

## 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

**Reviewed By:** Steve Levine, Legal Office  
Anthony Balestreri, Legal Office  
Donnell Duclo, Fiscal Process and Oversight Section

**Request Date:** November 9, 2015

**Decision Subject:** Award of Grants for the Solid Waste Disposal and Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, Cycle 1, Fiscal Year 2015/16)

**Action By:** November 18, 2015

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### **Summary of Request**

Staff request the approval of the grant awards specified in Table 1 for Cycle 1 of Fiscal Year (FY) 2015/16 for the Illegal Disposal Site Abatement Grant Program. No applications were received for the Legacy Disposal Site Abatement Program. Detailed project information for the recommended grants is located in the attachments.

Table 1. Recommended Illegal Disposal Site Abatement Grants.

Applicant	Total Award
A. City of Petaluma	\$500,000
B. City of Santa Rosa	\$391,482
C. Sonoma County	\$65,910
Total	\$957,392

### **Recommendation**

Staff recommends approval of the grant awards listed in Table 1.

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### **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 from the Solid Waste Disposal and Codisposal Site Cleanup Program as listed in Table 1. Each proposed grantee's award is conditional upon:

1. The full payment within sixty (60) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed grantee to CalRecycle.
2. The return by the proposed grantee of a completed and executed Grant Agreement within sixty (60) days from the date that CalRecycle staff mails the Grant Agreement.

  
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Mar de Bie  
Deputy Director

11/13/15  
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Dated

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## **Background and Findings**

### Statutory Authority

Public Resources Code section 48020 et seq. authorizes the Department of Resources Recycling and Recovery (CalRecycle) to expend funds from the Solid Waste Disposal Trust Fund directly for cleanup, to provide loans to responsible parties who demonstrate the ability to repay, to provide matching grants to public entities for site cleanups, and to provide full grants to public entities for the abatement of illegal disposal sites.

### Program Background

The Solid Waste Disposal and Codisposal Site Cleanup Program (Program) addresses the cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through contracts, grants, and loans. Under the program, local agencies can finance a wide range of projects through both Legacy Disposal Site Abatement Partial Grants and Illegal Disposal Site Abatement Grants.

### Criteria and Process

The Program's eligibility criteria and evaluation process were discussed at the CalRecycle meeting on June 17, 2014, and subsequently approved by the deputy director. The Notice of Funds Available was placed on the CalRecycle web site on July 2, 2015.

Applications were due August 6, 2015, with a secondary due date of September 3, 2015, for Resolution submission. CalRecycle received 6 applications requesting \$2,450,121 for the Illegal Disposal Site Abatement Program. No applications were received for the Legacy Disposal Site Abatement Program. Staff reviewed the applications in accordance with the approved evaluation and scoring criteria. Subsequently, one applicant withdrew, one applicant failed to receive a passing score, and one applicant is not being recommended due to a lack of available funds. The maximum award amount is \$500,000.

As these are grants, any applicant's need for the funds is to be considered. Each grant application has a section for applicants to substantiate the need for the grant funds that is evaluated by staff as part of the General Scoring Criteria. In all cases, the applicants have expressed that their current funding is inadequate to complete the project. In addition, there is also a section for the substantiation of the threat to public health and safety and/or the environment, which is also evaluated by staff as part of the General Scoring Criteria. Based on

the evaluations, the need for funding and threat being remediated are quantified and included in the grant's overall score and subsequent prioritization.

Title 14, California Code of Regulations, Section 18904 specifically lists eligible and ineligible remedial actions under the program and allows CalRecycle 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.

Cost recovery is not applicable when the grants involve the cleanup of public land maintained for public benefit and use and the entity did not cause or gain a benefit from the disposal of the waste. A grant is appropriate and cost recovery is not applicable to the public entity. Where grant funds will be used to clean up private parcels, the grantee has agreed to pursue cost recovery on behalf of CalRecycle.

The projects recommended for funding are described in Attachments A, B, and C.

**Funding**

Each FY CalRecycle allocates \$1,000,000 for the Illegal Disposal Site Abatement Grant Program and \$1,500,000 for the Legacy Disposal Site Abatement Partial Grant Program. The most recent funding usage and availability information for each of the grant programs are specified in Tables 2 and 3 below.

Table 2. Illegal Disposal Site Abatement Grant Program funding information.

<b>Fund Source</b>	<b>Amount Available</b>	<b>Amount to Fund Item</b>	<b>Amount Remaining</b>	<b>Line Item</b>
Solid Waste Disposal Trust Fund (FY 2015/16)	\$1,000,000	\$957,392	\$42,608	Illegal Disposal Site Abatement Grant

Table 3. Legacy Disposal Site Abatement Partial Grant Program funding information.

<b>Fund Source</b>	<b>Amount Available</b>	<b>Amount to Fund Item</b>	<b>Amount Remaining</b>	<b>Line Item</b>
Solid Waste Disposal Trust Fund (FY 2015/16)	\$1,500,000	\$0	\$1,500,000	Legacy Disposal Site Abatement Partial Grant

## Attachment A

**Grantee:** City of Petaluma

**Grant Program:** Illegal Disposal Site Abatement Grant

**Estimated Project Costs:** \$500,000

**Requested Amount:** \$500,000

**Recommended Amount:** \$500,000

**Project Information:** The City of Petaluma (Petaluma) is seeking grant funds to clean up 34 identified illegal dumping and homeless encampment sites within its jurisdiction where the responsible parties cannot be identified or have proven to be unwilling to clean up their property. Homeless transients in Petaluma make up almost 21 percent of the homeless population in all of Sonoma County and create a large problem with illegal encampments that become dump sites for human waste, refuse, debris, furniture, contraband, and hazardous materials, which threaten public health and safety and the environment.

The Petaluma Police Department will be the lead on addressing the impacts of illegal dumping and illegal homeless encampments. Petaluma's plan for implementing this program is broken down into six parts: cleanup; enhanced reporting and site assessment; enforcement; preventing future occurrences of illegal dumping; encouraging timely and increased reporting of illegal dumping occurrences; and grant administration. Their proposed plan includes establishing a task force; surveying and inspecting the sites; conducting enforcement and voluntary cleanup by the offenders; rapidly cleaning up the sites; installing security measures and warning signs; and monitoring the sites that were cleaned up.

Petaluma is supported by partners that include the Mary Isaak Center Homeless Shelter, CalTrans, the Sonoma County Probation Department, the United Anglers of Casa Grande High School, and the Friends of the Petaluma River, the Petaluma Downtown Association, the Sonoma Marin Area Rail Transit, the California Highway Patrol, and the Sonoma County Sheriff's Department. Petaluma will work with these partners and use their resources to clean up the sites, pursue cost recovery from property owners, and work collaboratively to prevent dumping from returning in the future.

## Attachment B

**Grantee:** City of Santa Rosa

**Grant Program:** Illegal Disposal Site Abatement Grant

**Estimated Project Costs:** \$698,376

**Requested Amount:** \$391,482

**Recommended Amount:** \$391,482

**Project Information:** The City of Santa Rosa (Santa Rosa) is seeking grant funds to assist with cleaning up homeless encampments within its jurisdiction where the responsible parties cannot be identified or have proven to be unwilling to clean up their property. Despite increased funding from other sources, Santa Rosa is unable to adequately abate environmental and public health threats from the impacts of chronic homeless encampments under bridges, along creeks, in the storm drain system, and in parklands. Unabated encampments result in trash, human waste, needles, medications, blood borne pathogens, hazardous wastes, and hazards from open fires.

Santa Rosa proposes to use the grant funds for cleanup, prevention, and education. Proposed work includes direct physical cleanup of accumulated trash; purchase of small tools such as grapplers; purchase and installation of structural barriers; purchase and installation of signs, labels, and promotional notices; and preparation and distribution of outreach materials. Santa Rosa will fund, in whole or partially, the following tasks:

- A. Fabrication and installation of creek identification and other signs;
- B. Creation and distribution of outreach materials;
- C. Maintenance of trailheads and trash cans;
- D. Barrier design and permitting;
- E. Volunteer cleanup supplies;
- F. Police task force;
- G. 30 days per fiscal year of Sonoma County Probation Department supervised adult crews to conduct cleanup activities;
- H. Homeless services by Santa Rosa staff;
- I. Disposal costs; and
- J. Santa Rosa staff time and vehicles necessary to conduct debris bin delivery, pickup, maintenance, loading, and hauling.

All other costs will be paid for in whole or partially by the grant.

## Attachment C

**Grantee:** Sonoma County

**Grant Program:** Illegal Disposal Site Abatement Grant

**Estimated Project Costs:** \$98,640

**Requested Amount:** \$65,910

**Recommended Amount:** \$65,910

**Project Information:** Sonoma County is seeking grant funds to abate illegal dumping at 4135 Bodega Avenue in unincorporated Sonoma County near Petaluma. Nearby residents have complained about the unsafe and unsanitary conditions at the site since 1998 to the Code Enforcement Division of the Permit and Resource Management Division about their strong objections to the use of the property as a junkyard and solid waste dumping ground. After a 1998 Notice of Violation was sent to the property owner (then the Rose Goulart Trust), Sonoma County and property owner began a series of meetings and inspections to bring the property into compliance. The owner failed to comply and the Sonoma County continued to take action against the new property owner, Mr. George Goulart, including two new Notices of Violations in 2008 and 2009, an Administrative Complaint and Abatement Hearing (resulting in a decision finding violations of Sonoma County Code), injunctive relief proceedings in Superior Court (resulting in a Default Judgment against the property owner), and the property owner's unsuccessful appeal. A recent inspection of the property revealed evidence of continued junkyard conditions, human waste, solid waste, uncontained sewage, and squatters living in recreational vehicles or in tents on the property. The civil enforcement actions to date have failed to cure the problem because the owner remains unable and/or unwilling to comply. During the pendency of these administrative and civil actions the situation at the site has worsened with further deterioration of the property. Sonoma County proposes to use the grant funds to clean up the property consisting of the removal of approximately 300 cubic yards of debris; approximately 200 waste tires; approximately 20 nonfunctional boats; several trailers and recreational vehicles; 35 non-operative motor vehicles; and 12 55-gallon barrels (contents unknown).

Sonoma County has been and has assured that it will continue to be committed to providing ongoing enforcement to prevent recurring illegal disposal at the site. The judgment in the aforementioned injunctive relief proceedings includes a judicial order enjoining and restraining the property owner from maintaining the aforementioned violations, which may be enforced through a civil contempt action subjecting the owner to penalties, including jail time, should he commit further violations. Moreover, given the significant impacts to Wilson Creek caused by the illegal dumping at the property, Sonoma County asserts that immediate action will also impede any future squatters and continuation of pollution. With the property cleared, enforcement efforts will be much more effective. Sonoma County further advises that recent Code Enforcement Department efforts have implemented a new comprehensive approach to abatement in similar situations, including a wrap-around service provision from Health and Human Services Departments, to protect against recidivism. The Sonoma County has assured that it will implement such work in this project, as it has been successful.

As to cost recovery, Sonoma County asserts that, based upon its research, the property owner is unable to pay the significant amount of money that it would take to clean up the property. Sonoma County further advises that a historical summary of the liens on Mr. Goulart's property and a recent Zillow value estimate indicates that any sale of the property would ensure that a lien to recover clean up and abatement costs is satisfied in full. CalRecycle will place a statutory lien on the property once the remediation is completed and Sonoma County has agreed to subordinate or remove its current lien for penalties and litigation costs on the property so that CalRecycle's lien will be superior.

