



Agenda Date: 2/7/2013

Agenda Placement: 7B

**NAPA-VALLEJO WASTE  
MANAGEMENT AUTHORITY**

**Napa-Vallejo Waste Management Authority  
Board Agenda Letter**

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**TO:** Board of Directors  
**FROM:** Luthy, Richard - Executive Director  
Napa-Vallejo Waste Management Authority  
**REPORT BY:** Richard Luthy, Executive Director, Napa-Vallejo Waste Management - 707-299-1314  
**SUBJECT:** Policy on Uncovered Loads at Devlin Road Transfer Station

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**RECOMMENDATION**

**LITTER**

REQUESTED ACTION: Discussion and possible action regarding treatment of uncovered loads at the Devlin Road Transfer Station.

**EXECUTIVE SUMMARY**

For many years, the Authority's rate resolution has included an additional charge for vehicles arriving at the Devlin Road Transfer Station (DRTS) with uncovered loads. The charge authorized by the rate resolution is currently \$7.00 per load. Several years ago, Authority Counsel advised management that the fee was not enforceable under the then-current California law, and collection of the fee was discontinued, although it remained in the Authority's rate ordinance. Recent discussions by the Napa County Board of Supervisors aimed at resolving litter problems on county roads has led to a renewed interest in controlling uncovered loads. At this time an updated legal review and general discussion of the uncovered load issue at the DRTS is needed to provide direction to staff.

**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**

The California Motor Vehicle Code, Sections 23114 and 23115, generally prohibits uncovered loads on California roads if the material being hauled could be blown or spilled on public roads. To encourage compliance with state law, for many years the Authority's rate resolution has included an additional charge for vehicles arriving at the Devlin Road Transfer Station (DRTS) with uncovered loads. The charge authorized by the rate resolution is currently \$7.00 per load. Several years ago, Authority Counsel advised management that the fee was not enforceable under the then-current California law, and collection of the fee was discontinued, although it remained in the Authority's rate ordinance. Recent discussions by the Napa County Board of Supervisors aimed at resolving litter problems on county roads has led to a renewed interest in controlling uncovered loads. At this time an updated legal review and general discussion of the uncovered load issue at the DRTS is needed to provide direction to staff.

During the period from December 17, 2012 to January 27, 2013, scale house staff at the DRTS photographed and logged uncovered loads arriving at the site. During that period, which covered 40 days of operation, the site received 82 uncovered loads. Ninety percent of these loads were classified as non-commercial self-haul vehicles, primarily pickup trucks and small trailers. During December and January the DRTS averages about 142 self-haul loads per day, so over a 40-day period approximately 5,680 such loads would be expected. This calculates to about 1.4 percent of the non-franchise loads received at the site arriving uncovered. Based on 2012 data, over the course of a year as many as 1000 vehicles may be arriving without proper load covers.

Other public and private disposal sites impose additional fees or take other measures to discourage uncovered loads. Periodic stationing of law enforcement personnel near entrance gates has also been effective in educating and penalizing drivers who violate state law.

### **SUPPORTING DOCUMENTS**

None

Executive Director: Approve

Reviewed By: Martha Burdick