



RESOLUTION No. 22-098

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

UPDATE THE NEVADA COUNTY GREEN PROCUREMENT AND SUSTAINABLE PRACTICES POLICY

WHEREAS, on April 23rd, 2002, per Resolution 02-194, the Board of Supervisors Adopted the Green Procurement and Sustainable Practices Policy (Policy) to conserve and protect natural resources for current and future citizens; and

WHEREAS, in 2016 Governor Brown signed Senate Bill (SB) 1383 in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP); and

WHEREAS, SB 1383 requires all public agencies to adopt or update their purchasing policies to include and reference provisions, standards and goals set forth in SB 1383 and to procure recycled organic material such as renewable energy, compost, and mulch; and

WHEREAS, this update is exempt under the California Environmental Quality Act (CEQA) Guideline Sections 15061(b)(3) and 15308 because it can be seen with certainty that the enhanced Green Procurement and Sustainable Practices Policy, as updated, will not have a significant effect on the environment and represent actions by the County for the protection of the environment. Furthermore, this ordinance is consistent with the goals of the California State Senate Bill 1383.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors Adopts the updated Green Procurement and Sustainable Practices policy as shown in Attachment 1.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 8th day of February, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.


Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Susan K. Hoek, Chair

Nevada County Green Procurement and Sustainable Practices Policy

I. Purpose

The purpose of this policy is to acknowledge that in order to support the recycling ethic and to minimize environmental impacts, the County of Nevada (County) and direct service providers will purchase recycled content and environmentally preferred products. The County recognizes its employees can make a difference in favor of environmental quality and is committed to the purchase of recycled content and environmentally preferable products that perform satisfactorily and/or are reasonably priced.

This policy is consistent with the requirements of Senate Bill 1383 (SB 1383). SB 1383 requires jurisdictions to procure recovered organic waste products. This policy supports the recycling hierarchy of reduce-reuse-recycle through minimizing the creation of waste, reusing materials, recycling materials that cannot be source-reduced, and purchasing recycled content and environmentally preferred products.

The basic components of this policy include:

1. Requiring waste prevention, recycling, market development and use of recycled/recyclable materials through lease agreements, contractual relationships and purchasing practices with direct service providers, vendors, contractors, businesses, and other public and governmental agencies.
2. Generating less waste material by reviewing how supplies, materials, and equipment are manufactured, purchased, packaged, delivered, used, and disposed.
3. Serving as a model for the region to influence waste prevention, recycling, and procurement efforts.

II. Definitions

"County" means County of Nevada, California.

"Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility and produced at a permitted or authorized compostable material handling operation or facility, or at a large volume in-vessel digestion facility that composts on-site.

"Direct Service Providers" means a person, company, agency, district, or other entity that provides a service or services to the County pursuant to a contract or other written agreement.

"Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that receive feedstock directly from permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills.

"Environmentally Preferable Products" means products that have a lesser impact on human health and the environment when compared with competing products. This

comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and/or disposal of the product.

"Mulch" means organic material that must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5)(A) 1 through 3 and must be produced at one of the following facilities:

- A permitted or authorized compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10); or
- A permitted or authorized transfer/processing facility or transfer/processing operation as defined in 14 CCR Section 17402(a)(30) and (31) or that is permitted and authorized under 14 CCR Division 7; or
- A permitted solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

"Practicable" means sufficient in performance and not unreasonably expensive.

"Recovered Organic Waste Products" means products made from California, landfill-diverted recovered organic waste processed at a permitted or otherwise authorized operation or facility.

"Recordkeeping Designee" means the County employee designated to track procurement and maintain records.

"Recyclability" means Paper Products and Printing and Writing Paper offered or sold to the County that are eligible to be labeled with an unqualified recyclable labeled as defined in 16 Code of Federal Regulations Section 260.12.

"Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Section 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

- Paper Products include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissues, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- Printing and Writing Papers include, but are not limited to, copy, xerographic watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

"Recycled Products" means products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste (material that has served its intended end-use and been discarded by a final consumer), industrial scrap, manufacturing waste, and/or other waste that otherwise would not have been utilized.

- "Post-consumer recovered materials." A finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item.

Examples of post-consumer recovered materials include, but are not limited to: old newspapers, office paper, yard waste, steel and/or aluminum cans, glass, plastic bottles, oil, asphalt, concrete, and tires.

- "Pre-consumer recovered materials." Material or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Examples of pre-consumer recovered materials include, but are not limited to: obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting and other converting operations.
- "Total recovered material." The total pre- and post-consumer recovered material contained in a product.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

"SB 1383" means Senate Bill 1383 of 2015 approved by the Governor on September 19, 2016 which added Sections 39730.5, 39730.7, and 39730.8 to the Health and Safety Code and added Chapter 31.1 Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replace from time-to-time.

"Waste Prevention" means any action undertaken by an individual or organization to eliminate or reduce the amount or toxicity of materials before they enter the municipal solid waste stream. This action is intended to conserve resources, promote efficiency, and reduce pollution.

III. Policies

- A. All County personnel procuring goods on behalf of County business will specify recycled content and environmentally preferable products unless such products do not perform satisfactorily and/or are unreasonably expensive. The priority for purchasing recycled content products shall be as follows:
 - 1. The highest percentage of recycled content of post-consumer recovered material, available in the marketplace; and
 - 2. The highest percentage of "pre-consumer recovered material," available in the market place.
- B. The County shall utilize life cycle cost analysis when considering the purchase of capital assets.
- C. The County shall solicit the use of recycled content and other environmentally preferred products in its procurement documents when applicable for the purchase of goods or services which include the use of goods for a project.
 - 1. If fitness and quality of the Recycled-Content Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items,

all departments and divisions of the County, Direct Service Providers, and vendors shall purchase these products, that consist of at least 30% by fiber weight, post-consumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items or whenever the total cost is no more than ten percent (10%) of the total cost for the non-recycled items.

- D. All County agencies, departments, and divisions shall practice waste prevention and recycling.

IV. Recovered Organic Waste Product Hierarchy

SB 1383 provides an annual procurement target of 0.08 tons of organic waste per California resident. County population is determined by the most recent annual data reported by the California Department of Finance. The County shall comply with this requirement through one or both of the following methods:

1. Directly procuring recovered organic waste products for use or giveaway.
2. Requiring, through a written contract or agreement, that a Direct Service Provider procures recovered organic waste products and provide written documentation of such procurement to the County.

The following conversion factors are utilized to convert tonnage in the annual recovered organic waste product procurement target to equivalent amounts of recovered organic waste products. The County may use one or more of the following products to meet their SB 1383 procurement targets.

- One ton of organic waste in a recovered organic waste product procurement target shall equal:
 - 21 diesel gallon equivalents (DGE) or renewable gas in the form of transportation fuel.
 - 242 kilowatt-hours of electricity derived from renewable gas.
 - 22 therms for heating derived from renewable gas.
 - 650 kilowatt-hours of electricity derived from biomass conversion.
 - 0.58 tons of compost or 1.45 cubic yards of compost
 - One (1.0) ton of mulch.

V. Best Practices

A. Procurement Practices

The County Department of Information and General Services – Purchasing Division shall evaluate the following environmentally preferable product categories, at a minimum, and produce a list of such products that meet the criteria. County agencies, departments and divisions shall order from the list that meet the criteria unless a performance issue with a specific product arises or the cost of the product is unreasonably expensive.

1. Printing and writing papers including all imprinted letterhead paper, envelopes, copy paper, and business cards shall contain a minimum of 30 percent post-consumer recycled content.

2. Paper products including janitorial supplies, shop towels, hand towels, facial tissue, toilet paper, seat covers, corrugated boxes, file boxes, hanging file folders, and other products composed largely of paper shall contain a minimum of 30 percent post-consumer recycled content.
3. Remanufactured laser printer toner cartridges and remanufactured or refillable inkjet cartridges.
4. Re-refined antifreeze including on-site antifreeze recycling.
5. Re-refined lubricating and hydraulic oils.
6. Recycled plastic outdoor wood substitutes including plastic lumber, benches, fencing, signs, and posts.
7. Recycled content construction, building and maintenance products, including plastic, lumber, carpet, tiles, and insulation.
8. Recrushed cement concrete aggregates and asphalt.
9. Cement and asphalt concrete containing tire rubber, glass cullet, recycled fiber, plastic, fly ash, or other alternative products.
10. Retreaded tires and products made from recycled tire rubber including rubberized asphalt, playground surfaces, and fatigue mats.
11. Compost, mulch, and other organics including recycled biosolids products.
12. Remanufactured paint
13. Janitorial cleaning supplies.
14. Renewable gas
15. Renewable electricity such as solar or electricity from biomass or renewable gas
16. Other products that may be designated by the County Solid Waste Program Manager.

B. Waste Prevention Practices

County staff is required to reduce their consumption of resources by incorporating the following practices into their daily activities.

1. Consider durability and reparability of products prior to purchase.
2. Conduct routine maintenance on products/equipment to increase the useful life.
3. Use duplex features on laser printers and copiers. Specify duplex on all print jobs.
4. The County will also engage in the practice of two-sided copies for all County memos and mailings.
5. Create electronic letterhead for use by all agencies, departments and divisions.
6. Send and store information electronically when possible. This includes e-mail, web site, and electronic fax.
7. Review records retention policies and implement document imaging systems.
8. Maintain electronic scanning practices to eliminate paper printing and file storage
9. Repurpose County Surplus by seeking reuse within the County first and donating to non-profits and schools
10. Other waste prevention practices that further the goals of this policy.

C. State of California Model Water Efficient Landscape Ordinance (MWELO)

1. When the County, Direct Service Provider, and/or vendor use compost and mulch and the applications are subject to MWELo, then the use must comply with Section 492.6(a)(3)(B), (C), (D), and (G) of the State's MWELo, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section: to include the following:
 - For landscape installations, Compost at a rate of a minimum of four (4) cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding application where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by applicable local ordinances.
 - For all mulch that is land applied, procure mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

D. Eligible Mulch Enforcement

1. Mulch producers must certify that the mulch meets the definition contained in this policy through the following:
 - Copy of operation or facility permit or authorization.
 - Copy of laboratory results confirming the mulch meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5)(A) 1 through 3.
2. Failure to provide the applicable certification documents on an annual basis or at the request of the County will result in the mulch no longer being eligible as a recovered organic waste product under this procurement policy.

V. Responsibilities of Information and General Services Department – Purchasing Division

The County Department of Information and General Services - Purchasing Division shall be responsible for the enforcement and implementation of this policy. This includes the following:

- A. Develop and maintain information about environmentally preferable products and recycled content products containing the maximum practicable amount of recycled materials to be purchased by agencies, departments and divisions. Initially, these shall include the products designated in Section V.A of this policy.
- B. Develop and implement a monitoring and tracking system as a tool to confirm compliance with this policy.
- C. Inform other agencies, departments and divisions of their responsibilities under this policy and provide agencies, departments and divisions with information about recycled products and environmental procurement opportunities.
- D. Develop and implement an ongoing promotional program to educate and inspire County of Nevada staff to implement this policy. Information concerning this policy will be added to the new employee orientation process.
- E. Inform vendors of the County Green Procurement and Sustainable Practices Policy.
- F. Restrict contracts to mostly recycled-content products whenever possible (e.g., office supplies, lubricating oils, and janitorial supplies).
- G. Review specifications used in public bidding to eliminate barriers to recycled-content products such as outdated or overly stringent product specifications and specifications not related to product performance. All requests for proposals shall provide bonus points to solicitation evaluation criteria for vendors to use recycled products whenever possible.
- H. Provide the Solid Waste Program Manager with an annual report consistent with the requirements as outlined in Section XIV on the County's direct procurement, and vendor/other procurement on behalf of the County of Recovered Organic Waste Products, Recycled-Content Paper Products, Recycled-Content Printing and Writing paper, and other key benchmark commodities. The annual report is due to the Solid Waste Program Manager no later than July 1, annually covering the 12-month period January through December of the prior year.

VII. Responsibilities of the County Department of Public Works

- A. County Department of Public Works staff shall restrict contracts to only recycled-content products whenever possible (e.g., office supplies, lubricating oils and janitorial supplies).
- B. Review specifications used in public bidding to eliminate barriers to recycled-content products such as outdated or overly stringent product specifications and

specifications not related to product performance. All requests for proposals shall provide bonus points to solicitation evaluation criteria for vendors to use recycled products whenever possible.

- C. Investigate the feasibility of using and requesting all contractors to use recycled products (including rubberized asphalt) for all projects within the region.
- D. Investigate the feasibility of requesting the California Department of Transportation (CalTrans) to consider using recycled products (including rubberized asphalt) for all projects within the region. If utilizing recycled content products for road construction is feasible, request the Nevada County Board of Supervisors to adopt a Resolution requesting CalTrans to utilize recycled content products for all projects within the region.
- E. The Solid Waste Program Manager will review the annual report provided by County Department of Information and General Services – Purchasing Division. Upon approval by the Solid Waste Program Manager, the annual report will be submitted to CalRecycle by August 1, annually.

VIII. Responsibilities of the County Information and General Services Department- Information Services (IS Division)

In addition to the responsibilities of all County agencies, departments and divisions, County IS Division can, by virtue of their position, affect change in the County's processes, which could result in significant waste prevention. Specifically, County IS Division shall:

- 1. Ensure systems and software applications utilize electronic correspondence, reporting and retention while emphasizing the "paperless office" in application training.
- 2. Assist all County agencies, departments and divisions in setting up all computers and printers to promote this policy including the removal of banner pages and setting the default to two-sided copying.
- 3. Assist and work in collaboration with the County Solid Waste Program Manager and County Department of Information and General Services- Purchasing Division to identify areas of waste prevention potential.

IX. Responsibilities of All County Agencies, Departments and Divisions

Each agency, department, and division shall:

- 1. Practice waste prevention.
- 2. Continue to utilize recycling programs and expand where possible.
- 3. Procure products in compliance with the County Green Procurement and Sustainable Practices Policy.
- 4. Evaluate each designated product to determine the extent to which agencies, departments and divisions may practicably use it.
- 5. Ensure that procurement documents issued by the agency, department or division require environmental preferred purchasing.
- 6. Investigate where County policies and practices could be modified to encourage or require waste reduction, recycling, and environmentally preferable purchasing.

7. Use recycled products for their business cards, letterhead stationery, envelopes, business forms, and pertinent documents. All said documents shall be printed with the standard phrase, "Printed on Recycled/Recyclable Paper," thereby promoting the use of post-consumer content. If sufficient documentation and certification is available, reasonable efforts shall be undertaken to specifically indicate the percentage of recycled post-consumer content. In addition, the County publications or mailings will be printed using non-toxic inks.
8. Photocopy requested documents produced by grantees and contractors on post-consumer recycled paper. All contractors and grantees will submit all requested documents to the County on recycled paper. This shall include, but is not limited to, drafts, reports, training manuals, bids, responses to inquiries and permit applications. The County will also engage in the practice of two-sided copies for all County memos and mailings.

X. Responsibilities of Direct Service Providers

1. Comply with MWELo requirements, as applicable
2. Comply with Recovered Organic Waste Products and Recycled-Content Paper and Recycled-Content Printing and Writing Paper requirements.
3. Submit within 30 days of procurement the applicable documentation as described in Section XIV of this policy.
4. Submit on an annual basis the applicable certification documents for mulch.

XI. Responsibilities of Paper Products and Printing and Writing Paper Vendors

1. Only provide Paper Products and Recycled-Content Printing and Writing Paper that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12.
2. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the County. This certification requirement may be waived in the percentage of postconsumer material in the Paper Products, Printing and Writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
3. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the County is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12.
4. Provide records to the County of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase. Records shall comply with Section XIV of this policy.

XII. Exemption

Nothing in this policy shall be construed as requiring the purchase of products that do not perform adequately or are not available at a reasonable price. In those instances where it is deemed impractical to procure a recycled-content item, a specific explanation for the finding must be included in the purchasing record.

XIII. Promotion

- A. All County purchase and printed recycled paper products shall be labeled with the standard phrase, "Printed on Recycled Paper" where appropriate. All

County Departments or Agencies shall be required to use recycled products for their business cards, letterhead stationery, envelopes, business forms, and pertinent documents. All said documents shall be printed with the standard phrase, "Printed on Recycled/Recyclable Paper," thereby promoting the use of post-consumer content. If sufficient documentation and certification is available, reasonable efforts shall be undertaken to specifically indicate the percentage of recycled post-consumer content. In addition, the County publications or mailing will be printed using non-toxic inks.

- B. All County photocopying of requested documents produced by grantees and contractors shall be produced on post-consumer recycled paper. All contractors and grantees will submit all requested documents to the County on recycled paper. This shall include, but is not limited to, drafts, reports, training manuals, bids, responses to inquiries, and permit applications. The County will also engage in the practice of two-sided copies for all County memos and mailings.

XIV. Monitoring/Reporting

- A. The County Department of Information and General Services- Purchasing Division shall prepare and deliver to the County Solid Waste Program Manager an annual report on the implementation of this policy and a formal recycled products list to aid in purchasing and monitoring goals. The report shall include documentation of the types, quantities, and dollar amounts of recycled products purchased in the previous year by the County, its contractors and grantees. This report shall be submitted to CalRecycle pursuant to 14 CCR Division 7, Chapter 12, Article 13. The report shall also identify and discuss the following:
 - 1. Instances where this policy is waived or its requirement found impracticable; and
 - 2. Barriers to the procurement of products meeting the County's requirements.
 - 3. Recordkeeping requirements consistent with 14 CCR Section 18993.2 and 14 CCR Section 18993.4.
- B. For Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, general procurement records shall be maintained by both the County, Direct Service Providers, and vendors/others, including:
 - 1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Paper Products and Printing and Writing Paper, including the volume and type of all paper purchases; and copies of certification and other required verifications
- C. For Recovered Organic Waste Products, general procurement records shall be maintained by both the County, Direct Service Providers, and vendors/others, including:
 - 1. General description of how and where the Recovered Organic Waste Product was used and applied, if applicable;
 - 2. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - 3. Type of product;

4. Quantity of each product; and
5. Invoice or other record demonstrating purchase or procurement.

XV. Other Areas

- A. The County will pursue the development of a Green and Sustainable Building Policy for use in all new construction, remodeling, and repair projects so long as the constructability is feasible within budget constraints.
- B. The County will investigate the feasibility of modifying the Building Code to require new construction projects to accommodate recycling activities in the building design.
- C. The County will consider other products and practices that conserve energy, water, and other resources.