



# CITY OF LAGUNA HILLS

City Council

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August 27, 2024

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

**SUBJECT: City of Laguna Hills' Response to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste"**

Dear Judge Hernandez:

The City of Laguna Hills has reviewed the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste." In accordance with the California Penal Code Section 933, the City of Laguna Hills submits the following response to the findings and recommendations included within the Grand Jury's report. Each of the applicable findings and recommendations are listed below in italics, followed by the City's response.

**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 Hills disagrees partially with the finding.

The City of Laguna Hills is not aware of how all cities in Orange County are distributing their residential containers to meet SB 1383 requirements and can only respond definitely with respect to its situation. The City of Laguna Hills recently issued a joint RFP for waste and recycling services. The new franchise ("Agreement") was awarded in June 2024 and the start date is July 1, 2025. The new Agreement requires the provision of new containers that are fully compliant with SB 1383 in terms of color and labeling. The specific contract reference is *Attachment B Section 1.5. Container Color Coding and Labeling*.

*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 Hills disagrees partially with the finding.

The City of Laguna Hills is not aware of how all cities in Orange County are handling enforcement of State requirements and how they are handling the collections of fines. The City of Laguna Hills can only respond definitely with respect to its situation. There is no ambiguity on the receipt and retention of the collected fines for the City of Laguna Hills. The City administers all enforcement and fines as described in its Ordinances.

*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 Laguna Hills disagrees partially with the finding.

The City of Laguna Hills is not aware of how all cities in Orange County are collecting fines for non-compliance and can only respond definitely with respect to its situation. With respect to Laguna Hills, no fine revenues are placed in the general fund. Revenues are distributed in accordance with the Agreement Section 14.07 – *Regulatory Compliance Fund*.

*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 City of Laguna Hills disagrees partially with the finding.

It is unknown to the City of Laguna Hills how education and outreach is being conducted in other Orange County municipalities. The City of Laguna Hills has an active outreach program to all SB 1383 generators (Residential, Commercial, and Multifamily), and the methods of dissemination, timing, and content of the outreach program are prescribed in Attachment B Section 5 of the new Agreement.

*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 Hills disagrees partially with the finding.

The City of Laguna Hills is not aware of how other cities in Orange County are measuring their effectiveness of their education and outreach efforts. However, the City of Laguna Hills' new Agreement contains detailed reporting requirements, including outreach and education actions, which accurately determines the effectiveness of all respective education and outreach efforts. Agreement Sections 11.02 and 11.03 and Attachment B.

*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 of Laguna Hills disagrees partially with the finding.

The City of Laguna Hills hauler is currently transporting organic waste out of Orange County for processing. However, the City's new Agreement has a designated composting facility which is



located in South Orange County that takes all organics (Agreement Sections 6.03, 6.04, 6.05, and 6.06).

*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 of Laguna Hills agrees with the finding.

The City of Laguna Hills notes that there is currently no infrastructure in Orange County that is a State-approved source of Renewable Natural Gas (RNG) and energy from organic waste.

*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 Laguna Hills agrees with the finding.

The current formula for the calculation of procurement requires additional research on the accuracy of the corresponding annual procurement target.

*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 Laguna Hills agrees with the finding.

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

Response: The City of Laguna Hills agrees with the finding.

The current procurement requirements mandated by SB 1383 are challenging for urban Southern California. Unless the marketplace can develop outlets for finished compost, urban areas are likely to face unachievable diversion mandate procurement requirements.

### **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 has been implemented.

The City of Laguna Hills recently issued a joint RFP for waste and recycling services. The new franchise ("Agreement") was awarded in June 2024 and the start date is July 1, 2025. The new Agreement requires the provision of new containers that are fully compliant with SB 1383 in terms of color and labeling requirements.

**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 Laguna Hills adopted its SB 1383 enforcement ordinance in 2021. City staff will issue notices of violations and collect any fines for SB 1383 related violations. Additionally, the new Agreement is in compliance with State statutes.

**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 has been implemented.

The City of Laguna Hills agrees with utilizing a dedicated waste and recycling fund and as noted in F3 above has established a separate Regulatory Compliance 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.

The City of Laguna Hills currently diversifies its methods of outreach including periodic Organic Waste Town Hall meetings. As mentioned in F4 above, the new Agreement includes a robust outreach program.

**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 been implemented.

The City of Laguna Hills, as noted F4 and F5 above, has methods established with the new Agreement to measure and gauge awareness of SB 1383 programs and informational elements.

**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 Hills supports OCW&R efforts to develop a coordinated county-wide approach for organic waste processing. In the new Agreement, the City of Laguna Hills can direct its hauler to use the OCW&R compost facilities located in OC landfills if so directed.

**R7.** *By December 31, 2024, the Orange County Board of Supervisors and all Orange County cities should lobby appropriate members of the State Legislator and/or CalRecycle to revise the organic*



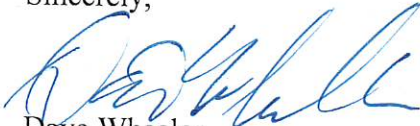
*waste diversion targets to better reflect Orange County's waste amounts, revise the jurisdiction's' procurement requirements to better represent the limited options currently available for procurement, the jurisdictions' varying populations, population densities, and geographic size, and to delay associated enforcement actions by the State.*

Response: The recommendation has not yet been implemented, but will be implemented in the future.

The City of Laguna Hills is supportive of lobby efforts to revise certain SB 1383 regulations as stated above. These efforts should be coordinated at the county level and the City of Laguna Hills plans on discussing this with the county by December 31, 2024.

If you have any questions or would like any additional information, please contact Jarad Hildenbrand, City Manager, at (949) 707-2685 or [jhildenbrand@lagunahillsca.gov](mailto:jhildenbrand@lagunahillsca.gov).

Sincerely,



Dave Wheeler  
Mayor

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