



CITY of YORBA LINDA

August 20, 2024

Maria Hernandez
Presiding Judge of the Superior Court
700 Civic Center Drive
Santa Ana, CA 92701

RE: City of Yorba Linda's response to recommendations of the 2023-24 Orange County Grand Jury report, *Talking Trash: Recyclables and Organic Waste*.

Dear Judge Hernandez:

The City of Yorba Linda has reviewed the findings and recommendations made in the Orange County Grand Jury's report regarding the implementation of SB 1383, and thus is submitting to you the required responses outlined in the report.

Findings

As a preface, the Grand Jury makes reference to "most jurisdictions" in several of the findings. As the City of Yorba Linda does not know about the efforts of other Orange County jurisdictions or their challenges implementing SB 1383, the City can only agree with the findings insofar as they may be true for the City of Yorba Linda. We do not comment on other jurisdictions.

Finding 1

"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."

The City disagrees partially with this finding. SB 1383 does not require the replacement of functional containers that were purchased prior to January 1, 2022 until to the end of their useful life, or until January 1, 2036, whichever comes first. The City of Yorba Linda and its hauler, Republic Services, mailed new labels with updated pictures identifying what materials can be disposed of in each container. Republic is also now distributing carts that meet state-mandated colors whenever carts are replaced.

Finding 2

"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 who ultimately receives and retains the collected fines."

The City disagrees partially with this finding. In Yorba Linda, Republic Services is entitled to assess and collect fines for contamination. However, the City of Yorba Linda is entitled to keep civil penalties that are assessed on violations of the municipal code.

Finding 3

“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.”

The City disagrees wholly with this finding. The City of Yorba Linda will account for this revenue in the general fund.

Finding 4

“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.”

The City disagrees wholly with this finding. In addition to maintaining the City’s website and Republic Services municipal website for Yorba Linda residents, the City and Republic Services have made several proactive outreach efforts. These efforts have included social media posts, a PSA video, quarterly print newsletters mailed to every customer in the City, updates in the City’s e-newsletter, and direct contact with residents at City events.

Finding 5

“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.”

The City agrees with this finding.

Finding 6

“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.”

The City agrees with this finding.

Finding 7

“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.”

The City agrees with this finding. The City of Yorba Linda does not use any vehicles that use RNG.

Finding 8

"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."

The City agrees with this finding.

Finding 9

"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."

The City agrees with this finding.

Finding 10

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

The City agrees with this finding.

Recommendations

Recommendation 1

"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."

The recommendation will not be implemented in full because it is not reasonable. Jurisdictions and waste haulers across California have been given until 2036 to fully implement the required cart color configuration. For cities like Yorba Linda with a three-container system that utilized brown carts for yard waste prior to 2022 that were reassigned as organic collections carts, replacing carts with the new colors will do little on its own to educate generators. The City has already mailed new cart labels to all generators in the City in addition to an extensive public education program.

Recommendation 2

"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."

Portions of this recommendation are already implemented in the City of Yorba Linda. However, the full recommendation will not be implemented because it is not warranted. Per the City's franchise agreement with Republic Services and the third amendment to the agreement, Republic Services must conduct contamination monitoring and collect fines. These fines are kept by Republic and help pay for the sustainability advisor and route auditor positions serving our jurisdiction. However, the City collects its own fees for violations of municipal code.

Recommendation 3

"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."

This recommendation will not be implemented as it is not warranted. The City does not expect to collect an appreciable amount of fees for violation of municipal code. The City plans to work with and educate generators, using citations as a last resort for compliance. Any fines collected can be adequately accounted for in the general fund.

Recommendation 4

"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."

This recommendation has already been implemented in the City of Yorba Linda. The City has used every media at our disposal to regularly communicate the requirements of SB 1383 since before July 1, 2022.

Recommendation 5

"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."

This recommendation will be implemented by December 31, 2024. The City will conduct an online poll to assess awareness.

Recommendation 6

"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."

This recommendation has already been implemented. Yorba Linda is working closely with OCW&R and has already taken over 1,000 tons of compost and mulch from OCW&R. The materials have been given away for free at our self-serve compost site which has been extremely popular.

Recommendation 7

“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.”

This recommendation will be implemented by December 31, 2024.

Should you have any questions or require any further information from the City of Yorba Linda, please feel free to contact our Principal Management Analyst, Geoff Spencer at (714)961-7114 or gspencer@yorbalindaca.gov.

Sincerely,



Tara Campbell
Mayor of Yorba Linda

Cc: Orange County Grand Jury