



# CITY COUNCIL AGENDA STATEMENT



March 16, 2021

File ID: 21-0036

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA 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, 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 options to extend.

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 hazardous 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.

Environmental Services requested an increase last fiscal year due to rising participation rates at the Household Hazardous Waste Facility, just as the COVID-19 pandemic began. However, participation rates at the facility have only continued to increase as a result of stay-at-home orders in response to the pandemic. Consequently, 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. Staff is requesting to increase the not-to-exceed annual contract amount from \$350,000 per year to \$700,000 per year for a new total not-to-exceed amount of \$3,650,000 for the potential life of the contract (original two-year term plus 5 one-year options to extend).

## **ENVIRONMENTAL REVIEW**

The Development Services Director 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. (Attachment 1 City of Chula Vista- Clean Harbors Environmental Services agreement)

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 hazardous 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.

Environmental Services requested an increase last fiscal year due to rising participation rates, just as the COVID-19 pandemic began. However, due to continued stay-at-home orders put in place by the state in response to the pandemic, participation at the city's Household Hazardous Waste Facility has continued to increase. With more people staying at home cleaning out garages and storage sheds, participation rates are now averaging 900 to over 1,000 vehicles per month. Participation has increased about 106% compared to this time last year – 596 vehicles were serviced at the facility in January 2020 compared to 1,226 vehicles in January 2021. (Attachment 2 – Increased participation rates graph)

Due to these 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. Environmental Services has adequate funds to cover household hazardous waste disposal costs through February 2021 and estimates that disposal costs may approach \$170,000 March 2021 through June 2021 if current participation rates remain.

Staff is requesting to increase the not-to-exceed annual contract amount from \$350,000 per year to \$700,000 per year for a new total not-to-exceed amount of \$3,650,000 for the potential seven (7) year total contract term (original two-year term plus 5 one-year options to extend).

### **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 - City of Chula Vista- Clean Harbors Environmental Services agreement*

*Attachment 2 – Increased participation rates graph*

*Staff Contact: Manuel Medrano, Environmental Services Manager*