Memorandum



DATE April 18, 2014

- Honorable Members of the Budget, Finance & Audit Committee: Jerry R. Allen (Chair), Jennifer S. Gates (Vice Chair), Tennell Atkins, Sheffie Kadane, Phillip T. Kingston
- SUBJECT Scrap Tire Regulations & Enforcement

The Monday April 21st Budget, Finance and Audit Committee agenda will include a briefing on Scrap Tire Regulations and Enforcement.

Please let me know if you need additional information.

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Charles M. Cato Interim Assistant City Manager

Attachment

cc: Honorable Mayor and Member of the City Council A.C. Gonzalez, City Manager Warren M.S. Ernst, City Attorney Daniel F. Solis, Administrative Judge Rosa A. Rios, City Secretary Craig D. Kinton, City Auditor Ryan S. Evans, Interim First Assistant City Manager Jill A. Jordan, P.E., Assistant City Manager Forest E. Turner, Assistant City Manager Joey Zapata, Assistant City Manager Theresa O'Donnell, Interim Assistant City Manager Jeanne Chipperfield, Chief Financial Officer Shawn Williams, Interim Public Information Officer Elsa Cantu, Assistant to the City Manager – Mayor and Council



Scrap Tire Regulations & Enforcement

Joint briefing by the

Department of Code Compliance, Trinity Watershed Management, Department of Court & Detention Services, Dallas Marshal's Office



BUDGET, FINANCE AND AUDIT COMMITTEE APRIL 21, 2014



Purpose

- Provide an overview of State laws and City ordinances related to scrap tires, tire businesses, tire repair and transportation
- Review how Dallas enforces regulations
- Provide survey results:
 - From other municipalities to identify possible best practices
 - From tire shop operators to determine their disposal methods
- Propose options to strengthen ordinances
- Highlight plans to increase enforcement



Overview

- The City employs a multi-faceted approach involving several departments to address scrap tires
 - Code Compliance addresses service requests and processes licensing of tire shops and transporters
 - The Court's City Marshals provide enforcement through its Illegal dump team
 - The Sanitation Department allows residents to dispose scrap tires at the landfill without charge (up to 4)
 - Trinity Watershed Management coordinates volunteer efforts to address scrap tires
- Despite these efforts the illegal disposal of scrap tires is still a problem and significant amounts are spent to clean up areas where this problem exists

Texas Commission on Environmental Quality (TCEQ) Requirements

Chapter 328 – Waste Minimization and Recycling

- Generators who store more than 500 tires shall obtain a generator registration number from TCEQ.
- Each generator shall be responsible for ensuring that scrap tires or scrap tire pieces are transported by a registered transporter to an authorized facility.
- Generators may store scrap tires not to exceed 500 on the ground or 2,000 in trailers at the location where they are generated.
- Transporters shall register with TCEQ before conducting business and maintain manifests showing the collection and disposition of all used or scrap tire and tire pieces.
- The authorized facility accepting the delivery of used or scrap tires or tire pieces shall ensure that the completed manifest copy is returned to the generator within 60 days.

Challenges to Enforcement



- Gaps exists in tracking scrap tire disposal by shops and retailers
 - City Code Chapter 18-64 requires scrap tire transporters maintain a current manifest that shows tires delivered to a facility and signatures by the transporter and the facility accepting the tires
 - No assurance that manifests exist for all tires disposed
 - No requirement for shops/retailers to provide records for City review that would indicate the number of tires purchased for resale and tires sold (new and used)
 - Uncertain that scrap tires are delivered for landfill disposal
 - Financial incentive not to properly dispose
 - 2 Code enforcement staff assigned to license tire shops, tire transporters, mobile tire repair, automotive repair facilities, home repair businesses, electronic repair establishments

Challenges to Enforcement

Vacant Land

- Illegal dumping of tires usually occurs in open areas
 - Large stretches of vacant land along the Trinity River and other areas
 - 51,452 vacant lots in the City of Dallas
 - 11 City Marshals assigned to assigned to the team to address illegal dumping (enhancement of 2 additional staff requested in FY 14/15 Budget)

Few reports of dumping in progress

- Reluctance to get involved
- Illegal Dumping service requests have remained constant (avg. 5,200) the last two fiscal years (2,186 YTD FY13/14)
 - Locations of illegally dumped materials





What Are Scrap Tires?

- Dallas City Code, Section 18-55, defines a Scrap Tire as a whole tire or any portion of a tire that:
 - (A) Can no longer be used for it's intended purpose: or
 - (B) is being held, transported, or processed for disposal, or recycling





Why Regulate?

- In addition to being an eye sore, scrap tires must be managed to prevent fires, contamination of water sources, and control disease vectors (mosquitoes, rats, and snakes)
 - Good, reusable tires are not considered to be scrap tires if they are stacked, sorted, classified, and arranged in an organized manner for sale
 - Good used tires that are stored in stockpiles are scrap tires. Scrap tires must be hauled by a registered transporter to an authorized facility, either a permitted landfill or a scrap-tire facility. All such facilities must keep manifest records showing the disposition of scrap tires. -- TCEQ



Scrap Tire Ordinances

- **Tire Businesses** Chapter 18, Section 18-57 (a)
 - Businesses where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored must be permitted by the City
 - Subject to annual inspection
 - \$315 annual license fee
- Mobile Tire Repair Unit Chapter 18 Section 18-57 (b)
 - A business that repairs tires at any temporary location such as a roadway, alley, parking lot or residence
 - Must register each vehicle with the City and display a valid decal at all times
 - \$30 annual license fee

Tire Business and Mobile Tire Repair Unit





Scrap Tire Ordinances

- **Tire Transporters** Chapter 18, Section 18-62
 - Vehicles used for the transport of scrap tires in the City must display a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle
 - A separate application must be made for each vehicle used to transport scrap tires
 - Transporters must provide the name, mailing address, county of residence, telephone and fax numbers of all authorized drivers of the vehicle
 - \$20 annual fee

Transport Vehicles







Scrap Tire Ordinances

- Accumulation of Tires Chapter 19, Section 34.1
 - One or more new or used tires must be stored under a roofed structure





Role of Code Compliance

- Code Compliance's Scrap Tire Enforcement Program (STEP) issues annual permits and licenses for tire related businesses in the City and collects associated fees
- Code inspectors perform routine and complaint-driven inspections of fixed business establishments and off-site locations
 - Issue citations for violation of City ordinances, with
 - Assistance from Dallas Marshal's Office or Dallas Police Department as needed
 - 572 facilities currently licensed for tire business (see map in appendix),
 - 129 licensed as mobile tire repair/tire transporter
 - Issued 164 Notices of Violation (NOV) and 7 citations
 - Compliance gained after issuance of NOV

Role of Code Compliance

- Code Compliance works closely with the Dallas Marshal's Office's Illegal Dump Team to investigate and prosecute violations of City and State laws
 - Code Inspectors address illegal dumping service requests and notifies the Dallas Marshal's Office's Illegal Dump Team when evidential matter is discovered for them to investigate
 - After investigation, sites are cleaned by Code Compliance's Nuisance Abatement Team
 - Often these sites include disposed tires
 - Approximately 33,000 tires were removed by the team in Fiscal Year 2013 and deposited at the McCommas Landfill



Role of Dallas Marshal's Office

- The Marshal's Office Illegal Dump Team (IDT) enforces State and City environmental laws in Dallas
 - Texas Health and Safety Code (illegal dumping)
 - Texas Clean Air Act (Open Burning, Smoking Vehicles, Vehicle Idling)
 - Texas Water Code (Illegal Dumping of Hazardous Waste, Dumping of any Pollutants)
 - Enforce City ordinances (unsecured load, scrap tire, and motor vehicle idling ordinances)
 - Monitor Chronic Dump Sites (Daily)
 - Conduct Surveillance at Dump Sites
- IDT also provides education at community meetings, fairs, etc.
- The Marshal's Office:
 - Operates the City's Detention Center,
 - Conducts prisoner transfers
 - Performs warrant confirmation and enforcement



Role of Dallas Marshal's Office

- While Code Compliance issues permits, collects fees and conducts routine and complaint-driven inspections, the Marshal's Office IDT actively seeks out violators, conducts investigations and sting operations
 - Charges can range from Class C misdemeanors to State Jail Felony charges for illegal dumping of tires under the Texas Health and Safety Code

	FY10-11	FY11-12	FY12-13	FY13-14 1 ^{s⊤} Quarter
Scrap Tire Arrests	5	6	5	0
Scrap Tire Citations	58	136	82	26

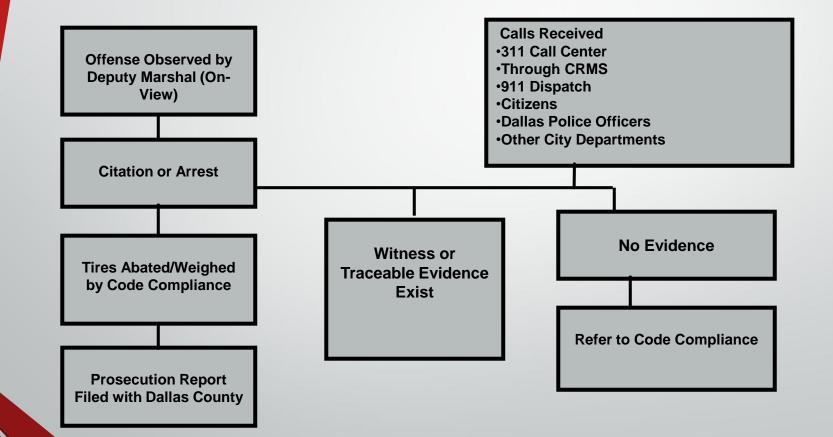


On View Offenses





Scrap Tire Enforcement Workflow





Case Study

- Reported Offense
 - Recently, a citizen called 911 to report that two males were dumping tires on a vacant lot in South Central Dallas
 - Two suspects dumped 49 car and large truck tires; the reporting citizen provided the license number, vehicle and suspect descriptions to responding Dallas Police Officers
 - DPD officers located the suspect's vehicle at a near-by tire shop







Case Study (continued)

Marshal's Office

- Marshal's Office IDT Response
 - IDT dispatched to tire shop
 - Suspects admitted that they were preparing to dump more tires at the same site and that they had been paid \$0.35 per tire for disposal
 - Further investigation revealed that tire shop manager charges citizens \$5 disposal fee per tire
 - The tire shop manager admitted no manifest* for the tires existed; He also knew that at \$0.35, the tires could not be legally disposed



*TCEQ requires that tires are tracked by manifest from "cradle to grave"



Case Study (continued)

- **Criminal Charges**
 - The suspects were arrested and charged with commercial illegal dumping - a state jail felony
 - The tire shop manager was cited at the scene for no City of Dallas Tire Business License
 - The IDT investigator obtained an arrest warrant for the manager; he was later arrested by marshals on that warrant for commercial illegal dumping







Trinity Patrol

- IDT patrols the Trinity River Corridor daily
 - Officers protect infrastructure, prevent environmental crimes and enhance public safety for citizens utilizing the Trinity River Corridor
 - Work with Trinity Watershed Management to identify unauthorized entry points.
 - Designed a "Motor Vehicles Prohibited" sign that TWM began installing in February 2013.





Tire Removal Activities

- Illegally dumped tires in the Trinity River have accumulated along the banks and in the river over several years
- Volunteers and contract workers used to remove illegally dumped tires for more than 5 years
 - Remove tires in flat/dry areas
 - Examples of Corporate volunteers include:
 - Groundwork Dallas
 - Southwest Airlines
 - United By Blue
 - CVS Caremark
 - Mission Continues





Tire Removal Activities (Cont'd)

- In FY13, Trinity Watershed Management developed a pilot project to hire a contractor to remove tires where volunteers could not gain access
 - Over 3,000 tires removed from the Trinity at the IH20 bridge and Dowdy Ferry Road
 - Tires ranged from lawn mower size to tractortrailer size









Tire Removal Activities (Cont'd)

- On January 22, 2014, Council approved a threeyear service contract to remove tires
 - Goal is to focus on the Trinity between Audubon and IH20
 - Removal is typically done between June and September unless weather permits an earlier removal
 - Additional areas will be targeted during the next three years, as funding is available



Immediate Steps

- Develop and implement an educational campaign to reduce improper disposal of scrap tires
 - Water bill inserts, brochures, billboards, TV interviews, etc
 - Start May 2014
- Coordinate with the Sustainable Development and Construction department to provide tire shop licensing applications and information to business owners seeking a certificate of occupancy (CO)
 - May 2014
- Provide refresher training to all code inspectors on the scrap tire provisions of the City Code
 - May 2014



Survey Results - Municipalities

- Municipalities are being surveyed to determine their efforts to address the illegal dumping of scrap tires, including
 - Houston, TX
 - San Antonio, TX
 - Ft. Worth, TX
 - Phoenix, AZ



Survey Results – Tire Shop Operators

 A representative sample of licensed tire shop operators are being surveyed to determine their scrap tire disposal methods and challenges they face in adhering to the City's regulations



Areas for Further Consideration

- Legislative agenda options to address illegal dumping of scrap tires
- Bounty programs to pay residents to bring tires to city facilities for appropriate disposal
- Reward program for reporting of illegal tire dumping that results in prosecution



Code Compliance

Inspections – Tire Businesses

- Identify all tire businesses (new and existing)
 - Begin initial inspections of tire establishments
 - Conduct license renewal inspections of tire establishments
 - Issue Applications, if applicable
 - Issue Notice of Violation, if applicable
 - Schedule re-inspection
- Issue license upon compliance
 - \$315 annual fee
- Issue citations for any non-compliances
 - Follow-up and refer to City Attorney's Office for further legal action as necessary



Code Compliance

Inspections – Mobile Tire Repair

- Verify vehicles and operators comply with State law:
 - Conduct check on vehicle identification number (VIN)
 - Verify valid driver license, vehicle license and registration, and insurance
- Issue permit upon compliance
 - \$30 annual fee
- Identify units not in compliance and issue notices of violation (written warning)



- Re-inspect and issue citations for violations not corrected
- Follow-up and refer to City Attorney's Office for further legal action as necessary



Code Compliance

Inspections – Mobile Tire Repair



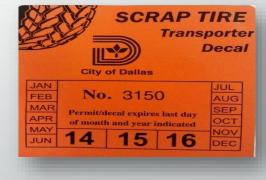




Code Compliance

Inspections – Tire Transporter

- Verify vehicles and operators comply with State law:
 - Conduct check on vehicle identification number (VIN)
 - Verify valid driver license, vehicle license and registration, and insurance
 - Inspect vehicle manifest logs
 - Confirm transporter permit from Texas Commission on Environmental Quality (TCEQ)
- Issue permit upon compliance
 - \$20 annual fee
- Identify transporters not in compliance and issue notices of violation (written warning)



- Re-inspect and issue citations for violations not corrected
- Follow-up and refer to City Attorney's Office for further legal action as necessary



Code Compliance

Inspections – Tire Transporter









STEP License Matrix

