



# CITY COUNCIL AGENDA STATEMENT



June 23, 2020

File ID: 20-0092

## TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. FOR TURN-KEY HOUSEHOLD HAZARDOUS WASTE AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE MANAGEMENT SERVICES

## RECOMMENDED ACTION

Council adopt the resolution.

## SUMMARY

Per Resolution No. 2017-151 (Attachment 1) City Council approved an agreement with Clean Harbors Environmental Services, Inc. (Clean Harbors) on August 8, 2017 for Turn-Key Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste Management Services. (Attachment 2) The agreement allowed for a two-year contract with five (5) one-year extensions.

At the time the original contract was entered with Clean Harbors in August 2017, hazardous waste disposal costs were estimated to be \$250,000 annually. This figure was based on participation rates of about 500 to 600 vehicles per month at the Household Hazardous Waste Facility, which has been the average vehicle rate through mid-2019. Participation at the Household Hazardous Waste Facility has begun to grow at a much quicker pace in the last six months and participation rates are now averaging close to 800 vehicles per month.

Due to increased participation rates at the City's household hazardous waste disposal facility, the maximum amount paid to the service provider is on track to exceed the contractual amount allowed per year prior to the conclusion of this fiscal year. It is also expected that this amount would be exceeded in future years. Staff requests to increase the not-to-exceed annual contract amount from \$250,000 per year to \$350,000 per year for a new total not-to exceed amount for the potential life (original term plus 5 a-year options) of the contract of \$2,250,000.

## ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15308 Class 8 (Actions by Regulatory Agencies for Protection of the Environment), Section 15330 Class 30 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate or

Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances), and Section 15061(b)(3) because the proposed action will result in the implementation of options available to the public for conveniently and safely managing household wastes and thus reducing potential adverse impacts to the environment and human health. Thus, no further environmental review is required.

#### **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

#### **DISCUSSION**

Per Resolution No. 2017-151, City Council approved an agreement with Clean Harbors Environmental Services, Inc. (Clean Harbors) on August 8, 2017 for Turn-Key Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste Management Services. The agreement allowed for a two-year contract with five (5) one-year extensions.

Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) waste are accepted at the City's Household Hazardous Waste Facility on Wednesdays and Saturdays. Acceptable types of household waste include common toxic items such as paint, batteries, household cleaners, motor oil, pesticides, and pool chemicals. CESQG waste is a small amount of hazardous waste generated by a business.

The City of Chula Vista's HHW and CESQG program costs are paid for through fees collected on the solid waste rates and do not impact the General Fund. Costs are based on the actual number of Chula Vista residents and businesses participating in the program on a monthly basis. At the time the original contract was entered into with Clean Harbors in August 2017, costs for HHW and CESQG waste disposal were estimated to be \$250,000 annually. This figure was based on participation rates of about 500 to 600 vehicles per month at the Household Hazardous Waste Facility, which has been the average vehicle rate through mid-2019.

Participation at the Household Hazardous Waste Facility has begun to grow at a much quicker pace in the last six months and participation rates are now averaging close to 800 vehicles per month. This increase in participation is due to additional program promotion done by the Office of Sustainability and to an increased public awareness of the adverse health effects of hazardous and toxic substances in our homes and businesses.

Due to increased participation rates at the Household Hazardous Waste Facility, the maximum amount paid to the service provider is on track to exceed the contractual amount allowed per year prior to the conclusion of this fiscal year. It is also expected that this amount would be exceeded in future years if no action is taken. Staff requests to increase this annual not-to-exceed contract amount paid from \$250,000 per year to \$350,000 per year for a new total not-to-exceed amount of \$2,250,000, for the potential seven (7) year total contract term (original term plus five 1-year options). (Attachment 3).

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under Political Reform Act (Cal. Gov't Code § 87100, et. seq.)

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

There will be no direct fiscal impact to the General Fund. All current expenditures and revenues associated with this contract and the Household Hazardous Waste Program are fully funded through the Environmental Services Fund.

### **ONGOING FISCAL IMPACT**

There will be no ongoing fiscal impact to the General Fund. All future expenditures and revenues associated with this contract and the Household Hazardous Waste Program are fully funded through the Environmental Services Fund.

### **ATTACHMENTS**

Attachment 1: Resolution No. 2017-151

Attachment 2: Turn-Key Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste Management Services

Attachment 3: First Amendment

*Staff Contact: Manuel Medrano, Environmental Services Manager, Economic Development Department – Office of Sustainability*