



Jennifer Kreitz - District One   Fred Stump - District Two   Bob Gardner - District Three  
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## BOARD OF SUPERVISORS COUNTY OF MONO

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*Shannon Kendall, Clerk of the Board*

September 17, 2019

Honorable Judge Mark Magit  
Presiding Judge of the Superior Court  
100 Thompsons Way  
P.O. Box 1037  
Mammoth Lakes, California 93546

Re: Response to the Mono County Grand Jury 2018-2019 Final Report

Dear Judge Magit:

Please consider this letter as the official response to the Mono County Grand Jury 2018-2019 Final Report and place this document on file as the Mono County Board of Supervisors' response.

As your honor is aware, last year's 2017-2018 Grand Jury Report contained no recommendations within the County's jurisdiction, so there are no continuing reports to provide from last year's report.

The two investigations and reports within the County's jurisdiction are the Final Report of the Solid Waste Committee and the Jail Inspection Report. Because the Mono County Jail is within the purview of the Mono County Sheriff, she will respond separately.

The Board of Supervisors has reviewed the findings and recommendations contained in the Final Report of the Solid Waste Committee and provides the following response:

**Findings:**

Whatever the process looks like after the Benton Crossing Landfill closure, it will involve long hauling solid waste out of Mono County, presumably to Nevada. The impact this will have on costs to Mono County, TOML, and their citizens is unclear at this time.

**The Board agrees with this finding.**

F1. The Grand Jury finds that TOML and its exclusive franchisee Mammoth Disposal consider an upgraded transfer station, at the current Mammoth Disposal owned site in Mammoth, will be adequate to meet the needs of the TOML once Benton Crossing Landfill closes.

**This finding pertains to matters under the jurisdiction of the Town of Mammoth Lakes, and as such the Board defers response to the Town. .**

F2. Through our investigation the Grand Jury concurs with interviewees that the County-owned Pumice Valley site near Mono Lake is the most likely site for a biomass reactor and associated waste programs.

**The Board agrees in part and disagrees in part with this finding.**

**The Board agrees that the Pumice Valley Landfill is *one* likely site for increased waste management programs in the future.**

**The Board disagrees that Pumice Valley “is the most likely site for a biomass reactor and associated waste programs,” because this statement must be based on consideration of economic, environmental, and political issues that has not yet been fully resolved by this Board.**

F3. The Grand Jury finds that State of California rural county exemptions for recycling and the amount of organic waste going to landfills are subject to change.

**The Board agrees with the finding.**

F4. Rural jurisdictions in California face unique challenges in dealing with solid waste mandates coming from the State. For instance, Mono County and TOML could increase their state diversion goal compliance numbers if transformation of recyclables such as paper, cardboard, or organic waste into beneficial product such as biochar could be accepted in State mandates.

**The Board agrees with the finding.**

F5. Comments made by certain members of the Mono County Board of Supervisors and Council members at public meetings demonstrate a lack of urgency and in some cases, a lack of knowledge surrounding the issue of Solid Waste. Decisions, or lack thereof, made in the next few months may affect solid waste policy for many years to come.

**The Board agrees in part and disagrees in part with the finding.**

**The Board agrees that “decisions, or lack thereof, made in the next few months may affect solid waste policy for many years to come.”**

**The Board does not agree that there is a lack of urgency or lack of knowledge surrounding the issue of solid waste. Although the Grand Jury may interpret comments made by the Board as lacking urgency or knowledge, the Board has been engaged in a frequent, public, and deliberate process to gather input and to plan for the closure of Benton Crossing Landfill and the system that will follow.**

F6. There is little information regarding the issue of the closing of the Benton Crossing Landfill and what that will mean to the citizens and visitors of Mono County.

**The Board disagrees with this finding.**

**The subject of Benton Crossing Landfill closure has been in local papers on several occasions over the last ten years, many Board of Supervisors’ Agendas, and consistently on the agenda of the Solid Waste Task Force.**

**The subject of the Benton Crossing Landfill closure is among the most frequently agendized and consistently reported issues involving Mono County government over the last ten years.**

F7. There is little or no information about recycling programs within Mono County and the TOML, what is or is not recyclable, ways to control solid waste, etc.

**The Board disagrees with this finding.**

**The County (in addition to any outreach and education performed by the Town and Mammoth Disposal) has consistently expanded recycling outreach and education programs for over 10 years. The County has maintained a web site for the solid waste program that includes information on recycling and available recycling services and programs. There has been an ongoing effort at the County's transfer stations and landfills to distribute recycling information. There have been rate-based incentives in place to promote recycling. There have been ads placed in local news outlets. There has been outreach and education to local schools.**

**These efforts are intended to inform the public about the programs currently in place to accept recyclables and to encourage recycling in general, but none of the efforts (nor the Grand Jury's report) address the single largest issue in recycling today, which is the upheaval in recycling export markets, and how those changes have ruined the economic viability of recycling programs across the Country. This issue could lead to a reinvention of the state's recycling priorities and practice, which could nullify some programs and outreach efforts. During this tumultuous period in recycling, it is important to recognize the potential for significant changes in the future, and to plan accordingly.**

F8. Task Force meetings are posted to the Mono County website. However, when members of the Grand Jury signed up to subscribe to email updates through the link, nothing was ever received. Grand Jury members were also unable to find minutes of previous meetings and supporting documents listed as being posted on the site

**The Board agrees with the finding and has since corrected the issue.**

**Recommendations:**

R1. We recommend that the TOML view the Mammoth Disposal transfer station as Phase One of their plan with Phase Two being a larger site which can accommodate the processing of industrial waste, green waste, and other programs which can be used to reduce landfill usage and reduce costs. Timeline: By January 1, 2023.

**This recommendation pertains to matters under the jurisdiction of the Town of Mammoth Lakes, and as such the Board defers to the Town for response.**

R2. The Grand Jury recommends that TOML and Mono County partner to make necessary improvements to the Pumice Valley site for it to be a viable location for a biomass reactor, associated waste programs, and recycling operations. Timeline: Completed no later than January 1, 2023.

**This recommendation requires further analysis.**

**The Board agrees with the timeline stated in the report related to making improvements to a future waste management site by January 1, 2023, and County staff has been working diligently toward that timeframe.**

**The Grand Jury's recommendations to 1. Partner with the Town; 2. Use the Pumice Valley Landfill site; and 3. Improve the site to locate a biomass reactor, each require additional analysis.**

1. **The scope and parameters of the analysis of a long-term partnership with the Town relating to Solid Waste must include (at least) the analysis of the logistics and economic impacts of transporting waste from the Town to Pumice Valley by both franchise haulers as well as self-haulers, and whether such a proposal meets the interest of the Town government, its citizens, and its waste hauler.**
2. **The scope and parameters of the analysis of using the Pumice Valley site for such programs must include (at least) the potential environmental impacts of increasing volume and other programs, and the political and economic considerations of utilizing the site for these purposes against other available options.**
3. **The scope and analysis of improving the site to locate a ‘biomass reactor’ must include (at least) the consideration of the environmental impacts of such infrastructure, whether the ‘transformation’ of material will actually count as diversion in future years, the cost and availability of delivering the output of a biomass reactor to market, and the economic considerations as compared to other available options.**

**Solid Waste staff intends to prepare the above items for discussion before the Board by December 2, 2019.**

R3. The Grand Jury recommends that TOML and Mono County develop a plan for complying with the amounts of recycling and organic waste going to landfills in the likely event that State of California rural exemptions are changed by July 1, 2020. Timeline: No later than July 1, 2020.

**Board Response: this recommendation will not be implemented at this time.**

**This recommendation is not warranted at this time because it is not yet known what will change with the rural exemptions, and what opportunities for compliance may be available to the County at the time of those changes (i.e, other developments and infrastructure outside the County’s jurisdiction). Once those changes are known, the County will take steps to comply with the regulations but until that time, any planning efforts would be premature.**

R4. The Grand Jury recommends that Mono County and TOML continue to work with other rural jurisdictions to expand the State’s understanding of the challenges that rural areas face in achieving current mandated diversion and recycling goals. Timeline: Ongoing.

**This recommendation is already being implemented. County is currently engaged in this effort through membership and attendance in the Environmental Service Joint Powers Authority, a subgroup of the Rural County Representatives of California, that is focused on legislative matters impacting rural solid waste issues.**

R5. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council meet with appropriate Mono County and TOML staff on the issues pertaining to solid waste in order to educate themselves about the situation imposed by the closing of the Benton Crossing Landfill, in order to make informed decisions for their constituents. Timeline: By October 31, 2019.

**This recommendation has been implemented, with this response letter forming the first in a series of monthly public Board items devoted to Solid Waste issues.**

R6. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council and their staff develop a plan for mass communication to their constituents and visitors about the upcoming closure of the Benton Crossing Landfill and what steps they (Mono County Board of Supervisors and Council) are taking to manage that situation. Timeline: October 31, 2019.

**This recommendation has been implemented. The Board will provide this mass communication through the traditional means of Board meeting agendas and related staff reports that will occur as a result of the series of Board items described above.**

R7. The Grand Jury recommends that the TOML and Mono County work together with local Departments of Public Works, the Task Force, lodging and like associations, Chambers of Commerce and Non-governmental Organizations throughout Mono County to develop programs to educate the public, especially visitors, about what we can all do to increase recycling and minimize solid waste. Timeline: January 1, 2020.

**The recommendation will be implemented in the future and will direct staff to pursue additional outreach efforts with a report back to the Grand Jury in next year's report.**

R8. The Grand Jury recommends that Mono County staff support the Task Force website so that Mono County residents can be better informed about Task Force meetings and be able to engage in the process of creating solid waste policies. Timeline: October 1, 2019.

**This recommendation has been implemented.**

The Board of Supervisors and County staff recognize the critical role the Grand Jury provides to the community and the County by ensuring the legal and financial adequacy of government services. The Grand Jury provides a sense of openness, transparency and accountability that are crucial to our democracy, and the County appreciates the work performed and the guidance offered. The County thanks the members of the Grand Jury for their public service and encourages the Court to continue to ensure broad representation from all communities of Mono County.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JP', is written over the word 'Sincerely,'.

John Peters, Chair  
Mono County Board of Supervisors