

August 13, 2024

The Honorable Maria D. Hernandez
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: City of Buena Park Response to Grand Jury Report – *Talking Trash: Recyclables and Organic Waste*

Dear Honorable Judge Hernandez:

The Buena Park City Council has reviewed the Orange County Grand Jury's report entitled, *Talking Trash: Recyclables and Organic Waste*. Below is the City of Buena Park's response to the aforementioned report:

FINDINGS:

Container Standardization

F1 The majority of Orange County jurisdictions have not yet required their haulers to distribute residential containers that meet the CalRecycle standardized colors, leaving legacy and often incorrect or illegible labeling and embossing in place.

Response: The respondent partially disagrees with the finding. The City of Buena Park already requires its trash hauler, EDCO, to distribute residential and commercial containers that meet the CalRecycle standardized colors and label requirements (e.g. green for organics, blue for recyclables, and gray for trash). The body and lid of residential containers are the correct designated color. The body of commercial containers are the correct designated color, and the lids are black.

Funding and Enforcement

F2 While a jurisdiction may not delegate its overall responsibility for compliance with state requirements to a hauler, some jurisdictions have designated the task of imposing and collecting fines from residents to the hauler, in accordance with state law. However, not all jurisdictions are clear on who ultimately receives and retains the collected fines.

Response: The respondent partially disagrees with the finding. The City of Buena Park receives and retains the collected fines, and desires to note the following regarding the Grand Jury's findings pertaining to "Funding and Enforcement":

- 1) The Grand Jury's report states that jurisdictions only conduct inspections and spot-checks of residential customers' organic and trash containers, and Respondent desires to highlight that SB 1383 requires all routes to be randomly audited (i.e. trash, recycle, and organics).
- 2) In addition, Section 18984.5(b)(3) of Title 14 of the California Code of Regulations does not require a jurisdiction to impose administrative civil penalties on generators that violate the prohibition in Section 18984(a) on placing prohibited container contaminants in a collection container.

F3 All jurisdictions will eventually start collecting fines from residents for non-compliance, but some have not yet determined whether the revenues will go into a waste and recycling enterprise fund or into the jurisdiction's General Fund.

Response: The City of Buena Park agrees with this finding.

Education and Outreach

F4 In most jurisdictions, education and outreach is a joint effort between jurisdiction, hauler, and sometimes consultants, with the jurisdiction reviewing the materials before publication. The methods of dissemination vary by jurisdiction and hauler but frequently rely on a resident actively seeking the information, which requires the resident to have some awareness of the new mandates in the first place. Most efforts primarily revolve around intermittent hard-copy paper mailings.

Response: The respondent partially disagrees with the finding. The City of Buena Park and its waste hauler, EDCO, use various methods to educate and create awareness of the new mandates including but not limited to:

- 1) Print (Environmental Times Newsletters, statement messages, postcards);
- 2) Direct contact (personal site visits, waste assessments, presentations, participation at community events);
- 3) Electronic (email blasts, website posts, social media); and
- 4) The City's hauler provides access to an extensive bilingual video library and a "What Goes Where" look up feature on its website.

F5 Most jurisdictions currently have no way to accurately determine the effectiveness of their respective education and outreach efforts other than the eventual inspections or audits that will take place.

Response: The City of Buena Park agrees with this finding.

Procurement of Recovered Organic Waste Products

F6 There is some concern that there are not enough composting facilities in Orange County to process all organic waste, forcing some jurisdictions/haulers to transport it long distances for processing.

Response: The respondent partially disagrees with the finding. The City of Buena Park's waste hauler, EDCO, guarantees adequate capacity for organic waste processing.

F7 There is currently no infrastructure in the county that is a State-approved source of Renewable Natural Gas (RNG) and energy from organic waste. Jurisdictions that use vehicles running on RNG procured from non-approved sources cannot count that RNG toward fulfillment of their procurement requirement.

Response: The City of Buena Park agrees with this finding.

F8 The formula used by the State to calculate a jurisdiction's procurement target does not account for a jurisdiction's population density or geographic size (square miles). As such, meeting the annual procurement target presents a significant challenge for most jurisdictions.

Response: The City of Buena Park agrees with this finding.

F9 Many Orange County jurisdictions were unable to meet the requirement in SB 1383 to reduce organic waste sent to landfills by the 2020 deadline. It is unlikely the required seventy-five percent reduction will be achieved by the 2025 deadline.

Response: The City of Buena Park agrees with this finding.

F10. The current procurement requirements mandated by SB 1383 are unrealistic and likely unachievable by most jurisdictions.

Response: The City of Buena Park agrees with this finding.

RECOMMENDATIONS:

Container Standardization

R1. All jurisdictions should expedite the acquisition and distribution of residential containers that meet the CalRecycle standardized colors. Additionally, until the compliant containers can be distributed, all jurisdictions should ensure the distribution of labeling for non-compliant containers that explain the current SB 1383 requirements applicable to their jurisdiction by June 30, 2025.

Response: The recommendation has been implemented. The City of Buena Park's waste hauler, EDCO, distributes residential and commercial containers that meet the CalRecycle standardized colors and label requirements (e.g. green for organics,

blue for recyclables and gray for trash). The body and lid of residential containers are the correct designated color. The body of commercial containers are the correct designated color, and the lids are black.

Funding and Enforcement

R2 By December 31, 2024, all jurisdictions should ensure their waste hauling agreements are in compliance with State statute so that haulers may be designated to perform certain required tasks but are not improperly delegated overall responsibility for compliance. Additionally, all jurisdictions should ensure that any fines collected by a hauler are forwarded to the jurisdiction.

Response: The recommendation has been implemented. The City of Buena Park's waste hauling agreements are in compliance with statutory requirements and any fines collected by the hauler are forwarded to the City.

R3 The OCGJ recommends that all jurisdictions utilize a dedicated waste and recycling enterprise fund for collection of fines for non-compliance with SB 1383 by December 31, 2024.

Response: The recommendation requires further analysis. The City intends to take a public education approach to violations, therefore revenues from enforcement are anticipated to be minimal. Additionally, the mandated date to begin enforcement was January 2024 and the City needs more time to determine if an enterprise fund is warranted.

Education and Outreach

R4 By December 31, 2024, all jurisdictions should diversify the methods and media used for education and outreach to include, among others, various social media platforms, emails to residents, newspaper, television, flyer mailings, community events, and appearances at other public gatherings.

Response: The recommendation has been implemented. The City of Buena Park and its waste hauler, EDCO, use various methods to educate and create awareness of the new mandates including but not limited to:

- 1) Print (*Environmental Times* newsletters, statement messages, postcards);
- 2) Direct contact (personal site visits, waste assessments, presentations, participation at community events);
- 3) Electronic (email blasts, website posts, social media); and
- 4) The City's hauler also has an extensive bilingual video library and a "What Goes Where" look up feature on its website.

R5 By December 31, 2024, and in order to gauge the effectiveness of their education and outreach efforts, all jurisdictions should develop new methods to engage residents directly to help determine their awareness of

the requirements associated with SB 1383, such as surveys, online quizzes, and door-to-door polling.

Response: The recommendation has not yet been implemented, but will be implemented in the future. A survey and/or online quiz will be implemented by December 31, 2024, to help determine the community's awareness of the requirements associated with SB 1383.

Procurement of Recovered Organic Waste Products

R6 By June 30, 2025, the OCGJ recommends that all jurisdictions participate in the OCW&R-led efforts to develop a coordinated county-wide approach to the organics recycling infrastructure and programs as well as procurement requirements associated with SB 1383, working towards creating circular economy as a long-term goal.

Response: The recommendation has been implemented. The City of Buena Park participates in quarterly meetings with the OCW&R.

R7 By December 31, 2024, the Orange County Board of Supervisors and all Orange County cities should lobby appropriate members of the State Legislature and/or CalRecycle to revise the organic waste diversion targets to better reflect Orange County's waste amounts, revise the jurisdictions' procurement requirements to better represent the limited options currently available for procurement, the jurisdictions' varying populations, population densities, and geographic size, and to delay associated enforcement actions by the State.

Response: The recommendation has not yet been implemented, but will be implemented by December 31, 2024.

Thank you for providing the City of Buena Park the opportunity to respond to this report.

Sincerely,



Aaron France
City Manager

cc: Buena Park City Council
Christopher G. Cardinale, City Attorney