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September 6, 2024

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

Subject: Response to Grand Jury Report *Talking Trash: Recyclables and Organic Waste*

Dear Honorable Judge Hernandez:

The City of Aliso Viejo has reviewed the Orange County Grand Jury's Report entitled *Talking Trash: Recyclables and Organic Waste*. In compliance with California Penal Code sections 933 and 933.05, the City has responded to each of the findings and recommendations included in the report. Each finding and recommendation is listed below, 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: The City of Aliso Viejo disagrees partially with this finding. The City implements a franchise waste hauler agreement that requires all residential and commercial customers in the City to comply with container color requirements. All waste containers are currently in compliance with the required color designations.

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 City of Aliso Viejo disagrees partially with this finding. The City's Municipal Code Section 7.05.390 outlines the remedies available to the City to enforce upon violators. Any fines issued are by a City Enforcement Officer and the City retains the collected 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.

Response: The City of Aliso Viejo agrees with this finding.

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: The City of Aliso Viejo partially disagrees with this finding. The City and its franchise waste hauler proactively provide residents with education and outreach through a variety of methods. In addition to print material, the City relies on electronic communications (emails, social media, website updates, etc.) to ensure residents are receiving the most up-to-date information as quickly as possible and hosts booths at public outreach events.

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: The City of Aliso Viejo agrees with this 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 City of Aliso Viejo agrees with this finding. While the City's franchised waste hauler owns and operates its own local facilities and the City's generated waste is guaranteed to be processed through those facilities, it is known that other cities using different haulers do not have that same capacity guarantee afforded to them.

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 City of Aliso Viejo agrees with this finding. The City's franchised waste hauler does generate RNG for the trucks used in the City, but their facility is located in Riverside County.

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 City of Aliso Viejo agrees with this finding.

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 City of Aliso Viejo agrees with this finding.

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

Response: The City of Aliso Viejo agrees with this finding.

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 been implemented. The City of Aliso Viejo implements a franchise waste hauler agreement that requires all residential and commercial customers in the City to comply with container color requirements. All waste containers are currently in compliance with the required color designations.

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: The recommendation has been implemented. The City of Aliso Viejo's franchise waste hauler agreement is in compliance with current regulations and any fines collected by the hauler 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.

Response: This recommendation requires further analysis. The City of Aliso Viejo's approach to compliance is aimed at public outreach and education in hopes for minimal enforcement needed. The City will continue to assess the effectiveness of its outreach efforts and compliance levels and will explore the need for an enterprise fund.

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: The recommendation has been implemented. The City of Aliso Viejo and its franchise waste hauler proactively provide residents with education and outreach through a variety of methods. In addition to print material, the City relies on electronic communications (emails, social media, website updates, etc.) to ensure residents are receiving the most up-to-date information as quickly as possible and hosts booths at public outreach events.

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: This recommendation requires further analysis. The City of Aliso Viejo and its franchise waste hauler proactively provide residents with education and outreach through a variety of methods. In addition to print material, the City relies on electronic communications (emails, social media, website updates, etc.) to ensure residents are receiving the most up-to-date information as quickly as possible and hosts booths at public outreach events. The City is always open to ways of increasing effectiveness and is constantly looking at ways to do as such. Methods will be added or modified as necessary.

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 City of Aliso Viejo participates in the quarterly meetings hosted by OCW&R.

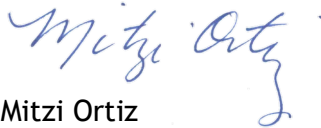
R7. By December 31, 2024, the Orange County Board of Supervisors and all Orange County cities should lobby appropriate members of the State

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. The City of Aliso Viejo plans to participate in a county-wide support letter as recommended.

Thank you for the opportunity to respond to the Grand Jury's Report. Should you have any questions or need additional information, please contact me at (949) 425-2506 or by email at city-manager@avcity.org.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mitzi Ortiz". The signature is written in a cursive, flowing style.

Mitzi Ortiz
Acting City Manager

cc: Orange County Grand Jury
City Council, City of Aliso Viejo