



**San  
Clemente**  
THE SPANISH VILLAGE BY THE SEA

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**CITY OF SAN CLEMENTE  
OFFICE OF THE MAYOR**

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*Mayor*  
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August 21, 2024

The Honorable Michael J. Verrengia,  
Presiding Judge of the Superior Court  
Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Report of the Orange County Grand Jury - "Talking Trash: Recyclables and Organic Waste"

Dear Presiding Judge Verrengia,

The City of San Clemente (City) appreciates the time and effort the Grand Jury spent on the development of their report, "Talking Trash: Recyclables and Organic Waste."

The City Council has reviewed the report and authorized the attached response to the findings and recommendations noted in the report. The City values the opportunity to respond to the report, share our perspective, and provide firsthand knowledge to each of the issues requested by the Grand Jury.

If the City of San Clemente can provide additional information or clarification of our response, please do not hesitate to contact City Manager Andy Hall at [HallA@san-clemente.org](mailto:HallA@san-clemente.org).

Sincerely,

Victor Cabral,  
Mayor, City of San Clemente

Enclosure: City of San Clemente's Response to Findings and Recommendations

CC: City of San Clemente Council Members  
Andy Hall, City Manager

The City of San Clemente's responses to findings and recommendations in the 2023-2024 Orange County Grand Jury " Talking Trash: Recyclables and Organic Waste" Report are as follows:

**Findings and Responses**

**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.

**City Response:**

Agree based on the grand jury report, but the City of San Clemente has limited knowledge of other cities solid waste and recycling contracts. In addition, it may be challenging for compliance since there have there have been supply chain issues with obtaining new containers according to the City's hauler.

**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.

**City Response:**

Agree based on the grand jury report, but the City of San Clemente has limited knowledge of other cities solid waste and recycling contracts. However, the City of San Clemente collects and retains any fines imposed on customers related to compliance.

**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.

**City Response:**

Agree based on the grand jury report, but the City of San Clemente has limited knowledge of what other cities are doing with collected fines or their intentions. However, the City of San Clemente fines go directly into the City's solid waste and recycling enterprise fund.

**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.

**City Response:**

Agree; however, the City of San Clemente has not conducted an independent survey to confirm this finding.

**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.

**City Response:**

Agree; however, the City of San Clemente has not conducted an independent survey to confirm this finding for jurisdictions.

**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.

**City Response:**

Agree; the City of San Clemente's organic waste is transported to Perris, CA for 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 towards fulfillment of their procurement requirement.

**City Response:**

Disagrees Partially because the City of San Clemente has limited knowledge or RNG infrastructure. However, the City of San Clemente's hauler is producing RNG from the City's organic waste in Perris, CA and diverting the RNG to Edison. In return, the hauler receives credits toward RNG fueling stations throughout the state.

**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.

**City Response:**

Agree.



**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.

**City Response:**

Agree; however, the City of San Clemente is currently diverting seventy one percent and believes seventy five percent is achievable with the addition of multifamily organic waste diversions.

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

**City Response:**

Agree; however, the City of San Clemente has not conducted an independent survey to confirm this finding.

**Recommendations and Responses**

**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 SB1383 requirements applicable to their jurisdictions by June 30, 2025.

**City Response:**

The recommendation has been partially implemented and will be fully implemented prior to the SB 1383 regulations by 2036. The City of San Clemente has implemented the three-cart system with co-collected organics over a decade ago. The City’s hauler provided standardized color-coded carts with labeling at the time and continue to see positive participation. If a customer requests an exchange of bins, they will be delivered with the new SB 1383 compliant carts. In addition to the carts, the City and hauler provide quarterly outreach and educational material to residents regarding how to properly sort their material and details regarding available and mandated programs.

**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.

**City Response:**

The recommendation has been partially implemented and will be fully implemented prior to December 31, 2024. The City is in process of revising its Solid Waste and Recycling Contract, however, the City of San Clemente currently has the responsibility for enforcement.

**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.

**City Response:**

The recommendation has been implemented; the City of San Clemente has a dedicated enterprise fund for Solid Waste and Recycling that includes a revenue source for fines.

**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.

**City Response:**

The recommendation has been implemented; the City of San Clemente and its Solid Waste and Recycling Contractor utilize a variety of formats to provide education and outreach, including, quarterly mailings, community events and appearances at social gatherings. In addition, the City of San Clemente recently received training and is improving its use of social media platforms to provide more information through short video formats.

**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.

**City Response:**

The recommendation has been implemented, the City of San Clemente and its Solid Waste and Recycling Contractor utilize a variety of formats to provide feedback at special events and through surveys. The City will continue to make improvements to its education and outreach efforts and to gauge customer awareness.

**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.

**City Response:**

The recommendation has not yet been implemented, but will be implemented based on the time frame determined by OCW&R. The city will participate in supporting the recommendation with 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.

**City Response:**

The recommendation has not yet been implemented, but will be implemented with coordination between the Orange County Board of Supervisors and agreement between the Orange County Cities. The city will support the recommendation to the extent the coordinated effort is acceptable to the Orange County Board of Supervisors and cities by June 30, 2025.