

FINAL ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM, ENERGY AND ENVIRONMENT COMMITTEE REPORT, and ORDINANCE FIRST CONSIDERATION relative to the Citywide Exclusive Franchise System for the Municipal Solid Waste Collection and Handling Program.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CERTIFY that the Final Environmental Impact Report (FEIR; State Clearing House No. 2013021052; 13-015-BS) for the Citywide Exclusive Franchise System for Municipal Solid Waste Collection and Handling Program complies with the California Environmental Quality Act (CEQA); the FEIR reflects the lead agency's independent judgement and analysis; and was presented to the City Council and that the Council reviewed and considered the information contained in the FEIR before approving the project.
2. ADOPT the CEQA findings, attached to the Council file, required under Public Resources Code Section 21081.
3. ADOPT the Statement of Overriding Considerations, attached to the Council file.
4. ADOPT the Mitigation Monitoring and Reporting Program, attached to the Council file.
5. SPECIFY that the documents or other material that constitute the record of proceedings upon which the lead agency's decision is based, as stated in the CEQA Findings of Facts and Statement of Overriding Considerations, attached to the Council File.
6. APPROVE the Citywide Exclusive Franchise System for Municipal Solid Waste Collection and Handling Project as detailed in the March 13, 2014 Bureau of Sanitation report, FEIR, CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program, attached to the Council File.
7. AUTHORIZE relevant City staff to prepare and file a Notice of Determination with the California State Clearinghouse and with the County Clerk within five working days of approval of the Citywide Exclusive Franchise System for Municipal Solid Waste Collection and Handling Project.
8. PRESENT and ADOPT the accompanying ORDINANCE retitling Chapter VI, Article 6; adding new Sections 66.03 and 66.33 to 66.33.11 of the Los Angeles Municipal Code relating to the collection of solid waste from commercial establishments and multifamily dwellings; amending Sections 66.00, 66.00.1, 66.01, 66.02, 66.08.1, 66.08.3 through 66.08.6, 66.17.1, 66.23 through 66.25, 66.27 through 66.30, and 66.32; and repealing Sections 66.01.1, 66.04, 66.06, 66.07, 66.08.2, 66.09, 66.10, 66.18 through 66.22; and 66.26.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On March 19, 2014, your Committee considered March 13, 2014 Bureau of Sanitation (BOS) and March 14, 2014 City Attorney reports, Ordinance, FEIR, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program relative to the Citywide Exclusive Franchise System for Municipal Solid Waste Collection and Handling Program. According to the BOS, on November 16, 2010, a Motion (Huizar - Koretz - Alarcon - Garcetti - Perry - Reyes - Rosendahl) was introduced in Council directing the BOS to examine whether an exclusive commercial and multifamily franchise system would assist the City in meeting its Zero Waste, environmental and financial goals (Council File No. 10-1797). The BOS prepared a number of reports to examine these issues.

Subsequently, the BOS received Council approval and it issued a 5-year notice to permitted private waste haulers that exclusive solid waste handling services are to be provided or authorized by the City of Los Angeles, in accordance with Section 49520 of the California Public Resources Code. This notice is required whenever a change in the privately served hauling system is made. The Franchise development process included extensive stakeholder outreach and opportunities for public comment. This process included: 28 Public Workshops for the development of the Franchise System and Environmental Impact Report (EIR); multiple meetings with industry groups including studios, hospitals, non-profit organizations, and business associations; a Board of Public Works Hearing, seven Council Committee Meetings, and two Council Meetings.

On November 14, 2012 Council directed the BOS to develop an implementation plan for the Franchise System, and begin the CEQA process. The City Council further requested the City Attorney's Office to prepare an ordinance in support of the Franchise System (Council File Nos. 10-1797, 10-1797-S1, 10-1797-S2, 10-1797-S3, 10-1797-S4, 10-1797-S5, and 10-1797-S6). On April 24, 2013, the Council approved the Energy and Environment and the Ad Hoc on Waste Reduction and Recycling Committees' Report (Council File No. 10-1797-S15), and adopted the following recommendations: 1) direct the BOS to begin the development of a Request For Proposals (RFP); 2) direct the BOS to complete the CEQA process; 3) direct the BOS to finalize the RFP as necessary upon Council consideration and approval of the CEQA documentation and ordinance; and 4) approve the goals and actions for the Exclusive Commercial Franchise System, Final Implementation Plan as detailed in the April 12, 2013 BOS Report, as attached to Council File No. 10-1797-S16.

The proposed Exclusive Franchise System for Municipal Solid Waste Collection and Handling Program would replace the existing open market waste collection and handling system for commercial establishments in the City. Sanitation will continue the collection of Solid Resources from single family homes and small multifamily complexes, and continue to provide some special services such as bulky item collection for all households. Under the Program, the Franchised Haulers would be required to meet the City's recycling and diversion goals, including compliance with State mandatory commercial recycling requirements and the City's goal of Zero Waste by 2025.

A Notice of Preparation (NOP) of the Program EIR for the proposed ordinance was initially submitted on February 20, 2013. The NOP was received by the State Clearinghouse on February 22, 2013, and distributed to various federal, state, regional, and local government agencies. The NOP was revised and recirculated for a 30-day review period that began on February 26, 2013, and closed on March 27, 2013. Copies of the NOP and Revised NOP, and the comment letters submitted in response to the NOP are included in Appendix A of the Draft Program EIR and attached to the Council file. The NOP advertised seven Public Scoping meetings for interested parties to receive information on the proposed ordinance and the CEQA process and to allow interested parties an opportunity to submit comments. The scoping meetings facilitated early consultation with interested

parties in compliance with Section 15082 of the State CEQA Guidelines. The Draft Project EIR was released for a 50-calendar-day public review period between November 21, 2013 and January 10, 2014.

On November 21, 2013, the Draft Program EIR was provided to the State Clearinghouse for distribution to additional agencies and was filed with the Los Angeles County Clerk. A public Notice of Availability (NOA) of the Draft Program EIR was published in the Los Angeles Times, and in the following local foreign-language newspapers: La Opinion (Spanish), Asbarez (Armenian), World Journal LA (Chinese), and the Korea Times (Korean). Copies of the Draft Program EIR were distributed to agencies, organizations and the public who requested to be on the mailing list for the Draft Project EIR, and was were provided to members of the public on request. The Draft Project EIR was also made available electronically on the BOS' web site, and at eight libraries for public review. The BOS held public information meetings on the Draft Program EIR to provide the public with an overview of the Draft Program EIR and an opportunity to provide written comments on the Draft Program EIR. The BOS received letters from one agency and eleven public organizations on the Draft Program EIR. Sanitation prepared responses to all comments received as noted Section 3 of the FEIR.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as contained in the March 13, 2014 BOS and March 14, 2014 City Attorney reports and detailed in the above recommendations. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

ENERGY AND ENVIRONMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
FUENTES:	YES
BLUMFIELD:	YES
LABONGE:	YES
HUIZAR:	YES
KORETZ:	YES
ARL	

3/19/14

-NOT OFFICIAL UNTIL COUNCIL ACTS-