

# **RECYCLING - NEVADA COUNTY'S URGENT NEED**

## **REASON FOR INVESTIGATION**

California law mandates that solid waste be reduced by a minimum of 50% and provides for penalties of up to \$10,000 per day if this is not achieved. The Grand Jury investigated how Nevada County is dealing with this mandate. Note: The Town of Truckee is excluded from this report because they are in a different reporting district.

## **BACKGROUND**

The California Integrated Waste Management Act of 1989, Assembly Bill 939 (AB 939) requires Counties and Cities to achieve a 50% reduction in solid waste compared to a 1990 baseline. Pollution of groundwater from ever-expanding landfills as well as concerns about air quality and public health motivated the legislation. Recycling, reuse, and biomass conversion are the primary tools to be used in aiming for the minimum 50% which was to have been met by 2000. These programs also provide benefit through increased job creation and energy efficiency. Definitions of recycling, compost, biomass conversion, and source reduction are included in AB 939.

## **PROCEDURE FOLLOWED**

The Grand Jury conducted interviews with:

- Director of County Department of Transportation and Sanitation;
- Solid Waste Manager of Nevada County;
- County Recycling Coordinator;
- A member of the Board of Supervisors who is a member of the Nevada County's Solid and Hazardous Waste Commission;
- City Managers and staff of Grass Valley and Nevada City.

In addition, the Grand Jury reviewed relevant parts of the State law and other documents.

## **FINDINGS**

1. AB 939 is now incorporated in Division 30 of the California Public Resources Code (PRC). Section 41785 of the code provides that the year 2000 compliance due date may be extended through 2005, but not beyond, provided the County has made a good faith effort to implement source reduction, recycling, and composting measures.
2. On February 11, 2003, the California Integrated Waste Management Board (CIWMB) agreed to Nevada County's request to extend the due date for the 50% reduction

requirement to December 31, 2004, and to establish the year 2000 as a new baseline. This baseline year is now officially credited with a 43% reduction.

3. As part of the County's request to the CIWMB for an extension, a 10-point plan of correction to achieve the required 50% figure was included. Table 1 details this plan. Note: if the estimated waste reduction (diversion) percentages are all realized (9.75%), and other factors remain unchanged, the County would then be credited with 52.75 %.

**TABLE I - PLAN OF CORRECTION**

<b>Description of Program</b>	<b>Date*</b>	<b>Est. % Diversion</b>
Construct a reuse area at the McCourtney Road Transfer Station (MRTS) which would target reusable materials that are brought in by contractors and self-haulers.	9/04	1
Provide a composting facility at the MRTS first utilizing chipped material and later curbside collected greenwaste and foodwaste.	12/04	1
Expand backyard and on-site composting/mulching by implementing a Master Composter Program.	9/03	1
Promote on-site composting at agricultural facilities such as wineries, horse facilities, forestry, farming, and ranching operations.	9/04	1
Provide an express lane recycling area at MRTS.	9/04	1
Expand the business material exchange program by promoting reuse of secondary materials and establishing a direct link to the State's website.	12/03	1
Meet with business groups to increase business waste reduction and participation in the commercial on-site recycling collection program.	9/04	2
Implementation of curbside green waste collection if compost facility is feasible.	12/04	1
Collection of recyclables at special events such as County Fair, horse festivals, music festivals, parades, and street fairs.	12/03	0.5
Expand household hazardous waste curbside collection to include used quart oil containers.	12/03	0.25
<b>Total Estimated Diversion</b>		<b>9.75</b>

\* The date by which full implementation is anticipated.

4. In addition to the new programs and expansions included in the Plan of Correction, Nevada County had demonstrated its good faith effort with the previously implemented residential programs detailed in Table II. Additionally, other programs were focused on commercial entities and public outreach/education.

**TABLE II - RESIDENTIAL RECYCLING AND WASTE REDUCTION (ONGOING)**

<b>Program</b>	<b>Description</b>
Backyard and On-site Composting/Mulching	The Fire Safe Council conducts an on-site grinding program for green waste. The material is then sent to a biomass facility in Lincoln.
Buy-back	Residents have access to numerous State Certified Recycling Centers.
Curbside Recycling	Waste Management offers a curbside recycling service that accepts newspaper, aluminum cans, glass bottles and jars, mixed paper, tin cans, and plastic bottles.
Drop-off	The principal drop-off facility is the McCourtney Road Recycling Facility (next to the MRTS), which accepts scrap metal and other commodities, in addition to all items picked up at curbside. The Recycling Works on Loma Rica Drive and Transfer Stations in North San Juan and Washington also accept most items.
Self-haul Greenwaste	Material brought to the MRTS is sent to a biomass facility.

5. The County's franchise agreement with Waste Management (WM), which runs from December 1997 through June 2008, requires WM to provide specified services at the McCourtney Road Recycling Facility as well as at the Washington and North San Juan Transfer Stations. The agreement requires WM to abide by AB 939 and provide quarterly reports containing information required by the County to meet its reporting obligations. WM must also provide curbside recycling at no additional charge, a free Christmas Tree Recycling Program at a minimum of three sites, and twice yearly conduct a household hazardous waste day at an agreed-upon site.
6. Pursuant to AB 939, the County filed a Source Reduction and Recycling Element (SRRE) with the CIWMB in 1994. The SRRE included a County Green Procurement that was to be implemented by January 1995 but in fact was not. The County adopted a Green Procurement and Sustainable Practices Policy (GPSPP) in April 2002 under Resolution 02-194. This action was required in order for the County to be competitive when applying for grants from the CIWMB. The GPSPP states that all County personnel specify recycled products unless they are unsatisfactory or unreasonably expensive and that the departments practice waste prevention and recycling. It further requires that the County Executive Officer and the Board of Supervisors be provided with an annual status report.
7. Recently the county applied for and received a \$50,000 grant from the CIWMB toward construction of a reuse facility at MRTS. Of this amount \$5,000 will be received this fiscal year, and \$45,000 in the fall of 2003 unless the State budget process eliminates this item. The County's grant application was ranked 6<sup>th</sup> out of thirty-eight by CIWMB. Generally, the costs of the recycling program are recovered from grants and property tax parcel charges, and do not require any money from the County general fund.
8. As part of the County's program to meet the state mandates, the County hired experienced people to fill the positions of Solid Waste Manager and Recycling Coordinator in 2001 and two technicians in 2002.

9. PRC Section 40001 refers to the possible formation of a regional waste management entity to minimize duplication of effort and costs incurred. Section 41780.2 indicates that the unincorporated county and cities within the region would still individually have to meet the 50% requirement. However, Section 41787.1(d) states that a penalty on a rural regional agency is imposed only on a non-compliant member city or county.
10. Twenty-two counties have met the 50% diversion mandate. Nevada County with 43%, ranks 11<sup>th</sup> among the thirty counties that have not yet met the requirements. The six remaining counties have not yet been considered by the CIWMB for the year 2000 diversion mandate.
11. Nevada City and Grass Valley are above the 50% diversion rate and have been working cooperatively with the County in recent years.

## **CONCLUSIONS**

The fact that the CIWMB has granted the County the requested extension, as well as the designation of the year 2000 as a new base year (which was to the County's advantage), indicates that the relatively recent changes which enhanced the County's capability in the Waste Management and Recycling area have not gone unrewarded. The winning of a competitive \$50,000 grant from the CIWMB further suggests the same conclusion. Realizing the 50% requirement by the end of 2004 despite the added capability may prove to be a bigger challenge. This is because many of the elements of the Plan of Correction may not be able to fully bear fruit until 2005. Thus, it will require the full support and participation on the part of the public to ensure that Nevada County successfully achieves the mandated 50% goal and avoids potential fines.

## **RECOMMENDATIONS**

1. The County, Grass Valley, and Nevada City should jointly investigate the advantages and disadvantages of working to establish a regional waste management entity.
2. The County, Grass Valley, and Nevada City should expand efforts to educate citizens concerning the need for their participation and cooperation in recycling and ensure that the public understands that in effect it is they, the taxpayers, who will be fined if the goals are not reached and maintained.
3. The County, Grass Valley, and Nevada City should encourage participation of all employees in recycling programs by soliciting their ideas and publicly recognizing the best ones.
4. The Board of Supervisors should ensure that the required annual GPSPP report includes quantifiable data that measures the County's performance to stated goals.

## **REQUIRED RESPONSES**

Board of Supervisors by September 12, 2003

Grass Valley City Council by September 12, 2003

City Council of Nevada City by September 12, 2003

*Follow-up Committee  
then to County Committee*

*7/18/03*

# City of Grass Valley

A CENTENNIAL CITY

RECEIVED

JUL 15 2003

July 9, 2003

CITY COUNCIL  
PATTI INGRAM, MAYOR  
DEVERE "DEE" MAUTINO, VICE MAYOR  
STEVE ENOS  
LINDA STEVENS  
GERARD TASSONE

GENE HAROLDSON  
CITY ADMINISTRATOR

DEBRA PRYZNIK, COOPER  
CITY CLERK  
(530) 273-4331 FAX (530) 273-4399

Ersel L. Edwards, Presiding Judge of the Superior Court  
201 Church Street  
Nevada City, CA 95959

RE: Response to the 2002-2003 Grand Jury Report re Recycling

Your Honor,

This letter is a response to the 2002-2003 Grand Jury Report from the Grass Valley City Council. The Grand Jury's interest in recycling is appreciated.

We note that the Grand Jury found that "Nevada City and Grass Valley are above the 50% diversion rate and have been cooperatively working with the County in recent years." We agree with the findings of this report as it relates to the City of Grass Valley and are proud of the accomplishments of the City and its residents.

Regarding the Grand Jury's recommendations, the City of Grass Valley is open to working with the County and Nevada City to "jointly investigate the advantages and disadvantages of working to establish a regional waste management entity". Because there are representatives of the County and Cities serving on the Nevada County Solid and Hazardous Waste Committee (SHWC), this is the ideal group to investigate forming a regional waste management entity and reporting back to the Board of Supervisors and the City Councils on its conclusions. Planning Director Tom Last, the City's SHWC representative, will be carrying this request forward to the SHWC.

The Planning Director is being directed to submit articles regarding recycling for inclusion in future editions of the City's Newsletter, which is distributed twice a year to all residents. Also, the Planning Director is being directed to encourage participation of all employees in the City's recycling program. We hope that the SHWC can assist the City in developing recycling educational articles and encouraging employee participation.

This response was reviewed and approved by City Council at its July 8, 2003 meeting. Thank you for your consideration.

Sincerely,

*Patti Ingram*  
Patti Ingram  
Mayor

*Devere Mautino*  
DeVere "Dee" Mautino  
Vice Mayor

- cc: City Council
- Joe Heckel, Community Development Director
- Tom Last, Planning Director
- Steve Porter, Nevada County Solid Waste Manager
- Tracey Harper, Nevada County Recycling Coordinator
- Kyle Pogue, California Integrated Waste Management Board

REVIEWED BY:  
*Ersel Edwards* 7-15

# COUNTY OF NEVADA

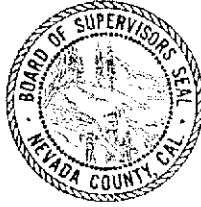
STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City • California 95959-8617

*Ralph - Please  
Follow-up  
J 9/10/03*

## BOARD OF SUPERVISORS

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Cathy R. Thompson  
Clerk of the Board

September 10, 2003

The Honorable Judge Ersel Edwards  
Presiding Judge of the Nevada County Courts  
Nevada County Court House  
Nevada City CA 95959

**Subject: Board of Supervisors Responses to the 2002-2003 Nevada County Civil Grand Jury Early Response Report No. 9, dated June 13, 2003 regarding "Recycling: Nevada County's Urgent Need".**

Dear Judge Edwards:

The attached responses by the Board of Supervisors to the 2002-2003 Nevada County Civil Grand Jury Early Response Report No. 9, dated June 13, 2003, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's findings and recommendations were approved by the Board of Supervisors at their regular meeting on September 9, 2003. Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Department of Transportation and Sanitation, the Department of Environmental Health, the Solid and Hazardous Waste Commission, the City Councils of Grass Valley and Nevada City, or testimony from the Board of Supervisors and county staff members.

The Board of Supervisors would like to thank the members of the 2002-2003 Grand Jury for their participation and effort in preparing their Report.

Sincerely,

**Robin Sutherland**

Vice-Chair, Board of Supervisors

Attachment

sh:pb

cc: ✓ Foreman, Grand Jury  
City Council of Nevada City  
City Council of Grass Valley  
DOTS  
S&HWC-DOTS  
CDA-EH  
CEO

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO  
2002/2003 CIVIL GRAND JURY EARLY RELEASE REPORT NO. 9**

**DATED JUNE 13, 2003**

**RE: RECYCLING - NEVADA COUNTY'S URGENT NEED**

*Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Department of Transportation and Sanitation, the Department of Environmental Health, the City Council of Grass Valley, or testimony from the Board Chair and county staff members.*

**I. GRAND JURY INVESTIGATION:**

**Recycling - Nevada County's Urgent Need.**

**A. RESPONSE TO FINDINGS & RECOMMENDATIONS:**

**Findings:**

1. **AB 939 is now incorporated in Division 30 of the California Public Resources Code (PRC). Section 41785 of the code provides that the year 2000 compliance due date may be extended through 2005, but not beyond, provided the County has made a good faith effort to implement source reduction, recycling, and composting measures.**

Agree

2. **On February 11, 2003, the California Integrated Waste Management Board (CIWMB) agreed to Nevada County's request to extend the due date for the 50% reduction requirement to December 31, 2004, and to establish the year 2000 as a new baseline. This baseline year is now officially credited with a 43% reduction.**

Agree



3. **As part of the County's request to the CIWMB for an extension, a 10-point plan of correction to achieve the required 50% figure was included. Table 1 details this plan. Note: if the estimated waste reduction (diversion) percentages are all realized (9.75%), and other factors remain unchanged, the County would then be credited with 52.75 %.**

**TABLE I - PLAN OF CORRECTION**

<b>Description of Program</b>	<b>Date *</b>	<b>Est. % Diversion</b>
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Provide a composting facility at the MRTS first utilizing chipped material, and later curbside collected greenwaste and foodwaste.	12/04	1
Expand backyard and on-site composting/mulching by implementing a Master Composter Program.	9/03	1
Promote on-site composting at agricultural facilities such as wineries, horse facilities, forestry, farming, and ranching operations.	9/04	1
Provide an express lane recycling area at MRTS.	9/04	1
Expand the business material exchange program by promoting re-use of secondary materials and establishing a direct link to the State's website.	12/03	1
Meet with business groups to increase business waste reduction and participation in the commercial on-site recycling collection program.	9/04	2
Implementation of curbside green waste collection if compost facility is feasible.	12/04	1
Collection of recyclables at special events such as County Fair, horse festivals, parades, and street fairs.	12/03	0.5
Expand household hazardous waste curbside collection to include used quart oil containers.	12/03	0.25
<b>Total Estimated Diversion</b>		<b>9.75</b>

\* The date by which full implementation is anticipated.

Agree

The Department of Transportation and Sanitation staff is in the process of implementing the 10 solid waste reduction, recycling, education and reuse projects above required by the California Integrated Waste Management Board (CIWMB) as a condition of the time extension. The County has also taken the initiative to implement four of the five programs addressed in Finding No. 4. The fifth program, Curbside Recycling, is being implemented by Waste Management of Nevada County.

As the Grand Jury indicates, it is imperative the County implement the programs and achieve the diversion levels approved by the CIWMB by the time extension date. The Board of Supervisors has supported these programs by adopting a budget and staffing needed to accomplish program goals and objectives.

4. In addition to the new programs and expansions included in the Plan of Correction, Nevada County had demonstrated its good faith effort with the previously implemented residential programs detailed in Table II. Additionally, other programs were focused on commercial entities and public outreach/education.

**TABLE II - RESIDENTIAL RECYCLING AND WASTE REDUCTION (ONGOING)**

Program	Description
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Self-Haul Greenwaste	Material brought to the MRTS is sent to a biomass facility.

Agree

(See Response to Finding No. 3.)

5. The County's franchise agreement with Waste Management (WM), which runs from December 1997 through June 2008, requires WM to provide specified services at the McCourtney Road Recycling Facility as well as at the Washington and North San Juan Transfer Stations. The agreement requires WM to abide by AB 939 and provide quarterly reports containing information required by the County to meet its reporting obligations. WM must also provide curbside recycling at no additional charge, a free Christmas Tree Recycling Program at a minimum of three sites, and twice yearly conduct a household hazardous waste day at an agreed-upon site.

Agree

6. Pursuant to AB 939, the County filed a Source Reduction and Recycling Element (SRRE) with the CIWMB in 1994. The SRRE included a County Green Procurement that was to be implemented by January 1995 but in fact was not. The County adopted a Green Procurement and Sustainable Practices Policy (GPSPP) in April 2002 under Resolution 02-194. This action was required in order for the County to be competitive when applying for grants from the CIWMB. The GPSPP states that all County personnel specify recycled products unless they are unsatisfactory or unreasonably expensive and that the departments practice waste prevention and recycling. It further requires that the County Executive Officer and the Board of Supervisors be provided with an annual status report.

Agree

7. **Recently the county applied for and received a \$50,000 grant from the CIWMB toward construction of a re-use facility at MRTS. Of this amount \$5,000 will be received this fiscal year, and \$45,000 in the fall of 2003 unless the State budget process eliminates this item. The County's grant application was ranked 6<sup>th</sup> out of thirty-eight by CIWMB. Generally, the costs of the recycling program are recovered from grants and property tax parcel charges, and do not require any money from the County general fund.**

Agree

As of this date, the CIWMB has indicated it is still unknown if, and when, Nevada County will receive the remaining \$45,000 in grant funds needed for construction of the re-use facility at the McCourtney Road Transfer Station.

8. **As part of the County's program to meet the state mandates, the County hired experienced people to fill the positions of Solid Waste Manager and Recycling Coordinator in 2001 and two technicians in 2002.**

Agree

9. **PRC Section 40001 refers to the possible formation of a regional waste management entity to minimize duplication of effort and costs incurred. Section 41780.2 indicates that the unincorporated county and cities within the region would still individually have to meet the 50% requirement. However, Section 41787.1(d) states that a penalty on a rural regional agency is imposed only on a non-compliant member city or county.**

Agree.

(See response to Recommendation No. 1)

10. **Twenty-two counties have met the 50% diversion mandate. Nevada County with 43%, ranks 11<sup>th</sup> among the thirty counties that have not yet met the requirements. The six remaining counties have not yet been considered by the CIWMB for the year 2000 diversion mandate.**

Partially agree

This information was correct at the time the Grand Jury Report was released. Current information on the CIWMB web site indicates that 25 counties have now met their 50% mandate with Nevada County ranked 14<sup>th</sup> among the remaining 33 counties still required to achieve at least a 50% diversion rate.

11. **Nevada City and Grass Valley are above the 50% diversion rate and have been working cooperatively with the County in recent years.**

Agree

## **Recommendations:**

- 1. The County, Grass Valley, and Nevada City should jointly investigate the advantages and disadvantages of working to establish a regional waste management entity.**

The recommendation requires further analysis with a status report to be presented to the Board by February 24, 2004.

The concept of forming a regional solid waste management authority has been previously discussed at both the Department of Transportation and Sanitation (DOTS) staff level and most recently at the Solid and Hazardous Waste Commission (S&HWC) at their July 2003 meeting. The issue is very complex and has advantages and disadvantages for the County as well as for the cities. The process of identifying, discussing, and resolving the many issues involved will continue at both the S&HWC and DOTS staff levels. If it appears the establishment of such an authority would be in the best interests of the County, and would improve solid waste management and control costs for residents of Western Nevada County, the Board will seriously consider forming a regional solid waste management authority with Grass Valley, and Nevada City under mutually agreeable terms and conditions.

By this response, the Department of Transportation and Sanitation, through the CEO is directed to continue to discuss with the S&HWC and the Cities of Grass Valley and Nevada City the concept of forming a regional solid waste management authority and present a status report to the Board by February 24, 2004. No County resources have presently been allocated to accomplish a feasibility study of this concept and a project to do so is not in the approved work plan for DOTS. If preliminary discussion with the cities indicates the formation of a regional waste management authority may be feasible under mutually agreeable terms and conditions, allocation of DOTS resources to accomplish a more detailed study to include an analysis of organizational options, comparative costs, and governance issues will be considered during the FY 2004-2005 budget process.

The primary goal of the Department of Transportation and Sanitation through the remainder of 2003 and 2004 will be to achieve compliance with state mandated solid waste diversion goals by December 2004. Although the potential formation of a regional waste management authority is important and may provide opportunities for streamlining management of the solid waste system in Western Nevada County and reduce costs, it will take considerable time and effort to develop and implement a workable authority and must be considered in relation to other equally important priorities and available resources.

- 2. The County, Grass Valley, and Nevada City should expand efforts to educate citizens concerning the need for their participation and cooperation in recycling and ensure that the public understands that in effect it is they, the taxpayers, who will be fined if the goals are not reached and maintained.**

The recommendation has been implemented.

The Department of Transportation and Sanitation, has launched an expanded educational effort for all Nevada County citizens called "Nevada County Recycles". This educational program includes a website, telephone "hotline", radio interviews, newspaper articles, FCAT appearances, brochures, and appearances at special events. Nevada County Recycles employed the services of local graphic artists and marketing specialists to assist in the development of the campaign. A new mascot, the Recycling Raccoon, was also unveiled at the July 4, 2003 Parade. Also, a newly designed booth was unveiled at the County Fair in August 2003. Included in most, if not all, educational outreach discussions and

program materials is the understanding that if the County does not achieve the 50 percent mandate, the County may be fined up to \$10,000 per day for failure to comply.

Department of Transportation and Sanitation efforts to educate the public will continue and the department, the County Green Procurement and Sustainable Practices Policy Committee "Green Team", and the S&HWC have been directed to continue to seek out and implement new initiatives to meet our diversion goals and encourage the public to use them.

(See attached Green Procurement and Sustainable Practices Policy (Resolution 02-194)).

**3. The County, Grass Valley, and Nevada City should encourage participation of all employees in recycling programs by soliciting their ideas and publicly recognizing the best ones.**

The recommendation has been implemented.

The Nevada County Green Team, under the direction of the department of the Department of Transportation and Sanitation has taken the lead to develop programs and encourage employees to participate in County recycling and waste prevention programs.

Recycled content product trade shows have been held in the lobby to educate both employees and businesses about the availability of recycled content products as well as recycling services. The Green Team also sponsors recycled content Christmas tree ornament contests with prizes awarded to contestants. Finally, the Green Team is developing an interdepartmental contest to encourage and reward departments that achieve the largest percentage of recycled materials, lowest disposal quantity, highest green procurement quantities, and best implementation of waste prevention practices.

The Board fully supports these programs and will continue, through DOTS and the Green Team, to encourage employee participation in County recycling programs and seek out new ideas from all employees on how to enhance them.

**4. The Board of Supervisors should ensure that the required annual GPSPP report includes quantifiable data that measures the County's performance to stated goals.**

The recommendation has not yet been implemented but will be by November 25, 2003

The Green Team is preparing its first annual report to the County Executive Officer and the Board of Supervisors on implementation of the Green Procurement and Sustainable Practices Policy. Included in that report will be quantifiable data on the amount of material that is recycled and disposed. The report will also include data on the amount of material purchased by the County that contains recycled content. All parameters of the Green Procurement and Sustainable Practices Policy and its implementation will be covered by the report. This Department of Transportation and Sanitation is scheduled to present this report to the Board of Supervisors on November 25, 2003.