

7800 Katella Avenue
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Date:

August 27, 2024

**Presiding Judge of the
Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701**

Dear Honorable Judge Maria Hernandez,

The City of Stanton received the 2023-2024 Orange County Grand Jury report entitled "Talking Trash: Recyclables and Organic Waste". As required by California Penal Code Sections 933 and 933.05, the City of Stanton is responding to the findings and recommendations included in the report.

Note: The original Grand Jury findings are repeated below in italics. The City's responses are in bold, with additional explanation and commentary in regular typeface. References to the "City" refer to the City of Stanton, California.

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.

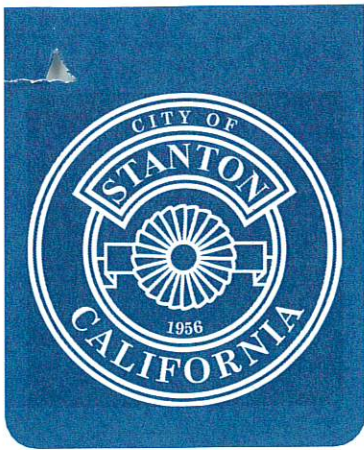
The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City does not know what the majority of Orange County jurisdictions do.

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 the 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.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City does not know how each Orange County jurisdiction delegates its responsibility for either the imposition or collection of fines, or who the ultimate recipient is of any collected fines.



F3

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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.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City does not know what other jurisdictions will do with collected fines.

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.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

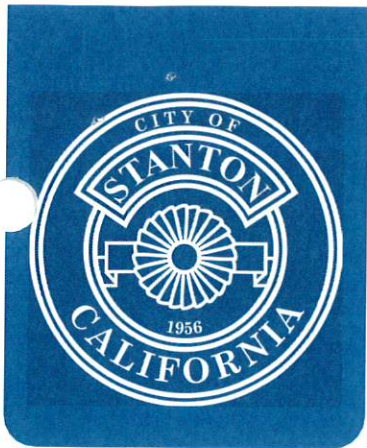
The City lacks knowledge and information sufficient to reach this conclusion. The City does not know how most jurisdictions will handle education and outreach efforts.

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.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion.



F6

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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 respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion.

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.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion.

F8

The formula used by the State to calculate a jurisdiction's procurement target does not account for the jurisdiction's population density or geographic size (square miles). As such, meeting the annual procurement target presents a significant challenge for most jurisdictions.

The respondent agrees with the finding.

F9

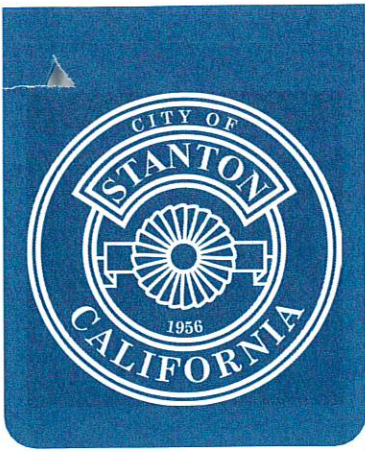
Many Orange County jurisdictions were unable to meet the requirement in SB 1383 to reduce organic waste sent to landfills by the 2020 deadline. It is unlikely the required seventy-five percent reduction will be achieved by the 2025 deadline.

The respondent agrees with the finding.

F10

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

The respondent agrees with the finding.



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Recommendations

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- 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.*

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The City amended its franchise agreement in September 2023. Section 4.7.6.2 states that the CR&R (the City's franchised hauler) shall 1) furnish new carts such that the colors are compliant with SB 1383 regulations, 2) replace previously colored recycling carts with blue recycling carts, and 3) after January 1, 2032, all carts will be compliant with color 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.*

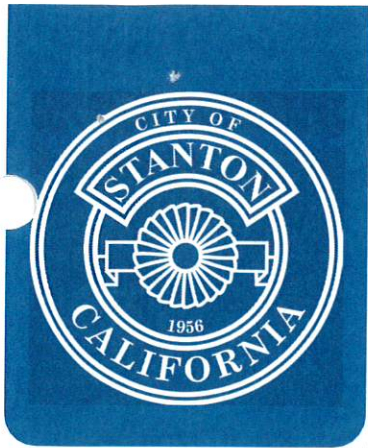
The recommendation has been implemented, with a summary regarding the implemented action.

The City's franchise agreement does not delegate the overall responsibility for compliance to the City's hauler. The City does not permit the hauler to collect fines on behalf of the jurisdiction.

- 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.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The City is not planning to segregate funds collected from fines for non-compliance via an enterprise fund. The amount of money does not merit the establishment of a dedicated enterprise fund solely for funds collected from fines relating to SB 1383.



R4

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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.

The recommendation has been implemented, with a summary regarding the implemented action.

CR&R has developed a public education plan. This plan includes multimedia distribution and community engagement at public events. A detailed list of activities can be found in Section 5.3.1 of the City's franchise agreement.

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.

The recommendation will not be implemented because it is not reasonable.

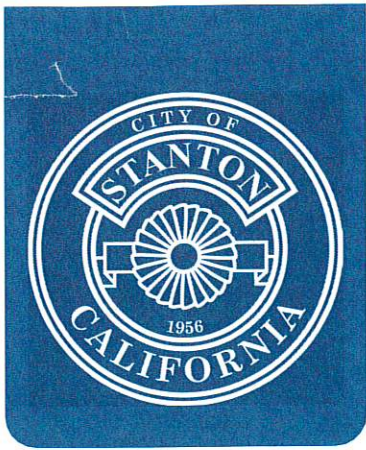
The City of Stanton does not believe that this recommendation is reasonable by December 31, 2024. The City is currently in the process of disseminating public outreach materials, and the provided deadline does not allow sufficient time to gauge the effectiveness of the program. The City also anticipates challenges when using the suggested forms of data collection. Anticipated challenges include low participation rates, difficulty capturing responses representative of all ages and demographics of the population, and potential responses from non-Stanton residents that may participate via social media postings.

R6

By June 30, 2024, 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.

The recommendation has been implemented, with a summary regarding the implemented action.

The City responded to the County's request for an organics capacity planning study. The City also regularly attends quarterly OCWR meetings to stay up-to-date with county-wide programs.



R7

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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.

The recommendation requires further analysis.

While the City of Stanton is open to the possibility of supporting legislation related to the jurisdiction's procurement requirements, one concern with the recommendation is that organic waste diversion targets are a set statewide goal, not specifically related to a County or City. In pursuit of meaningful reform, the City plans to investigate SB 1383 lobbying efforts within various organizations to assist jurisdictions in complying with procurement requirements in a more sustainable manner.

Should you have any questions or need any additional information, please contact Hannah Shin-Heydorn, City Manager, at (714) 890-4277 or via email at HShinheydorn@StantonCA.gov.

Respectfully,

David J. Shawver
Mayor

Cc: Orange County Grand Jury
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