

Read: Raina Ballinger  
~~Ameyan~~

Superior Court Judge

### Response to Grand Jury Report Form

Date: 7.26.17

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA

JUL 31 2017

Report Title: Loss of Composting in Sonoma County

Report Date: June 16, 2017

Response by: Title: Executive Director

Agency/Department Name: Sonoma County Waste Management Agency ~~Deputy Clerk~~ QD

#### FINDINGS:

I (we) agree with the findings numbered: F6, F7

I (we) disagree wholly or partially with the findings numbered: F1, F2, F3, F4  
F5

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

#### RECOMMENDATIONS:

Recommendations numbered: R2, R3

have been implemented.

(Attach a summary describing the implemented actions.)

Recommendations numbered: \_\_\_\_\_

have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

Recommendations numbered: \_\_\_\_\_

require further analysis. \_\_\_\_\_

(Attach 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 publication of the Grand Jury report.)

Recommendations numbered: \_\_\_\_\_

will not be implemented because they are not warranted or are not reasonable.

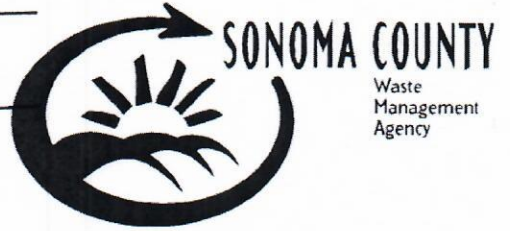
(Attach an explanation.)

Date: July 18, 2017 Signed: Raina Ballinger

Number of pages attached: 2

Approved: \_\_\_\_\_  
Superior Court Judge

Date: \_\_\_\_\_



## Memorandum

Date: July 18, 2017

To: Sonoma County Civil Grand Jury

From: Patrick Carter, Executive Director, Sonoma County Waste Management Agency

Re: Responses to Grand Jury

### Explanation of Disagreement with Findings F1, F2, F3, F4, and F5

F1: The Sonoma County Waste Management Agency (SCWMA) can neither agree nor disagree with this finding, as SCWMA staff was not present during these negotiations and cannot determine whether the electricity rates and heavy equipment values were specifically identified in negotiations or valued properly.

F2: While the SCWMA agrees that the Central Landfill was closed for five years and reopened shortly after Republic assumed responsibility for operations, the SCWMA Executive Director does not agree that the failure to adhere to industry best practices alone caused a five year closure.

F3: The SCWMA agrees that a 20 year agreement with the Ratto Group was approved by the County of Sonoma, but does not have an opinion to express on the normalcy of that process or agreement.

F4: The SCWMA Executive Director agrees that there was conflict between the SCWMA and County of Sonoma. However, SCWMA staff does not believe the SCWMA's mandate to divert material in compliance with AB 939 was compromised. When the SCWMA's composting facility stopped accepting unprocessed green waste and wood waste, that incoming feedstock was redirected to other composting facilities outside of Sonoma County. From an AB 939 compliance perspective, the SCWMA continued to divert green and wood waste from landfill disposal, despite the closure of the SCWMA compost facility. The closure of the facility made dealing with incoming materials more complex and expensive, but did not cause previously diverted materials to be landfilled.

F5: The SCWMA Executive Director agrees that out-hauling green waste has added costs which are borne by ratepayers. SCWMA staff disagrees with the statement that the SCWMA will be involved in the permitting of a new compost operator. If a new site is selected through



the SCWMA's process, the private operator will be responsible for securing any and all permits, including land use with the jurisdiction in which the site is located, solid waste, air quality, and water quality.

### Explanations of Recommendation Conclusions R2 and R3

R2: The SCWMA is a separate legal entity from the County, and has no authority over the County's internal policies for reviewing contracts, operations and interagency cooperation. The SCWMA therefore cannot fully address the specific recommendation made in R2. However, the SCWMA can responding to the interagency cooperation aspect of this recommendation from the SCWMA's perspective. The SCWMA is strongly committed to assisting all member agencies with regard to solid waste issues and franchise agreements. For example, the SCWMA has recently assisted the Town of Windsor and the City of Santa Rosa in the evaluation of proposals for their respective franchise agreement procurement processes. The SCWMA would extend that assistance to the County of Sonoma for future solid waste agreements it may consider in the future.

R3: The SCWMA is strongly committed to securing short-term and long-term capacity solutions for wood waste, green waste, and co-mingled residential food waste generated within Sonoma County and under SCWMA control. When it was determined that the Central Disposal Site was not a feasible location for a SCWMA composting facility, the SCWMA created a plan to implement a new procurement process in which the private sector proposes solutions for properly dealing with organic material generated in Sonoma County. That process is ongoing, has generated significant interest from potential proposers, and proposals are due October 16, 2017.