



# CITY OF ORANGE

Office of Mayor

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August 29, 2024

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

**RE: City of Orange Response to Grand Jury Report: Talking Trash:  
Recyclables and Organic Waste**

Dear Honorable Judge Hernandez:

The following is the City of Orange's response to the findings and recommendations contained in the Grand Jury's Report, *Talking Trash: Recyclables and Organic Waste*.

**Finding**

F.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 partially disagrees with this finding. CR&R, the City's contract hauler, has been directed to provide labeling and education material to all customers informing them how to sort solid waste correctly. Container replacement is ongoing. Full color compliance is not required until 2036.

**Finding**

F.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 disagrees with this finding. The City is clear on who ultimately receives and retains the collected fines. The City would be responsible for imposing and collecting fines. However, this does not preclude the hauler from issuing violations.

**Finding**

F.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 disagrees with this finding. Each city should have the ability to leverage revenue from fines. Many of the costs relating to the administration of solid waste services are paid from the City's General Fund and the ability to use any fines received from violations of solid waste regulations should be at the discretion of each city.

**Finding**

F.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.

**Response**

The City disagrees with this finding. The City has a robust educational outreach program which leverages multiple forms of communication to all customers. Forms of communication include but is not limited to in-person visits, workshops, phone, email, mailings, and social media. Additionally, the communication in most cases is provided in Spanish and English along with visualization and text.

**Finding**

F.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 partially disagrees with this finding. Most of the education and outreach has been geared with two parts, an initial educational brief along with a second part where more information is available. The City has used answers to questionnaires to gear future education and also monitors the site visits of its website and social media.

**Finding**

F.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 agrees with this finding. In general, additional composting facilities in Orange County will help with lowering the cost of compliance. The City meets its regulatory organics processing needs through the City's franchise hauler and facilities that the hauler owns.

**Finding**

F.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 agrees with this finding. The City meets its procurement requirement through the agreement with the solid waste hauler which includes the use recycled natural gas in the hauler's trucks.

**Finding**

F.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 agrees with this finding. The City meets its procurement requirement through the agreement with the solid waste hauler.

**Finding**

F.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 agrees with this finding. The City is working towards compliance with SB 138e33, but may not be met prior to 2025 due to lack of participation from some residents and businesses.

**Finding**

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

**Response**

The City agrees with this finding. Many jurisdictions will have difficulty meeting the procurement requirements due to the size and scale of the procurement requirement. The City meets its procurement requirement through the agreement with the solid waste hauler.

**Recommendation**

R.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. (F1)

**Response**

The City partially disagrees with this recommendation. Changing out carts and containers is currently underway throughout the City of Orange, as containers are replaced on an as needed basis. Replacing containers prematurely is a large cost to the hauler and

discarding containers that still have a useful life is wasteful. However, per the agreement with CR&R, they have until 2036 to complete this task. State law also allows until 2036. Proper labeling is required on all containers per the agreement with CR&R.

**Recommendation**

R.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. (F2, F3)

**Response**

The City agrees with this recommendation. This recommendation has been implemented by the City of Orange. The City recently adopted a restated an amended agreement with CR&R that meets the requirements of SB 1383. Any potential fines shall be collected by the City.

**Recommendation**

R.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 City disagrees with this finding. Each city should have the ability to leverage revenue from fines. Many of the costs relating to the administration of solid waste services are paid from the City's General Fund and the ability to use any fines received from violations of solid waste regulations should be at the discretion of each city.

**Recommendation**

R.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 City agrees with this finding. This recommendation has been implemented by the City of Orange. The City currently utilizes all forms of communication listed.

**Recommendation**

R.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 City agrees with this finding, and will implement this recommendation, when appropriate.

**Recommendation**

R.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 City agrees with this finding. However, the City of Orange currently meets its organics recycling and procurement requirements through the agreement with CR&R.

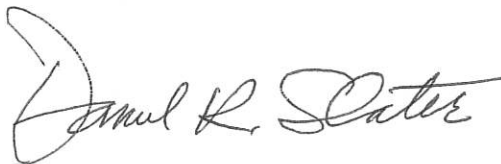
**Recommendation**

R.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 City agrees with this finding, and will implement this recommendation, when appropriate. The complexity of waste management in an urban area such as Orange County is complex. Regulations should have the ability to adjust to the characteristics of the community and acknowledge that there are often multiple ways to meet regulatory goals.

Sincerely,

A handwritten signature in black ink that reads "Daniel R. Slater". The signature is written in a cursive style with a large, stylized initial "D".

Daniel R. Slater  
Mayor of Orange

cc: Tom Kisela – City Manager  
Mike Vigliotta – City Attorney  
Christopher Cash-Director of Public Works