

# Agenda Report

March 1, 1999

TO: CITY COUNCIL

FROM: CITY MANAGER

**SUBJECT: Adoption of a Negative Declaration and Re-affirmation of the Adopted Household Hazardous Waste Element**

## **RECOMMENDATIONS:**

It is recommended that the City Council:

1. Approve the Initial Study and Adopt the Negative Declaration prepared for the Household Hazardous Waste Element;
2. Adopt the de minimis finding of no impact on fish and wildlife;
3. Reaffirm the previously adopted Household Hazardous Waste Element; and
4. Direct the City Clerk to certify the Notice of Determination, Negative Declaration, and Certificate of Exemption from Fish and Game fees and the Fire Department to file those documents with the Los Angeles County Registrar-Recorder/County Clerk and the State Clearinghouse.

## **SUMMARY**

Staff, in consultation with City legal counsel, recommends that the City Council approve the Initial Study, adopt the Negative Declaration and reaffirm the previously adopted Household Hazardous Waste Element to assuage the concerns expressed by the California Integrated Waste Management Board.

## **Background**

On August 24, 1998, the City Council adopted a Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) and the Household Hazardous Waste Element (HHWE). Although the applicability of the Categorical Exemption has not been challenged by any party, the California Integrated Waste Management Board (CIWMB) has refused to accept

the Categorical Exemption for reasons which are in contradiction to the statutory provisions of CEQA and the Opinion of the California Attorney General.

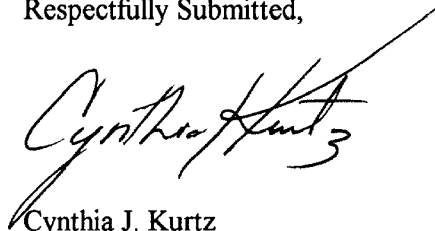
While staff, in consultation with legal counsel, continues to believe that the Categorical Exemption is valid and lawful, the staff has chosen to prepare an initial study and proposes to adopt a Negative Declaration to expeditiously resolve the dispute with the CIWMB without costly legal challenges. Staff, therefore, recommends that the City Council approve the Initial Study, adopt the Negative Declaration and reaffirm the adoption of the HHWE.

This action makes no changes to the previously adopted Household Hazardous Waste Element.

**Fiscal Impact**

This action has no fiscal impact. This action makes no changes to the previously adopted Household Hazardous Waste Element.

Respectfully Submitted,



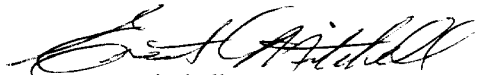
Cynthia J. Kurtz  
City Manager

Prepared by:



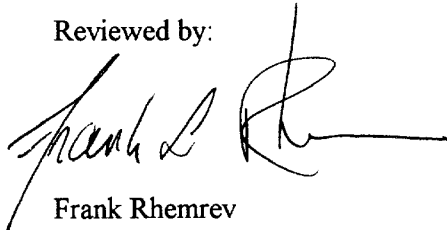
James C. Weckerle  
Hazardous Materials Specialist

Approved by:

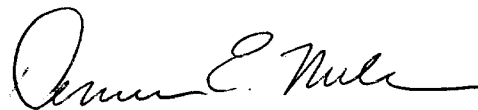


Ernest Mitchell  
Fire Chief

Reviewed by:



Frank Rhemrev  
Sr. Deputy City Attorney



Denver Miller  
Environmental Administrator