



City of La Habra

"A Caring Community"

ADMINISTRATION

110 E. La Habra Boulevard
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 383-4010
Fax: (562) 383-4474

August 20, 2024

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

RE: CITY OF LA HABRA'S TIMELY RESPONSE TO THE 2023-2024 GRAND JURY REPORT TITLED, "TALKING TRASH: RECYCLABLES AND ORGANIC WASTE"

Dear Presiding Judge Hernandez:

On June 5, 2024, the 2023-2024 Orange County Grand Jury released its report on "*Talking Trash: Recyclables and Organic Waste*." The report made ten (10) findings (F1, F2, F3, F4, F5, F6, F7, F8, F9, F10) and 7 recommendations (R1, R2, R3, R4, R5, R6, R7) to which the City of La Habra is required to comment on. Please consider this letter as the City's official response to these findings and recommendations.

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.

Response and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra partially disagrees with the finding** of the Grand Jury. The City is not fully aware of the actions made by other agencies; however, with regards to "requiring" haulers to distribute residential containers that meet standardized color requirements, the City is aware that many agencies have already updated their City ordinances which do require the hauler to meet CalRecycle's standardized color and labeling requirements.

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.

Response and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra wholly disagrees with the finding** of the Grand Jury. The finding is not clear on what is a fee and what is a fine. The finding also implies that agencies are either using the hauler to collect fines or are not. In La Habra's case, we allow the hauler to assess a contamination fee to pay for the costs of the extra processing that is required when managing high levels of contamination. The City also has its own fine procedure in place. To date, neither the City or the hauler has had to issue any contamination fees or fines. Of the few cases that were potentially close to sustaining a fee or a fine, the issues were resolved before any fees or fines were necessary to be issued.

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 and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra agrees with the finding** of the Grand Jury. The City of La Habra is currently not aware of what other agencies are doing with collected fine revenues; however, the City of La Habra will be directing any fine revenues back into the City's Refuse Enterprise Fund.

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.*

Response and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra partially disagrees with the finding** of the Grand Jury. The City of La Habra agrees with the first and third sentences of this finding, but not the second sentence. The City of La Habra and its current waste hauler, CR&R, provide a variety of materials to residents and businesses and have used many different types of outreach methods including, but not limited to, mass mailings, articles in local magazines, electronic articles and information through social media, in person outreach at civic events, and door to door outreach. The City's primary method of outreach has been to provide letters and other hard copy information as it allows outreach to a large number of residents and businesses in the City in a comprehensive manner.

La Habra does not only rely on the residents actively seeking out information, but rather, the City is proactive in send information out to residents. The City also, through its waste hauler, performs route audits and performance reviews once per year. This process includes staff at the waste hauler lifting refuse can lids to check if residents are recycling properly and, if not, providing information to the City so that staff can notify the resident of the regulations. Furthermore, the City conducts many activities throughout the year where staff actively seeks out residents and businesses to provide information. The City is not entirely aware of what all other Orange County cities are doing regarding outreach in their communities, but staff is aware that there are several cities in the county that currently use similar outreach methods as are used in La Habra.

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 and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra partially disagrees with the finding** of the Grand Jury. Generally, yes, inspections and audits are one of the best ways to determine effectiveness, but it is not the only way. If we start to see reductions in landfill disposal, that is another way. Tracking contamination levels at the organic recycling facilities is another way. There are several other methods that can be used to determine effectiveness.

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.*

Response and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra agrees with the finding** of the Grand Jury. In recent years Orange County has established some higher capacity composting facilities at certain County landfills, but it doesn't appear that there are enough facilities yet

in the county to handle all recycled organic waste. This does result in some jurisdictions, including La Habra, having to transport organic waste long distances.

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 and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra agrees with the finding** of the Grand Jury. The City of La Habra does take RNG credit for its hauler's trash trucks since they operate using RNG from a recycling facility, but it is located in Riverside County. The City is not aware of RNG infrastructure operating in Orange County at this time.

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 and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra fully agrees with the finding** of the Grand Jury. The City of La Habra's population of 61,028, when compared to its geographic size of 7.4 square miles, creates a population density of approximately 8,247 residents per square mile. It would be helpful if CalRecycle could calculate a more accurate and reasonable target amount by accounting for these population density factors in cities such as La Habra.

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 and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra agrees with the finding** of the Grand Jury.

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

Response and Explanation: Based on the information and documentation provided in the Study, **the City of La Habra wholly agrees with the finding** of the Grand Jury. Per CalRecycle's Procurement Target calculator, La Habra's procurement target in 2023 is 4,882.2 tons of organic waste. La Habra could meet its procurement requirement by purchasing 7,079.2 cubic yards (CY) of compost, which is equivalent to approximately 177 truckloads of compost material.

While the City does use some compost material for landscaping throughout City owned parks and facilities, it does not have the capacity to utilize this much compost in any given year. CalRecycle encourages jurisdictions to acquire and donate compost to organization that could utilize that type of product, such as a farm; however, in a sub-urban community such as La Habra, there are no such large scale users capable of taking on that much compost per year. It should be noted that that the City's waste hauler, CR&R, does donate compost to residents at two advertised annual events in La Habra, but the amount that typically gets distributed equals about 123 tons of organic waste, or only 2.5% of the City's procurement target. The City would need to hold 38 more events each year in order to meet its procurement target.

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 jurisdiction by June 30, 2025.*

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has been implemented.** The City is in full compliance with CalRecycle's standardized color requirements.

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.*

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has been implemented.** The City updated its waste hauling agreement in 2022. Any SB 1383 fines that are issued are collected by 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.*

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has been implemented.** The City has and will continue to be utilizing a dedicated Enterprise fund for any fines collected.

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.*

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has been implemented.** The City already utilizes a diverse combination of outreach methods to educate its residents and businesses. All of the methods listed in this Grand Jury's recommendation are already being utilized in La Habra and have been for many years as part of the City's outreach program.

- 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.*

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has NOT yet been implemented.** The City has not yet used polling or survey methods to measure SB 1383 participation and awareness. The City will consider this for future implementation.

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.

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has been implemented.** The City already is a regular participant in all OCWR led efforts.

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.

Based on the information and documentation provided in the Study from the Grand Jury, **the City of La Habra reports that the recommendation has NOT yet been implemented.** The City agrees with this recommendation.

Thank you for the opportunity to provide comments on these findings and recommendations related to the Grand Jury Report on “*Talking Trash: Recyclables and Organic Waste.*” Please contact Jeff Henderson, Senior Management Analyst at (562) 383-4170 if you have any further questions.

Sincerely,

Daren Nigsarian
Mayor

cc: Orange County Grand Jury, 700 Civic Center Drive West, Santa Ana, CA 92701