



CITY OF RANCHO SANTA MARGARITA

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August 28, 2024

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

Subject: Response to Orange County Grand Jury Report entitled, *Talking Trash: Recyclables and Organic Waste*

Dear Honorable Presiding Judge:

The City of Rancho Santa Margarita has reviewed the 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 Rancho Santa Margarita is responding to the applicable findings and recommendations included within the report. Each of the findings and recommendations is 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: Disagree partially. The City of Rancho Santa Margarita's waste hauling franchise agreement has the labeling and container phasing stipulated in accordance with SB 1383's requirements. Per the City's franchise agreement, the deadline to comply with the complete color standardization is January 1, 2032; four years prior to the mandated cutoff date.

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: Disagree. The City of Rancho Santa Margarita is aware that fines are retained by the City and does not utilize the hauler in compliance fines.

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.

Mayor
Carol A. Gamble

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Council Member
Anne D. Figueroa

Council Member
Jerry Holloway

City Manager
Jennifer M. Cervantez

Response: Disagree. Refer to City of Rancho Santa Margarita's Municipal Code 5.06.150.

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: Disagree partially. There are efforts made on the City's website to provide updates on information and talking points as they are brought to the City's attention. Posts are made via social media. Events are used to provide face-to-face outreach and attention. Electronic flyers and emails are sent to all customers in the City of Rancho Santa Margarita. Onsite education is done during inspections and at priority locations.

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: Agree.

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: Agree. With the upcoming closure of one of the three Orange County landfills, which had included the acceptance of green waste, there will be even fewer facilities to use in Orange County. The City of Rancho Santa Margarita contracts with CR&R to have the City's green waste taken to Perris to be used in anaerobic digesting.

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: Agree.

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: 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.

Response: Agree.

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

Response: Agree.

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: Will implement. The City of Rancho Santa Margarita will communicate the need to the waste hauler to replace labels on legacy containers until the mandated color uniformity replacement is complete. Said communication will occur within sixty (60) days and periodically thereafter.

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: Has been implemented. Refer to City of Rancho Santa Margarita's Municipal Code 5.06.150.

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: Will not implement. Violations are punishable as infractions as set forth in the City's Municipal Code with an established process for issuance and accounting. No changes will be made to this process.

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: Has been implemented. Outreach efforts made on the City's website, Instagram, LinkedIn, Emails, Facebook, face-to-face events, electronic flyers and priority onsite education.

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: Will not implement. There is insufficient staff and funding to undertake attempts to gauge this data, with no guarantee or assumable metrics to determine effectiveness.

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: Will implement. The City of Rancho Santa Margarita will continue to support and participate in OC Waste & Recycling's efforts.

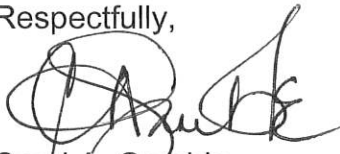
R7: By December 31, 2024, the Orange County Board of Supervisors and all Orange County cities should lobby appropriate members of the State Legislature and/or CalRecycle to revise the organic waste diversion targets to better reflect Orange County's waste amounts, revise the jurisdictions' procurement 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.

Response: Will not implement. Legislative advocacy depends on specific issues and circumstances. The City will support efforts regarding these issues where appropriate but cannot agree to advocacy in the biased sense. Additionally, the City of Rancho Santa Margarita does not engage a professional lobbyist for any advocacy.

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Should you have any questions or need any additional information, please contact Joe Parco, Director of Public Works, at 949-635-1800 or via e-mail at JParco@cityofrsm.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Carol A. Gamble', written in a cursive style.

Carol A. Gamble
Mayor

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