



# County of Orange

---

County Executive Office

August 25, 2020

Honorable Kirk H. Nakamura  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "OC Recycling: Doing it the Right Way"

Dear Judge Nakamura:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Lala Oca Ragen of the County Executive Office at 714-834-7219.

Sincerely,

Frank Kim  
County Executive Officer

Enclosure

cc: Orange County Grand Jury  
Lala Oca Ragen, Assistant Deputy Chief Operating Officer, County Executive Office



Responses to Findings and Recommendations  
2019-20 Grand Jury Report:

*“OC Recycling: Doing it the Right Way”*

---

**SUMMARY RESPONSE STATEMENT:**

On June 30, 2020, the Grand Jury released a report entitled “OC Recycling: Doing it the Right Way.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors. The responses are below:

**FINDINGS AND RESPONSES:**

**F2. The labeling on residential bins are not always legible or have *comprehensive enough instructions* laminated or otherwise made a part of the lid, especially with regards to single use plastic shopping bags. Education and outreach efforts need to be reinforced as often as possible and a visual reminder on the recycle container will help alleviate confusion.**

**Response:** **Agrees with the finding.** However, it should be noted that differences in material handling instructions differ from one jurisdiction to the next, which requires education to be hyper-local. Recycling instructions change more often than bins are replaced, and updating bin labeling is a substantial and imperfect activity. It should also be noted that current draft regulations for SB 1383 contain labeling requirements to standardize the recycling messaging across the entire state of California. With the volatility of the recycling markets and increased need for cleaner recycling stream, local jurisdictions will require further education, outreach, audits and program enforcement.

**F4. Cities are not in compliance with AB 341 mandates with respect to providing recycling containers for multi-family units.**

**Response:** **Disagrees partially with the finding.** While cities are outside of County influence and will have to provide status of their compliance efforts, OCWR monitors AB 341 compliance for the unincorporated areas of Orange County. The jurisdiction of the

County of Orange is in compliance with AB 341. As stated OCWR does not track AB 341 compliance for other jurisdictions, which are directly responsible to the State through CalRecycle. Multi-family recycling may require a case-by-case review from the jurisdiction as there are challenges with implementing and sustaining a successful program for this type of residential unit.

**RECOMMENDATIONS AND RESPONSES:**

**R1. All cities and county entities that do not have a contract review process in place should establish one to ensure regular reviews of service contracts are performed and that contract terms are still relevant as legislative changes are enacted. Serious consideration should be given to shortening the length of contracts to facilitate opportunities for competitive bidding where feasible. (F1)**

**Response:** **The recommendation has been implemented.** On behalf of the County, OCWR engages in an ongoing contract review process that includes reviews of service contract performance and legislative compliance. The review schedule and process in which each city engages is beyond the scope of OCWR's responsibility.

**R2. Municipalities should ensure that recycle bins be labeled with comprehensive recycling instructions to facilitate proper sorting of waste (F2 and F3).**

**Response:** **The recommendation will not be implemented because it is not warranted or is not reasonable.** While the County will ensure comprehensive labeling within its jurisdiction, each city must independently comply with the mandates of SB1383 that relate to labeling requirements.

**R3. Cities that have not already do so, should implement the requirements of AB 341 as they pertain to multi-family recycling programs. Additionally, such programs need to be closely monitored by city contract administrators rather than relying solely on waste haulers to fulfill the mandates (F4).**

**Response:** **The recommendation will not be implemented because it is not warranted or is not reasonable.** OCWR is responsible for ensuring AB 341 compliance only for the unincorporated areas of Orange County. The County of Orange jurisdiction, where AB 341 multi-family recycling programs apply, is in compliance. OCWR does not track AB 341 compliance for other jurisdictions (cities), which are directly responsible to the State through CalRecycle. Although OCWR employs full-time staff with expertise in waste hauling and regulator contract monitoring, many cities do not. In some cases, consultants or waste haulers are better equipped to perform this function. Cities should rely on the most expert resources available no matter whether internal or contracted resources, and perhaps may decide to pursue gaining internal expertise if they are posed with the challenge of compliance.