



GARDEN GROVE SANITARY DISTRICT

11222 ACACIA PARKWAY, P.O. BOX 339, GARDEN GROVE, CALIFORNIA 92842

August 13, 2024

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

RE: Response to the 2023-2024 Orange County Grand Jury Report re Talking Trash: Recyclables and Organic Waste

Dear Judge Hernandez,

In accordance with Penal Code 933.05(a) and (b), the Garden Grove Sanitary District submits the following response to the report, findings and recommendations of the 2023-2024 Orange County Grand Jury Report entitled "Talking Trash: Recyclables and Organic Waste".

The Garden Grove Sanitary District, a subsidiary district of the City of Garden Grove, is the governmental agency with jurisdiction over solid waste and recycling regulations within the City of Garden Grove and two unincorporated areas of Orange County along the Garden Grove city limits.

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 Garden Grove Sanitary District partially disagrees with the above finding.

When the Sanitary District organic food waste program began in September 2022, all residents on cart service in the District were provided with new labels for the organic waste containers identifying what items can be placed in that container, however, the District understands that mailing labels did not guarantee the installation on every cart. Labels are also available at various community events. Additionally, Senate Bill (SB) 1383 allows for haulers to utilize current containers that were stocked prior to January 1, 2022. Most haulers have been utilizing their backstock prior to ordering color and label compliant carts to help limit the cost to rate payers and in alignment with the phasing of the requirement to minimize the impacts to ratepayers. The color and

labeling phase-in should be analyzed as a design feature of the legislation and not a flaw in jurisdictional implementation.

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 Garden Grove Sanitary District partially disagrees with the above finding.

The Sanitary District enforces its regulations and has not delegated this function to the hauler or any other private entity. Per the CalRecycle regulations adopted under SB 1383, 14 CCR 18981.2(d), states "Nothing in this chapter authorizes a jurisdiction to delegate its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity."

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: The Garden Grove Sanitary District partially disagrees with the above finding.

As a special district with enforcement authority over its specialized functions, fines collected will be placed into the solid waste 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.

Response: The Garden Grove Sanitary District partially disagrees with the above finding.

The District works with its Public Information Office and hauler to proactively provide education and outreach to the community. All the Garden Grove Sanitary District's outreach activities are documented online including print, videos, etc. Lastly, the legislation does include annual requirements to provide educational information to all residential generators so the finding is limited with assumptions related to residents reviewing the mandated materials they are receiving from the jurisdiction, hauler, and/or consultant.

F5. Most efforts primarily revolve around intermittent hard-copy paper mailings. 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 Garden Grove Sanitary District agrees with the above finding.

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 Garden Grove Sanitary District agrees with the above finding.

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 Garden Grove Sanitary District agrees with the above finding.

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 Garden Grove Sanitary District agrees with the above finding, however, the procurement requirements of SB 1383 do not apply to the Sanitary District as it is a special district. The District assists the City of Garden Grove in complying with the requirement.

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 Garden Grove Sanitary District agrees with the above finding.

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

Response: The Garden Grove Sanitary District agrees with the above finding, however, the procurement requirements of SB 1383 do not apply to the Sanitary District as it is a special district. The District assists the City of Garden Grove in complying with the requirement.

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 not yet been implemented.

The Amended and Restated Franchise Agreement with Republic Services, the City of Garden Grove, and the Garden Grove Sanitary District approved in June 2022 has a requirement for replacement of all carts to SB 1383 compliant colors in 2027. Additionally, with limited exception, all new services and cart replacements are to be done with SB 1383 compliant colors starting with the execution of the agreement (July 1, 2022). Also, based on information from the Garden Grove Sanitary District's hauler, new carts have been hard to obtain due to supply chain issues as a majority of agencies are also updating and changing their collection carts simultaneously. Finally, as noted in response to F1 this is a cost issue and the regulations were designed to allow existing container investments to be respected to not add additional burden to rate payers.

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: Part of Recommendation 2 is fully implemented.

The Garden Grove Sanitary District entered into an Amended and Restated Exclusive Franchise Agreement with its hauler in June 2022 which was intended for delegation of certain SB 1383 compliant services.

The second statement about the hauler collecting fines will not be implemented because it is not warranted. As stated in F2, the regulation notes private entities are not allowed to issue fines. Jurisdictions are not allowed to delegate authority for the issuance of civil penalties. Finally, the Garden Grove Sanitary District does allow the exclusive hauler to issue contamination fees. These fees are retained by the hauler to cover the additional cost for processing contaminated materials.

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 is fully implemented.

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 is fully implemented.

The Sanitary District, in cooperation with the City of Garden Grove, uses social media posts to remind residents and businesses who follow the accounts about the organics recycling program. Additionally, grant funds have been used to create and animate video, which is being played as an advertisement at a local movie theater. Additionally, all other outreach activities are documented online including print, videos.

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 as stated to use "survey, online quizzes, and door-to-door polling" will not be implemented as it is not warranted or required by SB 1383.

The outreach examples noted in R5 are cost prohibitive due to the unfunded element of SB 1383 and are not shown to be a proven indicator if a public program is successful. However, the Garden Grove Sanitary District plans to use grant funding from CalRecycle to enhance and continue our public outreach and education efforts in 2024, 2025 and 2026. Part of this outreach will include the use of a consultant to conduct multi-lingual door to door educational visits within the service area specifically focusing on areas with high multi-family premise density. Finally, the Garden Grove Sanitary District would recommend revising R5 to focus on regional and/or countywide activities and use of community based social marketing techniques to ensure outreach campaigns that factor in the unique characteristics of jurisdictions and the state as a whole.

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 been implemented.

The Garden Grove Sanitary District supports collaboration and cooperation among agencies to increase program effectiveness while reducing costs. Additionally, it may be beneficial to expand the noted recommendation to align with the statewide cohesion and implementation of SB 1383.

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: The recommendation will not be implemented because it is not warranted.

The Garden Grove Sanitary District, working with the City of Garden Grove, support and rely on lobbying efforts from the League of California Cities and the Association of California Cities – Orange County to seek meaningful reforms to SB 1383 to make items such a procurement targets more achievable and aligned with the intent to limit impacts of short-lived climate pollutants. Additionally, the Sanitary District is aware of a variety of legislative efforts to amend various parts of SB 1383. If the Garden Grove Sanitary District becomes aware of additional lobbying efforts, the Garden Grove Sanitary District would provide support as warranted. There is also no set target or goal for organic waste diversion for Garden Grove or Orange County unlike in prior legislation. The target diversion amounts are statewide goals, not local mandates.

Respectfully Submitted,



John R. O'Neill
President of the Garden Grove Sanitary District