



Legislation Text

File #: 17-232, **Version:** 1

Adopt a resolution reappointing Greg Pirie to serve in the technical expert position and appointing Victor Johnson to serve in the public at large position, on the Solid Waste Independent Hearing Panel, for terms to expire April 4, 2021

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Department recommends that the Board of Supervisors adopt a resolution reappointing Greg Pirie to serve in the technical expert position and appointing Victor Johnson to serve in the public at large position, on the Solid Waste Independent Hearing Panel, for terms to expire April 4, 2021.

SUMMARY/DISCUSSION:

The Board of Supervisors adopted a Solid Waste Independent Hearing Panel (IHP) to be compliant with state laws and regulations in October 1992 and reaffirmed the use of the IHP in January 2009 (Resolution 2009-07). The purpose of the IHP is to hold hearings pertaining to specific permitting and enforcement activity by the Department of Resource Management, acting in its capacity as the Local Enforcement Agency (LEA) to regulate solid waste facilities. The IHP consists of three members: 1) a member from the Board of Supervisors, 2) a technical expert and 3) a member from the public at large. The Board of Supervisors had previously appointed Greg Pirie as the technical expert and Bruce DuClair as the public at large member on the IHP on April 14, 2013. The term for both of these panel members will expire April 14, 2017. Mr. Pirie wishes to continue serving for a second term in the technical expert position. However, Mr. DuClair may not serve another term, as state law limits members to two consecutive terms.

The Department of Resource Management is the Local Enforcement Agency (LEA) responsible for implementation of state laws and regulations at solid waste facilities within Solano County. The Board of Supervisors adopted Resolution 92-242 on October 6, 1992 creating a Solid Waste Independent Hearing Panel (IHP) pursuant to California Public Resources Code (PRC), section 44308 and title 14, California Code of Regulations, section 18060. The IHP must convene prior to the department taking action in its capacity as the Local Enforcement Agency (LEA) to deny, suspend, or revoke a Solid Waste Facility Permit, or upon written request of an appropriate person or party for a hearing with a statement of the issues in order to hear appeals regarding enforcement actions and permit conditions issued by the LEA. On January 13, 2009 the Board approved Resolution 2009-07 reaffirming the IHP and authorizing the IHP to hold hearings for all privately and publicly owned or operated solid waste facilities.

The IHP consists of three members, one from the Board of Supervisors (currently this is Supervisor John Vasquez) a technical expert and a member from the public at large. Resolution No 2009-72 adopted by the Board on April 14, 2013 appointed Greg Pirie as the technical expert and Bruce DuClair as the member on the IHP. Both members' terms will expire April 14, 2017.

The Board is asked to adopt the resolution in Attachment A reappointing Greg Pirie as the technical expert and Victor Johnson as the member from the public at large to the Solid Waste Independent Hearing Panel for

terms to expire April 4, 2021. The proposed appointees were chosen due to their expressed interest, and/or background and knowledge on solid waste issues. Attachment B is a summary of each person's background and their qualifications for the panel.

FINANCIAL IMPACT:

The Department of Resource Management has borne the cost to secure individuals for appointment and prepare this report and associated documents. To date, the Solid Waste Independent Hearing Panel members have conducted one hearing on solid waste appeals in the last 4 years. The Board has adopted Resolution 2009-34 approving procedures for the Solid Waste Independent Hearing Panel and authorizing a per diem of \$100 to panel members during the conduct of a hearing.

ALTERNATIVES:

Appoint different individuals to the technical expert and member at large position on the IHP. This is not recommended as both the LEA and Solano County Local Task Force on Integrated Waste concur that Greg Pirie and Bruce DuClair meet the qualifications for their proposed positions on the IHP and each has confirmed their willingness to serve as IHP members pending Board approval.

OTHER AGENCY INVOLVEMENT:

County Counsel was consulted on the language and process for appointing replacements to the Hearing Panel.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION