



Council Meeting: December 17, 2013

SUBJECT: Adopt a Resolution of Continued Participation in the Department of Resources Recycling and Recovery (CalRecycle), Formerly Known as the California Integrated Waste Management Board, Waste Tire Enforcement Grant Program

BACKGROUND

The Department of Public Safety (DPS) is seeking Council approval by Resolution to continue its participation in the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, Waste Tire Enforcement Grant Program effective for five years from the date of adoption of this Resolution. DPS has participated in this program since 2004 by resolution (346-08) that is set to expire at the end of 2013.

Authorization to participate in the program will continue to provide for a legal cost recovery mechanism to be put in place to collect reimbursement for tire enforcement activities performed by the Hazardous Materials Inspectors.

The goal of the Waste Tire Enforcement Program is to improve community safety by reducing illegal abandonment of waste tires. Tires, when stored or discarded in areas open to the elements, can cause health hazards including providing a breeding environment for mosquitoes. In larger quantities they present a serious fire hazard. Additionally, abandoned tires detract from the appearance of the community. Through inspection of facilities collecting and disposing of waste tires, the number of tires illegally discarded in Sunnyvale or shipped elsewhere and dumped will be reduced or eliminated.

Participation in the Waste Tire Enforcement Program requires that DPS conduct annual inspections of all tire dealers, auto dismantlers, tire haulers and other points of waste tire generation to ensure compliance with all applicable laws and regulations.

The program is funded through an annual grant cycle administered by the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board. By way of Resolution, Council approves the participation of the Department of Public Safety in this program for a period effective for five years from the date of adoption of the Resolution.

EXISTING POLICY

Policy SN-1.5 Promote a living and working environment safe from exposure to hazardous materials.

Policy CC-1.5 Encourage residents to maintain clean neighborhoods by preventing unsightly accumulations of discarded and illegal dumping of municipal solid waste.

CEQA REVIEW

N/A

DISCUSSION

Public Safety began conducting waste tire inspections on behalf of CalRecycle in 2004. Annual inspections are performed of all tire dealers, auto dismantlers, tire haulers and other points of waste tire generation to ensure compliance with all applicable laws and regulations, including a manifest system for tracking the disposal of waste tires.

As most waste tire generators also engage in other automotive repair activities, a combined inspection encompassing tires, hazardous materials, hazardous wastes and fire code regulated activities is typically conducted by inspectors. A single visit increases inspection efficiencies and minimizes the impact to the regulated community. If not implemented by the Department of Public Safety, the Waste Tire Enforcement Program would default to the County of Santa Clara. Sunnyvale businesses would then be burdened with an additional inspection by another regulatory agency.

The revenues reimbursed to the city through this program are a legal cost recovery mechanism used to off-set operating expenses for the mandated service provided.

FISCAL IMPACT

This grant program provides cost recovery for mandated services performed by the Hazardous Materials Inspectors. The monies are used to off-set operating budget expenses. The historical reimbursements are as follows:

FY 09/10	\$ 49,013.00
FY 10/11	\$ 56,541.00
FY 11/12	\$ 60,419.00
FY 12/13	\$ 37,711.00
FY 13/14	\$ 27,000.00

The funds are budgeted revenue deposited into Object Code 1041.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Adopt a Resolution authorizing continued participation in the Department of Resources Recycling and Recovery (CalRecycle), Waste Tire Enforcement Grant Program for a period not to exceed five years from the date of adoption of this Resolution.

2. Do not adopt a Resolution authorizing continued participation in the Department of Resources Recycling and Recovery (CalRecycle), Waste Tire Enforcement Grant Program.

RECOMMENDATION

Staff recommends Alternative 1, adopt a Resolution authorizing continued participation in the Department of Resources Recycling and Recovery (CalRecycle), Waste Tire Enforcement Grant Program effective for a period of five years from the date of adoption of this Resolution.

Reviewed by:

Frank Grgurina, Director, Department of Public Safety
Prepared by: Lynne M. Kilpatrick, Fire Marshal

Approved by:

Gary M. Luebbers
City Manager

Attachments

A. Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF RESOURCES AND RECOVERY FOR WASTE TIRE ENFORCEMENT GRANTS AND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, 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; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants; and

WHEREAS, the Council of the City of Sunnyvale finds that funds are allocated and available from the California Department of Resources Recycling and Recovery (CalRecycle) for grants to cities and counties with regulatory authority to investigate illegal tire disposal activities and perform waste tire inspections to ensure compliance with all applicable laws and regulations; and

WHEREAS, the City can demonstrate that it has sufficient staff resources, technical expertise, and/or experience with similar projects to carry out the proposed program; and

WHEREAS, the City will enter into an agreement with the State of California for implementation of a waste tire enforcement program.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SUNNYVALE authorizes the submittal of application(s) to CalRecycle for A Waste Tire Enforcement Grant.

BE IT FURTHER RESOLVED that the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Sunnyvale all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

DRAFT 11/27/13 _____

Adopted by the City Council at a regular meeting held on _____, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST: APPROVED:

City Clerk Mayor
(SEAL)

APPROVED AS TO FORM:

Joan A. Borger, City Attorney