



AGENDA ITEM
THE OFFICE OF SOLID WASTE REDUCTION AND RECYCLING
SOLID WASTE ADVISORY COUNCIL
October 13, 2020

ACTION/DECISION
 INFORMATION

I. SUBJECT: FY2021 Waste Tire Stockpile Grant Application – Anderson County

II. FACTS:

- A. Background: The Viva Recycling Upstate tire processing facility began operating in February 2015 and was cited numerous times for violating its permit. Administrative Order (AO) 17-21-SW was filed against Viva Anderson group in September 2017 requiring them to cease operations and begin closure. DHEC filed a complaint in circuit court in November 2017 against Viva Recycling Upstate, LLC for enforcement of AO because Viva failed to comply with post-closure requirements for signage, mosquito control, submission of a closure plan for the removal and proper disposal of tires. In March of 2018, an order for default judgment was issued, with monetary judgment of \$56,500. A Notice of Lien was attached to all Viva Recycling Update, LLC property in Anderson filed with court in July 2018. To date, Viva has failed to take action to remove and properly dispose the tires at the site. In addition to the concerns of mosquitoes and other vector, several fires have occurred at the facility, endangering firefighters, county personnel, DHEC staff and the community.
- B. Section 44-96-130 of the Solid Waste Policy and Management Act of 1991 (Act) establishes that the Office of Solid Waste Reduction and Recycling (Office) is responsible for establishing a grant program utilizing funds within the Solid Waste Management Trust Fund to assist county governments, municipal governments, and/or regions in carrying out their responsibilities under the Act.
- C. Section 44-96-170 (Q) of Act 63 states that waste tire grants must be awarded on the basis of written grant proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the DHEC Director.
- D. Section 44-96-130 (A) of the Act Requires that grant disbursements from the Solid Waste Trust Fund be approved by the State Solid Waste Advisory Council (SWAC).
- E. On October 7, 2020, the Office received an application from Anderson County in the amount of \$6 million for the removal of waste tires and waste tire materials from the Viva Upstate facility. Funding was requested in the amount of \$2 mil. for removal of the above-ground tires and rubber, and \$4 mil. for the removal of the below-ground material.

- F. On October 13, 2020, the Office recommended to the Waste Tire Committee (WTC) that the grant request be approved in the amount of \$1 mil., to be allocated from the Waste Tire Grant Fund. Grant funds would be used by the county for the oversight and removal of waste tires and waste tire material from the surface of the facility, and materials would be recycled to the degree possible. The WTC reviewed the grant proposal from Anderson County, and recommended approval of the funding request.

- G. In addition to the funds allocated from the Waste Tire Grant Fund, the Office has identified an additional \$1 million from the Solid Waste Trust Fund which could be allocated for the removal of tire material from the surface of the facility. The Office has agreed to work with the county to identify additional funding or new funding sources to assist in the removal of the tire material that is buried at the site.

- H. The Office has allocated a total of \$2 million to Anderson County to be used toward the removal of tires and tire material from the surface of the Viva Recycling Upstate facility.

III. RECOMMENDATIONS:

The Waste Tire Committee recommends approval of \$1 million from the Waste Tire Grant Fund.
 The Office recommends approval of \$1 million from the Solid Waste Trust Fund.
 Total grant recommendation is \$2 million.

Respectfully Submitted:

Approved:

 Beverly McLeod, Chair Date
 State Waste Tire Committee

 Arthur Braswell, Chair Date
 S.C. Solid Waste Advisory Council

 Jana White, Manager Date
 Solid Waste Planning and Grants Section
 DHEC Office of Solid Waste Reduction and Recycling