



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Jim Arndt, Public Works Director
Anna Luke, Management Analyst

DATE: December 1, 2009

SUBJECT: Consideration of a Revision to Resolution No. 3578, renaming the Los Angeles County Department of Public Health as the Local Enforcement Agency to Carry out the Provisions of the Z' Berg-Kapiloff Solid Waste Control Act of 1976 regarding solid waste disposal, handling and transport, replacing the Los Angeles Department of Health Services

RECOMMENDATION SUMMARY:

Staff recommends that City Council adopt Resolution No. 6235, designating the Los Angeles County Solid Waste Management Program, a Division of Public Health, as the City's Enforcement Agency to Carry Out the Provisions of the Z' Berg-Kapiloff Solid Waste Control Act of 1976.

FISCAL IMPLICATION:

There is no fiscal implication in the adoption of Resolution No. 6235.

BACKGROUND:

Details of AB 2439, the Z' Berg-Kapiloff Solid Waste Control Act of 1976

- Local Enforcement Agencies / Permitting and Enforcement--Established a program for the issuance of permits for the operation of a solid waste facility.
- Specified the environmental purposes to be achieved in the issuance and enforcement of such permits, and specified penalties for operating in violation of or without a permit.
- Created provisions for the designation of a local enforcement agency (LEA) and authorized an LEA to investigate and inspect the operations of solid waste facilities, and to required technical, monitoring or other reports.
- Authorized the California Integrated Waste Management Board to adopt and modify standards governing such operations and facilities, and to modify the standards, and established a procedure for the State Department of Health to object to modification of any standard affecting the public health.
- Established a detailed procedure for enforcement, denial, revocation, or suspension of permits, including a detailed hearing and appeal process, specified fines for violations, and required any attorney authorized to act on behalf of, or upon the request of, an LEA or the AG or the Board, to petition the Superior Court for injunctive relief for specified violations.

- Also specified that an EIR is not required for the issuance of a solid waste facility permit.
- Authorized an LEA to issue a cease and desist order for the operation of a solid waste facility without or in violation of a permit, and to order cleanup or other remedial actions, and to hold the person responsible civilly liable.
- Provided for penalties for violation of a solid waste facility permit or any standard adopted by the Board, and directed the disbursement of such penalties -- half to the state and half to local agencies.
- Enacted technical changes to the Act. (*Chapter 1309*)

Resolution adopted in 1977

The Z'berg-Kapiloff Solid Waste Control Act of 1976 (the "Act") requires that there shall be designated in each county an enforcement agency to carry out the provisions of the Act. This Act relates to all laws and regulations regarding solid waste disposal, handling and transport within the Manhattan Beach jurisdiction. On November 1, 1977, the City Council, by Resolution No. 3578, designated the Los Angeles County Department of Health Services ("DHS") as the Local Enforcement Agency (LEA) to undertake the enforcement of the Act, as a complement to other health services which the County provides for the City.

L.A. County Reorganization in 2006

In July of 2006, DHS reorganized and the Los Angeles County Department of Public Health ("DPH") was formed. Within the new DPH is the Los Angeles County Department of Environmental Health, Solid Waste Management Program (SWMP) Local Enforcement Agency (LEA). All member cities who currently list the Department of Health Services as the Local Enforcement Agency must change their Resolutions to reflect the new department managing the Z'berg-Kapiloff Solid Waste Control Act of 1976.

DISCUSSION:

In November 2009, the City received a request from the County of Los Angeles, Bureau of Environmental Protection Solid Waste Management Program, that the City make the necessary change to Resolution 3578, changing the LEA from the "Department of Health Services" to the "Solid Waste Management Program, a Division of Public Health." The only change in the resolution is the name change from the DHS to the DPH. The County has asked the City of Manhattan Beach to approve the new resolution before the end of 2009, and provide a certified copy of this revised designation to the County.

cc: John Kaddis, R.E.H.S./M.P.H., Los Angeles County Department of Public Health
Robert Wadden, Esq., City Attorney, City of Manhattan Beach
Liza Tamura, City Clerk, City of Manhattan Beach

RESOLUTION NO. 6235

A RESOLUTION OF THE CITY COUNCIL OF MANHATTAN BEACH, CALIFORNIA, DESIGNATING THE LOS ANGELES SOLID WASTE MANAGEMENT PROGRAM, A DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH, AS THE CITY'S ENFORCEMENT AGENCY TO CARRY OUT THE PROVISIONS OF THE Z'BERG-KAPILOFF SOLID WASTE CONTROL ACT OF 1976

WHEREAS, the County of Los Angeles and its incorporated cities are required by Section 66796 of the Government Code to designate an enforcement agency to carry out the provisions of the Z'berg-Kapiloff Solid Waste control Act of 1976; and

WHEREAS, the County and each city within the County of Los Angeles has designated or will designate its own enforcement agency(ies); and

WHEREAS, the Los Angeles County Solid Waste Management Program, a division within the Department of Public Health, possesses the required capabilities in environmental health and solid waste management to implement the Z'berg-Kapiloff Solid Waste Control Act of 1976 and the regulations and ordinances that have been and will be adopted pursuant thereto,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That it hereby designates the Los Angeles County Solid Waste Management Program, a division within the Department of Public Health, as the enforcement agency for the City of Manhattan Beach pursuant to subsection (a)(3) of Section 66796 of the Government Code.

SECTION 2. That this resolution shall take effect immediately.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution; shall cause the original of same to be entered in the book of resolutions of said City of Manhattan Beach, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED this 1st day of December, 2009.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 
City Attorney