



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 19-1012

Board Meeting Date: 10/22/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy

Subject: Board of Supervisors' Response to the 2018-2019 Civil Grand Jury Report, "Planning for the County's Waste Management Challenges"

RECOMMENDATION:

Approve the Board of Supervisors' response to the 2018-2019 Civil Grand Jury Report, "Planning for the County's Waste Management Challenges".

BACKGROUND:

On July 30, 2019, the 2018-2019 San Mateo County Civil Grand Jury issued a report titled "Planning for the County's Waste Management Challenges". The Board of Supervisors is required to submit comments on the findings and recommendations pertaining to the matters over which it has some decision-making authority within 90 days. The Board's response to the report is due to the Honorable Donald J. Ayoub no later than October 28, 2019.

DISCUSSION:

The Grand Jury made eleven findings and three recommendations in its report. The Board responses follow each finding and the three recommendations that the Grand Jury requested that the Board respond to within 90 days.

FINDINGS

Finding 1:

The County's Countywide Integrated Waste Management Plan (CIWMP) was adopted in 1999. Five Year Reviews by the County conducted in 2004, 2009, and 2014 did not identify a need to revise the CIWMP Summary Plan or Siting Element. The Five-Year Review in 2009 identified a need to revise the CIWMP Non-Disposal Facility Element, which was done in 2010. In 2019, the CIWMP is scheduled for its fourth Five Year Review. The state requires such a review to assess whether a plan revision is warranted.

Response: The County agrees with this finding.

Finding 2:

The County's Office of Sustainability is responsible for preparing the 2019 Five Year Review. State law requires it to refer the review and any CIWMP revision to the Local Task Force (LTF), which is the San Mateo City/County Association of Governments (C/CAG). The LTF may also provide input into what should be updated in the CIWMP. LTF comments are provided to CalRecycle. Solid waste management is a responsibility of all local jurisdictions and their input, through C/CAG, is necessary to a comprehensive CIWMP review.

Response: The County agrees with this finding.

Finding 3:

As of the date of this writing, the 1999 CIWMP is not available to the public on the San Mateo County Office of Sustainability's website.

Response:

The County agrees with this finding. (Note - As of July 3rd, 2019 the 1999 CIWMP was available to the public on the San Mateo County Office of Sustainability website located at: <https://www.smcsustainability.org/waste-reduction/reduce-reuse-recycle/#countywide->

Finding 4:

The 1999 CIWMP Summary Plan, the 2010 Non-Disposal Facility Element, and the 2014 Five-Year Review do not include updated descriptions of solid waste management facilities and programs implemented by the County, local jurisdictions, or their private franchise holders. While facilities and programs are updated in the Electronic Annual Report to CalRecycle prepared by each individual jurisdiction, the CIWMP and its five-year reviews are the only documents where this information is consolidated and reviewed on a comprehensive, countywide basis.

Response: The County agrees with this finding.

Finding 5:

The primary goal of the 1999 CIWMP was to meet the state-mandated 50 percent waste diversion rate. The CIWMP does not reflect the State's newer non-mandated 75 percent waste diversion goal (AB 341, 2011), nor the even more ambitious goals adopted by some jurisdictions in this county through their CAPs. Further, the CIWMP does not discuss solid waste management in the context of global climate change, including the issue of landfill emissions of methane (a potent greenhouse gas) and the issue of what becomes of the county's recyclables once they are exported to other nations, some with less stringent environmental and worker protection practices than in the United States.

Response:

The County agrees with this finding. However, it should be noted that none of the aforementioned issues are required to be included in the CIWMP per state legislation.

Finding 6:

The 1999 CIWMP does not discuss environmental justice concerns related to solid waste management decision-making by local jurisdictions in San Mateo County.

Response: The County agrees with this finding.

Finding 7:

The State requires a CIWMP Siting Element to provide a strategy for obtaining landfill disposal capacity if there is less than 15 years of capacity remaining in the county. The projected lifespan of the only active landfill in the county, privately-owned Ox Mountain, is 15 years (to the year 2034). The 1999 CIWMP does not present a strategy for providing landfill capacity after that date.

Response:

The County disagrees partially with this finding. The County has recently received an updated report from Ox Mountain (dated July 16, 2019), which states that Ox Mountain has 19 years of capacity remaining.

Finding 8:

SB 1383 (2016) sets a statewide goal to reduce the annual tons of organic material disposed in landfills by 75 percent (using 2014 tonnage as a base year) by the year 2025. The 1999 CIWMP does not discuss the challenge of meeting the goals contained in SB 1383 or consider whether programs or facilities should be implemented on a multi-jurisdictional or even countywide basis.

Response: The County agrees with this finding.

Finding 9:

SB 1383 (2016) sets a specific goal that at least 20 percent of edible food that is currently landfilled be recovered for human consumption by the year 2025. The 1999 CIWMP does not discuss the challenge of meeting SB 1383's edible food rescue goal or consider whether any programs or facilities should be implemented on a countywide basis.

Response: The County agrees with this finding.

Finding 10:

Changes in international markets for recyclables have adversely affected recycling programs in this county. The loss of markets means some collected recyclable materials in this county are landfilled instead. The diversion of recyclable materials to remaining international markets has created a glut, which has led to a drop in the revenue recycling programs in this county receive for their material. The 1999 CIWMP does not discuss these challenges or consider whether any additional programs, such as public education or technical assistance, should be implemented on a countywide basis.

Response:

The County disagrees partially with this finding. The 1999 CIWMP does discuss countywide programs including a mass media public outreach campaign, schools recycling and recycling education, and compost demonstration gardens (Chapter 4, Section F of the CIWMP Summary Plan).

Finding 11:

San Mateo County does not prohibit disposal of green waste or other organics at the Ox Mountain landfill. The availability of a lower-cost landfill alternative to expensive new organic waste diversion facilities could undermine waste diversion efforts. The 1999 CIWMP does not discuss the possibility of banning disposal of organic waste at the Ox Mountain landfill or consider the potential benefits of doing so.

Response: The County agrees with this finding.

RECOMMENDATIONS

Recommendation 1:

The Grand Jury recommends that the San Mateo County Office of Sustainability replace the existing 1999 Countywide Integrated Waste Management Plan (CIWMP), including the Summary Plan, the landfill Siting Element, and the Non-Disposal Facilities Element (as amended in 2010) with a revised plan by January 1, 2021. At a minimum, the revised plan should address:

- Updated descriptions of solid waste management facilities and programs implemented by the County, local jurisdictions, and their private franchise holders.
- Goals, objectives, policies and implementation measures that reflect the overall 75 percent waste diversion target contained in AB 341 (2011), the 75 percent organics waste diversion target contained in SB 1383 (2016), the 20 percent edible food diversion target contained in SB 1383 (2016), and consider the more aggressive waste diversion targets contained in the CAPs adopted by several San Mateo County jurisdictions, including the goal of “zero-waste.”
- Possible policies related to the impact of waste management practices in San Mateo County on the global environment, including emissions of methane from landfills, and the environmental and social impacts that may occur when the county’s recyclables are exported to other nations with the less stringent environmental and worker protection practices than in the United States.
- Environmental justice concerns as they relate to solid waste management decision-making by local jurisdictions in this county.
- A strategy and schedule for providing additional landfill capacity after year 2034, when the county’s Ox Mountain landfill is projected to reach its current permitted capacity.
- A County ordinance banning the disposal of green waste and possibly other organics at the Ox Mountain landfill, in order to support organic waste diversion programs and conserve landfill capacity.
- Whether the Office of Sustainability should implement additional countywide programs including public education and technical assistance related to waste diversion. The CIWMP should also consider whether the Office of Sustainability should coordinate the rescue of edible food waste at the countywide level.

Response:

The recommendation requires further analysis.

Each jurisdiction's [Source Reduction and Recycling Element](https://www.calrecycle.ca.gov/LGCentral/Glossary/) [<https://www.calrecycle.ca.gov/LGCentral/Glossary/>](https://www.calrecycle.ca.gov/LGCentral/Glossary/) (SRRE), [Household Hazardous Waste Element](https://www.calrecycle.ca.gov/LGCentral/Glossary/) [<https://www.calrecycle.ca.gov/LGCentral/Glossary/>](https://www.calrecycle.ca.gov/LGCentral/Glossary/) (HHWE), and [Nondisposal Facility Element](https://www.calrecycle.ca.gov/LGCentral/Glossary/) [<https://www.calrecycle.ca.gov/LGCentral/Glossary/>](https://www.calrecycle.ca.gov/LGCentral/Glossary/) (NDFE) were due to CalRecycle on April 30, August 31, or December 31, 1994. The subsequent review periods are conducted via the Local Task Force. Nothing in statute or regulation specifies what kind or size of change triggers the need for a plan revision, either as a result of analysis by CalRecycle or a county or regional agency. Title 14, CCR Section 18788 does, however, specify certain topic areas that should be addressed in a five-year review report.

The County agrees that the CIWMP merits a review, as per CalRecycle regulations that require the CIWMP be reviewed every five years from the anniversary of its adoption. However, the decision to revise the CIWMP is part of a process, which includes soliciting feedback from stakeholders through a collaborative effort organized through C/CAG as the Local Task Force (LTF). The LTF reviews the CIWMP to determine if revisions are needed, then submits its findings to the County Office of Sustainability for consideration.

The five-year review process is currently underway, with the final review report expected to be sent to the Board of Supervisors for approval in November 2019. If the result of this process is a recommendation to revise elements of the CIWMP, the County will begin that process. The specifics as to what should be revised in the CIWMP will be determined by the process, which would include input from the public, environmental organizations, cities, special districts, waste haulers, and waste facility operators.

Recommendation 2:

The Grand Jury recommends that the City/County Association of Governments (C/CAG), in its role as the Local Task Force (LTF), participate with the County Office of Sustainability in revising the CIWMP.

Response:

The recommendation has been implemented. The County is currently working with C/CAG to determine if a revision is required for the CIWMP.

Recommendation 3:

The Grand Jury recommends that the San Mateo County Office of Sustainability make the existing 1999 CIWMP and all Five-Year Reviews available to the public on its website by September 30, 2019 and place the revised CIWMP on its website after it is drafted and adopted by the County Board of Supervisors.

Response:

The recommendation has been implemented. The Office of Sustainability has made these documents available as of July 30, 2019 on its website, located at:

<https://www.smcsustainability.org/waste-reduction/reduce-reuse-recycle/#countywide->

. If the decision is made to revise the CIWMP, the County agrees with the recommendation to make the revised CIWMP available on its website.

FISCAL IMPACT:

There is no Net County Cost associated with accepting this report.