



October 8, 2024

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

Re: 2023-2024 Orange County Grand Jury report "Talking Trash: Recyclables and Organic Waste"

Dear Judge Hernandez:

The City of La Palma is pleased to provide the attached required responses (in italics) to the findings and recommendations for our City, pertaining to the Orange County Grand Jury report "Talking Trash: Recyclables and Organic Waste."

FINDINGS

Container Standardization

- 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.

The City of La Palma requires its waste hauler to distribute residential and commercial containers that meet CalRecycle's standardized colors and label requirements (green for organics, blue for recyclables and gray for trash). The body and lid of residential containers are the correct designated color. The body of commercial containers are the correct designated color, and the lids are black.

Funding and Enforcement

- 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.**

The respondent disagrees wholly or partially with the finding.

The City of La Palma would be the entity that would receive and retain any collected fines. It is important to mention the following regarding the findings for Funding and Enforcement:

- *SB 1383 requires all routes to be randomly audited (trash, recycle, and organics).*
- *Section 18984.5(b)(3) of the regulations does not require a jurisdiction to impose administrative civil penalties on generators in violation of the prohibited container contaminants requirement in Subdivision (a).*

- 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.**

The respondent agrees with the finding.

Education and Outreach

- 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.

The City of La Palma and its contracted waste hauler use various methods to educate and create awareness of the new mandates, including but not limited to:

- *Print (City publications (Mosaic), Hauler publications (Environmental Times Newsletters), water bill inserts/postcards),*
- *Direct contact (personal site visits, waste assessments, presentations, outreach at a variety of community events),*
- *Electronic (City's website, Hauler's website, social media posts, readerboard announcements),*
- *The City's hauler also has an extensive bilingual video library and a*

“Where Does it Go” look up feature on their website.

- 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 agrees with the finding.

Procurement of Recovered Organic Waste Products

- 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.**

The respondent disagrees wholly or partially with the finding.

The City of La Palma’s waste hauler guarantees capacity for organic waste processing. The material is processed within the region.

- 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 agrees with the 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.**

The respondent agrees with the finding.

- F9. Many Orange County jurisdictions were unable to meet the requirements 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.

RECOMMENDATIONS

Container Standardization

- 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 jurisdictions by June 30, 2025.**

The recommendation has been implemented.

The City of La Palma's hauler distributes residential and commercial containers that meet CalRecycle's standardized colors and label requirements (green for organics, blue for recyclables, and gray for trash). The body and lid of residential containers are the correct designated color. The body of commercial containers are the correct designated color, and the lids are black.

Funding and Enforcement

- 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.

The City's waste hauling Agreement is in compliance with State statute and any fines collected are forwarded to the City.

- 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 reasonable for a small city. However, if the City determines to impose fines, it will establish a dedicated fund.

Education and Outreach

- 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.

The recommendation has been implemented.

The City of La Palma and its hauler, EDCO, use a variety of methods for education and outreach. That includes creating awareness of the new mandates through the following means of communication:

- Print (City publications (Mosaic), Hauler's newsletter (Environmental Times Newsletter), water bill inserts/postcards),*
- Direct contact (personal site visits, waste assessments, presentations, outreach at a variety of community events, including Community Workshops and Town Hall meetings),*
- Electronic (City's website, Hauler's website, social media posts, use of readerboard),*
- The City's hauler also has an extensive bilingual video library on its website, and a "Where Does it Go" look up feature.*

- 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 has not yet been implemented, but will be implemented in the future.

The City of La Palma will partner with the hauler to create an online survey and assess the public's awareness of SB 1383 requirements. The City anticipates the survey will be implemented in the Winter of 2024, prior to the December 31, 2024, timeframe.

Procurement of Recovered Organic Waste Products

- 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.**

The recommendation has not yet been implemented, but will be implemented in

the future.

The City of La Palma currently participates in the OCW&R Recycling Coordinators meetings when possible, and will look and assess opportunities in the future to participate in OCW&R-led efforts 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.**

The recommendation has been implemented.

The City of La Palma concurs that the formula used by the State does not account for important factors to determine procurement requirements. The City has expressed this challenge to CalRecycle representatives when opportunities arise, such as during the annual CalRecycle visit. It would be of great benefit to cities to continue to lobby through the end of this year.

Thank you for the opportunity to comment on the Grand Jury report.

Respectfully,

Conal McNamara
City Manager

CC: Orange County Grand Jury
La Palma City Council