



## Office of the Town Manager

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 965-3610

www.townofmammothlakes.ca.gov

August 21, 2019

Honorable Mark Magit  
Presiding Judge  
Superior Court of California  
Mono County  
PO Box 1037  
Mammoth Lakes, CA 93546

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AUG 30 2019

SUPERIOR COURT OF CA  
COUNTY OF MONO

### **RE: Town of Mammoth Lakes response to the Final Report of the 2018-19 Grand Jury**

Honorable Judge Magit,

I am pleased to provide responses to the final 2018-2019 Grand Jury report and to the specific findings and recommendations related to the Grand Jury's investigation related to solid waste.

The Mono County Grand Jury (Grand Jury) conducted an investigation into the plans and progress Mono County (County) and the Town of Mammoth Lakes (Town) are making in response to the upcoming mandated closure of the Benton Crossing Landfill by on Jan. 1, 2023. It considered the impact on Mono County, Town, and their residents, along with future solid waste and recycling mandates coming from the State of California.

#### **Findings**

**F1.** The Grand Jury finds that Town 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 Town once Benton Crossing Landfill closes.

**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.

**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.

**F4.** Rural jurisdictions in California face unique challenges in dealing with solid waste mandates coming from the State. For instance, Mono County and Town 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.

**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.

**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.

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

**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.

### **Response to Findings**

**F1, F2, and F6** – The Town agrees with these findings. The Town and Mammoth Disposal are currently negotiating a new Franchise Agreement, which would go into effect on January 1, 2020. The current agreement is set to expire on December 31, 2019. The new Agreement would include construction of a new transfer facility and clean Material Recovery Facility (MRF), which would be sized to accommodate the projected solid waste needs of the Town and Mono County for at least the next 30 years. Participation in the use of the facility by Mono County is presented as an option as the County is working to finalize their overall system changes in response to the landfill closure. The new agreement will also require Mammoth Disposal to procure long-hauling agreements to dispose of solid waste outside of the County once the Benton Crossing Landfill has closed.

While future development of a biomass facility is not a condition of the Agreement, the Agreement does allow for diversion of certain types of waste to such a facility should it be developed in the future. The Pumice Valley site is one site being considered for this use, as well as storage and/or disposal of larger items such as appliances, construction and demolition waste, etc.

The impacts of Benton Crossing Landfill to residents will be better known once the Franchise Agreement is complete, costs for new infrastructure and services are known and once Mono County knows more about how it will handle solid waste moving forward. At such time, a public outreach plan can be developed to ensure the public has sufficient time and information to plan for the closure, changes in services and cost.

**F3 and F4** – The Town agrees with these findings. The State has enacted a number of mandates related to organic waste, diversion of recyclables, etc. The Town and County are exempt from some of these requirements at this time (i.e. mandatory organic diversion). Our location can make it difficult to comply with some of these mandates, not only due to our remote location, but also due to our elevation, bears, and other factors. These mandates and/or exemptions could

change at any time. At such time changes apply to the Town, we will work in conjunction with Mammoth Disposal to determine the best way to comply. The Town is looking at options to enhance the diversion of materials from the landfill on a voluntary basis as well.

**F5** – The Town disagrees with this finding in part. As discussed in more detail below under R5 Response, Town staff has provided numerous updates and reports to the Town Council regarding the solid waste program over the past several years. On December 5, 2018, the Town Council adopted 18 Month Strategic Priorities and Key Objectives; one of the key objectives identified was “Development and approval of integrated Solid Waste Program and Services to be implemented.”

**F7** – The Town disagrees with this finding. The Town of Mammoth Lakes’ website does have a page dedicated to solid waste and recycling: <https://www.townofmammothlakes.ca.gov/451/Solid-Waste-Recycling>. The Mammoth Disposal website (linked from Town page) also has information about the materials that are accepted at the transfer station for disposal as well as the types of recyclables that are accepted at the facility: <https://www.mammothdisposal.com/mammoth-lakes-transfer-station/>. As programs change in the future, the content on both the Town and Mammoth Disposal website may be enhanced.

**F8** – this finding does not apply to the Town of Mammoth Lakes.

### **Recommendations and Responses**

**R1.** We recommend that the Town 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.

**R1 Response** – The Town of Mammoth Lakes is currently moving forward with negotiations of a long-term franchise agreement with Mammoth Disposal. One of the conditions of the agreement is that Mammoth Disposal will construct a new transfer station and MRF at its current location. This is not a phased approach – the expectation is that the facility will be sufficient to accommodate the Town’s (and Mono County’s, if necessary) solid waste needs for at least the next 30 years. That being said, Mammoth Disposal is still looking to the Pumice Valley site and other sites as a long-term solution for processing, disposal and/or storage of larger waste items, C&D, green waste, etc. The County will have similar needs that may also be accommodated at the Pumice Valley site. The Town is still exploring the concept of a biomass facility, which would be able to process green waste and other organics. If it is determined to be feasible, this facility may be located at Pumice Valley, or other industrial area, likely outside of the Town’s Urban Growth Boundary.

**R2.** The Grand Jury recommends that Town 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.

**R2 Response** – The Town, Mono County, and Mammoth Disposal have discussed the possibility of using the Pumice Valley site for a variety of uses moving forward. The site does have challenges, including no water, sewer or electricity currently available at the site. The Town is still evaluating the site as a biomass plant location. See response to R1 for additional information.

**R3.** The Grand Jury recommends that Town 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.

**R3 Response** – The Town currently receives a rural exemption and under proposed rules we would have an exemption for elevation. As previously mentioned, the Town is currently exploring the feasibility of a biomass facility, which would be able to process green waste and other organics. Barring this solution, and assuming the exemptions are both revoked, the Town would work with Mammoth Disposal to determine the best way to comply with any diversion mandates.

**R4.** The Grand Jury recommends that Mono County and Town 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.

**R4 Response** – The Town continues its efforts to work with its state representatives and respond to legislative proposals that relate to rural jurisdictions in regards to waste management and diversion. Additionally, Waste Connections, the parent company for Mammoth Disposal, actively works to influence legislation that may have negative impacts on its rural customers.

**R5.** The Grand Jury recommends that both the Mono County Board of Supervisors and the Council meet with appropriate Mono County and Town 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.

**R5 Response** – Town staff has provided a variety of updates regarding the solid waste program and proposed plans to the Town Council over the past several years, including agenda items on January 6, 2016; November 16, 2016; December 21, 2016; August 2, 2017; and April 4, 2018. This year, staff has brought several additional updates and policy discussions before the Town Council, including updates on March 6 and June 26, with a policy discussion regarding various Franchise Agreement terms on July 17. Over the next several months, several additional informational and action agenda items are scheduled for the Town Council. The Town and County do schedule periodic joint meetings and the topic of solid waste may be a topic area for discussion. Previous meetings have resulted in the development of agreements between the Town and County on Solid Waste Parcel Fees and a Waste Flow Agreement.

**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.

**R6 Response** – As previously discussed under F1, F2, and F6, once more information is known about the impacts of the Benton Crossing Landfill to Mono County and Mammoth Lakes residents, outreach will be done to inform the public of those impacts. Additionally, as the Town and Mammoth Disposal move forward with the new Franchise Agreement and construction of a new transfer station and MRF, customers will be informed of those changes as well.

**R7.** The Grand Jury recommends that the Town and Mono County work together with local Departments of Public Works, the [Solid Waste] 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.

**R7 Response** – The Town could do a better job at this type of outreach. As part of its new Franchise Agreement, Mammoth Disposal will also be responsible for outreach on behalf of the Town. While not likely to be completed by January 1, 2020, the Town will continue to work with Mono County and Mammoth Disposal to determine better ways to reach out to residents and visitors regarding recycling and diversion. The Town has recently enhanced its ability to engage with residents via its interactive Engage Mammoth Lakes platform and will look for opportunities to enhance outreach.

**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.

**R8 Response** – Not applicable. The Town does not oversee the Task Force website.

I would like to thank the Grand Jury for their efforts and for the service they provide our community. Their efforts add to the overall improvement and transparency of local government and provide an important oversight function for our residents. Thank you also to the Court for the assistance and guidance that is provided to Grand Jury.

Sincerely,



Bill Sauser  
Mayor

cc: Town Council  
Town Manager  
Town Clerk  
Town Attorney