

Request for Approval

To: **Zoe Heller**
Deputy Director, Division of Circular Economy

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

Request Date: May 8, 2023

Decision Subject: Eligibility Criteria and Evaluation Process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Cleanup Account, Fiscal Year 2023–24 and 2024–25)

Action By: June 20, 2023

Summary of Request

Staff seeks approval of the proposed eligibility criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for fiscal year (FY) 2023–24 and 2024–25. Staff proposes to use the same eligibility criteria and evaluation process that was used in FY 2021–22 and 2022–23, except as described under the Proposed Changes section and summarized below.

1. Staff proposes four cycles per fiscal year.
2. Staff proposes to offer the Pilot Program in the fourth cycle of each fiscal year.

Background and Analysis

Statutory Authority

The Department of Resources Recycling and Recovery (CalRecycle) receives an annual appropriation per Public Resources Code (PRC) section 48100 et seq. 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

The fundamental goal of the Program is to fund cleanups of 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.

Private property owners are not eligible applicants. Property owners who desire grant funding to clean up their property must work with eligible entities, cities, counties, resource conservation districts, and federally recognized Native American tribes.

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.

Proposed Process and Eligibility

Staff will review all applications for completeness and eligibility. Complete applications will be evaluated to confirm project eligibility and determine if proposed sites and projects qualify to be awarded.

For FY 2023–24 and 2024–25, the Farm and Ranch Grant will receive an annual appropriation of \$1,000,000. Applicants may apply for up to \$200,000 per fiscal year, and funding for each eligible site shall not exceed \$50,000. Grantees may not expend more than seven percent (7%) of grant funds for administrative costs.

Applications will be evaluated consistent with the criteria described in the California Code of Regulations, Title 14, Division 7, Chapter 4.5, § 17993.5. If a Program cycle is oversubscribed, applications with illegal dumping site(s) posing the greatest threat to public health and safety and/or public nuisance will be considered first.

For the fourth cycle (Pilot Program), if the requests for grant funds exceed the funds available, applications identifying specific sites and previously remediated sites will be considered before Pilot applications. This will allow all completed applications to be funded first. CalRecycle staff may contact applicants to provide clarity or additional information.

Staff recommends continuing the Pilot Program as an option for applicants. Staff is working on revising program regulations to adopt the Pilot Program process.

Eligible Applicants

Eligible applicants include:

- Cities
- Counties
- Resource Conservation Districts
- Federally recognized Native American tribes as defined in PRC §48100(d)(1)

Eligible Projects

Eligible projects include:

- Unauthorized solid waste disposal has occurred on a farm or ranch parcel(s).
- Property is in need of cleanup to abate a nuisance or public health and safety threat and/or a threat to the environment.

- The owner is not responsible for the illegally disposed waste.
- Property is zoned or otherwise authorized for agricultural activities.

Project Requirements

- Farm or ranch property is property that is used for rangeland or agricultural activities such as, but not limited to, commercial livestock and crop production, horticulture, aquaculture, silviculture, floriculture, vermiculture, and viticulture. Farm or ranch property can be publicly or privately owned and need not have active sales or production but must be appropriately zoned or otherwise authorized for agricultural activities.

Award Amounts

The maximum grant award is \$200,000 per applicant per fiscal year, and funding for each eligible site shall not exceed \$50,000.

Proposed Changes

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

1. Include four (4) cycles per fiscal year

Staff proposes moving from three cycles per fiscal year to four cycles per fiscal year to allow for the year-round acceptance of applications to more quickly address needed clean-ups.

2. Offer Pilot Program in the fourth cycle of each fiscal year

The Program currently offers three cycles per fiscal year and the Pilot Program is offered during the last cycle (third cycle). With the introduction of the fourth cycle, staff proposes to continue to offer the Pilot Program in the last cycle, which would be the fourth cycle.

Tentative Timeline for Fiscal Years 2023–24 and 2024–25

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 local assistance and market development staff to inform their local jurisdictions, the Grants Management System database, applicable listservs, outreach presentations, and newsletters.

Fiscal Year 2023–24 Tentative Timeline

June 2023: Post Notice of Funds Available, application, related instructions, and documents on the website

Cycle 79

June 2023: Applications accepted

July 2023: Applications due

August 2023: Secondary Due Date; Conduct application evaluation/review process and determine funding for eligible applicants.

September/October 2023: Award Request for Approval (RFA); Distribute and execute Grant Agreements

Cycle 80

July 2023: Applications accepted

October 2023: Applications due

November 2023: Secondary Due Date; Conduct application evaluation/review process and determine funding for eligible applicants

December 2023/January 2024: Award RFA; Distribute and execute Grant Agreements

Cycle 81

October 2023: Applications accepted

January 2024: Applications due

February 2024: Secondary Due Date; Conduct application evaluation/review process and determine funding for eligible applicants

March/April 2024: Award RFA; Distribute and execute Grant Agreements

Cycle 82

January 2024: Applications accepted

April 2024: Applications due

May 2024: Secondary Due Date; Conduct application evaluation/review process and determine funding for eligible applicants

June/July 2024: Award RFA; Distribute and execute Grant Agreements

April 2026: Grant term ends

Fiscal Year 2024–25 Tentative Timeline

April 2024: Post Notice of Funds Available, application, related instructions, and documents on the website

Cycle 83

April 2024: Applications accepted

July 2024: Applications due

August 2024: Secondary Due Date; Conduct application evaluation/review process and determine funding for eligible applicants

September/October 2024: Award RFA; Distribute and execute Grant Agreements

April 1, 2027: Grant term ends

Note: FY 2024–25 will have a similar timeline as FY 2023–24.

Please refer to [Farm and Ranch Solid Waste Cleanup and Abatement Grant Program](https://calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/), (<https://calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/>) for more information.

Recommendation

Staff recommends approval of the proposed eligibility criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program for FYs 2023–24 and 2024–25.

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 Farm and Ranch Solid Waste Cleanup and Abatement Grant Program for FYs 2023–24 and 2024–25.

Zoe Heller
Deputy Director

Dated