



Agenda Date: 1/9/2007
Agenda Placement: 6Z

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Greg Pirie, Local Enforcement Agency Coord, 253-4144
SUBJECT: Adoption of a Resolution Designating the Department of Environmental Management as the Local Enforcement Agency for Solid Waste.

RECOMMENDATION

County Executive Officer requests the Board take the following actions in designating the Department of Environmental Management as the Local Enforcement Agency for solid waste:

1. Adoption of a resolution identifying the Department of Environmental Management as the Local Enforcement Agency to carry out the provisions of the California Integrated Waste Management Act; and
2. Authorize the Chair to sign the Notice of Designation of Local Agency Form with the California Integrated Waste Management Board.

EXECUTIVE SUMMARY

Adoption of a resolution and the Chair's signature of the Notice of Designation of Local Agency Form designating the Department of Environmental Management as the Local Enforcement Agency (LEA) for solid waste are required to be submitted to the California Integrated Waste Management Board (CIWMB) to complete the transfer of the agency from the County Executive Office to the Department of Environmental Management.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On November 22, 1994, the LEA was moved to the County Administrators Office (current County Executive Office) from the Department of Environmental Management due to the previous Director of Environmental Management (Director) functioning as the owner and operator of a solid waste facility. From 1994 to the Fall of 2005, the Director was also the Manager of the Napa-Vallejo Waste Management Authority (Authority). The Authority is the owner and operator of two solid waste facilities, American Canyon Sanitary Landfill and Devlin Road Transfer Station. Public Resources Code Section 43207 states that the operating unit of solid waste handling and disposal shall not also be the enforcement agency.

The responsibility of operating American Canyon Sanitary Landfill and Devlin Road Transfer Station is now outsourced through the Joint Powers Agreement between the County and the Authority and the job functions of the current Director do not include operating a solid waste facility. Therefore, the LEA can function in the Department of Environmental Management and meet the requirements of the Public Resources Code. The Director of the Department of Environmental Management will be identified as the person responsible for direction and management of the LEA.

The Resolution and completed Notice of Designation of Local Agency form are two of several documents that will be included in the Designation Information Package to be sent to the CIWMB for review and approval. This transfer has been discussed with the CIWMB staff and no concerns have been raised by them.

In most counties throughout the state, the LEA is included in the environmental management department as one of several programs overseen by the director of the department. The program requirements, staff expertise, and professional background of the LEA and Department of Environmental Management are similar and would create the most efficient use of staff resources and facilitate cross training in all programs. The transition of the LEA to the Department of Environmental Management would also meet the goal of moving programs out the County Executive Office and into a department with similar functions. The LEA would receive a greater depth of support from the Department of Environmental Management and promote a more complete structure in promoting environmental health and safety in the County.

LEA has its own budget unit (Fund: 1000, Budget Unit: 40700) and will remain separate from other budget units. Therefore, there is no fiscal impact due to today's requested actions.

SUPPORTING DOCUMENTS

- A . Notice of Designation of Local Agency Form
- B . Resolution

CEO Recommendation: Approve
Reviewed By: Maiko Klieman