REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent

February 27, 2007

Honorable Mayor and
Members of the City Council

Title: Designation of Local Enforcement Agency (LEA)

Location/Council District: City Wide

Recommendation:

1) Repeal Resolution 92-094 designating the Sacramento County Health Division as the Local Enforcement Agency (LEA) for the City of Sacramento; and
2) Adopt attached resolution designating the County of Sacramento, Environmental Management Department as the Local Enforcement Agency (LEA) for the City of Sacramento; and
3) Authorize City staff to apply to the California Integrated Waste Management Board to designate the City Department of Code Enforcement as the LEA for the City.

Contact: Edison Hicks, Integrated Waste General Manager, 808-4949

Presenters: Not Applicable

Department: Utilities

Division: Solid Waste Services

Organization No: 3361

Description/Analysis

Issue:

Designation of the Local Enforcement Agency (LEA)

Title 14 California Code of Regulations, Division 7, Chapter 5, Section 18050, requires each local jurisdiction to designate a Local Enforcement Agency to enforce solid waste standards and administer solid waste facility permits. The LEA is responsible for the inspection and enforcement of solid waste regulations pertaining

to solid waste facilities. In the City of Sacramento this includes the City of Sacramento 28th Street Landfill, the Sacramento Recycling and Transfer Station, small abandoned landfills and other solid waste facilities operated within the City of Sacramento.

Resolution 92-094 (Exhibit 1) designated the Sacramento County Health Division as the LEA for the City of Sacramento. Recently, the Sacramento County Environmental Management Department moved the LEA from the Health Division to the Hazardous Materials Division in the Sacramento County Department of Environmental Management. Sacramento County Department of Environmental Management has requested that the City of Sacramento formally recognize this Department as their LEA.

The Department of Utilities is preparing an analysis to designate the City's Department of Code Enforcement the LEA for the City. The Department of Code Enforcement has been meeting with the State of California Integrated Waste Management Board (CIWMB) to determine what is necessary for this to happen. At this time the CIWMB staff has told the Department of Code Enforcement that this is feasible. However, it is anticipated that it will take approximately 6-8 months to complete the process. At that time staff will bring before the City Council a report for their consideration to designate the City's Department of Code Enforcement the LEA. In the interim period the County Environmental Management would continue to serve as the LEA for the City.

Policy Considerations: Approval of this resolution will support the City Council goal of sustainable neighborhoods.

Environmental Considerations: This request is not subject to the provisions of the California Environmental Quality Act (CEQA) under the general rule (Section 1506(b)(c)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

Rationale for Recommendation:

The resolution designating the County the LEA is at the request of the Sacramento County Department of Environmental Management in order to officially designate the Sacramento Environmental Management Department as the LEA for the City of Sacramento. State regulations require the City to have a designated LEA. Having the Department of Code Enforcement designated as the LEA for the City will allow for more efficient coordination of inspection and correction of violations at waste management facilities in the City.

Financial Considerations:

The proposed resolution designating the County Environmental Management Department will have no financial impact to the City.

Emerging Small Business Development (ESBD): No goods or services are being purchased.

Respectfully Submitted by: GA Reents for Edison Hicks
Integrated Waste General Manager

Approved by: GA Reents
Gary A. Reents
Director, Department of Utilities

Recommendation Approved:

for Ray Kerridge
City Manager

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Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees

Article 2. Designation of a Local Agency and the Appointment of Hearing Panels.

18050. Scope.
This Article sets forth the requirements for the designation of a local agency as an enforcement agency, and the establishment of hearing panels pursuant to the California Integrated Solid Waste Management Act of 1989. A local governing body of a city, county, or a joint powers body may designate a single local agency to be its enforcement agency pursuant to Section 18051 of this Article. Upon board approval of the designation and certification(s) of the local agency pursuant to Articles 2.0, 2.1, and 2.2 of this Chapter, the designated local agency shall become the local enforcement agency (LEA) in the designated jurisdiction. A local governing body may enter into a contract or joint powers agreement with another LEA for permitting, inspection, and enforcement duties within its territorial jurisdiction. This action is to board approval of the designation and certification of the contract LEA or the joint powers LEA.

Note:

Authority cited:
Sections 40502, 43020, and 43200 of the Public Resources Code.

Reference:
Sections 43200 through 45601 of the Public Resources Code.

18051. Designation of a Local Agency.
Each local governing body that wishes to designate a local agency shall so notify the board. The notice of designation, by the local governing body of a local agency, shall be part of a designation infformation package (DIP) which includes the following information:

(a) A completed form CIWMB 1000 "Notice of Designation of Local Agency" (1994), which is incorporated herein by reference (See Appendix A.);

(b) A cover letter requesting approval of the designation by the board;

(c) Copies of all resolutions and other official documents necessary to establish the manner in which Article 1 of Chapter 2 (commencing with Section 43200) and Chapter 4 (commencing with 44308) of the Public Resources Code and Section 18060 of this Chapter have been satisfied;

(d) An organizational chart documenting the separation of the designated agency from public agencies or departments that are the operating units under the local governing body;

(e) An organizational chart documenting the organization of the designated agency;

RESOLUTION NO.

Adopted by the Sacramento City Council

DESIGNATING THE SACRAMENTO COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITY PERMITS

BACKGROUND

A. Title 14 of the California Code of Regulations, Sections 18050 and 18051 require local jurisdictions to designate a Local Enforcement Agency for the enforcement of solid waste standards and administration of solid waste facility permits.
B. Resolution 92-094 designates the County of Sacramento Environmental Health Division as the Local Enforcement Agency.
C. Recently the Local Enforcement Agency was moved from the County of Sacramento Environmental Health Division to the County of Sacramento Environmental Management Department, Hazardous Materials Division.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Resolution 92-094 is repealed;

Section2. The County of Sacramento Environmental Management Department is designated as the Local Enforcement Agency for the City of Sacramento.

Section 3. The City Manager is directed to prepare an application to the California Integrated Waste Management Board requesting that the City Department of Code Enforcement be designated as the Local Enforcement Agency for the City of Sacramento.

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Exhibit A Resolution 92-094

RESOLUTION NO. 92-094

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEB 11 1992

A RESOLUTION REDESIGNATING THE SACRAMENTO COUNTY ENVIRONMENTAL HEALTH DIVISION AS THE SINGLE LOCAL ENFORCEMENT AGENCY FOR SACRAMENTO CITY SOLID WASTE ACTIVITIES

WHEREAS, California Administrative Code, Title 14 Sections 18051 and 18052 require that existing Local Enforcement Agencies be redesignated by jurisdictions based on their population; and

WHEREAS, the City of Sacramento has a population of 369,365; and

WHEREAS, the City of Sacramento has designated the Sacramento County Environmental Health Division as the Local Enforcement Agency for Sacramento City Solid Waste since January 22, 1985; and

WHEREAS, the City of Sacramento desires to redesignate the Sacramento County Environmental Health Division as its Local Enforcement Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that the Sacramento County Environmental Health Division is redesignated as the local enforcement agency for all Sacramento City Solid Waste activities.

Anne Rudin
MAYOR

ATTEST:

Valerie A. Burrowes
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 92-094

DATE ADOPTED: FEB 11 1992