



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

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August 21, 2024

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

RE: City of Cypress Response - Talking Trash: Recyclables and Organic Waste

Honorable Presiding Judge Hernandez:

The City of Cypress has received and reviewed the above referenced Grand Jury Report. In accordance with the Grand Jury's request, I respectfully submit the following response.

Findings:

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.

Response: The City of Cypress is not aware of other cities' progress to CalRecycle requirements.

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 on who ultimately receives and retains the collected fines.

Response: The City of Cypress does not have sufficient information about other cities' operations to evaluate this finding.

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.

Response: The City of Cypress does not have sufficient information about other cities' operations to evaluate this finding.

Finding 4. In most jurisdictions, education and outreach is a joint effort between jurisdiction, hauler, and sometimes consultants, with the jurisdiction reviewing the

Scott Minikus, Mayor

Bonnie Peat, Mayor Pro Tem

David Burke, Council Member

Anne Mallari, Council Member

Frances Marquez, Ph.D., Council Member

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 City of Cypress does not have sufficient information about other cities' operations to evaluate this finding.

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.

Response: The City of Cypress does not have sufficient information about other cities' operations to evaluate 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.

Response: The City of Cypress agrees with the 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.

Response: The City of Cypress agrees with the finding.

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.

Response: The City of Cypress agrees with the 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.

Response: The City of Cypress does not have sufficient information about other cities' operations to evaluate this finding.

Finding 10. The current procurement requirements mandated by SB 1383 are unrealistic and likely unachievable by most jurisdictions.

Response: The City of Cypress agrees with the 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.

Response: This recommendation has been implemented.

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.

Response: The recommendation has been implemented.

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.

Response: The recommendation has been implemented.

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.

Response: The recommendation has been implemented.

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.

Response: The recommendation has been implemented. The City of Cypress believes current education efforts are robust and sufficient. However, the City intends to develop new methods, such as online quizzes, should we experience contamination or participation issues.

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.

Response: The recommendation has been implemented.

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.

Response: The recommendation has been implemented.

The City of Cypress would like to thank the Grand Jury for addressing this issue critical to our communities. Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Grant", written over a light blue horizontal line.

Peter Grant
City Manager

cc: Cypress City Council