



**Santa Cruz County Civil Grand Jury**

**2014-2015 Response Packet**

**Composting Organic Waste in Santa Cruz County**

Time for a Regional Solution

Scotts Valley 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](mailto: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 Individual responses from members of a governing body will not be published.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](mailto: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](mailto: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”):**

The City of Scotts Valley contracts with Green Waste Recovery for its refuse, recycling, and yard waste collection services. Green Waste Recovery has the capabilities of collecting and properly disposing of the organic waste as required by AB 1826. If Scotts Valley were to contract for this service, the City would not need to invest in a large-scale organics recycling system.

**Finding 3:** Santa Cruz County and the cities of Capitola, Scotts Valley, and Watsonville all passed resolutions in 2005 recommending a regional composting facility, but as of 2015, no facility has been constructed, nor is there a completed plan to do so.

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

**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”):**

The Monterey Regional Waste Management District (District) has three different permitted compost projects in operation on site. In checking with the District, they provided the following list of their projects and their capacity status.

1. 5,000 ton per year Anaerobic Digestion Pilot Project
2. 10 permitted acres with a 72,000 cubic yard material allowance.
3. 60 permitted acres with a 500 ton per day maximum permitted tonnage

The status of these 3 projects is as follows:

1. 5,000 ton per year Anaerobic Digestion Pilot Project is operating at 5,000 ton per year capacity however we have the ability to utilize additional food scraps in the raw material feedstock and reduce the quantity of green waste processed. We estimate this project can accept another 500 tons per year of food scraps.
2. We are presently utilizing less than 10,000 cubic yards of material on this site with more than 60,000 cubic yards of surplus capacity or approximately 45,000 tons per year (at 1.33 cubic yards food waste/ton).
3. On this our largest permitted compost parcel, 305 tons per day of capacity is being utilized with a surplus capacity of 195 tons per day which is in excess of 65,000 tons annually.

The District predicts the life span at this time to exceed 100 years. Based on this information, Santa Cruz County jurisdictions can rely on the District as a long-term solution for their organic waste recycling needs.

**Finding 6:** Unless the cities of Watsonville and Scotts Valley develop organic waste recycling programs, neither city will be in compliance with AB 1826 by January 1, 2016.

**AGREE**

**PARTIALLY DISAGREE** - explain disputed portion below

**DISAGREE** - explain below

**Response explanation (required for responses other than “Agree”):**

If by “develop” it is meant to either come up with our own organic waste recycling program or contract with a provider such as Green Waste Recovery, then this is true.

**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”):**

In the Yellow Pages there is a six page Recycle Guide. In that guide it states all the same items that can go into the “green cart” for Capitola, Scotts Valley, and the unincorporated County, as they are all served by the same company, Green Waste Recovery. That same guide is located on the City of Scotts Valley web site. Scotts Valley believes it is not so much that the rules are inconsistent, as they are the same in these three jurisdictions, but that the public is not aware of the rules, despite the information provided regarding them.

## 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:

As stated in Finding 2, the City of Scotts Valley contracts with Green Waste Recovery which could provide this service. An analysis of whether to contract directly with Green Waste Recovery or join a regional agency to develop an organics recycling system needs to be analyzed. This will be done prior to January 1, 2016, the implementation date of AB 1826.

**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:

This is not the only option for the City of Scotts Valley. As stated in Recommendation 1, Scotts Valley has an option of contracting directly with Green Waste Recovery for these services. These two options will need to be analyzed prior to January 1, 2016, the implementation date of AB 1826.



**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:**

A coordinated effort may or may not work if different programs are provided by the various jurisdictions. Scotts Valley may contract with Green Waste Recovery and the other jurisdictions may develop their own program. To the extent that information is consistent between the programs, an outreach program could be done. This determination will need to be accomplished once the programs are established, no later than January 1, the implementation date of AB 1826.

**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:**

Scotts Valley would want to check with Green Waste Recovery as to their thoughts on the best way to inform the public regarding what can be put into “green carts.” This will be done within the next six months.