



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

 x 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. 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 former Viva Upstate facility.

E. The Office has allocated \$1 million from the Waste Tire Grant Fund for award to Anderson County. Should the WTC approve \$1 million from the Waste Tire Grant Fund, the Office will request Solid Waste Advisory Council approval for an additional \$1 million from the Solid Waste Trust Fund to augment the award.

F. 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. In addition, the Office has agreed to continue working with the county to identify additional funding or new funding sources to assist in the removal of the remaining tire material buried at the site.

III. RECOMMENDATION:

The Office recommends approval of \$1 million from the Waste Tire Grant Fund for the cleanup of the Viva Recycling Upstate facility.

Respectfully Submitted:

Approved:

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

Beverly McLeod, Chair Date
State Waste Tire Committee