



# **SOLANO COUNTY CIVIL GRAND JURY**

2022-2023

**Solid Waste Management**

**July 3, 2023**

# **Solid Waste Management**

## Solano County Civil Grand Jury 2022-2023

### **I. SUMMARY**

Solid Waste disposal in Solano County has evolved over the years. The California Integrated Waste Management Act (The Act) requires fifty percent of material be diverted out of landfills every year. The Solano County Civil Grand Jury (Jury) reviewed the implementation of the Countywide Integrated Waste Management Plan (The Plan) as mandated by The Act.

The County's Waste Plan incorporates the latest comprehensive strategies to resolve the many challenges of County waste. Programs include: household, electronics, yard waste, and metal recycling, as well as tire and appliance recovery. The County has 50 years of capacity remaining, which exceeds the minimum of 15 years.

The "Countywide Waste Integrated Management Plan Documents" website page descriptions make it difficult to identify the most current approved and accurate information.

### **II. INTRODUCTION**

Review of the 2022-2023 County Recommended Budget revealed several references to solid waste and landfills. Research of past Jury reports published over the last decade found no reports published on the topic.

Further search determined the County has an Integrated Waste Management Section that falls under the Planning Services Division of the Resource Management Department. It prepares, maintains, administers, and implements The Plan in compliance with The Act. Based on the established protocols of prioritizing source reduction, compliance ensures local landfills manage generated solid and hazardous wastes first, then recycling and composting before environmentally safe transformation and land disposal. These programs also assist in ensuring organics diversion and recovery comply with SB 1383 requirements that became effective January 1, 2022.

The Jury chose to review and evaluate the County's waste management programs and practices.

### **III. METHODOLOGY**

#### **Toured**

- Potrero Hills Landfill
- Recology Hay Road Landfill

#### **Interviewed**

- Department of Resource Management Personnel

## Reviewed

- Solano County Resource Management Department website relating to Planning Services Division under which Integrated Waste Management falls
- County of Solano, Fiscal Year 2022/23 Recommended Budget
- Integrated Waste Management Local Task Force Information
- Solid Waste Independent Hearing Panel
- Information on *The California Integrated Waste Management Act (AB 939)*
- Information on the California Integrated Waste Management Board
- Map of Solano County Service Area Collection Boundaries
- Solano-Unincorporated Status of the 2021 Electronic Annual Report
- Research information relative to the closed Rio Vista landfill
- California Code of Regulations, Title 27
- Countywide Integrated Waste Management Plan Documents
  - 1) Countywide Siting Element
  - 2) Countywide Non-Disposal Facility Element
  - 3) Source Reduction and Recycling Element
  - 4) Household Hazardous Waste Element
  - 5) Summary Plan

## IV. STATEMENT OF FACTS

In 1989, the State legislature passed Assembly Bill 939, known as The California Integrated Waste Management Act (The Act), due to the increase in waste stream and the decrease in landfill capacity. The amended statutes require all California cities, counties, and approved regional solid waste management agencies to enact plans and implement programs to divert 25 percent of all their solid waste from landfills by 1995 and 50 percent by year 2000. Subsequent legislation mandates the 50 percent diversion requirement be achieved every year. This led to the creation of the Countywide Integrated Waste Management Plan (The Plan), which covers a 15-year period. Solano County's original period ran from 1995 to 2009. The current period is 2010-2025.

The Plan consists of the Countywide Siting Element, Non-Disposal Facility Element, Reduction and Recycling Element, Household Hazardous Waste Element, and Summary Plan (See Appendices for descriptions).

The Jury's examination of the County's website housing the *Countywide Integrated Waste Management Plan Documents* found documents aged from 1992 to 2011 and categorized by the five required elements noted above. The documents were clearly marked with a date; however, many of the titles used qualifying words such as "Preliminary Draft," "Draft," "Final Draft," and other confusing descriptors, such as "First Amendment" or "Second Amendment." This made it difficult to ensure the review was on the approved documents.

The County's Integrated Waste Management Section staff oversees the County's compliance with the new organic waste disposal reduction law (SB 1383) in the unincorporated area. The

staff also coordinates with cities, haulers, other County departments, edible food recovery program participants, and CalRecycle. Solano County adopted an Organics Waste Reduction Ordinance (No. 2021-1825), effective December 10, 2021, establishing an organic waste reduction program and requirements for the unincorporated area pursuant to SB 1383. Solid waste hauling contracts for the unincorporated area were subsequently administratively amended by the County’s General Services Department to comply with SB 1383 and local ordinance requirements. As of the date of this report, a plan for altering organic waste capacity is underway.

The following jurisdictional summary chart describes solid waste collection, hauling and disposal for each city and the unincorporated areas of Solano County.

<b>City</b>	<b>Company</b>	<b>Landfill</b>
Benicia	Recology	Keller Canyon (Contra Costa Co.)
Dixon	Recology Dixon	Recology Hay Road
Fairfield	Republic	Potrero Hills
Rio Vista	Mt. Diablo Recovery	Potrero Hills
Suisun City	Republic	Potrero Hills
Vacaville	Recology Vacaville Solano	Recology Hay Road
Vallejo	Recology Vallejo	Potrero Hills
Unincorporated Solano County (Outside Benicia)	Republic	Keller Canyon (Contra Costa Co.)
Unincorporated Solano County (Outside Dixon & Vacaville)	Recology Vacaville Solano	Recology Hay Road
Unincorporated Solano County (Outside Fairfield & Suisun City)	Republic	Potrero Hills
Unincorporated Solano County (Outside Rio Vista)	Mt. Diablo Recovery	Potrero Hills
Unincorporated Solano County (Outside Vallejo)	Recology Vallejo	Recology Hay Road

Annually, by August 1, each California county and city files an Electronic Annual Report (EAR) to CalRecycle that describes the progress made in achieving the requirements of the Management Act of 1989 and the Per Capita Disposal Measurement Act of 2008 (SB 1016).

The EAR includes updates to:

- facilities managing municipal solid waste
- diversion programs status
- Source Reduction and Recycling Element of Integrated Waste Management plans
- population figures and tons of landfill to calculate a jurisdiction’s per capita disposal rate.

The most recent EAR filed by Solano County was the 2021 Solano-Unincorporated EAR. The report indicated that, based on current disposal capacity, the County has 50 years of capacity remaining, exceeding the 15 year minimum. It states the Siting Element (see appendices) does not need to be revised, as more than 15 years of disposal capacity remains. The County has experienced no major changes in disposal practices in the past year and expects no changes in the

near future. Information obtained by the Jury during interviews and landfill site visits to the two operating waste disposal areas located in the County supports reported comments.

**A. *Potrero Hills Landfill in Suisun City***

The Potrero Hills Landfill facility operators have been active community partners providing support to neighboring Fairfield and Vacaville. This site currently harvests gas emissions as a renewable energy source for electricity. Its website indicates 40% of the power for homes and industry in Suisun City comes from this landfill. Potrero Hills has been in continuous operation for over 40 years and is owned and operated by West Connections, an integrated solid waste services company. The site is regulated by numerous agencies and has over 30 permits.

Following a presentation by staff, a tour of the facility included reservoirs, waste dump site, generation plant, equipment investment, heavy metal processing area, and several areas reserved for future expansion.

Due to diversion of green waste and efficient land compaction, the facility staff believes it has maximized the landfill life expectancy, based on the amount of permitted air feet (volume of space above a landfill). Regulations indicate the facility will be responsible for the landfill for a minimum of 30 years after closure.

**B. *Recology Hay Road Landfill in Vacaville***

The Hay Road Landfill provides solid waste disposal to both municipal and commercial customers primarily in Solano County (specifically, the cities of Vacaville and Dixon) and San Francisco County. It also serves the greater San Francisco Bay Area and Sacramento Valley. In 1964, Hay Road began operation and built its first lined containment system in 1992 to avoid water intrusion. The site covers 640 acres. The topographical site map indicated the estimated fill area. Staff stated the facility has a projected 30-year capacity.

Staff explained the methane/CO<sub>2</sub> generators produce 1.6 megawatts of power for the plant's operations. The compost area converts green waste into saleable topsoil additives. The landfill site has a special permit for asbestos hazardous waste, which is covered in plastic to prevent airborne contamination.

**C. *CLOSED Former Landfill owned by the City of Rio Vista***

The 12-acre landfill sits within a 20-acre site owned by the City of Rio Vista at 301 Airport Road. It operated from the mid-1940s through 1992. It accepted primarily household waste from Rio Vista and the surrounding areas. Although the facility closed to the public January 1, 1993, the official closing date was 2002. The facility is subject to 30-year post-closure maintenance requirements of Title 27, section 20950, which includes:

- maintenance of waste containment facilities
- the landfill final cover
- precipitation and drainage controls

- monitoring wells
- continued monitoring of groundwater to address groundwater impacts from the landfill consisting primarily of dissolved minerals such as total dissolved solids and chloride.

Title 27, section 22103, requires the site to submit reports to the Central Valley Regional Water Quality Control Board covering prescribed periods to be delivered within specified deadlines. Review of site inspections on the Solid Waste Information System located at CalRecycle website for 2022 and 2023 noted several violations and one area of concern. One of the identified violations states, “The LEA [Solano County Local Enforcement Agency] has not received updated plans or cost estimates.” The 2023 area of concern states, “The closed landfill sign that was previously posted on the front entrance gate is no longer there. There are no signs along the boundary fence indicating that this is a closed landfill. Re-place [sic] the sign with a contact number.” From 2016 to 2021, Rio Vista did not submit semi-annual reports six times. It appears to have submitted annual reports but not intermittent semi-annual reports.

#### **D. Local Task Forces**

The Solano County Board of Supervisors approved Resolution No. 90-27 establishing the *Solano County Integrated Waste Management Task Force* (Task Force), as required by AB 939. The membership consists of representatives from the solid waste/recycling industry, environmental organizations, and governmental agencies. The Task Force assists in the development of goals, policies, and procedures in accordance with California Integrated Waste Management Board rules. Examination of the County’s website relative to activities of the Task Force found it had not been updated since 2018. Between 2008 to 2016, meetings were held bi-monthly on average. Review of 24 posted Agendas between April 2015 and May 2019 reflected 11 of these meeting had been cancelled. The last meeting minutes available are from September 13, 2018. There are 24 member organizations listed; however, 11 were not represented at the meeting. Staff indicated it is active on an as-needed basis. However, the Jury could not locate a current roster or the By-Laws.

Review of Solano County’s Boards, Commissions and Committees website found an entry for a *Solid Waste Independent Hearing Panel*. The Solano County Local Enforcement Agency (LEA) is responsible for enforcement of solid waste laws and regulations in Solano County. As part of this effort and consistent with state laws and regulations, the Board of Supervisors has established a Solid Waste Independent Hearing Panel to hold administrative hearings as needed by LEA regarding action occurring at solid waste facilities or for review of LEA enforcement actions when appealed. The panel is comprised of three members: a technical expert with knowledge of solid waste management methods and technology, a representative from the public at large, and a member of the Board of Supervisors. All members are appointed by the Board of Supervisors for a four-year term. As of the date of this report, the panel consists of three active members in the appropriate categories based on 4-year terms from appointment date.

## **V. FINDINGS AND RECOMMENDATIONS**

**FINDING 1** – The “Countywide Waste Integrated Management Plan Documents” website page descriptions makes it difficult to identify the most current approved and accurate information. Although the documents were marked with a date, many of the titles referenced qualifying words such as “Preliminary Draft,” “Draft,” and “Final Draft.”

**RECOMMENDATION 1** – Resource Management improve the transparency on the website by posting only the most current approved version for the benefit of both agencies and citizens of the County. Older versions should be archived to a separate location in the event they are needed.

**FINDING 2** – In compliance with AB 939, the Board of Supervisors established the *Solano County Integrated Waste Management Task Force* in 1990. The County’s website for the task force does not appear to be updated since 2018. Review of 24 posted Agendas between April 2015 and May 2019 indicates 11 meetings were cancelled. The most recent meeting minutes available online are from September 13, 2018 (indicating no meetings have been held in at least 4 ½ years), of which only 13 of 24 member organizations listed were present. This lack of consistent meeting reporting reduces the transparency of the Task Force activities and potentially impacts environmental safety of the County.

**RECOMMENDATION 2** – Establish a standing meeting schedule for Resource Management’s Integrated Waste Management Section to keep members engaged and informed. Consideration be given to meeting on a semi-annual or annual basis, at a minimum. Additionally, a current roster of members and the Task Force’s update By-Laws be posted to the website for access by the public.

**FINDING 3** – The City of Rio Vista failed to comply with all required reporting regulations to the Central Valley Regional Water Quality Control Board regarding the closed dump site. Such reports may identify hazards to the land, waterways, and residents around the site.

**RECOMMENDATION 3** – City of Rio Vista officials comply with all required monitoring and reporting requirements by required due date deadlines.

### **REQUIRED RESPONSES**

Solano County Board of Supervisors (Finding 2)  
Solano County Resource Management Department (Finding 1 & 2)  
City of Rio Vista City Manager, Mayor, and City Council (Finding 3)

### **COURTESY COPIES**

Solano County Administrative Officer

## APPENDICES

### Countywide Integrated Waste Management Plan Element descriptions:

- 1) **Countywide Siting Element (CSE)** establishes the Integrated Waste Management Plan's abilities to provide 15 years of permitted disposal capacity for all jurisdictions within County. The primary objective is to divert solid waste from landfills and/or alter the component of the waste.
- 2) **Non-Disposal Facility Element (NDFE)**, adopted January 1, 2012, requires identification and description of all existing or proposed non-disposal facilities to be utilized to implement diversion programs outlined in the SRRE to meet diversion goals. The California State Assembly revised the process for amending an NDFE to an update process pursuant to AB 341. The primary objective is to identify non-disposals used to establish programs in State Department of Resources Recycling and Recovery (CalRecycle)-approved Source Reduction and Recycling Elements.
- 3) **Reduction and Recycling Element (SRRE)** establishes a defined strategy for the overall management of solid waste generated within the sphere of the borders, including recycling strategies. In addition, as required by the Waste Management Act, the SRRE focuses on identifying the amount of landfill and identifying the proper disposal method of waste that cannot be recycled or composed.
- 4) **Household Hazardous Waste Element (HHWE)** requires that under Public Resources Code sections 41500-41510, both counties and cities adopt and submit to a HHWE that identifies regulations for a safe and effective recycling treatment and disposal of hazardous waste that derives from residential households to CalRecycle. Counties are required to ensure policies and procedures are implemented to ensure that household waste products are treated and properly disposed.
- 5) **Summary Plan (SP)** encompasses a formulated solid waste planning document that is mandated by the Public Resources Code section 41751, which requires counties and regional agencies to provide an overview of issues and problems related to local jurisdictions.



# Solano County Service Area Collection Boundaries Map

