



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 1, 2009

SUBJECT: Green Waste Program Direction

Report in Brief

The City Council is required by a previous actions and the franchise agreement with Waste Management to decide by October 31, 2009, whether to continue with Phase 1 of the green waste program with an associated rate increase or move to Phase 2 in January 2010 with no associated increase. Because a rate increase is required for continuation of Phase 1 services, pursuant to Proposition 218 procedures the City Council may decide to continue Phase 1 only after conducting a hearing with a 45-day notice and confirming that there is not a written protest of the proposed rate increase by a majority of the affected rate payers.

A survey of Woodland green waste customers conducted in June showed no clear preference for either Phase 1 or Phase 2 green waste services. However, staff has very recently been apprised of new water quality concerns related to green waste practices that have emerged among state storm water program regulators. This information suggests that green waste regulations will continue to become more restrictive in the future.

Based on the lack of a clear preference for either Phase I or Phase II and the potential for more restrictive green waste regulations, staff believes it is appropriate to continue Phase I services while engaging the community in a manner that facilitates support for a transition to Phase II. This will provide more time for staff to address program implementation difficulties expressed by residents while moving toward a higher level of green waste containerization over the long term to meet continuing state regulatory program expectations. This alternative would require the immediate initiation of a Proposition 218 hearing process in order to implement the fee associated with remaining in Phase I. Following the 45-day hearing period, staff would return to the City Council for a final decision on whether to pursue this alternative.

Staff recommends that the City Council approve continuing Phase 1 services for two years while staff engages with community members and Waste Management to reevaluate the green waste program parameters and develop recommendations for modifying the franchise agreement, if appropriate.

Background

On April 17, 2007, the City Council approved the components of the Citywide green waste containerization program as recommended by the City Council Solid Waste Committee of that time. The parameters of the program, as described to the council in a March 27, 2007 report, were based on the outcome of negotiations with Waste Management and the recommendations for green waste collection services made by the previous Solid Waste Committee and the Citizen Green Waste Advisory Committee.

The parameters included reevaluation of the program in spring/summer 2009, to be followed by a recommendation to the City Council whether to continue Phase 1 program services with an associated rate increase or to move to Phase 2 beginning in January 2010 without an associated rate increase. The program elements approved by the City Council at the April 17 meeting were incorporated into the July 31, 2007 solid waste franchise agreement between the City and Waste Management. This agreement remains in effect through December 2015. Pursuant to the franchise agreement, "Unless otherwise mutually agreed in writing, no later than October 31, 2009, [Waste Management] shall replace Phase 1 Services with Phase 2 Services effective January 1, 2010, for the duration of the original term of this Agreement. If the City directs the Company to continue Phase 1 Services, it will do so on or before October 31, 2009."

Following is a comparison of Phase 1 and Phase 2 services and costs as defined in the franchise agreement:

Parameter	Continue Phase 1 Services through December 2015	Switch to Phase 2 Services Effective January 2010
Cost Change to Residential Customer	Increase of \$1.09 per month = \$2.18 per bimonthly billing	No change in costs
Oct. 15-Jan. 15 (Leaf Drop Season)		
Green Waste Collection Service	Weekly cart collection Weekly street pile collection	Weekly cart collection Weekly street pile collection
Street Sweeping	Weekly citywide	Weekly citywide
Jan. 16-Oct. 14 (Non-Leaf-Drop Season)		
Green Waste Collection Service	Weekly cart collection Monthly street pile collection	Weekly cart collection No street collection except for one collection during pruning season on a schedule approved by City
Street Sweeping	Weekly citywide	Weekly on arterials, collectors, parking lots, and Dog Gone and Dead Cat Alleys Every other week in City Tree Designated Area (52 curb miles bordered by Woodland Avenue,

		East Street, Gibson Road, and West Street Monthly in remainder of the city
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Resident Outreach

Consistent with the program as approved by the City Council and the requirements of the franchise agreement, the following activities have been conducted this year to inform residents of the upcoming decision and obtain community input.

Green waste customer survey: Waste Management, in coordination with Public Works staff members, surveyed Woodland residential green waste customers about their preference for the choice between Phase 1 and Phase 2. From a total of 12,006 customer accounts, 4,254 survey cards (35%) were returned. The results were:

- Phase 1—2,233: 52% of respondents; 19% of green waste customer accounts
- Phase 2—2,021: 48% of respondents; 17% of green waste customer accounts

(Numbers are rounded to the nearest percentage.)

Several residents also called and discussed the program with Environmental Services staff members after receiving the survey. Similar to the survey results, opinions expressed in telephone conversations were mixed.

Publicity: Staff announced the survey, provided background information, and invited residents to a June 24 public workshop on the green waste decision in the City’s April and June e-newsletters and in Daily Democrat articles on June 11, 20, and 23. The public workshop was also advertised in the Daily Democrat on June 21 and 23 and announced on the City’s web home page.

Input from the former Citizen Green Waste Advisory Committee: Staff notified the former citizen’s committee of the status of the green waste program by letter on May 29 and requested the members’ input and attendance at the June 24 workshop. Four responded by email, and several attended the workshop. The input from this group was mixed, with some expressing satisfaction that containerization of green waste works well and a greater number expressing a preference to retain the option of periodically putting green waste in street piles during the non-leaf drop season.

June 24 Public Workshop: The public workshop was held at the Community and Senior Center on Wednesday evening, June 24. Twenty-five residents attended, in addition to City Environmental Services staff and Waste Management staff members. Advocates of both Phase 1 and Phase 2 were present, with advocates for keeping Phase 1 outnumbering those favoring a change to Phase 2. Other attendees expressed no leaning either way but participated in the discussions. The workshop was held round-table style to encourage participation and interaction. Almost everyone present participated in open discussion. Following were the main topics:

- Questions about whether storm water quality improvements have resulted from implementation of the cart program and/or whether the results have satisfied the state
- Concerns about the reduction in street sweeping that would occur with Phase 2
- Interest in having the “leaf-drop season” service of weekly street pile collection continue into February, when major pruning is conducted, instead of being cut off after January 15
- Opposition to Phase 2 because of inadequacy of the carts to contain all the waste generated at times
- Advocacy of Phase 2 to improve cleanliness of the streets, increase parking space, and eliminate confusion among residents about schedule and program guidelines
- Concerns about landscapers dumping green waste in front of properties where the waste did not originate and the need to better educate landscapers about not blowing material into the streets

NPDES Municipal Storm Water Permit Direction

The green waste cart program was initiated in Woodland in response to Central Valley Regional Water Quality Control Board (Central Valley Board) requirements for City compliance with the National Pollutant Discharge Elimination System (NPDES) Phase 2 municipal storm water permit process. The state’s concern was focused on the impacts on waterways from decomposition of organic matter, particularly grass. Residues of urban yard waste were identified as contributing to the depletion of dissolved oxygen and increases in algae growth in waterways, and, consequently, to adverse effects on aquatic life forms. In response, regulated communities were required to prevent green waste from entering storm water systems that discharge to waterways to “the maximum extent practicable.” The maximum extent practicable, or MEP, standard has been the state’s target for overall compliance with the Phase 2 permit and its individual components.

The Central Valley Board has been developing a new Phase 2 municipal storm water permit for more than a year and expects to release a draft this fall. In July, City staff was informed by the California Storm Water Quality Association and Central Valley Board staff members that green waste issues have very recently become a major topic of internal Central Valley Board staff and management discussions in relation to the content of the new Phase 2 permit. The renewed focus is based on the recently released results of studies that show a strong correlation between the decline of ecological health of the Sacramento-San Joaquin Delta and the presence of pyrethroid compounds, which are commonly used in household and yard pesticides. These compounds are found to enter waterways through adherence to organic matter and soil particles. The study results have led to a renewed sense of urgency on the part of the state to prevent the migration of yard clippings into storm drains and from the storm drain systems into state waterways.

Central Valley Board staff members responsible for preparing and enforcing the new Phase 2 permit have told City staff that they expect the new permit will incorporate the board's green waste containerization concerns and that within the next 5 years, the span of the new Phase 2 permit, the regulated communities will be asked for full containerization of green waste. All staff recommendations are subject to confirmation and adoption of final permit language by the Central Valley Board itself. At this point, it is unclear to what degree the Central Valley Board may dictate specific actions to the regulated communities. However, it is expected that jurisdictions that are determined by the regulators to not be meeting the MEP standard will need to show evidence, through water quality results or other means, of why they are not taking further action to achieve the desired level of storm water quality protection.

Proposition 218 Process

The City Attorney has advised staff that the fee increase associated with continuation of Phase 1 services should be submitted to a Proposition 218 hearing process. This process requires that all affected residents be provided with a 45-day notice of the City Council's intention to consider the issue that would include the fee increase. The notification must explain the basis of the fee increase, and the affected parties have the right to muster a majority protest in writing. Because of the 45-day notification requirement, the City would need to initiate the hearing process during the first week of September to allow enough time for the City Council to be able to approve a course of action that includes the fee increase by its last scheduled meeting in October. The required mailing to comply with the Proposition 218 hearing requirements to continue Phase 1 services would cost approximately \$9,000. These costs would be taken from the Solid Waste and Recycling budget, fund 250.

Discussion

The results of the community survey provided no clear mandate from the public regarding a preference for continuing Phase 1 of the green waste program or transitioning to Phase 2. Based on the survey and other input received during the program reevaluation process this spring, staff believes that the community may not be ready to move to Phase 2 of the program. Nevertheless, a number of factors lead staff to believe that the best course of action at this time is to continue working with the community toward greater containerization before 2015:

- The state is trending toward eventual requirements for full containerization of green waste in the next 5 years. There is no economical way for the City to show that water quality improvements achieved as a result of implementing Phase 1 are sufficient to meet the state's water quality concerns. State requirements will be uncertain until the new Phase 2 municipal storm water permit is issued later this year.
- Increased containerization of green waste in Woodland will represent a good-faith effort to contribute to improved water quality in state waterways.

- The continuation of Phase 1 services would require an increased fee of \$2.18 per bi-monthly service bills from all Waste Management green waste customers.
- The Phase 1 program is difficult to administer and requires a substantial amount of staff follow-up with residents because of confusion about service schedules, the prohibition of grass from street piles, and restrictions on pile size and placement.
- Street placement of green waste leads to accelerated deterioration of the pavement as a result of the collection operations (use of the “claw”); traffic hazards, especially where bicycles, runners and disabled persons in wheelchairs are present; increased storm water system maintenance needs and street flooding potential at a time of greatly reduced city resources; and reduced parking space. Removal of green waste from street placement improves community aesthetic qualities.

For these reasons, staff believes that the best course of action at this time is an alternative to either committing to Phase 1 services through 2015 or changing to Phase 2 services in January 2010. The following process is recommended:

- Through an exchange of letters of intent in September, agree with Waste Management to postpone making a long-term decision on implementation of the green waste program at this time. Set October 31, 2011 as the timeline for making a decision on subsequent implementation of the program through the term of the franchise agreement. Continue Phase 1 green waste services for the duration of the agreed-upon program reevaluation period, contingent upon the Proposition 218 hearing process being completed without a majority protest.
- Reengage the public to discuss reasonable program modifications that will move the green waste program toward greater containerization while addressing resident- and staff-identified obstacles. Potential issues to explore include: altering the dates of the leaf-drop season, continuing a full street sweeping schedule regardless of changes in street pile practices, considering making removal of green waste from residences non-exclusive (i.e., allowing residents to hire service providers other than Waste Management to remove yard waste under some circumstances), and providing for more large-pruning pickups through Waste Management.
- Simultaneously revisit the franchise agreement to negotiate modifications based on community discussions.
- By October 31, 2011, decide on the long-term direction of the green waste program based on community involvement, storm water permit requirements, negotiations with Waste Management, and Solid Waste Committee recommendations.

Following this process would allow time for the City to review and adapt to the new municipal storm water permit, allow residents more time to adapt to the use of the carts, and allow residents and staff to refine the program parameters based on observations from the first 2+ years of implementation.

Fiscal Impact

Continuing Phase 1 services would require an increased fee of \$1.09 per month from all Waste Management green waste customers. This would result in an increase in franchise fee payments from Waste Management to the City of approximately \$15,000 per year. The required mailing to comply with the Proposition 218 hearing requirements under either Alternative 1 or Alternative 2 would cost approximately \$9,000. These costs would be taken from the Solid Waste and Recycling budget, fund 250.

Public Contact

Posting of the City Council agenda.

Council Committee Recommendation

The Solid Waste Committee members were unable to attend a scheduled meeting to discuss this issue and provide a recommendation. The staff members who attended the meeting agreed on the recommendations presented in this report.

Alternative Courses of Action

1. Approve continuing Phase 1 services for two years while staff engages with community members and Waste Management to reevaluate the green waste program parameters and develop recommendations for modifying the franchise agreement, if appropriate.
2. Approve considering the continuation of Phase 1 green waste services through December 31, 2015.
3. Approve changing to Phase 2 green waste services beginning in January 2010.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

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