



City of Chula Vista

Staff Report

File#: 17-0340, **Item#:** 2.

RESOLUTION NO. 2017-189 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE SUBMITTAL OF A CALRECYCLE WASTE TIRE ENFORCEMENT GRANT APPLICATION IN PARTNERSHIP WITH THE CITY OF SAN DIEGO AND AUTHORIZING THE CITY OF SAN DIEGO TO ACT ON BEHALF OF THE CITY OF CHULA VISTA TO SECURE GRANT FUNDS AND IMPLEMENT THE GRANT

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

In 1989 the California Legislature enacted comprehensive requirements for the storage and disposal of waste tires. The California Integrated Waste Management Board, now CalRecycle was charged with responsibility for tire pile stabilization and remediation where public health and safety and the environment may be at risk. Consequently, CalRecycle adopted regulations to establish and enforce waste tire storage standards.

CalRecycle has delegated the responsibility for the administration of the enforcement, compliance and surveillance activities at waste tire facilities to local solid waste enforcement agencies and cities and counties. To ensure a stable source of funding for these activities, CalRecycle provides a non-competitive Waste Tire Enforcement Grant program. The City of San Diego-Solid Waste Local Enforcement Agency (LEA) is the lead agency for this program in San Diego County. Staff is requesting approval to partner with the City of San Diego in applying for this purpose specified grant and future applications for CalRecycle Waste Tire Enforcement Grants through June 30, 2022. This is the eighth year Chula Vista has participated in this program.

ENVIRONMENTAL REVIEW

Environmental Notice

The Project qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

Environmental Determination

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is covered by the general rule pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the proposal consists of a grant

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funding solicitation without the assurance that these funds will be procured and because the purpose of the grant funds, if obtained, is to provide accountability for monitoring the movement of waste and used fire loads generated and transported within the San Diego region, it can be seen with the certainty that the activity in question will not have significant effect on the environment, Thus, no environmental review is required.

BOARD/COMMISSION RECOMMENDATION

Not Applicable

DISCUSSION

Public Resources Code sections 40000 et seq. authorize the Department of Resources, Recycling and Recovery (CalRecycle) to administer various Grant Programs (Grants) in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State, thereby preserving landfill capacity and protecting public health and safety and the environment.

According to CalRecycle, California is faced with the significant challenge of diverting or safely managing more than 40 million reusable or waste tires generated each year. It is estimated that 1.5 million waste tires have been illegally dumped or stockpiled. These stockpiles pose a potential threat to public health, safety and the environment. In 1989 the California Legislature enacted comprehensive requirements for the storage and disposal of waste tires. CalRecycle was charged with responsibility for tire pile stabilization and remediation where public health and safety and the environment may be at risk.

Consequently, CalRecycle adopted regulations to establish and enforce waste tire storage and handling standards. Public Resources Code 42961.5 required CalRecycle to develop a "California Uniform Waste and Used Tire Manifest" system. Its purpose is to provide accountability for monitoring the movement of waste and used tires loads generated and transported within California. Discrepancies are actively investigated and if necessary regulations are strictly enforced. The maximum civil penalties for violations of the waste tire handling and manifesting requirements is \$25,000 per violation per day as described in Public Resources Code Section 42962, and administrative penalties are \$5,000 per violation per day.

CalRecycle has delegated the responsibility for the administration of the enforcement, compliance and surveillance activities at the waste tire facilities to local solid waste enforcement agencies. The central objective of facility, site and hauler inspections is to achieve compliance through oversight and education to the greatest extent possible and to provide accurate information for entry into statewide database. Inspections may be performed by CalRecycle staff or by waste tire enforcement grantees.

To ensure a stable source of funding for these activities, CalRecycle provides a non-competitive Waste Tire Enforcement Grant Program. Each year there is approximately six million dollars available for the grant program. Eligible applicants may request up to a total of \$300,000.

To be eligible for grant money the application must have 50 or more waste tire sites in its jurisdiction and must be one of the following:

1. A local Enforcement Agency

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2. An Environmental Health Agency
3. A Code Enforcement Agency

The cities of Chula Vista, National City and Imperial Beach do not meet all the eligibility requirements to apply for the funding on their own. San Diego staff invited the South Bay jurisdictions to partner for this program.

The San Diego Local Enforcement Agency has been operating a Waste Tire Enforcement program for some time. San Diego Local Enforcement Agency staff performs the initial inspections and follow-up inspections for all waste tire facilities and sites. In the event of a non-compliance issue San Diego staff notifies the partner jurisdiction and CalRecycle. Enforcement activities are then pursued at the local level.

Staff is requesting Council approval for the following:

- Authorize the City of Chula Vista to participate in the partnership grant.
- Authorize the City of San Diego conduct waste tire enforcement activities within the jurisdictional boundaries of the City of Chula Vista during the terms of the Local Government Waste Tire Enforcement Grants through June 30, 2022.
- Allow the City of San Diego to submit grant documents to CalRecycle for the Local Government Waste Tire Enforcement Grant on Chula Vista's behalf for the 24th Grant Cycle and future grant cycles and to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements and Amendments necessary to secure Grant funds and implement and carry out the purposes specified in the Grant Applications through June 30, 2022.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

LINK TO STRATEGIC GOALS

The Tire Enforcement grant supports the Operational Excellence and Healthy Community goals as it seeks to protect Chula Vista public spaces and private property from unlawful disposal of waste tires while partnering with a local jurisdiction to maximize efforts.

CURRENT YEAR FISCAL IMPACT

There is no current impact to the General Fund as a result of applying for and accepting this grant and implementing the work; no matching funds are required.

ONGOING FISCAL IMPACT

There are no ongoing impacts to the General Fund as a result of applying for and accepting this grant and implementing the work; no matching funds are required.

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ATTACHMENTS

1. Cycle 24 Tire Enforcement grant Terms and Conditions
2. Procedures and Requirements
3. Grant Work Plan
4. City of San Diego Application

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