



Santa Cruz County Civil Grand Jury

2014-2015 Response Packet

Composting Organic Waste in Santa Cruz County

Time for a Regional Solution

Santa Cruz City Council

Due date: 90 Days (by Sept. 24, 2015)

When finished, email the completed response packet as a file attachment to:

grandjury@co.santa-cruz.ca.us

Instructions for Respondents

California law PC § 933.05 requires that those responding to a Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for further implementation or analysis must be provided.

Please follow the format below when preparing your response.

Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom packet provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
 - a. AGREE with the Finding,
 - b. PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations, select one of the following actions and provide the required additional information:
 - a. HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
 - b. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
 - c. REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
 - d. WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If the respondent is a governing body, please provide the voted response of the body as a whole. Individual responses from members of a governing body will not be published.

If you have questions about the response report please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to grandjury@co.santa-cruz.ca.us.

How and Where to Respond

1. Please download and fill out the Response Packet provided to you for your responses. Please respond to each finding and recommendation. Be sure to save any changes you make to the packet.
2. Print and send a hard copy of the Response Packet to:
The Honorable Judge Rebecca Connelly
Santa Cruz Superior Court
701 Ocean Street
Santa Cruz, Ca 95060
3. Email the completed Response Packet, as an attachment, to the Grand Jury at grandjury@co.santa-cruz.ca.us.

Due Dates

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Findings

Finding 1: Compostable organic waste, which makes up approximately one third of municipal solid waste, must be diverted in order to extend the life of Santa Cruz County landfills and meet state mandates, specifically AB 1826.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

Finding 2: Unless Santa Cruz County and the cities of Santa Cruz, Capitola, Scotts Valley and Watsonville invest politically and financially in large-scale organics recycling systems, they will be out of compliance with AB 1826 by the year 2020 or sooner.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

While a large-scale organics recycling system is one possible solution, the County or any of the cities could opt to create their own, independent smaller-scale facilities serving just their jurisdiction and its businesses that would fall under AB 1826.

Finding 5: Unless the Monterey Regional Waste Management District decides to expand its current organic composting facility, Santa Cruz County jurisdictions cannot rely on it as a long-term solution for their organic waste recycling needs.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

Finding 7: Rules about what can be put in the "green cart" are inconsistent and not well understood by the general public.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than "Agree"):

Rules about what can be put in a green cart may be inconsistent from one jurisdiction to another due to their different organics waste processing systems, however, rules about what can be put in the City of Santa Cruz's green carts have been consistent for the last several years.

The City's green carts have stickers on the carts defining what may and may not be placed in the carts. In addition, the City's Waste Reduction Program regularly includes information about what can be put in green cans in public mailers, bills and other outreach. Finally, if a resident "contaminates" their green cart with non-permissible materials, they will get a violation notice letting them know what was put in the cart that was non-permissible.

Some confusion for green cart users statewide may be due to the nature of the state's green waste laws. For example, green waste could contain trimmings from an overgrown tomato bush or apple tree, complete with the fruit that came with the tree as this would be legitimate green waste. However, an apple core or leftover tomato from the refrigerator, for example, would be considered food waste by the State inspector, and therefore is non-permissible.

Recommendations

Recommendation 1: In order to comply with AB 1826 mandates, the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville should join with Santa Cruz County to form a regional agency to develop a large-scale organics recycling system located in Santa Cruz County.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

While there may be efficiencies resulting from all the jurisdictions working together on organics recycling, one or more may decide to pursue internal solutions to meet the requirements of the law. Each jurisdiction has different refuse and recycling capabilities, infrastructure and facilities, as well as the cost recovery revenues that pay for these services. In addition, the number of businesses that will ultimately fall under the requirements of the law vary greatly by jurisdiction (for example Santa Cruz County's unincorporated area versus the City of Santa Cruz). Ultimately each jurisdiction will make its own decisions on what will be the most efficient and cost effective route for achieving compliance with the law.

The City will continue to work cooperatively with the other jurisdictions on these issues as we collectively evaluate how to best implement compliance practices and provide the most cost-effective solution for our rate payers.

Recommendation 2: The current pilot program for composting food waste from restaurants and other large institutions in Capitola and Santa Cruz County should be expanded to serve other businesses in the AB 1826 first and second tiers throughout Santa Cruz County, including Scotts Valley and Watsonville, until a regional facility can be developed.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City is responding "Requires Further Analysis", however please note that the recommendation pertains to a program in which the City of Santa Cruz is not a participant, and the recommendation does not mention the City of Santa Cruz specifically.

The City of Santa Cruz, however, is in the development phase of a small scale food waste pilot program incorporating a food waste to energy component at the Wastewater Treatment Facility and a composting component. Both are still in the design and development phase.

Recommendation 3: After selection of a composting contractor and technology by the Local Task Force, Santa Cruz County and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville should create a coordinated outreach program to inform businesses and the public about the benefits and requirements of the new organics recycling program.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

If a countywide solution with identical material acceptance requirements becomes available, the City of Santa Cruz would actively participate in a coordinated outreach and education program as part of a potential regional organics recycling program.

Recommendation 4: Curbside "green carts" and bins should be clearly labeled to instruct residential and commercial customers specifying what materials are acceptable.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Santa Cruz's green carts have a label program defining what is and is not acceptable to deposit in the carts. That label is shown below.

An illustration of a recycling bin for yard waste. The bin is filled with various types of green waste, including leaves, grass clippings, pine needles, and branches. A red starburst graphic is positioned at the top left of the bin, containing the text "Do not place any type of plastic in your GreenCycle! cart!". The bin is labeled "GreenCycle!" in a stylized green font. Below the bin, there is a list of accepted and non-accepted items, and a yellow footer with the City of Santa Cruz logo and contact information.

Do not place any type of plastic in your GreenCycle! cart!

GreenCycle!

Accepts only:

- Plants, leaves, grass clippings, brush, pine needles
- Prunings and branches (less than 3 feet long and 6 inches in diameter)
- Unpainted/Untreated lumber (nail and hinges, ok)
- Untreated wood chips, bark
- Sawdust place in paper bag
- Holiday tree/garlands (cut to size)

Don't Place in GreenCycle! Cart:

- NO fruit, vegetable, or food waste
- NO plastic bags of any kind
- NO garbage or hazardous materials
- NO glass or plastics
- NO scrap metal (nails OK)
- NO pitch canker diseased trimmings
- NO painted or treated wood
- NO flower pots
- NO dirt, rock, concrete or bricks
- NO animal waste

 **City of Santa Cruz**
831-420-5220