



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 27, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: GREG RAMIREZ, CITY MANAGER 
BY: LOUIS CELAYA, DEPUTY CITY MANAGER 
SUBJECT: APPROVAL OF SOLID WASTE PERMIT TRANSFER REQUEST – E.J. HARRISON AND SONS, INC.

On August 9, 2017, the City received a request from E.J. Harrison and Sons, Inc. (EJH), for a solid waste and recyclable permit transfer for 2017. Staff was advised that EJH had purchased Zaccaro Roll-Off and secured all current accounts and permits for solid waste collection services. Zaccaro Roll-Off is one of the Agoura Hills eleven current permitted commercial solid waste and recyclable collectors for 2017.

Under Section 5308 the City's Municipal Code, all transfers of a permit or franchise must be approved by the City Council:

5308. - Transfer of permit or franchise.

A solid waste collector permit or a franchise issued pursuant to this Chapter shall not be transferred, delegated, sublet, subcontracted to or assigned to another person without the approval of the city council. This restriction includes the transfer of ownership or the majority of the ownership or control of the permittee or franchisee, or transfer of a majority of the permittee's or franchisee's stock to another person.

In accordance with the request, City staff and the City's Solid Waste consultant, Solid Waste Solutions, Inc., (SWS) requested operational information from EJH for review, and the completion of the City's Permit Application for Private Collection of Commercial Solid Waste and Recyclables within the City of Agoura Hills. This is a standard practice conducted to review the capability of the requestor to provide the required services to the commercial sector. EJH has requested a permit for temporary roll-off bin and construction and demolition bin services.

SWS has concluded that EJH has the experience and capability to provide these services for the City's commercial solid waste permit program. EJH is a family-owned business that has provided solid waste services since 1932 and currently holds agreements and permits in the cities of Thousand Oaks, Camarillo, Filmore, Ojai, Ventura, Carpinteria and the County of Ventura. EJH is financially stable, and there is no concern that the business will cease operations after a permit is issued.

EJH has submitted the 2017 permit application and fee and the required insurance. Staff concurs with the findings of SWS for the transfer of the 2017 solid waste and recyclables collection permit. Should the City Council approve the transfer, City staff will process the

application, require EJH to file a business license and encroach permit with the Department of Public Works, and update the commercial solid waste collectors list.

RECOMMENDATION

Staff respectfully recommends the City Council Approve the Solid Waste Permit Transfer Request from E. J. Harrison and Sons, Inc., for the 2017 permit year.

Attachment: SWS, Inc., September 12, 2017 Letter
Solid Waste and Recyclables Permit Application



Solid Waste Solutions, Inc./City Permit Services

September 12, 2017

Mr. Louis Celaya, Deputy City Manager
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

SUBJECT: Review of Request for Transfer of Solid Waste Hauler Permit from Zacarro Roll-Off to E. J. Harrison and Sons, Inc.

Dear Mr. Celaya,

On August 9, 2017 E.J. Harrison and Sons, Inc. (Harrison) e-mailed the city requesting the transfer of the business license and permit. Upon receipt of that request you directed Solid Waste Solutions (SWS), to gather the required information for Harrison to present in compliance with the Agoura Hills Municipal Code Article VII, Section 5308-Transfer of permit or franchise.

Harrison has indicated that they will operate in the City as Harrison and provide temporary roll-off bins only. Their vehicles are roll-off trucks, they are light green and white and are labeled with the company name and telephone number on them. As Harrison is going to operate under their company name they were required to submit a City of Agoura Hills Solid Waste Hauler Permit Application. With this application the following information is required:

- Permit Application Form
- Insurance Certificate and Endorsement Provided (Automobile, General Liability and Workers Compensation)
- List of Collection Vehicles to be used in the City
- Company Experience
- Profit/Loss Statement
- Rate Schedule
- Type of Service Provided
- Permit Fee

I have attached to this letter the permit package which includes the submittal checklist indicating that all items have been submitted.



In addition to the information above the following information was requested of Harrison.

- Location of Landfill to be used: Simi Valley Landfill
- Location of Recycling facility: Gold Coast Recycling and Transfer Station
- Location of Construction & Demolition Procession: Simi Valley Landfill
- Location of Green Waste/Food Waste: Cal Wood/Agromin
- Method of notifying existing clients to change of ownership: Letters will be mailed.
- List of municipalities served: City of Thousand Oaks, City of Camarillo, City of Fillmore, City of Ojai, City of Ventura, City of Carpinteria, County of Ventura

As SWS has worked for many years with Harrison through our municipal contracts with the cities of Ojai, Santa Paula and Carpinteria we can vouch for the professional services that are provided to the communities that they service. They are also committed to provide the city staff or consultants with all the information needed to keep the solid waste data accurate and programs current with the States regulations.

In conclusion Solid Waste Solutions recommends that the request for transfer of the permit from Zacarro Roll-off to E.J. Harrison and Sons, Inc. is acceptable and ready to be presented to the City Council for consideration.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Nilsson". The signature is fluid and cursive, with the first name being more prominent than the last.
Kimberly Nilsson
President

Cc: David Nixon, Solid Waste Coordinator



**Permit Application for Private Collection of Commercial Solid
Waste and Recyclables within the City of Agoura Hills**

Permit No. _____
(City use only)

Sector to provide service: (may check more than one box)

Commercial Temporary Roll-Off Construction / Demolition

E.J. HARRISON AND SONS, INC
Business Name of Applicant

MYRON HARRISON
Business Owner or Manager

5275 COLT ST
Street (mailing address)

DANIEL HARRISON
Firm's Contact

dan h @ e j harrison . com
Email (required)

VENTURA CA 93003
City Zip

805-647-1414
Phone Number (required)

805-207-0755
Cell Number (required)

805-659-7219
Fax Number (required)

Applications for an Annual Commercial Solid Waste and Recyclables Collection Permit are hereby made to the City of Agoura Hills (hereinafter referred to as "City") under the conditions and requirements set forth herein.

A. Compliance with Solid Waste Ordinance. The Applicant hereby agrees to comply with all requirements of the Agoura Hills Municipal Code regarding Solid Waste and Recyclables Collection as well as any other resolutions, regulations and requirements promulgated by the City Council or City Manager to implement the provisions of the Municipal Code, including but not limited to Municipal Code Article V, Chapter 3: Regulating Collection of Solid Waste and Recycling Materials. All terms herein shall have the meaning set forth in Article V, Chapter 3, unless expressly defined otherwise.

B. Recycling Program. The applicant hereby agrees to comply with all requirements of Resolution No. 06-1437, including but not limited to operation and maintenance of a commercial recycling program for all of applicant's commercial customers within the City limits. Applicant shall provide all commercial premises served by Applicant with one or more recycling container(s) with a minimum size of thirty (30) gallons, of a size and number appropriate for use on the premises. There shall be no limit on the amount of recyclables to be collected from commercial premises served by Applicant. A 50% Diversion Rate shall be maintained throughout the term of this permit.

Applicant will need to demonstrate compliance with Section H, Public Education Campaign, of Resolution No. 06-1437 by submitting proof/copies of materials distributed to the City with the submittal of applicant quarterly diversion reports. Documentation must include a sample of material used, site visits done, and a list of education material recipients.

- **AB 341 (Mandatory Commercial Recycling) Compliance.** All permit holders shall assist the City with AB 341 compliance. Permit holders shall comply with AB 341 compliance that require the following activities as a condition of being issued a permit:
 - 1) The provision of samples of education materials being provided to all clients to encourage recycling services. This should include dates of distribution and/or an explanation as to when these materials are being provided.
 - 2) List of all clients and/or facilities that are recycling versus those that are not subscribing for recycling services.

The above information must be provided quarterly with submitted diversion reports.

- **AB 1826 (Organic Waste Recycling) Compliance**

In October 2014 Governor Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016. The law requires that after January 2016 Local Jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses. Organics include: food waste, green waste, landscape, and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

All permit holders shall assist the City with AB 1826 Compliance. Permit holders shall comply with AB1826. Compliance that requires the following activities be reported to the City as a condition of being issued a valid permit;

- 1) Provide detailed location of where the material is taken.
- 2) Provide details of what materials are collected and processed
- 3) How the material is diverted / how will this be tracked per diversion report and the type of bins used to collect material.

These provisions will apply toward permitted collectors who are providing solid waste and recycling services to commercial accounts that generate organics and shall be implemented in accordance with the timelines established in AB 1826. If the permittee does not provide this service, these requirements do not apply.

CAL Green Construction and Demolition diversion.

Beginning January 2017, the State of California requires that the minimum acceptable diversion rate for construction and demolition debris is to be 65%. All permittees shall comply with this requirement or the permit may be pulled and the collector may no longer be allowed to operate in the City of Agoura Hills. These provisions apply to all new construction & demolition projects, all additions or alterations to non-residential structures and residential additions and alterations that add square footage to the residence. There are no exceptions.

NOTE: The City reserves the right to require all permitted collectors to implement programs deemed necessary that will continue to assist the City in maintaining AB 341 and AB 1826 compliance.

The above information must be provided quarterly with submitted diversion reports.

- C. Indemnification.** In consideration of being granted a permit for operating a private solid waste and recyclables collection service in the City, Applicant hereby agrees to hold harmless the City of Agoura Hills, its officers, agents, and employees, from all claims, demands, causes of actions, and actions of any kind whatsoever and any and all costs, damages, and liability which may be brought against the City by any reason of accident, injury, or death, of loss or damage of property or other consequences arising from, directly or indirectly, the applicant's collection of solid waste as authorized by this permit.

Applicant further agrees to indemnify the City, defend with counsel approved by the City, protect and hold harmless the City, its officers, employees, agents and assigns from and against all claims and damages, including but not limited to natural resource damage, punitive damages, response remediation and removal costs, liabilities, causes of action, legal or administrative proceedings, interest, penalties and expenses (including, but not limited to, attorneys and expert witnesses fees and costs incurred in connection with defending against any of the foregoing or in enforcing this indemnity) of any kind whatsoever paid, incurred or suffered by, or asserted against, City or its officers, employees, agents, or the collector arising from or attributable to any repair, cleanup or detoxification, or preparation and implementation of any removal, remediation response, or closure, or other plan (regardless of whether undertaken due to governmental action) concerning any hazardous substance or hazardous waste at any place where the collector stores or disposes of solid or hazardous waste pursuant to this permit. The foregoing indemnity is intended to operate as an agreement pursuant to the Comprehensive Environmental Response, Compensation and Liability Act 42 United States Code section 9607(e), and California Health and Safety Code section 25364, to insure, protect, hold harmless, and indemnify City from liability.

D. Fees and Surcharge.

1. **Fees.** Applicant shall pay to City an annual permit fee of \$750.00.
2. **Surcharge.** Applicant shall pay to City a surcharge fee of \$0.35 per cubic yard per month of commercial **Solid Waste** service provided. The surcharge fee shall be paid within thirty (30) days of the end of the quarter of each calendar year payable to the City of Agoura Hills.

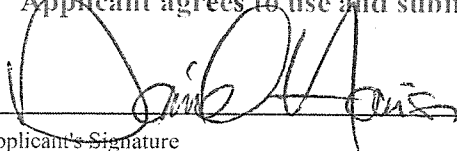
E. Complete Submission. The applicant shall submit a completed application, consisting of:

1. Permit / Application form
2. Attachment 1, Operational Information
3. Attachment 2, Recycling Program Information
4. Annual permit fee of \$750.00.

F. Statement of Understanding. I have read and understand the requirements set forth in Municipal Code Article V, Chapter 3 and Agoura Hills Resolutions Numbers 95-960, 95-961, 06-1437 and understand that compliance with the Municipal Code, Resolutions, as well as any other resolutions, regulations and requirements promulgated by the City Council or City Manager to implement the provisions of the Municipal Code, and all applicable State and local laws is a condition of this annual permit. Failure to comply is a violation of the Municipal Code and grounds for revocation of this permit.

G. Applicant agrees to comply with Section 3, Item I, of Resolution No. 06-1437

H. Applicant agrees to use and submit timely reporting forms



Applicant's Signature

8/31/17

Date

Deputy City Manager's Signature, City of Agoura Hills

Date

The completed application shall be submitted to the following address:

**City of Agoura Hills
Attention: David Nixon
C/O Solid Waste Solutions, Inc.
25 W. Rolling Oaks Drive Suite 201
Thousand Oaks, CA. 91361**

E.J. Harrison & Sons, Inc.



August 31, 2017

Dear Mr. Nixon:

E.J. Harrison and Sons is a family owned and operated company. We have been in the solid waste industry since 1932. We have exclusive residential, commercial, and roll off agreements in the cities of Carpinteria, Ojai, Fillmore, Ventura and Camarillo. We also have an exclusive residential agreement for the Newbury Park area in the City of Thousand Oaks. We also have an exclusive residential agreement for the western unincorporated areas of Ventura County which include areas such as Santa Rosa Valley, Ojai Valley, Santa Clara Valley, the Oxnard Plains, Rincon Beach, Somis, etc... We also service state beaches, parks, school districts, special districts, and Cal State Channel Islands University.

E.J Harrison and Sons, Inc. provides temporary bin and roll off services to the City of Thousand Oaks, along with all unincorporated areas of Ventura County.

At E.J. Harrison and Sons we have a motto, "service is everything", and we work hard to maintain a high quality of service. All our cities are in compliance with all state mandates which includes; AB 939, AB 1826, and AB 341 to name a few. Our workforce consists of many long term employees, many of which have been here for 25 to 30 years. Our drivers have a long history of being safe and courteous.

Sincerely,

E.J. Harrison & Sons, Inc.
