

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

Request Date: July 18 2022

Decision Subject: Eligibility, Scoring Criteria, and Evaluation Process for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program (Solid Waste Disposal Trust Fund, Fiscal Years 2022-23 and 2023-24)

Action By: July 29, 2022

Summary of Request

Staff seek approval of the proposed eligibility, scoring criteria, and evaluation process for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program (Program). The current criteria were approved in July 2020, and were effective until June 30, 2022. The proposed single revision to the scoring criteria is to clarify scoring for support letters.

Attachments

Attachment 1 – Scoring Criteria for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program, Fiscal Years 2022–23 and 2023–2024

Background and Analysis

Statutory Authority

The Department of Resources Recycling and Recovery (CalRecycle) is authorized to expend funds from the Solid Waste Cleanup 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 site cleanups, and to provide full grants to public entities for the abatement of illegal disposal sites. Statutory authority for the Program is contained in Public Resources Code Sections 48020 et seq. and Assembly Bill 2136 (Eastin, Chapter 655, Statutes of 1993).

The availability of Program grant funding and the timing of grant solicitations and awards is affected on the approval of the State budget. The funding and timing are defined and approved for the Fiscal Year at the time of posting of the Notice of Funds Available.

Program Background

CalRecycle implements this Program to clean up solid waste disposal sites and solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation and where the cleanup is needed to protect public health and safety or the environment.

CalRecycle has previously adopted policies regarding the prioritization of applications for competitive grant programs. In addition, the statutes and regulations governing the implementation of the Program contain specific requirements regarding the prioritization of sites. The proposed scoring criteria meets the statutory, regulatory, and policy requirements of CalRecycle.

Proposed Process and Eligibility

Staff will conduct an initial review of all applications to confirm applicant and project eligibility and application completeness. Eligible applicants must be a public entity, including counties, cities, districts, state agencies, and Joint Powers Authorities with direct authority over solid waste management. Eligible and ineligible remedial actions are specified in Title 14, California Code of Regulations (14 CCR), Section 18904.

The maximum grant awards that eligible applicants may request and be awarded are as follows:

- \$ 500,000 for grants in the Illegal Disposal Site Abatement Grant Program
- \$ 750,000 for partial grants in the Legacy Disposal Site Abatement Partial Grant Program

All eligible applications will be ranked according to the total number of points received in accordance with the scoring criteria provided in Attachment 1. Applications receiving a passing score in each cycle will be ranked and funds distributed from highest to lowest score until funds are exhausted.

Proposed Changes

Staff is proposing changes from the past grant cycle as indicated below:

- 1. Award applicants who submit a single letter of support, two out of the five points possible, and award applicants who submit two or more letters of support, the full five points.**

This revision will allow for greater delineation between applicants that submit varying amounts of letters of support. The single letter of support needs to be from an agency with jurisdiction over the site or a pertinent regulatory agency. Other letters of support can be from any other interested parties.

Tentative Timeline for Fiscal Year 2022–23

Staff will post a Notice of Funds Available on CalRecycle’s website that includes the funding, eligibility requirements, deadlines, and other important information. Notices will be distributed through CalRecycle’s listserv, roundtable meetings, and monthly Illegal Dumping Technical Advisory Committee meetings.

July 2022: Post Notice of Funds Available, application guidelines and instructions, and related documents on the web site

August 2022: Question and Answer Period – due date is approximately three weeks after the release of the application

September 2022: Applications due

December 2022: Conduct application evaluation/review process and determine funding for eligible applicants

January 2023: Grant Agreements distributed and executed

June 30, 2024: Grant term ends

Please refer to [CalRecycle’s website](https://calrecycle.ca.gov/lea/grantsloans/solidwaste/), (https://calrecycle.ca.gov/lea/grantsloans/solidwaste/) for more information.

Recommendation

Staff recommends approval of the proposed eligibility, scoring criteria, and evaluation process for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program for Fiscal Years 2022–23 and 2023–24

Deputy Director Action

On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve the eligibility criteria and evaluation process for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program for Fiscal Years 2022-23 and 2023-24.

Mark de Bie
Deputy Director

Solid Waste Disposal and Codisposal Site Cleanup Grant Program, Scoring Criteria Years 2022-23 and 2023-24

Applicants must score a minimum of 60 points out of a possible 100 points to be considered for funding.

Max Points, Scoring Category, and Description

15 - Substantiation of Threat to Public Health and Safety and/or the Environment

Describe the project(s) and efforts taken to demonstrate the threat, including documentation such as: site investigation reports and regulatory inspections, investigations, and enforcement orders.

15 - Substantiation of Financial Need for Grant Funds

Demonstrate the need for funding. If the Applicant is the owner or responsible party, then include financial statements, independent audits, statement of facts, etc. If the owner or responsible party is unable or unwilling to pay for timely and proper remediation, submit evidence of inability or unwillingness. If the site is an abandoned site (i.e., no owner or responsible party), submit evidence of abandonment. List availability of other appropriate federal or state enforcement and/or cleanup programs to remediate the site.

5 - Goals and Objectives

Describe the goals and objectives for accomplishing the project(s).

Examples include but are not limited to: improvements to public health and safety and/or the environment, recycling and/or reuse of recovered materials, cost savings, restoration of land to beneficial uses, implementation of methods to prevent or minimize recurrence of problems corrected by this project, and cost recovery.

15 - Work Plan

Describe the specific procedures or tasks used to complete the project(s) including measurable targets or milestones. Eligible and ineligible tasks must be itemized separately.

Scope of work includes major work items, personnel and qualifications, use of contractors and/or consultants, field supervision, health and safety requirements, project implementation schedule, testing, bonds, permits, cost recovery, etc.

5 - Evaluation

Describe how the project will be evaluated against the goals, objectives, measurable targets, and milestones set for the project

Includes at a minimum: evaluation of the resources used and methods and standards for inspecting, testing, and evaluating the work. Describes how the project benefitted from the grant and how the applicant will continue the efforts after funding has been used.

20 - Budget

Provide total project costs in dollars showing both eligible and ineligible grant costs separately to accomplish the project described in the work plan.

Legacy Disposal Site Abatement Partial Grant: Application includes a breakdown of costs expected to be covered by the grant and those that will be matched by the applicant. Show value of applicant's initiatives to achieve project cost savings such as, but not limited to, using volunteer labor/equipment, in-kind services, reduced or waived tipping fees, etc.

Illegal Disposal Site Abatement Grant Program: Prevention measures shall be limited to no more than 25 percent of the overall grant amount. Include estimates of overall dollars spent per ton of waste removed and administrative costs as a percentage of the overall project.

5 - Letters of Support

Applicant is encouraged to include letters, endorsements, and reports from local constituents, local enforcement agencies and regulatory/advisory agencies in support of the project. The inclusion of a single letter of support will result in the award of two out of the five points possible for this scoring category. Applicants with two or more letters of support will be awarded the full five points. The single letter of support needs to be from an agency with jurisdiction over the site or a pertinent regulatory agency. Other letters of support can be from any other interested parties.

5 - Use of Conservation Corps

Use of the Conservation Corps (state or local) in performing a portion of the grant activities, if appropriate. To receive full points, Applicant must submit Documentation that the Conservation Corps will participate in the grant project.

5 - Disadvantaged Communities

Proposed project is located within a census tract that is in the 71-100 percentile range as calculated using the California Communities Environmental Health Screening Tool (CalEnviroScreen3.0). Applicant must submit printed output(s) from CalEnviroScreen version 3.0. Projects encompassing more than one census tract will use the average score.

10 - Prior Grant Funding

Applicant has not been awarded a grant under the Solid Waste Disposal and Codisposal Site Cleanup Program during the current and/or previous four fiscal years.

100 - Total Possible Points