

REQUEST FOR APPROVAL

To: Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Wes Mindermann
Supervising Waste Management Engineer
Engineering Support Branch

Reviewed By: Heather Hunt, Legal Office
Steve Levine, Legal Office

Request Date: June 10, 2014

Decision Subject: **Approval of the Castle Rock Tire Remediation Project, Waste Tire Stabilization and Abatement Program (Tire Recycling Management Fund, FY 2013/14)**

Action By: June 13, 2014

Summary of Request:

Department of Resources Recycling and Recovery (CalRecycle) staff have completed an evaluation and recommend approval of the CalRecycle-managed remediation of the Castle Rock Waste Tire Site (Site) located in Castle Rock State Park. The estimated cost of the remediation is \$240,000.

Recommendation:

CalRecycle staff recommend approving the remediation project.

Deputy Director Action:

On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve this project under the Waste Tire Stabilization and Abatement Program.



Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

Dated: 6/13/14

Background Information, Analysis, and Findings:

Program Eligibility: Public Resources Code (PRC) §42846 allows CalRecycle to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public's health and safety at waste tire sites where the responsible parties have failed to take appropriate action. These efforts may include stabilizing piles until removal, removing all waste tires, and/or remediating the site after the tires have been removed. CalRecycle implements short-term remediations of illegal waste tire sites with CalRecycle-managed contracts. This project would fall under the category of a short-term remediation project as identified and funded for in CalRecycle's Five-Year Plan for the Waste Tire Recycling Management Program.

Site Location/Description: Castle Rock State Park (Park) is owned and operated by the California Department of Parks and Recreation (CDPR). Unique to this area are steep canyons with unusual rock formations that are popular with rock climbers. The Park is also accessed by the public via the 32 miles of hiking and horseback riding trails that connect to several other parks, the Pacific coastline to the west, and the Santa Clara Valley to the east.

A parcel at the eastern edge of what is now the Park was owned by the Smead family. Preceding the establishment of the Park, Mr. William Smead earned money by disposing of tires from local gas stations by dumping an estimated 8,000 tires in a canyon on his property in the early 1960s. Mr. Smead subsequently sold the parcel to the CDPR in June 1981, and the CDPR was unaware that the waste tire site was on the property. The waste tire site remained partially buried and hidden under the vegetation until it was discovered when a fire break was cut through the Site in 2010. The CDPR intends to expand the use of this area of the Park and expand existing hiking trails and provide additional access for the public benefit. Staff understands that Mr. Smead has passed away in 2001.

Cost Recovery: Public Resources Code §42847 directs the CalRecycle to seek reimbursement for monies expended under the Program to the extent feasible from the party responsible for unlawfully storing, stockpiling, or accumulating the waste tires. In this case, CDPR has indicated that Mr. Smead the responsible party is deceased. Furthermore, where a public entity with no prior responsibility assumes the responsibility of a site on which waste tires have been stored stockpiled or accumulated and the public entity had no knowledge of such storage at the time of acquisition, cost recovery against the public entity need not be pursued and a CalRecycle-managed remediation may be considered. Here, CDPR purchased the property unaware of the waste tire stockpile. Additionally, CDPR is a public agency charged with the responsibility of maintaining and improving nearly 300 parks and recreation areas on California for the enjoyment of all Californians and visitors. As CDPR owns and maintains the property as open space land for recreational purposes for the public benefit, cost recovery need not be pursued against CDPR. For these reasons, the Department will not seek cost recovery from CDPR; however, CDPR will provide "in-kind" technical staff support which will include staff observation during the remediation.

Proposed Remediation Project:

The Program’s contractor will remove the surface tires and excavate the buried tires and recycle or dispose of the tires as cost effectively as possible. Any disturbed areas will be re-graded and covered with the existing top soil and vegetation.

Fiscal Impacts:

Cost Estimate: The CalRecycle-managed project will be performed on a time-and-materials basis under the Program’s Northern California remediation contract number DRR12034. The Program’s contractor has conducted a site visit with Program and CDPR staff and developed a work plan with a preliminary cost estimate of \$240,000, which includes a 20 percent contingency.

Funding: The funding for the project will be derived from funding from the Tire Recycling Management Fund in the Program’s Northern California remediation contract number DRR12034. The contract currently has \$150,000 available for FY 2013/14 and another \$150,000 will be available after July 1, 2014, and will be adequately funded to complete this project. The project cannot proceed into construction until after the CEQA Notice of Exemption has been posted for 35 days, which will be mid-July 2014 at the earliest.

California Environmental Quality Act (CEQA):

Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 8 exemption (Title 14, California Code of Regulations §15308: Actions by regulatory agencies to assure restoration and protection of the environment). A Notice of Exemption will be filed by Program staff after project approval.

Support:

Staff has not received any written support at the time this document was submitted for approval.

Opposition:

Staff has not received any written opposition at the time this document was submitted for approval.

