

December 11, 2024

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

**SUBJECT: RESPONSE TO GRAND JURY REPORT ENTITLED "TALKING TRASH:
RECYCLABLES AND ORGANIC WASTE"**

Dear Judge Hernandez:

Please accept this letter as the City of Seal Beach's response to the Grand Jury's report entitled, "**Talking Trash: Recyclables and Organic Waste**".

Below are the City's responses to the items requested by the Grand Jury:

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 per 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 non-compliance. Still, some have not yet determined whether the revenues will go into a waste and recycling enterprise fund or 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 the State uses 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 could not meet the requirement in SB 1383 to reduce organic waste sent to landfills by the 2020 deadline. The required seventy- five percent reduction will unlikely be achieved by the 2025 deadline.

Response: Agree

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

Response: Agree

Recommendations

R1 All jurisdictions should expedite acquiring and distributing residential containers that meet the CalRecycle standardized colors. Additionally, until the compliant containers can be distributed, all jurisdictions should ensure the labeling distribution for non-compliant containers that explains the current SB1383 requirements applicable to their jurisdiction by June 30, 2025.

Response: In progress. The City is currently in negotiations with the City's waste hauler (Republic Services).

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: In progress. The City is currently in negotiations with the City's waste hauler (Republic Services).

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: In progress. The City is currently in negotiations with the City's waste hauler (Republic Services).

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.

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 has been implemented.

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.

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 been implemented.

Sincerely,



Patrick Gallegos
Interim City Manager