

DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION
BOARD REPORT NO. 1
OCTOBER 29, 2018

OCT 29 2018


Executive Officer
Board of Public Works

CD: ALL

CONSIDERATION OF CEQA ADDENDUM 2 TO 2014 CERTIFIED PROGRAM EIR FOR CITY-WIDE EXCLUSIVE FRANCHISE SYSTEM FOR SOLID WASTE COLLECTION AND HANDLING AND ZERO WASTE LA/FRANCHISE SYSTEM (recyclA) AND APPROVAL OF BUREAU OF SANITATION'S FACILITY CERTIFICATION PROGRAM PLAN THAT IS WITHIN THE SCOPE OF THE APPROVED recyclA PROGRAM AND ADEQUATELY DESCRIBED BY THE PROGRAM EIR.

RECOMMENDATION

1. Consider and adopt California Environmental Quality Act (CEQA) Addendum 2 with the certified Program Environmental Impact Report (EIR) and Addendum, and find the previously certified EIR and Addendum remain relevant.
2. Find that no new effects would occur and no new mitigation measures would be required, the Facility Certification Plan (FCP) is within the scope of the program approved by the certified Program EIR (recyclA), the certified Program EIR adequately describes the FCP for the purposes of CEQA, and no new environmental document is required.
3. Re-adopt the Mitigation Monitoring Reporting Program and mitigation measures set forth therein adopted by the City on April 15, 2014, as set forth in Addendum 2.
4. Re-adopt the CEQA Findings and Statement of Overriding Considerations adopted by the City on April 15, 2014, as set forth in Addendum.
5. Approve LA Sanitation and Environment's (LASAN's) Facility Certification Program Plan for the following types facilities:
 - A. Solid Waste Transfer and/or Dirty MRF (Materials Recovery Facility) – A facility that accepts and transfers, pre-processes and/or processes mixed solid waste materials (recyclA Black Bin materials).
 - B. Organic and Green Waste Transfer and/or Pre-processing and/or Processing – A facility that accepts and transfers, pre-processes and/or processes mixed organics (food and green waste), food waste, or green waste materials (recyclA Green Bin materials), excluding compost facilities.
 - C. Sources Separated or Clean MRF – A facility that accepts and transfers, and/or processes commingled recyclable materials (recyclA Blue Bin materials).
 - D. Disposal-Landfills Class III.
 - E. Composting Facilities.
 - F. Recycling Centers for single stream processors such as a metal recycler or a glass recycler. Source Separated or Clean MRFs that process commingled recyclable materials do not qualify as recycling centers.
 - G. Solid Waste Transformation Facilities.

Page 2

H. Waste-To-Energy Facilities.

I. End User Destinations such as food waste to farms for animal feed.

6. Authorize the Director of LASAN, or his designee, to certify facilities for up to five years with a detailed review conducted annually.
7. Authorize the Director of LASAN, or his designee, to file a Notice of Determination with the County Clerk regarding the approval of LASAN's Facility Certification Plan.

TRANSMITTALS

1. Copy of the adopted City Ordinance No. 182986, dated April 8, 2014, establishing an exclusive waste hauling and recycling franchise system (recycLA) for commercial and multi-family properties within the City. The adopted ordinance codified the requirement for Franchise waste haulers (recycLA Service Providers, or RSPs) to use City Certified Facilities.
2. Copy of the proposed Facility Certification Program Plan to certify facilities under recycLA.
3. Copy of Addendum #2 to the Final Program Environmental Impact Report for City Ordinance: City-Wide Exclusive Franchise System for Municipal Solid Waste Collection and Handling SCH #2013021052 with appendices.
4. Communications from Sun Valley working group members on the development of the Facility Certification Program.
5. Copy of comments from RSPs and facilities regarding the draft Facility Certification Program Plan.
6. Copy of Standard Facility Certification Master Inspection Checklist from the Facility Certification Program Plan.
7. Copy of Prior Certified Final Program EIR and Addendum and Addendum.
8. CEQA Notice of Determination

FINANCIAL IMPACT STATEMENT

Approving the Facility Certification Program Plan does not require any funding and does not have any financial impact to the General Fund.

DISCUSSION

This item was originally before the Board on April 25, 2018, as set forth in Board Report No. 1 dated March 9, 2018, with transmittals. After receipt of comments and consideration by the Board, the item was continued. In addition to the information in Board Report No. 1, this Board

Page 3

Report and transmittal clarify the City's actions with respect to the California Environmental Quality Act (CEQA) and set forth the recommended actions.

Limitations of Current Solid Resources Handling and Processing Facilities

Traditionally, City permitted solid waste haulers used hundreds of facilities to dispose and process solid resources collected from within the City. For the purpose of the Facility Certification Program these facilities will be categorized as mixed solid waste transfer, pre-processing and/or processing; mixed organic and green waste transfer, preprocessing and/or processing; source separated or commingled recyclable materials transfer and/or processing; disposal; composting; recycling centers for single stream materials, transformation, waste to energy; and/or end use destinations. Transfer and/or processing facilities are facilities that receive solid resources, provide temporarily storage, process by separation, conversion and/or other processes. Other processes may include transferring the solid resources from smaller to larger vehicles for transloading. Source-separated processing facilities are facilities that receive and process materials that are already source separated and/or keep it separate from any other waste streams at the point of generation. Organics facilities under recycLA are facilities that pre-process and/or process source-separated green waste including, but not limited to yard trimmings, grass cutting, food waste or other organic waste. Disposal facilities are solid waste landfill, where final disposal of solid waste occurs. Recycling centers are sites that accept single stream material such as metal, glass or other material for beneficial reuse. End use destinations are sites such as farms that use a single stream, such as food waste, and is generally purchased or secured for the purpose of reusing, reducing, or recycling the materials.

Actions Taken by the City of Los Angeles for Facility Certification

In April, 2013, the Mayor and the City Council approved the Franchise Implementation Plan, including the program goals used to develop the proposed project. The implementation plan included, among other requirements, the development of a Facility Certification Program for all facilities proposed for use by City RSPs. The City Council further requested the City Attorney's Office to prepare an ordinance in support of recycLA.

In April 2014, the Mayor and City Council certified the Final Environmental Impact Report for Citywide Exclusive Solid Resources Collection and adopted ordinance No. 182986 which established an exclusive waste hauling and recycling franchise system for commercial and multi-family properties within the City (Transmittal No. 1). The adopted ordinance codified the requirement for recycLA Service Providers to use City Certified Facilities.

Pursuant to Section 66.33.6(d) of the Los Angeles Municipal Code (LAMC), and the requirements set forth in the recommended recycLA contracts, a franchisee shall deliver all mixed solid waste, commingled recyclables and mixed organics collected from commercial establishments and multi-family dwellings exclusively to facilities certified by the City. In addition, Section 66.33.8 of the LAMC states that:

Page 4

- (a) The Board of Public Works (Board) may certify facilities for a five-year period to accept Solid Waste collected by franchisee's providing collection services under a franchise agreement under criteria established by LASAN and approved by the Board. Facilities shall be inspected by the City prior to certification, and each certification shall be conditioned on the facility granting the City the right to inspect the facility during the period of certification to verify compliance with the terms of certification.
- (b) The City may suspend or revoke certification of a facility upon 30-day notice by issuance of a notice of suspension or notice of revocation, if the facility fails to comply with any of the terms and conditions specified in the certification or in this Code, under the process set forth in Section 66.32.3(d).

In June 2014, the Board authorized LASAN to distribute the Request for Proposals (RFP) for the recycLA Program. The RFP provided the opportunity for waste collection companies to submit proposals for an initial ten-year contract with the City. The RFP also provided requirements for RSPs to use City Certified Facilities.

In July 2014, Councilmembers Martinez and Krekorian introduced a motion directing LASAN to engage the Sun Valley Working Group for requirements, objectives, and definitions to be considered in the development of the Certification Program for recycLA. Further, LASAN was directed to prepare a report on the concerns and recommendations obtained from the Sun Valley Working Group, indicating which recommendations were incorporated into the Certification Program and the reasons for any recommendations not being included.

In August 2014, LASAN staff met with members of the Sun Valley Working Group (SVWG) to gather input and understand their concerns with the operations of local solid waste facilities. During the meeting SVWG voiced their concerns with the daily operations of local facilities and their belief of a lack of oversight and enforcement from regulatory agencies. Many working group members provided written comments following the meeting, see Transmittal No. 4. The recommended Facility Certification Plan addresses many of their concerns and their suggestions.

On January 21, 2017, the Board, with concurrence of the Mayor and City Council, executed contracts with seven RSPs for recycLA. As detailed in recycLA contracts, the RSPs will utilize over forty (40) solid resources facilities. Many of the facilities utilized under the recycLA Program are existing facilities. Some existing facilities will be upgraded to increase diversion and meet the requirements of the Facility Certification Program, and some new facilities will be constructed.

On April 12, 2018, LASAN hosted a workshop with recycLA stakeholders and facility operators to discuss the draft Facility Certification Program Plan. Roughly 60 participants, representing facility owners/operators and RSPs, attended the workshop. The workshop presented an overview of the Facility Certification Program and its requirements. Following the presentation, a question and answer session was held to provide further clarification regarding the program. Stakeholders were allowed to submit comments to LASAN regarding the FCP until April 19, 2018. Comments are presented in Transmittal No. 5. The draft FCP has been revised to address and to include stakeholder concerns.

Page 5

Lastly, in May 2018, LASAN prepared Addendum #2 to the Final Program Environmental Impact Report (EIR) for City Ordinance: City-Wide Exclusive Franchise System for Municipal Solid Waste Collection and Handling SCH #2013021052 (Transmittal #3). The Final Program EIR addresses Facility Certification, and the addendum was prepared to further address any impacts that may arise due to the voluntary Facility Certification Program.

RecycLA Staffing Plan

Key components of the Facility Certification Program are the City's ability to monitor, track, audit and inspect facilities on a regular and as-needed basis. On February 3, 2015, the City Council approved the recycLA Staff Resources Plan. The approved plan created a new Solid Resources Commercial Franchise Division to administer and manage the recycLA Program and included the development of a new Facility Certification Section. This new section is responsible for the development, implementation, inspection and annual certification of the facilities utilized in the recycLA Program. Staff will provide scheduled and unscheduled inspections, and facilities will have reporting requirements to maintain certification. A total of eight full-time staff are identified for this function on an ongoing basis.

Facility Certification Program Goals

The City certification of facilities will help ensure that all facilities utilized in the City's recycLA Program are properly permitted, operated and managed to meet the City's goals by:

- Reducing impacts to public health and the environment due to dust, odor, litter and noise;
- Helping to ensure healthy and safe working conditions;
- Supporting the State requirements for mandatory recycling; and
- Assisting the City in meeting its Zero Waste goals.

FACILITY CERTIFICATION PROGRAM

In accordance with City Ordinance No. 182986 and to address community concerns, LASAN has developed the Facility Certification Program. This Program establishes a set of requirements that must be met by all the facilities utilized in the recycLA Program to ensure worker safety, public health, and environment protection. These requirements must be adhered to by all facilities in the recycLA Facility Certification Program, irrespective of the jurisdiction in which they are located.

Requirements implemented to address community concerns include, but are not limited to: frequent and detailed facility inspections by LASAN staff; litter control and cleaning to prevent the off-site migration of waste materials; nuisance prevention through the implementation of noise, odor and dust control measures; and ensuring that facility employees receive adequate training, personal protective equipment, and safe working conditions.

Audit and Facility Inspection

Facilities will be required to allow the City access to audit and inspect facility operations to ensure compliance with the requirements of the City's Facility Certification Program. Audit and inspection of facilities utilized by RSPs for recycLA solid resources are essential to ensure compliance with recycLA Program requirements. Facility inspections will be conducted, announced or unannounced, on a monthly basis or as-needed.

Solid Waste Facility Permit Types

Depending on the category of the Facility, as well as the type and quantity of waste handled, there are different permits issued and various permit requirements mandated by the State of California, local municipalities, and local agencies. Solid resource handling, processing and disposal activities, including landfill operations, transfer and MRFs, organic pre-processing facilities, and waste-to-energy facilities, are regulated by the California Department of Resources Recycling and Recovery (CalRecycle). These facilities operate under a tiered permit system, where permits range from a simple notification permit to the most stringent full Solid Waste Facility Permit (SWFP). In addition, some facilities fall under the Beverage Container Recycling Program and require a certification from CalRecycle to operate as a Certified Recycling Center.

SWFP in the appropriate tier, issued by the Local Enforcement Agency (LEA) and concurred by CalRecycle, is required for all facilities operating under the recycLA Program to ensure their operations meet the State's most stringent standards for solid resources handling and disposal.

Regulatory Compliance for Facility Operation

Facilities must observe and comply with all applicable federal, state, and local laws, permit conditions, and other regulatory requirements to ensure safe and proper operations. Certified Facilities are required to maintain compliance records from other regulatory and permitting agencies and make these records available to LASAN staff.

All potential permit violations discovered by LASAN staff will be documented and may be reported immediately to the appropriate agency and the Certified Facility for immediate corrective action. Revocation or suspension of a required federal, state, or local permit will be grounds for revocation of Facility Certification.

Health and Safety Requirements

Certified Facilities will be required to maintain an Injury and Illness Prevention Program and maintain safety and training programs in compliance with applicable State (Cal/OSHA) requirements.

The City will require facilities to submit annual health and safety audit reports from a reputable safety audit firm. The report shall include conditions that present safety and health hazards for workers. The report shall also include how safety and health hazards have been addressed and corrected if problems are identified. As necessary, recommendations should be provided to the facility to enhance current facility practices. If the audit did not find any safety and health

Page 7

hazards or violations, the report shall state as such. Health and safety audit reports and recommendations shall be made available to LASAN staff during the annual facility review or at any time as necessary.

Should compliance violations be identified during an inspection, such violations may be referred by the Facility Certification team to the applicable regulatory agency for investigation and/or enforcement.

Operational Controls

Drainage, dust, nuisance, odor, litter, noise, and other issues arising from the operation of Certified Facilities must be controlled to prevent health and safety hazards and nuisance to nearby communities. Certified Facilities are required to have control measures in place to minimize the creation or accumulation of these problems. Appropriate control measures may include, but are not limited to: water misting systems for dust suppression, negative air pressure for odor elimination, periodic sweeping for litter removal, and enclosures for noise reduction and odor control.

Facility Enclosure

A. Facility types that require full enclosure for recycLA Program include, but are not limited to: MRFs and transfer stations. Other Facility types may trigger enclosure requirements due to processing or bin type handling changes. Each scenario will need to be reviewed and determined by LASAN on a case-by-case basis to evaluate whether the recycLA Certification Program enclosure requirement is applicable. Facility types that do not require full enclosure for recycLA Facility Certification include landfills, composting facilities, recycling centers for single stream processors such as a metal recycler or a glass recycler (Source Separated or Clean MRFs that process commingled recyclable materials do not qualify as recycling centers) and end use destinations such as food waste to farms for animal feed.

RecycLA Facility Certification requires full enclosure due to the environmental impacts posed by the transfer, pre-processing, and processing of recycLA solid resources. To minimize these impacts, all Facilities that accept, transfer or process recycLA solid resources must be fully enclosed regardless of the Facility's throughput or whether it is an existing or new Facility.

Certified Facilities that transfer, pre-process, and/or process recycLA Black Bin material (municipal solid waste) must be fully enclosed. Certified Facilities that transfer, pre-process and/or process recycLA Green Bin material (green waste, food waste, or mixed organics) also must be fully enclosed. The recycLA Facility Certification Program will adopt very specific enclosure, ventilation, and enclosure opening timeframe requirements. RecycLA requires that tipping, sorting and transfer operations be conducted within the confines of an enclosed area, and that any openings in the enclosure be less than 5% of the total wall, floor and roof surface area. An installed ventilation system is to be set with an inward face velocity of no more than 200 feet per minute. Building windows and doors may not be opened for more than 30 minutes during a standard 8-hour workday. Generally, roll-up doors shall be closed at night and during times of low activity and when not being used for immediate ingress and egress.

Facilities that transfer, pre-processing, and/or process recyclA Blue Bin material (commingled recyclable materials) must also be fully enclosed. Meeting the recyclA requirement for enclosure may require significant improvements and new construction. In recognition of this fact and at its sole discretion, LASAN may certify a Facility provisionally to allow the Facility time to comply with the recyclA enclosure requirements. The Facility shall provide sufficient evidence of its good faith effort (i.e., building permits, regulatory permits, and construction plans) and make meaningful progress that include detailed schedules and milestones for construction, equipment installation, start-up, and operation. LASAN may revoke the provisional certification at any time when a Facility fails to demonstrate good faith effort towards recyclA enclosure requirement.

Reporting and Recordkeeping

Certified Facilities shall cooperate with the City and provide every reasonable opportunity for ascertaining and verifying that the duties and responsibilities of the Facilities required by the Facility Certification Program are being performed. The Certified Facility shall reasonably provide any information within the requested timeframe, whether or not the information is required explicitly by the Certification Program. The City shall have the right to inspect, copy, and audit all Certified Facility records pertaining to the Certification Program. The City also shall have the right to inspect and copy all of the additional Certified Facility's books and records concerning Certified Facility operations, except for confidential and proprietary information.

Material Management and LASAN Established Facility Diversion Rate

To meet the City's Zero Waste goals, City staff will verify the amount of Residual Waste which is sent to landfills, and the amount which is diverted from landfills (disposal reduction) for each Certified Facility. The City will calculate recovery of recyclables by Bin type (Black, Blue, Green and Brown), material type, RSP, and by Franchise Zone. Certified Facilities are not required through the Certification Program to maintain a specific diversion rate. Certified Facilities will be required to:

- Perform waste characterizations of incoming and outgoing material as detailed by LASAN;
- Allow LASAN staff to oversee and/or perform onsite waste characterizations;
- Weigh all incoming and outgoing material;
- Track and report monthly all incoming solid resources tonnage material by source or zone, bin type, processing line, and number of truck loads received, in a format provided by LASAN;
- Other reporting data as needed to comply with the recyclA Program and the City's AB939 permit system;
- Provide the destination name for all outgoing Solid Resources delivered to landfills, transfer stations, and secondary processors. C&D Certified Facilities have additional requirements for destination reporting. Blue Bin and Green Bin processors may report destination of recycled materials; and
- Allow LASAN to perform a detailed audit and inspection of material processing and handling Facilities.

LASAN staff will monitor scheduled waste characterization studies, track tonnages, and conduct facility inspections. LASAN will adjust recovery efficiency rates for any changes in material handling or processing.

Facility Certification Application Process

All facilities requesting certification must submit a detailed application to become a Certified Facility. LASAN is in the development process of an online portal for Facility Certification and will notify current and potential Certified Facilities when it is available.

The completed application must be accompanied by a variety of supporting information including, but not limited to: Facility address, type of processing Facility, map, contact phone number, owner information, status and copies of operating and regulatory permits, health and safety training records, and the terms and conditions of recycLA Facility Certification. LASAN will review the application for completeness, verify the facility meets all certification requirements and conduct pre-certification on-site inspections. LASAN will issue a certification only after an application is deemed complete and all certification requirements have been verified as having been met.

Issuance of Certification

When non-compliant conditions are found during the certification process, certification will not be issued until the facility addresses the area(s) of non-compliance. If the facility fails to meet the certification requirements or fails to provide required information, LASAN will deny certification until all requirements are met. Certification may be delayed or denied for any of the following reasons:

- The application is incorrect or incomplete;
- The facility has not complied with the requirements of facility certification;
- The facility does not maintain the necessary permits;
- The application contains false or misleading information or significant misrepresentations;
- Conditions at the facility do not meet the information and conditions described in the application;
- Conditions at the facility do not comply with the certification requirements;
- The proposed facility operator has, during the previous three (3) years, been convicted of, or been issued a final order for one or more violations of the terms and conditions of the Solid Waste Facility Permit, and the violations meet both of the following criteria:
 - (1) The violation(s) demonstrates a chronic recurring pattern of non-compliance that has posed, or may pose, a significant risk to public and/or worker health and safety or the environment; and

Page 10

- (2) The violation(s) has not been corrected or no reasonable progress toward correction has been shown.

The facility may reapply for certification after the area(s) of non-compliance have been corrected.

When certification is granted, LASAN will provide a letter stating the certification(s) granted and the expiration date(s) of the certification(s). Certifications are issued by process/line type. Full certification may be valid for up to five years and is subject to a detailed annual review by LASAN.

LASAN may grant provisional facility certification at its discretion. For instance, a facility may require additional time to comply with facility enclosure requirements. LASAN may grant the facility a provisional facility certification based on special conditions. Each case will be reviewed, evaluated, and approved by LASAN management. LASAN, at its discretion and at any time, may revoke a provisional certification if the facility fails to demonstrate that it would be able to meet the certification requirements and provisional conditions.

Facility Non-Compliance

A Certified Facility is subject to a Compliance Action when it does not comply with the requirements of the Facility Certification Program or its signed terms and conditions. In order to note non-compliance issues with the Certification program, Facility Certification staff may initiate a Compliance Action to a Certified Facility at any time the Facility is found non-compliant.

Non-Compliance may be due to many issues including, but not limited to, potential health, safety, and environmental issues which are a direct result of Facility operations affecting local communities and employees; non-issuance, suspension or revocation of any operating permits from a regulatory agency; or deviating from the requirements of the Facility Certification Program.

Facility Suspension Process

Repeated Notices to Comply for the same non-compliance issues may result in a Notice of Suspension or Notice of Revocation, as this demonstrates a chronic recurring pattern of non-compliance that has posed, or may pose, a significant risk to public or worker health and safety, or the environment.

Notice of Suspension is the first level of an advanced Compliance Action. The purpose of the Notice of Suspension is to provide the facility an opportunity to cure any deficiencies or non-compliance issues prior to certification revocation. During suspension, the Facility certification is still valid; however, the facility may NOT accept, transfer, pre-process or process any recyclA solid resources on the line(s)/process(es) for which the certification(s) are granted and are in suspension. The facility will receive, in writing from LASAN, the termination of the Notice of Suspension and will be able to resume accepting, transferring, pre-processing or processing recyclA solid resources.

Facility Revocation Process

Notice of Revocation is the final level of advanced Compliance Action. With a Notice of Revocation, the Facility CANNOT accept, transfer, or process any recycLA solid resources; and RSP will be notified that the facility can no longer accept recycLA solid resources, and RSPs must immediately cease bringing any solid resources material from recycLA Program to the Facility.

RSPs that continue to bring recycLA generated solid resources material to a Facility whose certification was revoked may be subject to Liquidated Damage of \$1,000 per occurrence in accordance with recycLA contracts.

Facility Certification and renewal may be conducted at the end of Certification term with reviews conducted annually; however, Certification can be revoked by LASAN at any time for cause, including but not limited to, the following:

- Failure to correct a Notice to Comply within the timeframe provided on the written notice;
- Obtained certification by misrepresenting or failing to disclose all relevant facts;
- Repeat and chronic issues of non-compliance of similar or the same requirements;
- Failing to meet requirements set forth in Suspension;
- Chronic misreporting of materials or failure to conduct and provide waste characterization of materials as required; or
- In the event of a serious incident that may pose a significant risk or harm to public or worker health or safety, or the environment.

If it has been determined that a Facility has failed to meet the requirements of maintaining certification, as detailed herein, LASAN will provide written notice of pending revocation. LASAN will conduct a meeting within seven (7) calendar days to provide the Certified Facility an opportunity to demonstrate why certification should not be revoked. A Facility may bring any supporting documentation or evidence to the meeting to aid their request to remain certified. LASAN will review all supporting documentation provided, including LASAN Facility Inspection Reports and regulatory enforcement notices and inspection reports, in making its determination to revoke facility certification.

If a Facility fails to resolve to the condition outlined by LASAN, LASAN will issue a Notice of Revocation that will state that the Facility's certification will be revoked in thirty (30) calendar days and explain the appeals process and timeframe. Copies of all notices will be sent to the Board or its designee.

Appeals Process for Notice of Suspension and Notice of Revocation

Where a Certified Facility is issued a Notice of Suspension or Notice of Revocation, in accordance with this Facility Certification Plan, the Certified Facility has the right to appeal the Compliance Action in accordance to LAMC Sec. 66.32.3 (d) which states the following:

(d) Appeals of Notice of Penalty Assessment, Notice of Suspension and Notice of Revocation.

(1) Right to Appeal. Where a Person is issued a Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation pursuant to the provisions of Subsections (b) or (c) of this Section, and the Person believes that the Notice was issued in error or that the penalty assessed was excessive or in error, the Person may appeal by filing, within thirty (30) days of when the Bureau of Sanitation mailed the Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation, a written request for a hearing before the Board. If the Board does not receive the written request for a hearing within thirty (30) days of when the Bureau of Sanitation mailed the Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation, the penalty assessment, suspension, or revocation, whichever is applicable, shall be deemed final and no further administrative relief can be obtained.

(2) If an Appellant timely files a written request for a hearing pursuant to the provisions of Subdivision (1) of this Subsection, the penalty assessment, suspension or revocation that is the subject of the request shall be stayed pending a hearing before the Board.

(3) After receipt of a written request for a hearing filed pursuant to and in compliance with the provisions of Subdivision (1) of this Subsection, the Board will set the matter on one of its regular agendas as soon thereafter the Board deems practical. At the Board hearing, the Board shall hear the testimony of the Appellant, Bureau of Sanitation staff, and other testimony it deems relevant. Appellant shall have the burden of proof, and shall present substantial evidence on the Appellant's behalf. Upon conclusion of the hearing, the Board shall issue a verbal or written decision. The Board may affirm the Notice of Suspension or Notice of Revocation or rescind it, and may affirm the penalty assessment, decrease it, or cancel it. If the Board affirms a Notice of Suspension or Notice of Revocation, the suspension or revocation shall be effective on the date of the Board's decision, unless the Board decides otherwise, if the Board affirms a penalty assessment, the amount affirmed shall be owed thirty (30) days after issuance of the Board's decision, unless the Board decides otherwise. Once the Board issues a decision, the matter is final and no further administrative relief is provided by the City.


PROGRAM ADMINISTRATION

The Solid Resources Commercial Franchise Division in LASAN will be responsible for the administration and management of the Facility Certification Program. The Certification Program staff will monitor facility certification requirements, collect required data, and perform internal annual reviews, and inspections as-needed to monitor compliance with certification requirements.

STATUS OF FINANCING

The implementation of the Facility Certification Program will have no impact to the General Fund. Funding for staffing will be provided through the City's annual budget process and subject to Mayor and Council approval.

Respectfully submitted,


For ENRIQUE C. ZALDIVAR, P.E.
Director and General Manager
Bureau of Sanitation

Prepared by:
Joan Huang, SRCFD
(213) 485-3686