

September 05, 2024

VIA USPS REGULAR MAIL

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

Subject: Response to the Grand Jury Report titled, "Talking Trash: Recyclables and Organic Waste"

Dear Judge Hernandez,

In accordance with Penal Code 933 and 933.05, the City of Westminster and Midway City Sanitary District respectfully submits the following response to the findings and recommendations of the 2023-2024 Orange County Grand Jury report titled, "Talking Trash: Recyclables and Organic Waste."

### 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: Agree*

**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: Agree*

**F3. 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: Agree*

**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: Agree*

**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*

**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 the SB 1383 are unrealistic and likely unachievable by most jurisdictions.**

*Response: Agree*

### **RECOMMENDATIONS**

Below is the City of Westminster and Midway City Sanitary District status on recommendations made with the 2023-2024 Orange County Grand Jury report titled, "Talking Trash: Recyclables and Organic Waste."

**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: This recommendation has been implemented. The Midway City Sanitary District (District) provides residential solid waste service within the City of Westminster. It was one of the first agencies in Orange County to implement a comprehensive organics program to meet the residential requirements of SB 1383. In 2018, the District purchased green carts and distributed them to residential customers in the City of Westminster for the disposal of organics. As part of its 3-cart curbside container service, the District also provides blue carts for recyclables and black/grey carts for refuse, in compliance with SB 1383's standardized color requirements. Labels describing the appropriate materials to dispose of in each color cart have also been affixed to all carts.*



**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: This recommendation has been implemented. The Midway City Sanitary District provides residential solid waste service within the City of Westminster and enforces compliance with SB 1383 regulations itself and through a contract with the City of Westminster. The District's franchise hauler only provides bin services to commercial and large multifamily customers. The District services most residential customers with its own employees, not through a franchise arrangement, and the franchise hauler plays no role in ensuring compliance for most residential customers. The District's franchise hauler assists the District to ensure commercial businesses and multifamily buildings it services obtain organics and recycling services in compliance with SB 1383 and will investigate and notify the District when it becomes aware that one of its customers is out of compliance. However, the District, not the franchisee, is responsible for taking any enforcement action, and the franchise hauler does not impose or collect fines on behalf of the District. The District also contracts with a consultant to assist and audit Tier 1 and Tier 2 food generators for compliance with SB 1383's edible food recovery provisions, but any resulting enforcement action will be taken by the District or the City. For residential accounts, District staff periodically conducts residential lid flips and audits accounts for compliance. If a resident is not in compliance, the District is authorized to take appropriate enforcement action itself, or it may request the City to take enforcement action, including issuing fines when appropriate.*

**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: This recommendation has not yet been implemented, but will be implemented in the future. City of Westminster is planning to deposit fines that are collected into an enterprise fund by December 21, 2024.*

**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: This recommendation has been implemented. The Midway City Sanitary District provides residential solid waste service within the City of Westminster. The Midway City Sanitary District has a robust educational and outreach program. This outreach program includes mailers that go out to residential and commercial customers throughout the year. Commercial and multifamily residences receive billing inserts with SB 1383 related materials. Social media posts are utilized to promote proper sorting of recycling, organics, and refuse. District officials also discuss SB 1383 on two radio talk shows each month in both English and Vietnamese. District staff and officials attend multiple events throughout the year where they hand out flyers with sorting guides, SB 1383 materials, and other related District information. District staff and the District's franchise hauler also hold or attend informational meetings with property owners and homeowner associations where they provide information on compliance with SB 1383. District staff also attends school assemblies, local library gatherings, and senior center events to discuss proper sorting and SB 1383 guidelines. The District also holds a free compost giveaway each year to promote organics recycling.*

**R5. By December 31, 2024, 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: This recommendation has been implemented. The Midway City Sanitary District provides residential solid waste service within the City of Westminster. The District conducted a customer survey this year to gain feedback on residents' knowledge of its programs, including SB 1383 organics recycling. Staff at the District engage with residents on social media via comments/direct messages, as well as through emails through a dedicated information email address. The District has staff available at most community events for engagement, questions, comments, and concerns. In April 2024, the District held a Community Workshop, open to all residents in the jurisdiction, to answer questions and provide additional information about SB 1383. As indicated in the previous response, the District utilizes a multi-prong education, outreach, and engagement strategy to inform its residents about SB 1383's requirements. The Midway City Sanitary District believes its current education and outreach efforts are robust and sufficient.*

**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.**

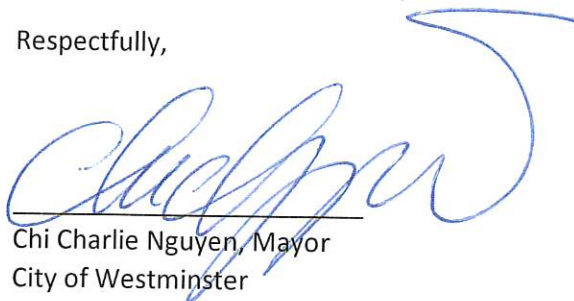
*Response: This recommendation has not yet been implemented, but will be implemented in the future. Representatives from the City of Westminster and/or Midway City Sanitary District is planning to attend meetings and discussions hosted by OCW&R by June 30, 2025.*

**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: This recommendation has not yet been implemented, but will be implemented in the future. Representatives from the City of Westminster and Midway City Sanitary District are planning to meet with the appropriate stakeholders and CalRecycle staff to discuss the procurement requirements by December 31, 2024.*

Should you have any questions or require further information, please contact Daniel Hsieh at 714-548-3466 or [dhsieh@westminster-ca.gov](mailto:dhsieh@westminster-ca.gov)

Respectfully,



Chi Charlie Nguyen, Mayor  
City of Westminster