

California Integrated Waste Management Board

Board Meeting

January 21, 2009

AGENDA ITEM 5

ITEM

Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2008/09)

I. ISSUE/PROBLEM STATEMENT

This item requests the California Integrated Waste Management Board's (Board) approval of four grants totaling \$134,887 for the second cycle of fiscal year 2008/09 for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program).

II. ITEM HISTORY

On June 17, 2008, the Board approved the revised grant scoring criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program.

On September 16, 2008, the first cycle of this fiscal year was approved in the amount of \$190,756 to clean up 11 illegal disposal sites. The sites are located in the counties of Shasta, Sutter, Yolo and San Joaquin.

There is currently \$809,244 remaining in the fund for this fiscal year.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed grant awards; or
2. Disapprove the proposed awards and direct staff as to further action.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approved Option 1 and adopt Resolution Number 2009-13.

V. ANALYSIS

A. Key Issues and Findings

Senate Bill 1330 (Lockyer, Statutes of 1997, Chapter 875) required the Board to establish a grant program under which cities and counties may seek financial assistance for cleanup of illegal solid waste disposal sites on farm or ranch property. Public or private property owners that desire grant funding must coordinate with a local government agency as the applicant. Regulations to implement the Program were approved by the Board on January 25-27, 2000, and by the Office of Administrative Law on June 29, 2000.

Senate Bill 1328 (Chesbro, Statutes of 2002, Chapter 628), effective January 1, 2003, increased the amount applicants may request, up to \$50,000 per single cleanup or abatement project and up to \$200,000 per fiscal year. The legislation also increased the amount of administrative costs eligible to be charged to the grant to seven percent of the grant amount. In addition, Resource Conservation Districts and Native American tribes became eligible to apply directly to the Board for Farm and Ranch Grants. In cases where the cost of the cleanup exceeds the maximum limits, the applicant or property owner is responsible for the additional cost to completely

clean the site.

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. Easements, rights-of-way and multiple parcels on farm and ranch property are also potentially eligible. The grant scoring criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program is brought back as needed to the Board for update and revision. The most recent update was June 17, 2008 (Agenda Item 6).

The Program's funding is primarily used to pay for the removal and proper disposal of small nuisance illegal solid waste dump sites containing non-hazardous solid waste, including but not limited to, tires, appliances, construction debris and incidental amounts of household hazardous materials, and for site security measures to prevent recurrence of illegal disposal after the projects are completed.

To date, the Board has awarded pursuant to the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, over 100 grants to clean up well in excess of 300 illegal disposal sites for a total funding amount of more than \$5,061,021. The Farm and Ranch Program is the Board's primary program to assist local agencies in combating the problem of illegal dumping of solid waste in rural areas.

Title 14, California Code of Regulations (14 CCR), Section 17992.4 specifically lists eligible and ineligible remedial actions under the Program and allows the Board to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for each project are specifically eligible pursuant to the regulations.

Public Resources Code 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. Applications for reimbursement are scored using the Board-approved scoring criteria and evaluation process. Any reimbursement grants are specifically noted in the descriptions of the project and, if recommended for approval, receive the necessary score to be eligible and receive available funding.

By cleanup and prevention of illegal dumping on Farm and Ranch properties, the Program supports implementation of the Board's Strategic Directive SD-8 to manage and mitigate the impacts of solid waste and tires on public health and safety and the environment. The Program also specifically supports implementation of SD-8.9 to enhance local and regional capabilities to prevent and redress illegal dumping.

Applications Received Second Cycle Fiscal Year 2008/09

Four grant applications were received, reviewed and scored by a committee using the Board-approved scoring criteria and evaluation process and received passing scores. The 7 sites in the four applications were found to be eligible pursuant to 14 CCR, Section 17992.3 and are being recommended for approval today.

As part of the grant application package, a signed affidavit was submitted by each of the property owners, or authorized agent for the property owner, for the 7 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.

1. Merced County - Reimbursement

Grant Funds Recommended for Approval: \$6,434

Number of Sites: 1

In March 2008 Merced County was awarded a Farm and Ranch Grant in the amount of \$6,434 to reimburse this landowner. However, the Applicant failed to meet the condition to return the Grant Agreement to the Board prior to the 90 deadline and the grant was therefore revoked. Merced County states the delay occurred as the person authorized to sign the Grant Agreement retired and hiring was put off as it was the end of the fiscal year. The Applicant is now resubmitting the Grant Application to reimburse the property owner for their expenses. The site summary follows:

Over two thousand tires were illegally disposed onto a 440-acre parcel of property used for crop production. On May 21, 2007, the tires were discovered by the Merced County Division of Environmental Health (Merced County). On May 24, 2007, Merced County issued a letter to the landowner, who lives in the Bay Area, regarding the tires. On June 18, 2007, the property owner contacted the County. Merced County also informed the landowner of the Farm and Ranch Grant Program at that time and let them know that a reimbursement grant might be an option. On June 19, 2007, the landowner was mailed a Notice to Abate (NOA) from Merced County which required the tires to be removed and properly disposed within 30 days. Within three days of receipt of the NOA the landowner had the tires removed by Golden-By-Products, a registered tire hauler. The landowner is now seeking reimbursement of his expenses through the Farm and Ranch Grant Program. Fencing is not feasible for this large parcel so signs will be purchased and posted to help prevent future dumping and surveillance has been increased.

2. Sutter County Resource Conservation District

Grant Funds Recommended for Approval: \$ 81,492

Number of Sites: 4

Four private landowners in Sutter County have been victims of illegal dumping for many years. One landowner has been using his own money to clean up the waste on his land and is requesting gates and fencing to prevent future illegal disposal. Illegally disposed waste is present on the other three sites and the Resource Conservation District is requesting funds for cleanup and to construct fences and gates to prevent future dumping. Over 30 cubic yards of household waste, appliances, tires, large pieces of concrete, automotive and construction debris and electronic waste are spread out in these orchards. The waste is an attractive nuisance and a health and safety threat to the crops and the public. All four sites are active, productive orchards. Signs will also be posted.

3. Sloughouse Resource Conservation District

Grant Funds Recommended for Approval: \$44,286
Number of Sites: 1

Over 8,500 tires are spread over a cattle ranch near Deer Creek in southern Sacramento County. It is believed the tires have washed down to this location from another tire site, which received a Farm and Ranch Grant for cleanup last fiscal year. That site is scheduled to be cleaned up in the Spring. The tires are located on the flood plain between the Cosumnes River and Deer Creek and fill with water during high flow events which provide a breeding ground for mosquitoes. In addition, the tires pose a tripping hazard to the cattle that graze the land. The property is fenced and gated so the possibility of future dumping is negligible.

4. Placer County

Grant Funds Recommended for Approval: \$2,675
Number of Sites: 1

Approximately 1,100 tires are stacked in a 40 acre horse pasture in rural Placer County. The tires were put in place by a previous owner and used as a horse corral. While the current owner was aware of the tires at the time of purchase, they attest they did not pay a reduced price for the property due to the presence of the tires. In fact, the owner saw the tire corral as beneficial as it served as a ready-made corral for *their* horses. However, in recent years, the wood portion of the corral deteriorated and recognizing the potential health and safety implications, the landowner decided to begin hauling the tires away. However, the landowner is unable to pay any additional funds towards removal. The tires are a fire hazard and provide a breeding ground for mosquitoes. The property is fenced and gated so the likelihood of further dumping is negligible.

B. Environmental Issues

These projects are categorically exempt from the provisions of the California Environmental Quality Act pursuant to 14 CCR 15308.

These four grant applications support the cleanup of 7 illegal disposal sites on farm and ranch property. The cleanup of these sites will eliminate the health and safety threat posed by the waste to the public, wildlife, and the environment.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program or long-term impacts related to this item.

D. Stakeholder Impacts

The cleanup of the illegal disposal sites proposed in the applications will allow the property owners to once again fully utilize the land without the hindrance of the illegally disposed waste.

E. Fiscal Impacts

There is \$809,244 remaining in the fund for this current fiscal year. If approved, these proposed awards will encumber \$134,887 leaving \$674,357 in the fund as unencumbered for fiscal year 2008/09.

F. Legal Issues

The Board is authorized to take this action pursuant to Public Resources Code Sections 48100 et seq.

G. Environmental Justice

As directed by the Board, the grant applications being considered for award include the Board's Environmental Justice certification, and the program grant agreements require the grantees to comply with Environmental Justice standards.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Farm & Ranch Cleanup Account FY 2008/09	\$809,244	\$134,887	\$674,357	Grants

VII. ATTACHMENTS

1. Resolution Number 2009-13.

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- A. Program Staff:** Carla Repucci **Phone:** 341-6316
B. Legal Staff: Steve Levine/Marie Carter **Phone:** 341-6064/6062
C. Administration Staff: Michelle Martin **Phone:** 341-6116

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Letters of support were included with two of the grant applications submitted for this cycle.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.