



August 13, 2024

Honorable Marie Hernandez, Presiding Judge
Superior Court of California, County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Re: Response to 2023-24 Orange County Grand Jury Report “Talking Trash: Recyclables and Organic Waste”

Dear Judge Hernandez,

The City of Laguna Beach has reviewed the Orange County Grand Jury Report titled “Talking Trash: Recyclables and Organic Waste.” In accordance with California Penal Code §933.05(a) and (b), the City of Laguna Beach submits the following responses to the findings and recommendations include within the report.

Findings:

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 City of Laguna Beach partially disagrees with this finding. The Grand Jury’s Report is based on eleven jurisdictions interviewed. Whether the majority of Orange County jurisdictions have required their hauler to distribute new containers and whether the containers meet the requirements for SB 1383 is not known to the City of Laguna Beach. The City’s new hauler as of July 1st, 2024 is in the process of distributing residential containers that meet the CalRecycle standardized colors.

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 City of Laguna Beach partially disagrees with this finding. The Grand Jury’s Report is based on 11 jurisdictions interviewed. It is not known to the City of Laguna Beach how other jurisdictions are enforcing the requirements of SB 1383 and how citation revenue is being collected.

F3. All jurisdictions will eventually start collecting fines from residents for noncompliance, 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.

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Response: The City partially disagrees with this finding. The City has determined that revenue will go to the City’s General Fund.

F4. The City partially disagrees with this finding. The methods of dissemination vary by jurisdiction not known to the City of Laguna Beach. Education and outreach are a joint effort between the City and CC&R, the City’s hauler. Education is provided through hard copy paper mailings, electronic community newsletters, information webpages, billing inserts and local newspaper ads. In addition, the City uses social media platforms that include Facebook, Twitter, Instagram, Nextdoor, targeted google ad campaigns, and regional focused You-Tube videos.

Response: The City agrees with this finding. For the City of Laguna Beach, education and outreach are a joint effort between the City and CC&R, the City’s hauler. Education is provided through newsletters, information webpages, and billing inserts.

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 Laguna Beach agrees with this finding.

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 City agrees with this finding based on the information provided by the Grand Jury Report. However, the City did not independently verify the information.

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 towards fulfillment of their procurement requirement.

Response: The City agrees with this finding based on the information provided by the Grand Jury Report. However, the City did not independently verify the information.

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 agrees with the finding based on the information provided by the Grand Jury Report. However, the City did not independently verify the information,

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

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reduction will be achieved by the 2025 deadline.

Response: The City partially disagrees with this finding. The referenced deadlines are for statewide diversion, rather than jurisdiction-specific diversion. The seventy-five percent goal is ambitious, however, the City is working towards its organic waste reduction goals.

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

Response: The City agrees with this finding based on the information provided by the Grand Jury Report. However, the City did not independently verify the information.

Recommendations:

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 is being implemented. The City’s new hauler, CR&R is currently distributing residential containers that meet the CalRecycle standardized colors.

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: This recommendation has been implemented.

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: This recommendation is under review. Currently, this revenue is reserved in the City’s General Fund.

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. CR&R provides each customer with relevant environmental information with quarterly billing inserts and participates in community events each year. They staff booths and engage with residents on a variety of topics using social media, including how to properly sort materials to ensure recyclability. The City of Laguna Beach has developed a year-round outreach campaign using various social media platforms to supplement CR&R’s efforts.

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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 will be implemented. The outreach and effectiveness of the City’s social media campaign and other outreach efforts will be reviewed after one year. The City changed haulers to CR&R on July 1, 2024.

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 Laguna Beach has and will continue to partner with OCWR to develop a county-wide approach to organics recycling.

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: This recommendation requires further analysis to determine how such a change to SB 1383 legislation would be implemented. The City of Laguna Beach will contact members of the legislature representing the City of Laguna Beach to discuss modifications to the jurisdictions’ procurement requirements, including a delay to the enforcement actions.

Respectfully,


Sue Kempf
Mayor

cc: Orange County Grand Jury
700 Civic Center West
Santa Ana, CA 92701