

RESOLUTION NO. 2008-052

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA  
AMENDING RESOLUTION 92-76 TO ESTABLISH A SOLID WASTE INDEPENDENT  
HEARING OFFICER

**WHEREAS**, Resolution 92-76 created a Solid Waste Hearing Panel to hear issues related to regulated solid waste facilities;


**WHEREAS**, Public Resources Code, Section 44308(d), has been amended to allow the governing body to appoint a Solid Waste Independent Hearing Officer, in lieu of a Solid Waste Independent Hearing Panel, only if the governing body has adopted appointment qualifications and procedures as required;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Shasta hereby amends Resolution Number 92-76 to dissolve the Solid Waste Hearing Panel;

**BE IT FURTHER RESOLVED** that the Board of Supervisors adopts those Solid Waste Independent Hearing Officer appointment qualifications and procedures and hearing scope and procedures set forth as Exhibit A to this resolution for the purpose of conducting solid waste hearings pursuant to Sections 44300-44310 of the Public Resources Code.

**DULY PASSED AND ADOPTED** this 6<sup>th</sup> day of May, 2008, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES: Supervisors Hawes, Baugh, Cibula, and Hartman  
NOES: Supervisor Kehoe  
ABSENT: None  
ABSTAIN: None  
RECUSE: None

  
LINDA HARTMAN, Chairman  
Board of Supervisors  
County of Shasta, State of California

ATTEST:  
LAWRENCE G. LEES  
Clerk of the Board of Supervisors

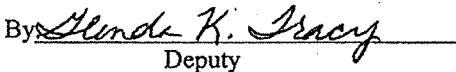
By   
Deputy

Exhibit A: Appointment Qualifications and Procedures for Solid Waste Hearings

## EXHIBIT A

### APPOINTMENT QUALIFICATIONS AND PROCEDURES FOR SOLID WASTE HEARINGS

The Board of Supervisors of the County of Shasta has adopted these appointment qualifications and procedures for the conduct of solid waste hearings held pursuant to Section 44308 - 44310 of the Public Resources Code.

#### A - Definitions

1. "Independent Hearing Officer" shall mean that person or firm, authorized by the Board of Supervisors, that conducts hearings required by Public Resources Code ("PRC") 44306 - 44307.
2. "Code" as used herein shall mean the PRC as it may be periodically amended.
3. "Local Enforcement Agency (LEA)" shall mean the Shasta County Department of Resource Management, Environmental Health Division, designated by Resolution 92-76, or other successor resolution, for the permitting, inspection, and enforcement of solid waste facilities.
4. "Solid Waste Facilities" include a solid waste transfer or processing station, a composting facility, a transformation facility, disposal facility, a gasification facility, or any other facility that may be added to Public Resources Code 40194.

#### B - Appointment Qualifications

Minimum qualifications for appointment of a person or firm shall be:

1. Possession of a current license to practice law in the State of California.
2. Demonstrated familiarity with administrative and legal procedures.

#### C - Scope of Hearings

The Independent Hearing Officer is authorized by the Board of Supervisors to hear and render decisions in disputes regarding enforcement actions, permit conditions, and administrative civil penalties imposed on solid waste facilities by the Shasta County LEA. The Independent Hearing Officer shall also hold a hearing, upon a petition, to the Shasta County LEA from any person requesting the LEA to review an alleged failure of the LEA to act as required by law or regulation.

#### D - Hearing Procedures

All hearings conducted shall be based on the following procedures:

1. The hearing shall be initiated by the filing of a written request for a hearing with a statement of the issues with the LEA.
  - a. If the hearing request is made by the person subject to the action, the request shall be made within 15 days from the date that person is notified, in writing, of the LEA's intent to act in the manner specified.
  - b. If the hearing request is made by a person alleging that the LEA failed to act as required by law or regulation pursuant to Section 44307, the person shall file a request for a hearing within 30 days from the date the person discovered or reasonably should have discovered, the facts on which the allegation is based.
2. The LEA shall, within 15 days from the date of receipt of a request for a hearing, provide written notice to the person filing the request notifying the person of the date, time, and place of the hearing.
3. If that person fails to request a hearing or to timely file a statement of issues, the LEA may take the proposed action without a hearing or may, at its discretion, proceed with a hearing before taking the proposed action.
4. The LEA shall file its written response to the statement of issues filed by the person requesting the hearing with the hearing panel or the hearing officer, and provide a copy to the person requesting the hearing, not less than 15 days prior to the date of the hearing.
5. The hearing shall be held no later than 30 days after receiving the request for a hearing on the merits of the issues presented, in accordance with the procedures specified in Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.
6. Within five days from the conclusion of the hearing, the hearing officer shall issue its decision. The decision shall become effective as provided in Section 45017 of the Public Resources Code.