

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331 Telephone: (626) 458-5100 http://dpw.lacounty.gov

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ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460

ADOPTED

BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

chi a. Hamae SACHI A. HAMAI

EXECUTIVE OFFICER

July 17, 2012

IN REPLY PLEASE REFER TO FILE:

July 17, 2012

The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012

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Dear Supervisors:

APPROVE AMENDMENT NUMBER TWO TO EXTEND THE AGREEMENT FOR THE OPERATION OF THE ANTELOPE VALLEY PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY (SUPERVISORIAL DISTRICT 5)

(3 VOTES)

SUBJECT

This action is to approve the continued operation and maintenance of the Antelope Valley Environmental Collection Center until the effective date of a new agreement to operate is negotiated or August 1, 2013, whichever occurs first.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chair to sign the Amendment Number Two to extend the Construction and Operating Agreement with the Cities of Lancaster and Palmdale, Antelope Valley Recycling and Disposal Facility, Inc. (Waste Management), and the County of Los Angeles for the continued operation and maintenance of the Antelope Valley Environmental Collection Center.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to approve the Amendment Number Two to extend the operating term for Antelope Valley Environmental Collection Center (AVECC).

The Honorable Board of Supervisors 7/17/2012 Page 2

The Countywide Household Hazardous Waste Management Program (Program) was established in 1988 to keep residential Household Hazardous Waste (HHW), such as paint, solvents, and chemicals, from being discarded at municipal solid waste landfills. The Program is administered by Public Works and provides a free and convenient means for residents to manage their HHW. In 2002 the Program was expanded to include the collection of electronic waste (e-Waste).

To enhance services for the residents of the Antelope Valley, the County of Los Angeles (County), the Cities of Palmdale and Lancaster (Cities), and Waste Management entered into an agreement entitled "Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility," (Agreement) dated on April 1, 2004, related to the construction and operation of AVECC. Antelope Valley Environmental Collection Center began operations in 2005.

Pursuant to the Agreement, the County and Waste Management each fund an annual contribution of \$180,000 to \$210,000 towards the operation and maintenance of AVECC. Antelope Valley Environmental Collection Center is located at the Antelope Valley Public Landfill, 1200 West City Ranch Road in Palmdale, California. It accepts HHW and E-Waste free of charge from residents on the first and the third Saturdays of each month.

Following 30 months of continued operation, the Cities, the County, and Waste Management conducted a joint evaluation of AVECC operations and determined that AVECC continues to support the goals and objectives of AB 939 and its continued operation is mutually beneficial and cost effective.

The current AVECC Agreement, as amended, will expire upon the effective date of the new Conditional Use Permit No. 03-170-(5) for the Lancaster Landfill and Recycling Center, which was issued by the County on December 14, 2011. Upon its effective date, on or before July 31, 2012, Conditional Use Permit No. 03-170-(5) will supersede the existing Conditional Use Permit No. 93-070-(5) for the Landfill.

Approval by Waste Management and the Board of Supervisors is required to extend the AVECC operations beyond the amended Agreement's expiration date of July 31, 2012. Waste Management has agreed to continue funding the center through July 31, 2013, or until a new or revised agreement is effectuated. This would allow time for the County, the Cities, and Waste Management to complete negotiation of the terms of a new agreement, which will further enhance services and be consistent with the provisions of Conditional Use Permit No. 03-170-(5).

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by maintaining the high level of service to Antelope Valley residents.

FISCAL IMPACT/FINANCING

There will be no impact on the County General Fund. The County's obligations under the Amendment will be funded from the County's Solid Waste Management Fund (GD1 Fund). Sufficient funding is available in the Fiscal Year 2012-13 Budget to fund the operation and maintenance of the Facility. Funds to finance the remainder of the agreement year will be requested through the annual budget process.

The Honorable Board of Supervisors 7/17/2012 Page 3

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed Amendment has been reviewed and approved as to form by County Counsel. Pursuant to the Agreement terms, the Amendment has also been approved by the City of Lancaster and Waste Management. The City of Palmdale will vote to approve on July 17, 2012, at their regularly scheduled meeting.

ENVIRONMENTAL DOCUMENTATION

On July 15, 2008, your Board adopted the Mitigated Negative Declaration for this project that found the project will not have a significant effect on the environment in accordance with the provisions of the California Environmental Quality Act. Extending the operating term is consistent with the findings in the environmental document and is an administrative activity that will not cause a physical change in the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact to current County services or projects as a result of this action.

CONCLUSION

Please return three adopted copies of this letter and four approved copies of the Amendment to the Department of Public Works, Environmental Programs Division.

Respectfully submitted,

GAIL FARBER

Director

GF:kp

Enclosures

Chief Executive Office (Rita Robinson) County Counsel **Executive Office**

Hair Farher

AMENDMENT NUMBER TWO TO THE CONSTRUCTION AND OPERATING AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND TRANSFER FACILITY

THIS AMENDMENT Number Two to the Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility is entered into by the COUNTY OF LOS ANGELES, a political subdivision of the State of California ("County"), the City of Lancaster, a municipal corporation ("Lancaster"), the City of Palmdale, a municipal corporation ("Palmdale") (Lancaster and Palmdale are collectively referred to as "Cities") and ANTELOPE VALLEY RECYCLING AND DISPOSAL FACILITY, INC., a California corporation, which is a wholly owned subsidiary of USA Waste of California, Inc., a Delaware corporation, a Waste Management company ("Waste Management").

RECITALS

The County, Waste Management, and the Cities entered into that certain agreement entitled "Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility," dated on or about April 1, 2004 ("AVECC Agreement"), related to the construction and operation of the Antelope Valley Environmental Collection Center (AVECC); and

In accordance with the AVECC Agreement, AVECC was constructed by the Cities; title to AVECC has transferred to Waste Management; and AVECC has been operated by Waste Management through joint funding by the County and Waste Management; and

The AVECC Agreement provides for an Evaluation Period for the County, the Cities and Waste Management to determine whether continued operation and funding of AVECC will be mutually beneficial and cost effective; and

The County, Cities and Waste Management determined that continued operation of AVECC would be mutually beneficial and cost effective, and the operation and funding for AVECC should continue in accordance with the terms and conditions set forth in the AVECC Agreement and Amendment Number One a copy of which is attached as "Exhibit A"; and

The current AVECC Agreement, as amended, expires upon the effective date of Conditional Use Permit No. 03-170-(5) issued by the County for the Lancaster Landfill and Recycling Center, which will supersede Conditional Use Permit No. 93-070-(5); and

The County, Cities, and Waste Management are considering possible enhancements and other changes to the AVECC Agreement in relation to the County-issued Conditional Use Permit No. 03-170-(5), which will be in effect on or before July 31, 2012, and includes provisions related to the collection of household hazardous waste/e-waste that relate, directly or indirectly, to the operation of AVECC; and

Negotiations between the County, Cities, and Waste Management are anticipated to continue for several months before the terms of a revised Agreement are established.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the County, Cities and Waste Management agree as follows:

- 1. Continued operation of AVECC is mutually beneficial and cost-effective.
- The County and Waste Management will continue to fund and operate AVECC pursuant to all terms and conditions of the AVECC Agreement, as amended (Exhibit "A" hereto) until the earlier of the following
 - i.) The Effective Date of a new or amended AVECC Agreement which is consistent with Conditional Use Permit No. 03-170-(5) issued by the County governing the operations of the Lancaster Landfill and Recycling Center, or
 - ii.) August 1, 2013.
 - iii.) This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute but one and the same instrument.

[signatures next page]

ATTEST:	COUNTY OF LOS ANGELES
SACHI A. HAMAI Executive Officer of the Board of Supervisors of The County of Los Angeles By: DEPUTY	By: Chair, Board of Supervisors Dated: July III, 2012 I hereby certify that pursuant to Section 25103 of the Government Code, talivery of this document has been made.
APPROVED AS TO FORM:	SACHI A. HAMAI Executive Officer Clerk of the Board of Supervisors
JOHN F. KRATTLI County Coursel	By Deputy
By: /////// A Yhan- DEPUTY	*
APPROVED AS TO FORM: By: CORPORATE COUNSEL	ANTELOPE VALLEY RECYCLING AND DISPOSAL FACILITY, INC., a California corporation ORIGINAL By: SIGNED Title: on following Pages Date:
ATTEST:	CITY OF LANCASTER ORIGINAL
By:	By: SIGNED
CITY CLERK	Title: on following pages
APPROVED AS TO FORM:	Date:
CITY ATTORNEY	
ė.	
ATTEST:	CITY OF PALMDALE ORIGINAL
By: CITY CLERK	By: SIGNED ADOPTED
APPROVED AS TO FORM:	Date: Dago MARDOS SUPERVISORS
	28 JUL 17 2012
CITY ATTORNEY	
	SACHI A. HAMAI EXECUTIVE OFFICER

76634 SUPPLEMENT

EFFECTIVE as of the latest date of execution by the parties. COUNTY OF LOS ANGELES ATTEST: SACHI A. HAMAI By: _____ Chair, Board of Supervisors Executive Officer of the Dated: Board of Supervisors of The County of Los Angeles By: _ **DEPUTY** APPROVED AS TO FORM: JOHN F. KRATTLI County Counsel Ву: ____ DEPUTY ANTELOPE VALLEY RECYCLING APPROVED AS TO FORM: AND DISPOSAL FACILITY, INC., a California corporation CORPORATE COUNSEL Title: DIRUCOR OF ORMAI Date: 07/03/2012 CITY OF LANCASTER ATTEST: Title: CITY Date: 7-13-1 APPROVED AS TO FORM: CITY ATTORNEY CITY OF PALMDALE ATTEST: By: _____ By: ___ CITY CLERK Title: Date: _____ APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:	COUNTY OF LOS ANGELES		
SACHI A. HAMAI Executive Officer of the Board of Supervisors of The County of Los Angeles	By: Chair, Board of Supervisors Dated:		
By: DEPUTY			
APPROVED AS TO FORM:			
JOHN F. KRATTLI Acting County Counsel			
By:			
APPROVED AS TO FORM: By:	ANTELOPE VALLEY RECYCLING AND DISPOSAL FACILITY, INC., a California corporation		
CORPORATE COUNSEL	By: Title: Date:		
ATTEST:	CITY OF LANCASTER		
By:CITY CLERK	Title:		
APPROVED AS TO FORM:	Date:		
CITY ATTORNEY			
ATTEST: By: CITY CLERK APPROVED AS TO FORM:	By: City Manager Date: -7/2/12		
A. CITY ATTORNEY			



"EXHIBIT A" COUNTY OF LOS ANGELES

Agreement No.: A-0544

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331 Telephone: (626) 458-5100 http://dpw.lacounty.gov

July 15, 2008

DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460 IN REPLY PLEASE



The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012

Dear Supervisors:

■26 ★ ★ JUL 1 5 2008

Suchi A. Hamar SACHI A HAMA EXECUTIVE OFFICER

DEPARTMENT OF PUBLIC WORKS: APPROVE AMENDMENT TO EXTEND THE AGREEMENT FOR THE OPERATION OF THE ANTELOPE VALLEY PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY (SUPERVISORIAL DISTRICT 5) (3 VOTES)

SUBJECT

This action is to approve the continued operation and maintenance of the Antelope Valley Environmental Collection Center through August 31, 2009, or until the effective date of a revised land use permit governing the operations of the Lancaster Landfill and Recycling Center, whichever occurs later.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Acting as a responsible agency for the proposed project, consider the Mitigated Negative Declaration prepared and adopted by the City of Palmdale as lead agency, together with any comments received during the public review process; certify that your Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown in the Mitigated Negative Declaration; adopt the mitigation monitoring program previously adopted by the lead agency for the project, and find that the mitigation monitoring program is adequately designed to ensure compliance with the mitigation measures for the Antelope Valley Environmental Collection Center operations.

The Honorable Board of Supervisors July 15, 2008 Page 2

2. Approve and instruct the Chair to sign the attached Amendment to extend the Construction and Operating Agreement with the Cities of Lancaster and Palmdale, Antelope Valley Recycling and Disposal Facility, Inc. (Waste Management), and the County of Los Angeles for the continued operation and maintenance of the Antelope Valley Environmental Collection Center.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to consider and adopt the previously adopted Mitigated Negative Declaration and approve the Amendment to extend the operating term for Antelope Valley Environmental Collection Center (AVECC).

The Countywide Household Hazardous Waste Management Program (Program) was established in 1988 to keep residential Household Hazardous Waste (HHW) (e.g., paint, solvents, chemicals, etc.) from being discarded at municipal solid waste landfills. The Program is administered by Public Works and provides a free and convenient means for residents to manage their HHW by conducting weekly collection events throughout the County. In late 2002 the Program was expanded to include the collection of Electronic Waste (E-Waste) (e.g., televisions, computers, cell phones, etc.).

To enhance services for the residents of the Antelope Valley, the County of Los Angeles (County), the Cities of Palmdale and Lancaster (Cities), and Waste Management entered into an agreement entitled "Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility," (Agreement) dated on or about April 1, 2004, related to the construction and operation of AVECC.

AVECC began operating in August 2005 in an effort to promote an effective, safe, and efficient method of disposal of HHW and E-Waste. Under the terms of the Agreement, the County and Waste Management each fund an annual contribution of \$180,000 to \$210,000 towards the operation and maintenance of AVECC depending on the public participation levels. AVECC is located at the Antelope Valley Public Landfill, 1200 West City Ranch Road in Palmdale, California. It accepts HHW and E-Waste free of charge from residents on the first and the third Saturdays of each month.

Pursuant to the Agreement, after 30 months of continued operation, the Cities, the County, and Waste Management jointly evaluated the overall AVECC operation to determine the need for its continued operation on a permanent basis. The results were very positive indicating that AVECC's operation resulted in an increase in the number of

The Honorable Board of Supervisors July 15, 2008 Page 3

participants and the amount of waste collected, and a decrease in the total cost per ton of waste collected. Overall, AVECC's participation levels have increased by 121 percent annually; the total cost per ton has decreased by 54 percent; and the total average quantity of HHW and E-Waste collected increased by 236 percent per year when compared with the previously conducted mobile events in the Antelope Valley.

Approval by Waste Management and the Board of Supervisors is required to extend the AVECC operations beyond the Agreement's expiration date of August 19, 2008. Waste Management has agreed to continue funding the center until August 31, 2009, or until the effective date of a revised Conditional Use Permit No. 93-070-(5) issued by the County governing the operations of the Lancaster Landfill and Recycling Center (Landfill's CUP), whichever occurs later. This would allow time for negotiating the terms of a new agreement concurrent with the processing of the Landfill's CUP application.

Implementation of Strategic Plan Goals

The continued operation of the AVECC would be consistent with the County's Strategic Plan Goal of Service Excellence (Goal 1) by maintaining the high level of service to Antelope Valley residents.

FISCAL IMPACT/FINANCING

There will be no impact on the County General Fund. The County's obligations under the Amendment will be funded from the County's Solid Waste Management Fund (GD1 Fund). Sufficient funding is available in the Fiscal Year 2008-09 Budget to fund the operation and maintenance of the Facility. Funds to finance the remainder of the agreement year will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The attached Amendment has been approved as to form by County Counsel. Pursuant to the Agreement terms, the Amendment has also been approved by the Cities and Waste Management.

ENVIRONMENTAL DOCUMENTATION

The City of Palmdale, as lead agency, prepared an Initial Study, consulted with the County, and adopted a Mitigated Negative Declaration on August 3, 2004. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. The Amendment of the Agreement will not have a significant effect on the environment.

The Honorable Board of Supervisors July 15, 2008 Page 4

In compliance with applicable laws, the City of Palmdale filed a Notice of Determination with the County Clerk. Based on the finding that the project has no effect on fish and wildlife, the City of Palmdale filed a certificate of fee exemption with the County Clerk in accordance with Section 711.4 of the California Fish and Game Code. Upon your Boards' approval of the Amendment, Public Works will file a Notice of Determination in compliance with Section 21152(a) of the California Public Resources Code. A \$50 processing fee will be paid to the County Clerk.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact to current County services or projects as a result of this action.

CONCLUSION

Please return three adopted copies of this letter and four original Amendments to the Department of Public Works, Environmental Programs Division.

Respectfully submitted,

DEAN D. EFSTATHIOU

Acting Director of Public Works

Thomas W. F

DDE

FMR:cw

Attachment (2)

c: County Counsel
 Public Works (Budget/Fund Management, Fiscal, Programs Development)

AMENDMENT NUMBER ONE TO THE CONSTRUCTION AND OPERATING AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND TRANSFER FACILITY

THIS AMENDMENT Number One to the Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility is entered into by the COUNTY OF LOS ANGELES, a political subdivision of the State of California ("County"), the City of Lancaster, a municipal corporation ("Lancaster"), the City of Palmdale, a municipal corporation ("Palmdale") (Lancaster and Palmdale are collectively referred to as "Cities") and ANTELOPE VALLEY RECYCLING AND DISPOSAL FACILITY, INC., a California corporation, which is a wholly owned subsidiary of USA Waste of California, Inc., a Delaware corporation, a Waste Management company ("Waste Management").

RECITALS

The County, Waste Management, and the Cities entered into that certain agreement entitled "Construction and Operating Agreement for Household Hazardous Waste Collection and Transfer Facility," dated on or about April 1, 2004 ("AVECC Agreement"), related to the construction and operation of the Antelope Valley Environmental Collection Center (AVECC); and

In accordance with the AVECC Agreement, AVECC was constructed by the Cities; title to AVECC has transferred to Waste Management; and AVECC has been operated by Waste Management through joint funding by the County and Waste Management; and

The AVECC Agreement provides for an Evaluation Period for the County, the Cities and Waste Management to determine whether continued operation and funding of AVECC will be mutually beneficial and cost effective; and

The County, Cities and Waste Management have determined that continued operation of AVECC would be mutually beneficial and cost effective, and the operation and funding for AVECC should continue in accordance with the terms and conditions set forth in the AVECC Agreement, a copy of which is attached as Exhibit "A" to this Amendment Number One; and

Waste Management of California, Inc., an affiliate of Waste Management, has filed an application to revise Conditional Use Permit No. 93-070-(5) for the Lancaster Landfill and Recycling Center, which is currently undergoing processing by County; and

The revised CUP for the Lancaster Landfill and Recycling Center may include provisions related to the collection of household hazardous waste/e-waste that relate, directly or indirectly, to the operation of AVECC.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the County, Cities and Waste Management agree as follows:

- 1. Continued operation of AVECC is mutually beneficial and cost-effective.
- 2. The County and Waste Management will continue to fund and operate AVECC pursuant to all terms and conditions of the AVECC Agreement (Exhibit "A" hereto) until the later of the following
 - i.) August 31, 2009, or
 - ii.) The Effective date of a revised Conditional Use Permit No. 93-070-(5) issued by the County governing the operations of the Lancaster Landfill and Recycling Center.

EFFECTIVE as of the latest date of execution by the parties.

ATTEST:	COUNTY OF LOS ANGELES
SACHI A. HAMAI Executive Officer of the	By: Board of Supervisors
Board of Supervisors of	
	Da led: <u>JUL 1 5 2008</u>
The County of Los Angeles	
By: DEPUTY	ADOPTED
APPROVED AS TO FORM:	BOARD OF SUPERVISORS COUNTY OF LOS ANGELES
RAYMOND & FORTNER JR. /	
County Counsel	26 - JUL 1 5 2008
By: Mull My	- A II
DEPUTY	SACHI A. HAMA: EXECUTIVE OFFICER
APPROVED AS TO FORM:	ANTELOPE VALLEY RECYCLING AND DISPOSAL FACILITY, INC., a
Ву:	Colifornia comparation
CORPORATE COUNSEL	California corporation
CORFORATE COUNSEL	By: Bu drumb
	Title: Or de la constant
	Title: Director of Operations
	Date: May 6m, 2008

	ATTEST:	CITY OF LANCAS	TER
	By: CITY CLERK, Geri K. Bryan, CM	C Title: Mark V. Boz	rigian, City Manager
	APPROVED AS TO FORM:	Date:	
	CHY ATTORNEY Joe Adams		
	ATTEST:	CITY OF PALMDA	ALE ,
	By: Victoria L. Hancock CITY CLERK	By: No.	HACER
	APPROVED AS TO FORM:	Date: 'S.13. S <i>TEPHEN</i> A-0544	H. WILLIAMS
2	CIPY ATTORNEY	TOF LOS AN	ADOPTED
	ATTEST: SACHI A. HAMAI EXECUTIVE OFFICER CLERK OF THE BOARD OF SUPERVISORS		BOARD OF SUPERVISORS
	By E Deputy		26 JUL 1 5 2008
	J	CALIFORNIA	SACHI A. HAMAI