

RESOLUTION NO. 2009-12

RESOLUTION OF THE NEVADA CITY COUNCIL SUPPORTING EXTENDED PRODUCER RESPONSIBILITY

WHEREAS, approximately 11,000 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of \$70 per ton; and

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective; and

WHEREAS, the Universal Waste Rule bans landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, it is anticipated that the list of Universal and other waste products determined to be hazardous and therefore banned from landfills will continue to grow as demonstrated by the ban of treated wood effective January 2007 and sharps in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, Universal Waste management costs are currently paid by taxpayers and rate payers and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, costs paid by local governments to manage products are in effect subsidies to the producers of hazardous products and products designed for disposal; and

WHEREAS, costs paid in 2007 for managing household batteries were equivalent to over \$1,637 per ton, and the costs paid by the County of Nevada at the Me Courtney Road Transfer Station to properly dispose of fluorescent tubes and bulbs was over \$1,477 per ton; and

WHEREAS, this equates to 20 tons of batteries at the cost of \$32,732 and 12 tons of fluorescent tubes and bulbs at the cost of \$17,726, totaling \$50,458 for the County of Nevada to properly dispose of these Universal Waste products; and

WHEREAS, the cost paid in 2007 for managing latex paint was \$3.54 per gallon and oil-based paint was \$3.00 in handling fees only which do not include the staff resources allocated to these tasks, for a total of \$75,179; and

WHEREAS, the City Council of Nevada City supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

WHEREAS, there are significant environmental and human health impacts associated with improper management of Universal Waste, sharps, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of waste products and which has been shown to be effective; and

WHEREAS, when products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, EPR framework legislation establishes transparent and fair principles and procedures for applying EPR to categories of products for which improved design and management infrastructure is in the public interest; and

WHEREAS, the California Product Stewardship Council (CPSC) is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California; and

WHEREAS, the Nevada City Council wishes to incorporate EPR policies into the City's and County's product procurement practices to reduce costs and protect the environment; and

WHEREAS, in January 2008 the California Integrated Waste Management Board adopted a Framework for an EPR System in California; and

WHEREAS, in July 2008 the National Association of Counties adopted a resolution in support of a framework approach to EPR; and

NOW, THEREFORE BE IT RESOLVED by the Nevada City Council that by adoption of this Resolution, the Nevada City Council urges the California Integrated Waste Management Board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products; and

BE IT FURTHER RESOLVED, that the Nevada City Council urges the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle; and

BE IT FURTHER RESOLVED, that the staff of Nevada City be authorized to send letters to the League of California Cities, the California State Association of Counties, and the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR Framework legislation and related regulations; and

BE IT FURTHER RESOLVED, that the Mayor of the Nevada City Council be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and participate by contributing \$500.00 to CPSC to educate and advocate for EPR policies and programs; and

BE IT FURTHER RESOLVED, that Nevada City encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials; and

BE IT FURTHER RESOLVED, that Nevada City and its member agencies develop producer responsibility policies leasing products rather than purchasing them and requiring producers to offer less toxic alternatives and to take responsibility for collecting and recycling their products and the end of their useful life.

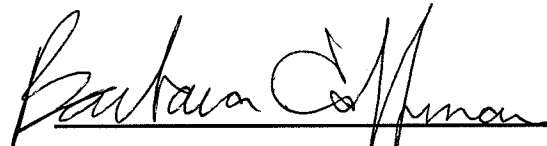
PASSED AND ADOPTED by the City Council of the City of Nevada City this 11th day of March, 2009 State of California on by the following vote:

AYES: COFFMAN, SENUM, BERGMAN, MCKAY, HARRIS

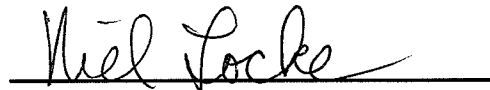
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


Barbara Coffman, Mayor

ATTEST:


Niel Locke, City Clerk