landowner has made efforts over the years to prevent illegal dumping by blocking entrances. However, through continual cleanups the illegal dumping continues. Forestry gates, posts, and cable fencing barriers will be implemented for a cost-effective and long-term waste abatement solution for this site.

Federated Indians of Graton Rancheria

Number of Sites: 1

Grant Funds Recommended for Approval: \$38,080

The Federated Indians of Graton Rancheria are requesting assistance to complete cleanup and abatement/prevention measures on part of the Rohnert Park Expressway. Illegal dumping on a section of the expressway has been continuous. Illegally dumped material includes trash bags, clothing, bike parts, microwaves, couches, folding chairs, car batteries, anti-freeze containers, encampment remnants, and general litter. The tribe has continued to clean up, patrol, maintain, and manicure the area to demonstrate active management. Increased tribe presence has resulted in fewer trespassing cases and illegal dumping issues, but more permanent barriers and signage are needed.

Honey Lake Valley Resource Conservation District

Number of Sites: 1

Grant Funds Recommended for Approval: \$49,932

The Honey Lake Valley Resource Conservation District is requesting funds to cleanup a 29.5-acre site in Herlong. Since purchasing the property three years ago and after putting up signs and attempting to block the entry road, the landowner continues to experience illegal dumping. The site contains multiple abandoned cars, trailers, portable buildings, metal, plastic, wood, tires piles, and household trash. After disposal/recycling of the estimated 125 tons of material, gates and fencing will be installed to prevent access from the main roadway, and the dirt access road will be removed to prevent further illegal dumping. The parcel has been vacant for many years and is suitable for agricultural use.

Loma Prieta Resource Conservation District

Number of Sites: 1

Grant Funds Recommended for Approval: \$50,000

The Loma Prieta Resource Conservation District is applying for grant funds on behalf of the Santa Clara Valley Habitat Agency to cleanup a legacy soil pile on their Davidson Reserve. Research conducted during an environmental site assessment indicated the imported fill may

have come from nearby construction. The soil pile covers serpentine soils that could otherwise support rare threatened and endangered species. Cattle livestock grazing is used to manage and protect the serpentine grassland habitat on the property. The soil pile is estimated to be approximately 1,000 yards, weighing approximately 1,300 tons and requiring approximately 56 truckloads for disposal. Pending award, the Agency has committed in-kind/matching funds for the remaining costs. Site stabilization, erosion control, and revegetation are planned in conjunction with possible extension of the existing cattle fencing.

Sutter County Resource Conservation District

Number of Sites: 7

Grant Funds Recommended for Approval: \$150,058

The Sutter County Resource Conservation District is seeking funds for illegal dumping cleanup on seven sites in the county. The sites are active almond, peach, prune, and walnut orchards. Farmers are not able to keep up with the amount of waste being illegally dumped. Grant funding will also be allocated towards prevention measures such as fencing, gates, locks, and cameras.

Yolo County

Number of Sites: 1

Grant Funds Recommended for Approval: \$48,150

Yolo County is requesting funds to complete the third and final phase of the Babel Slough Road project in Clarksburg. This multi-site endeavor started when the Yolo County Resource Conservation District was awarded a Farm and Ranch grant in Cycle 57. The slough continues to be plagued with illegal dumping despite various abatement and prevention measures. The final phase of the project primarily entails implementing an enforcement component by installing surveillance cameras on county utilities/easements and providing ongoing monitoring to capture violators and license plates. Pending the success rate, this case study would be a catalyst to further illegal dumping enforcement strategy conversations.

Yuba County Resource Conservation District

Number of Sites: 7

Grant Funds Recommended for Approval: \$196,077

The Yuba County Resource Conservation District is seeking funding for illegal dumping cleanup on seven sites in the county. Funding will also be allocated toward prevention measures such as fencing, gates, locks, cameras, and signage in an attempt to stop illegal dumping. The sites are active almond, peach, prune, and walnut orchards. The type of material dumped includes appliances, furniture, construction leftovers, common household items, tires, vehicles, motorhomes, and boats. Many of these cases are a result of illegal camping. The illegal dumping issues on these properties often affect the Yuba and Feather Rivers since heavy rains and rising water levels can carry solid waste into waterways.

Recommendation

Staff recommends approval of seven grant awards as listed below for \$579,777.

Table 2. Recommended Awards

Applicant	Award Amount
Butte County Resource Conservation District	\$47,480
Federated Indians of Graton Rancheria	\$38,080
Honey Lake Valley Resource Conservation District	\$49,932
Loma Prieta Resource Conservation District	\$50,000
Sutter County Resource Conservation District	\$150,058
Yolo County	\$48,150
Yuba County Resource Conservation District	\$196,077
Total Award	\$579,777

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 2. Each proposed grantee's award is subject to two conditions:

1. The recommended grantee must pay all outstanding debts due to CalRecycle, or bring current any outstanding payments owed to CalRecycle, within 60 days of the date of the award email.
2. The recommended grantee's Signature Authority (or where delegation is authorized, his or her Designee) must sign and return the Grant Agreement to CalRecycle. The signed Grant Agreement must be received by CalRecycle within 60 days of the date of the award email.

Matt Henigan
Deputy Director

Dated