



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: Appointments to the Solid Waste Local Enforcement Agency Independent Hearing Panel (IHP)
Sponsors:
Indexes:
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Attachments: 1. Staff Report, 2. Appointments to the Solid Waste Local Enforcement Agency Independent Hearing Panel (IHP) - Sections of the Code of Regulations and Public Resources Code, 3. 1992 Humboldt County Resolution No. 92-128

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|----------|--------|
| 11/28/2023 | 1 | Board of Supervisors | approved | Pass |

To: Board of Supervisors
From: DHHS: Public Health

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Appointments to the Solid Waste Local Enforcement Agency Independent Hearing Panel (IHP)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Appoint Tedd Ward as Technical Expert Representative with a term to begin December 11, 2023, and to expire December 11, 2027; and
2. Appoint Christopher Christianson as At-Large Citizen Representative with a term to begin December 11, 2023, an expire December 11, 2027.

SOURCE OF FUNDING:

Public Health Fund (1175)

DISCUSSION:

The Board of Supervisors, the governing authorities of the cities within the County, and the Department of Resources Recycling and Recovery (CalRecycle) have designated the Department of Health and Human Services Division of Environmental Health (DEH) as the solid waste Local Enforcement Agency (LEA). The LEA permits and inspects solid waste handling sites throughout

Humboldt County. One component of designation as the LEA is to maintain a local appeals body to hear solid waste permitting and enforcement issues (CCR 14 §18081(e)(2)). A hearing before the appointed hearing panel may be requested to appeal either an LEA action or the LEA's failure to act as required by law or regulation. When, in the jurisdiction of the enforcement agency, there exists a publicly owned or operated solid waste facility or disposal site (as exists in Humboldt County), there shall be an independent hearing panel (IHP) or hearing officer (CCR 14 §18081(e)(2)). All IHP filings and correspondence shall be mailed to the attention of the LEA at the Division of Environmental Health, 100 H Street, Suite 100, Eureka, CA 95501.

The first IHP was established in 1992 by Humboldt County Resolution No. 92-128. A copy of the Resolution is attached here for your Board's reference. The IHP members serve four-year terms and may not serve more than two consecutive terms. The term of one current Technical Expert on the IHP will expire on December 11, 2023. The term of the current At-Large Citizen also expires on December 11, 2023. To maintain certification as the LEA, replacements must be appointed.

The LEA began the recruitment process by contacting the current At-Large Citizen as they are eligible to serve another term, contacting potentially qualified candidates from the list developed during the 2022 recruitment, and providing an email announcement to partners at a local federal agency and CalPoly Humboldt that could be shared with interested persons. This process revealed three qualified candidates, with two candidates who expressed interest in moving forward. Staff will continue to maintain a list of interested candidates. However, after these appointments, the hearing panel will be full until December 2026.

At this time, the LEA recommends the appointment of Tedd Ward to the Independent Hearing Panel as the Technical Expert Representative. Mr. Ward is eligible to return to the Panel after a one-year break and has a vast depth of experience in both solid waste management and recycling markets. Mr. Ward has worked at the Del Norte Solid Waste Management Authority since 1994 and became Director in 2015. Mr. Ward taught solid waste management at CalPoly Humboldt for two semesters. Mr. Ward has served on several committees and advisory groups, including two years on the State-wide Commission on Recycling Markets and Curbside Recycling. He is currently on the Illegal Dumping Technical Advisory Committee and the SB 54 Advisory Group (the Plastic Pollution Prevention and Packaging Producer Responsibility Act). Mr. Ward was a Peace Corps volunteer in Kenya.

Further, the LEA recommends the appointment of Christopher Christianson to the Independent Hearing Panel as the At-Large Citizen Representative. A citizen of Fortuna, Mr. Christianson is a licensed wastewater treatment operator and water distribution operator and currently supervises a team of six staff. He has nearly 20 years of experience in this field and an extensive background in composting. Mr. Christianson is committed to public service and values the day-to-day contributions utility workers make to a safe and clean environment. He is knowledgeable in solid waste topics such as diversion, recycling, illegal dumping, amnesty days, and State reporting requirements. Mr. Christianson previously resided in Whitethorn. Mr. Christianson's professional background and familiarity with solid waste management make him an excellent choice to represent the public at large.

FINANCIAL IMPACT:

| Expenditures (1175, 430) | FY23-24 | FY24-25 Projected | FY25-26 Projected |
|------------------------------------|------------------------|---------------------------|---------------------------|
| Budgeted Expenses | 1,260 | 1,260 | 1,260 |
| Total Expenditures | 1,260 | 1,260 | 1,260 |
| Funding Sources (1175, 430) | FY23-24 Adopted | FY24-25 Projected* | FY25-26 Projected* |
| Fees/Other | 1,260 | 1,260 | 1,260 |
| Total Funding Sources | 1,260 | 1,260 | 1,260 |

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:

Serving on this panel is voluntary. Members of the panel may receive per diem and necessary expenses while conducting a hearing (PRC §44308(c)). The party requesting a hearing panel is charged a fee of \$1,260. This fee is used to defer a portion of the costs of holding a hearing and may be used to pay hearing panel members for per diem and necessary expenses in Fund 1175, Budget Unit 430, Local Enforcement Agency. This fee was established by Humboldt County Ordinance No. 2613.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

There are no anticipated impacts on staffing directly associated with the Independent Hearing Panel appointments.

STRATEGIC FRAMEWORK:

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Create opportunities for improved safety and health

New Initiatives: Provide community-appropriate levels of service

Strategic Plan: N/A

OTHER AGENCY INVOLVEMENT:

Department of Resources Recycling and Recovery (CalRecycle)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose to appoint one of its members to the IHP in lieu of the proposed appointments (PRC §44308(b)(1)). To avoid a conflict of interest, the governing body representative should be a member who does not sit on the Board of the local solid waste joint powers of authority.

ATTACHMENTS:

1. 14 CCR §§ 18060, 18081 and PRC §§ 44308, 44310. Sections of the California Code of Regulations and Public Resources Code that pertain to independent hearing panel member qualifications and hearing procedures.
2. 1992 Humboldt County Resolution No. 92-128.

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-11, C-7, C-4, C-10, C-11, C-7, D-7

Meeting of: 12/11/2007, 3/6/2012, 11/10/2015, 12/18/2018, 7/30/2019, 11/12/2019, 12/6/2022
File No.: 16-9075, 16-3004, 15-1242, 18-1597, 19-1052, 19-1548, 22-1582