



THE CITY OF SAN DIEGO

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SAN DIEGO
COUNTY GRAND JURY

Honorable John S. Einhorn
Presiding Judge, San Diego County Superior Court
220 West Broadway, Presiding Department
San Diego, CA 92101

Dear Judge Einhorn:

Subject: Response to San Diego County Grand Jury 2004-2005 Report entitled: "Rethink, Redirect, Recycle"

In compliance with California Penal Code §933.05, the City of San Diego has extensively reviewed this May 3, 2005 report from the San Diego County Grand Jury. Consistent with the requirements and instructions of California Penal Code §933.05, responses are enclosed for all findings and recommendations.

The City values the efforts of the Grand Jury in researching issues related to solid waste management for single family residences and essentially agrees with all of its recommendations. We acknowledge that the report does not find any illegal action on behalf of the City.

Please contact me if you have any questions or require additional information.

Sincerely,

P. Lamont Ewell
City Manager

PLE/KS/sg

Enclosure

cc: Honorable Mayor and City Council
William L. Westlake, Foreperson, County of San Diego Grand Jury 2004 – 2005
Elmer L. Heap, Jr., Environmental Services Director



Office of the City Manager

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July 28, 2005

Honorable John S. Einhorn
Presiding Judge, San Diego County Superior Court
220 W. Broadway, Presiding Department
San Diego, CA 92101

Subject: *Grand Jury Report entitled: "Rethink, Redirect, Recycle"*

This letter is in response to the subject Grand Jury Report released on May 3, 2005.

PURPOSE OF THE REPORT

The Grand Jury's primary purpose, as stated in the Report, is to address the City of San Diego's policies regarding solid waste disposal, specifically, the legislative, political, environmental, and financial factors driving policy decisions related to waste management in single-family residences.

BACKGROUND

The Grand Jury Report correctly describes the City of San Diego solid waste system as operating under restrictions imposed by the 1919 People's Ordinance which was implemented as the result of an initiative process. The report is also accurate in stating that this has hampered the Environmental Services Department (ESD) in providing a full range of recycling services, in implementing refuse collection pricing that incentivizes recycling, and in dealing effectively with state mandates that require 50% waste diversion in a local political environment that has favored voluntary approaches.

DISCUSSION

Although there are some inaccuracies within the report, ESD essentially agrees with all of the findings and recommendations contained within the Grand Jury Report.

RESPONSE TO GRAND JURY FINDINGS

Finding #1:

A more aggressive recycling program is needed to meet the Integrated Waste Management Act goals.



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(a)(1) ESD agrees with the finding. Even though the City of San Diego has already implemented numerous recycling programs which are diverting 45% of material from going to the landfill, they are based on a voluntary approach. In order to reach 50% diversion and beyond, mandates and/or economic incentives need to be instituted. The City has been considering new ordinances within the past year (see Recommendation 05-05) and is also engaged in developing a construction and demolition recycling facility at Miramar Landfill and a salvage program to collect reusable and recyclable materials from the landfill disposal area.

Finding #2:

Items that could be recycled end up in the landfill.

(a)(1) ESD agrees with this finding. Our most recent waste composition study of material deposited in the Miramar Landfill indicates that as much as 65% of that material is recyclable. Though recycling is strongly advised and encouraged through education and outreach programs, it is not mandatory, therefore many recyclable items are still being disposed.

Finding #3:

More material is added to the landfill that could be recycled.

(a)(1) ESD agrees with the finding.

Finding #4:

The current system for solid waste collection includes few incentives for citizens to recycle.

(a)(1) ESD agrees with the finding. Incentivizing recycling in a voluntary system is difficult. ESD has, however, done extensive education and outreach to the public on reducing waste. In addition, we have made the programs we provide as convenient as possible to encourage citizens to utilize them.

Finding #5:

Lack of direct funding for waste management has limited the implementation of some recycling programs such as greenery collection.

(a)(1) ESD agrees with the finding.

Finding #6:

The repeal of the People's Ordinance is likely to reappear as a source of revenue enhancement for the City's dwindling coffers.

(a)(1) Based on past history, ESD agrees with the finding. This revenue source can be established with either repeal or amendment to the People's Ordinance.

Finding #7:

Repeal of the People's Ordinance has been revisited repeatedly and proposed anew during a study related to affordable housing.

(a)(1) ESD agrees with the finding. Repeal of the People's Ordinance was suggested in a May 15, 2003 Affordable Housing Task Force Report as a potential source of new revenues in the amount of \$39M per year.

RESPONSE TO GRAND JURY RECOMMENDATIONS

**The Grand Jury recommends the San Diego City Council:
05-03: Repeal the People's Ordinance.**

(b)(3) This recommendation requires further analysis. The City Council is currently considering this issue. The repeal or an amendment of the People's Ordinance will require a majority vote of the electorate.

05-04: Assure the language of the repeal stipulate that the monies be allocated specifically for waste management.

(b)(3) This recommendation requires further analysis. The City Council is currently considering this issue.

The Grand Jury recommends the San Diego City Council direct the Environmental Services Department:

05-05: Convert to a mandatory recycling program.

(b)(2) The recommendation has not yet been implemented but ESD will be asking the City Council to consider establishing a mandatory recycling program for construction and demolition activities in the Summer of 2005. [ESD is also developing a proposed mandatory recycling program for single-family and multi-family residences and the commercial sector and plans on bringing this ordinance to San Diego City Council for consideration in 2005.]

05-06: Initiate "pay as you throw program," providing citizens an incentive to increase recycling.

(b)(2) The recommendation has not yet been implemented but ESD agrees this is an effective way to maximize and incentivize recycling of the residential wastestream. The recommendation will be brought to the City Council for their consideration after the repeal or amendment of the People's Ordinance.

05-07: Provide a greens container for automated pick-up in conjunction with a more aggressive greens recycling program.

(b)(3) The recommendation requires further analysis to ascertain if the net costs associated with this change would save the City money or require additional expenses. Savings may include fewer trucks and personnel to collect the material while additional expenses may include newer trucks to accommodate automated collection, automated containers for the collection fleet, and an enhanced processing system at the Miramar Greenery to handle the increased contamination associated with automated collection. This will be prepared for discussion by the City Council prior to November 3, 2005. If the analysis deems that it is a cost effective option, and if funding is identified, ESD recommends implementing semi-automated collection so that contamination can be minimized, a significant concern in fully automated programs. In both semi-automated and automated programs customers would be required to set their greenery out at the curb in a wheeled cart. The semi-automated program offers the additional benefit of allowing the driver to reject a load of contamination prior to the greenery being dumped in the truck and also

potentially allowing customers to still set out their excess greenery in bundles to accommodate seasonal fluctuations.

05-08: Revert to weekly greens pick-up.

(b)(3) The recommendation requires further analysis to determine if weekly greens collection is a cost effective method to achieve diversion. This will be prepared for discussion by the City Council prior to November 3, 2005. If this analysis determines that it is cost effective to revert to weekly greens pick-up, a source of funds will need to be identified to pay for the additional expense. ESD converted all weekly greenery services to bi-weekly collection in June 2004 to be able to expand greenery service to more residents within the existing budget.

05-09: Put into place a more aggressive recycling education program.

(b)(1) The recommendation has been partially implemented already and will be fully implemented in FY2006. The new programs to be implemented in FY2006 include:

- up to 1,600 junior and high school students will be given educational tours of the landfill, the greenery, the recycling buy back center, Allan Company (where curbside recyclables are processed), and of ESD's Ridgehaven Green Building.
- EnviroSchool events will be increasing from 20 to 35. EnviroSchool is the vehicle used for promoting recycling and environmental education for up to 3,500 elementary school students annually.
- developing an expanded range of educational activities associated with Construction and Demolition waste recycling, including "How to" and "Where to" guides on the City's web site as well as at the permit desk in the City's Development Services Department.
- implementing a pilot Environmentally Preferable Purchasing Policy (EP³) pilot program within the department which will be used as a basis for educating other City Departments on purchasing environmentally preferable products and services.
- working with the San Diego Padres to provide recycling messages during baseball games in the 2005 season.
- working with all large venues within the City to encourage them to develop comprehensive recycling programs.

Existing recycling education programs include:

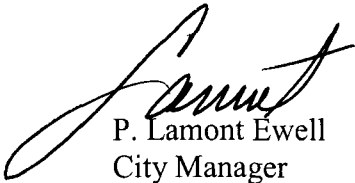
- technical assistance to institutions, state facilities, companies and multi-family properties interested in implementing recycling programs.
- technical trainings in partnership with other public and private entities, including the USEPA, SDG&E, and the City's Project Management and Construction Management Academies.
- partnering with other entities, including San Diego City Schools and Keep California Beautiful, in applying for grants to implement recycling programs.
- awards for businesses with successful recycling programs.
- broad recycling messages to the community through the use of billboards; signage on City trash trucks, buses and recycling containers in 43 major parks; and a variety of recycling videos on the City's Cable Access channel.

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- regular updates to ESD website with the most recent educational information available on recycling, including links to other reuse and recycle websites.
 - purchase and distribute recycled promotional items at fairs, presentation and awards ceremonies. All items are made from recycled materials, bringing about further awareness of the importance of closing the loop by using recycled content products.
 - environmental educational booths at large community events.
 - an environmental category in the annual Innovative Video in Education (iVIE) awards.
 - recycling presentations for youth and adult groups.
 - a Master Composter course every year. Participants receive certification as Master Composters and are each required to perform 30 hours of volunteer outreach education on composting in the community.
 - free compost workshops throughout the year in partnership with the San Diego Zoo.
 - a compost education booth staffed by Master Composters at one of San Diego's largest community events, the San Diego County Fair.

05-10: Provide decals (guidelines for recyclable materials) to be affixed to recycling containers.

(b)(2) The recommendation has not yet been implemented, but will be implemented in the future. ESD is planning on providing decals for recycling containers with the mailing of the 2006 calendar mailing at the end of 2005. The decals will provide guidelines to assist residents in determining which materials are recyclable.

Respectfully submitted,



P. Lamont Ewell
City Manager

cc: Richard G. Mendes, Deputy City Manager
Elmer L. Heap, Jr., Environmental Services Director
Judy Stone, Executive Assistant to the City Manager

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