



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

950 MAIDU AVENUE, SUITE 170, PO Box 599002, NEVADA CITY, CA 95959-7902

(530) 265-1222 ~ FAX (530) 265-9854 <http://mynevadacounty.com>

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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: March 8, 2022

TO: Board of Supervisors

FROM: Amy Irani, Director of Environmental Health

SUBJECT: Resolution repealing the establishment of a Hearing Officer and approving procedures concerning Local Enforcement Agency Hearing Officer agreement for professional services for appeals arising from the actions of the Solid Waste Local Enforcement Agency

RECOMMENDATION:

Adopt a Resolution repealing the Solid Waste (Independent) Hearing Panel and approving procedures and qualifications for appointment of a Hearing Officer on a case-by-case basis for Local Enforcement Agency hearings on petitions pursuant to California Public Resources Code Sections 44307, 44308, and 44310.

FUNDING: Costs associated with the appointment of a hearing officer will be charged as an hourly rate as set forth in the contract with CAEHA. There is no fiscal impact.

BACKGROUND:

On March 10, 1992, the County of Nevada Board of Supervisors adopted Resolution 92-140 designating the County of Nevada Department of Environmental Health as the Local Enforcement Agency (LEA) for permitting, inspection and enforcement of solid waste handling and disposal sites under the California Public Resources Code (PRC).

As part of that action the Board also adopted Resolution 92-139 creating a hearing panel to handle grievances from a responsible party related to enforcement actions or findings by the LEA. To date no grievance has ever been filed regarding any finding or action taken by the LEA. Finding members to participate in maintaining a hearing panel has proven to be difficult and time consuming for staff. Appointing a contractor to provide a hearing officer, in the event one is ever needed, also meets the requirements set forth in the PRC and will create a much more efficient and effective process eliminating the need for and difficulties associated with maintaining a hearing panel.

In order to appoint a hearing officer to hear grievances of owners/operators, or other aggrieved parties, subject to an enforcement or permit action by the Local Enforcement Agency (LEA), the LEA has established the following procedures:



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1. The County and LEA will contract with the CAEHA who will facilitate and provide a Registered Environmental Health Specialist (REHS) who has previous or current experience in the LEA program to act as a Hearing Officer. A hearing officer appointed by CAEHA shall not be currently employed by the County of Nevada.
2. Upon receipt of a request to appeal an enforcement or permit action by the LEA, the LEA shall request assignment of an appropriately qualified current or former REHS to hear the case as established in Section 1 of these procedures.
3. Similarly, upon receipt of a request to appeal the LEA's failure to act as required by law, the LEA shall request assignment of an appropriately qualified current or former REHS to hear the case as established in the attached procedures.
4. A hearing can be held prior to the assessment of administrative civil penalties against a responsible party of a solid waste facility or operation. In these cases, the LEA can request assignment of an appropriately qualified current or former REHS to hear the case as established in Section 1 of these procedures.

Item Initiated by: Amy Irani, REHS

Approved by:

Submittal Date:
Revision Date: