RESOLUTION - ACTION REQUESTED 2020-233

MEETING: May 5, 2020

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Accept a $50,000 Cleanup and Abatement Grant for Solid Waste

RECOMMENDATION AND JUSTIFICATION:
Accept the Preliminary Award of a Cleanup and Abatement Grant of $50,000.00 for Roadside Trash Abatement from CalRecycle.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
This is a grant program that we investigated and filed an application for and in this cycle we were successfully able to secure Funding in the amount of $50,000.00 for trash abatement on County Roadways and for Solid Waste Public Education.

Once we receive formal notification as to funding with the passage of the State Budget staff will return with a Budget Action Form allocating funds to various accounts.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not accept and the funds will be lost and reallocated to another community.

FINANCIAL IMPACT:
None, this grant is funded at 100% by CalRecycle.

ATTACHMENTS:
Solid Waste Cleanup and Abatement Grant Award Letter (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
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: March 31, 2020

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 Year 2019–20)

Action By: April 21, 2020

Summary of Request
Staff requests approval of grant awards for the third cycle of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) for fiscal year (FY) 2019–20. The Department of Resources Recycling and Recovery (CalRecycle) received 12 eligible applications totaling $997,596 in eligible costs for this cycle.

Recommendation
Staff recommends approval of 12 grant awards as listed below for a total of $997,596.

Table 1. Recommended Awards

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Total Award</th>
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</thead>
<tbody>
<tr>
<td>Butte County</td>
<td>$97,488</td>
</tr>
<tr>
<td>Butte County Resource Conservation District</td>
<td>$49,935</td>
</tr>
<tr>
<td>City of Santa Cruz</td>
<td>$173,602</td>
</tr>
<tr>
<td>Contra Costa Resource Conservation District</td>
<td>$170,000</td>
</tr>
<tr>
<td>Honey Lake Valley Resource Conservation District</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mariposa County</td>
<td>$50,000</td>
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<tr>
<td>Shasta County</td>
<td>$145,575</td>
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<tr>
<td>Sutter County Resource Conservation District</td>
<td>$68,571</td>
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<tr>
<td>Tahoe Resource Conservation District</td>
<td>$29,377</td>
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<tr>
<td>Trinity County Resource Conservation District</td>
<td>$50,000</td>
</tr>
<tr>
<td>Yolo County Resource Conservation District</td>
<td>$13,048</td>
</tr>
<tr>
<td>Yurok Tribe</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$997,596</strong></td>
</tr>
</tbody>
</table>
Funding

Upon appropriation from the annual Budget Act, funds are transferred into the Farm and Ranch Solid Waste Cleanup and Abatement Account from the Integrated Waste Management Fund, California Tire Recycling Management Fund, and California Used Oil Recycling Fund. The FY 2019–20 Budget Acts allocate $1,000,000 to the Farm and Ranch Solid Waste Cleanup and Abatement Account for the Program after subtracting for administrative costs. The Program encompasses three cycles.

Table 2. Funding

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Amount Available</th>
<th>Amount to Fund Item</th>
<th>Amount Remaining</th>
<th>Line Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm and Ranch Solid Waste Cleanup and Abatement Account (FY 2019–20)</td>
<td>$1,000,000</td>
<td>$997,596</td>
<td>$2,404</td>
<td>State Operations/Grants</td>
</tr>
<tr>
<td>Total</td>
<td>$1,000,000</td>
<td>$997,596</td>
<td>$2,404</td>
<td></td>
</tr>
</tbody>
</table>

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 1. 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

4/2/2020

Dated

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 or county. 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 unable to apply for funding directly for the cleanup of his/her property but must work through an eligible applicant. Eligible applicants for the Program include cities, counties, federally recognized Native American tribes, and resource conservation districts.

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. In the event a grant cycle is oversubscribed, illegal disposal sites that have not been remediated and pose the greatest threat to public health, safety, and/or the environment, will have higher priority.

Criteria and Process
The Eligibility and Evaluation Process was discussed at the June 18, 2019, CalRecycle public meeting and subsequently approved by the Deputy Director. The Notice of Funds Available was placed on the CalRecycle web site in July 2019. The eligibility and evaluation process covers FYs 2019–20 and 2020–21, and allows for continuation of the pilot project for the third cycles of those two fiscal years. The purpose of the pilot project is to encourage more applicants to apply for this undersubscribed program by relaxing the due dates for several required application documents. Since applicants that apply for the pilot project are only required to provide minimal information by the application due date, the pilot project application project descriptions contain less detail than the descriptions for the standard applications.

Applications for this cycle were due February 6, 2020, with a secondary due date of March 9, 2020 for Resolution submission. Staff received twelve applications and reviewed them for completeness and eligibility. All 12 applications are eligible and recommended for funding as described below. One application was reduced by $37,337 because of insufficient documentation.
Butte County
Number of Sites: 3
Grant Funds Recommended for Approval: $97,488

This project consists of illegally dumped debris, including tires, appliances, mattresses, couches, chairs, metal, and electronics across three agriculturally zoned parcels in the Palermo area of Oroville. Historically used as olive farms, this land is currently undeveloped and has been plagued by dumping for years. The landowners have attempted abating previous dumps by erecting gates and fences, and by adding K-rails to access points, but those measures have not stopped the dumping.

The sites are in an environmentally sensitive area that is a habitat for many local and migrating wildlife. The waterway flowing through the parcels connects to larger estuaries that feed multiple counties. Two of the parcels are linked to the city’s Environmental Conservation and Safety Land Use Overlay plan.

Funding will contribute to road preparation and cleanup, and to installation/replacement of gates and guardrails to prevent any off-road access. Volunteers have been recruited to help collect and separate debris, and Recology is donating up to six cleanup bins.

Butte County Resource Conservation District
Number of Sites: 1
Grant Funds Recommended for Approval: $49,935

The Lone Tree Road site is a 2-parcel, 90-acre, and family-owned prune and almond farm in Oroville. The site includes a water channel. Every year for the past decade, the Sooch family has been victim to illegal dumping, and they have paid out-of-pocket to remove unwanted material such as appliances, automobiles, and green waste. They are now seeking assistance through this grant to fund remaining cleanup and to put in-site preventative measures, primarily fencing and gates, so the nuisance stops. Cleanup includes items such as tires, appliances, e-waste, a boat, and construction debris.

City of Santa Cruz
Number of Sites: 4
Grant Funds Recommended for Approval: $173,602

The City of Santa Cruz is seeking financial assistance for the cleanup of four illegal solid waste sites on city-owned property. The sites are Moore Creek Preserve, Sycamore Grove, San Lorenzo River and Lee Street. Waste on these sites are the result of camping and associated activities taking place by unsheltered populations. The waste includes materials such as tires, appliances, construction debris, e-waste, household waste, and forms of metal. All sites are zoned or otherwise authorized for agriculture activity. These areas are sensitive habitats and close to waterways where illegal disposal creates water quality concerns.

The Moore Creek Preserve site features wildflower fields, coastal prairie, rare examples of coast live oak, and riparian forest. Illegal dumping is close to a waterway. Funds will be used to improve signage and fencing.
The Sycamore Grove site is environmentally sensitive as it houses California's northernmost stand of central coast cottonwood/sycamore riparian woodland, and it is located upstream from the city's drinking water treatment plant. Cleanup support would enable the city to add a nature trail to help deter dumping. Funding will also provide enforcement signage.

The San Lorenzo River right-of-way site, located behind the city's metro transit yard, is designated as a major watershed in the city's creeks and wetlands management plan. The site's vegetation overgrowth encourages encampments and dumping, and it makes accessing the area for enforcement and abatement difficult. Vegetation removal is a major component of this project, along with cleanup and sign installation.

The Lee Street site is vacant city land adjacent to Branciforte Creek and residential homes. There has been an increase in trash, debris, and fires from encampments which increase the risk to the environment, public health, and overall safety. The funding will be used for cleanup, improved signage, and vegetation removal.

Contra Costa Resource Conservation District
Number of Sites: 5
Grant Funds Recommended for Approval: $170,000

The Contra Costa Resource Conservation District is applying for grant funds using the pilot project for the following sites.

The California Department of Water Resources site is part of the mitigation for the Dutch Slough Tidal Marsh Restoration. The tenant uses the property as grazing land and is seeking funding for cleanup.

The once abandoned and historic Byron Hot Springs site needs assistance for material removal such as construction debris. If needed, preventative measures will be implemented.

The Reinstein Ranch needs assistance with tires, an air conditioner, water heater, doors, vehicles, and incidental amounts of liquid waste. A gate installation is planned to deter illegal dumpers.

The Viera Ranch is covered with miscellaneous material including tires. Funding for this project includes cleanup, disposal and prevention measures.

The Livermore site has legacy dumping and recent illegal dumping, requiring funds for cleanup. The property will be used for vegetable and pollinator gardens.

Honey Lake Valley Resource Conservation District
Number of Sites: 2
Grant Funds Recommended for Approval: $100,000

The Honey Lake Valley Resource Conservation District is applying for the grant on behalf of the Bejcek family for trust lands located in Lassen County off Hwy 395. The previously unoccupied property consists of 122 acres of agricultural land used for cattle grazing.
The north site contains over 400 tires, a mobile home, vehicles, trailers, metal and household waste.

The south site has approximately five acres of piled and scattered debris. The debris includes garbage, 100 tires, several vehicles, and a large quantity of metal.

**Mariposa County**

Number of Sites: 15  
Grant Funds Recommended for Approval: $50,000

Mariposa County applied using the pilot project to clean up illegal dumpsites located on the county’s 400 miles of roadways adjacent to agricultural land. The Department of Public Works maintains these areas and cleans up mixed trash, tires, appliances, furniture, and construction debris. Given the mountainous terrain and remoteness of the county roads, illegal dumping sites are not always visible. The county is home to three major drainage basins. The site is in need of prompt cleanup to decrease the likelihood of water contamination.

Funds will also be used for a public education campaign to discourage illegal dumping and encourage prompt reporting of illegal dumping.

**Shasta County**

Number of Sites: 3  
Grant Funds Recommended for Approval: $145,575

On April 10, 2018, a Nuisance Abatement Hearing was held in Shasta County to abate a large junkyard spanning 5.95 acres with an estimated 150 tons of junk and garbage scattered throughout the area. Since the death of the property owner in 2017, no one has taken responsibility of the property, thus the area has become a dumping ground.

The proposed project involves cleaning up three sites that are located mostly in forestland with a small stream and zoned rural residential allowing for agriculture. The local Shingletown Neighborhood Watch has made this junkyard a top priority.

**Sutter County Resource Conservation District**

Number of Sites: 5  
Grant Funds Recommended for Approval: $68,571

The Sutter County Resource Conservation District (SCRCD) is seeking funds to cleanup illegal refuse on farms and ranches within the county. In conjunction with cleanup, the SCRCD is proposing to install security fences, locks, and "No Dumping" signs on all properties to help prevent trespassing and future illegal dumping.

All five sites are orchards, and the waste scattered on the sites impedes the landowners from successful operation. The removal of waste will eliminate potentially dangerous obstacles to basic farming operations, prevent future degradation of materials into toxic substances, and limit the possibility of onsite and offsite surface and groundwater contamination.
The rice farm on Township Road is littered with scrap metal, wood, and appliances and requires funding to cleanup the materials.

Farmland on Eager Road has illegal dumping on the east side driveway. The owner started cleaning up the material, but the dumping has not stopped, so funding is required to complete the cleanup.

The City of Live Oak Hwy 99 site is primarily affected by nighttime dumping which has scattered into the orchard. The family is seeking funding for the remaining cleanup and abatement barriers.

The City of Live Oak N Street site contains illegal dumping of neighborhood trash and landscaping related material. The family is looking for assistance to cleanup remaining items such as tires, pallets, and wood poles, and to install signage, fencing, and gates.

The almond farm in Rio Oso has items such as tractor tires, pallets, paint, and construction debris. The owners have already handled some cleanup but are seeking additional help. Funding would cover the costs of remaining cleanup and gates/fences.

**Tahoe Resource Conservation District**  
**Number of Sites:** 2  
**Grant Funds Recommended for Approval:** $29,377  

The Tahoe RCD is asking for reimbursement on a previous site cleanup, for abatement efforts, and is submitting a pilot application to clean up remaining waste. The waste is mostly out of site from the public roadways, not centrally located, and constantly changing over time. These concentrated spots are found during regular patrol, and they are accessible by all-terrain vehicles and foot.

The Johnson Meadow river front property is in the City of South Lake Tahoe along the Upper Truckee River. Since the location is prominent and easily accessible, it has resulted in illegal camping and dumping. It is home to walking trails and sensitive habitat, and it serves as a critical water filter for the Upper Truckee Marsh and Lake Tahoe. The initial cleanup was performed in partnership with the City of South Lake Tahoe.

**Trinity County Resource Conservation District**  
**Number of Sites:** 1  
**Grant Funds Recommended for Approval:** $50,000  

The Trinity County Resource Conservation District (TCRCD) is applying for the grant to clean up a longstanding “solid waste nuisance” site located on Riverview Road in Hayfork. The property was originally a pig farm, and then it was sold to someone out of state who was unable to control dumping and vandalism. It was cited for its condition in 2017.

In 2019, Christina Pierce purchased the parcel, and she is now planning to donate it to Hayfork Transition, a pending non-profit she and others have founded. The organization intends to use the area as an agricultural center for classes, community education, and a demonstration plot.
They have made efforts to reduce waste onsite through public volunteer cleanup events, fencing repairs, and temporary fencing.

Funding would allow the TCRCDD to complete the removal of illegally dumped and vandalized property, and to install permanent fencing to prevent future dumping. Cleanup will include materials such as tires, abandoned vehicles, a travel trailer, a motorhome, household waste, contaminated soil, and burnt structures. Public volunteers are contributing in-kind labor to the cause.

**Yolo County Resource Conservation District**
Number of Sites: 1
Grant Funds Recommended for Approval: $13,048

The Yolo County Resource Conservation District is applying on behalf of the Solano County Water Agency for reimbursement costs of removing an underground storage tank from Putah Creek. The creek borders both Yolo and Solano counties.

During a routine canoe survey, the agency spotted the tank. Originally located on a floodplain upstream for years, the tank floated downstream during the high flows of winter, settling on the bank of agriculture property. The water inside the tank was tested for contaminants, and it was determined clean, thus the tank was removed and recycled.

The removal process was successful. The prompt removal prevented a more difficult and costly future project. No further remediation is necessary at this time.

**Yurok Tribe**
Number of Sites: 1
Grant Funds Recommended for Approval: $50,000

The Yurok Tribe Environmental Program is requesting funds through the pilot program to clean up one of its legacy ranches, Nelson Ranch. The site is located on a mountain above the town of Weitchpec in Humboldt County. This area was once a thriving upland ranch of connecting prairies and meadows, with natural small water bodies and flowing streams, used for grazing small livestock. The current landowner assumed this property with a large dump, and over the years, the property has accumulated items such as abandoned vehicles, household waste, and construction material.

The condition of the property is a concern because of the illegal activity and potential harmful impacts to the environment both on-site and farther downhill. The goal is to return the area back to a ranch-like state, giving occupants the opportunity to invest in and assist with the land. One of the reasons the tribe has prioritized this site is because of its proximity to a sacred Tribal site.