



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

Lyn Semeta
Mayor

October 7, 2020

Presiding Judge of the Superior Court of California, County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

Re: Responses to June 2020 Grand Jury Report Findings

FINDINGS

F1. In nine of the ten cities investigated, the waste hauler has been the sole source provider to their respective city(s) anywhere from 39 to 72 years. Where there is an opportunity for service providers to compete, there is an opportunity for competitive bidding, which may result in improvements in cost and performance.

The City of Huntington Beach agrees with Finding F1.

F2. The labeling on residential bins are not always legible or have *comprehensive enough* instructions laminated or otherwise made a part of the lid, especially with regards to single use plastic shopping bags. Education and outreach efforts need to be reinforced as often as possible and a visual reminder on the recycle container will help alleviate confusion.

The City of Huntington Beach partially disagrees with Finding F2, specifically with the emphasis on single use plastic shopping bags and including guidance regarding this material on the recycling container. The acceptance of single use plastic bags in the recycle container varies from city to city. In the City of Huntington Beach, we do not accept single use plastic bags in our residential recycling container. The recycling container lids are labeled with lists and graphics that illustrate the materials that *are* accepted for recycling. City staff provides instruction via direct customer contact on how to properly reuse, recycle or dispose of single use plastic bags.

The temporary suspension of California's plastic ban due to COVID-19 may lead to a short-term increase in the incidence of single use plastic bags in Huntington Beach's residential recycling stream. The City will provide targeted outreach regarding proper handling of single use plastic bags during this time.

F3. Orange County Waste and Recycling as well as the waste haulers provide helpful recycling education to the public where contractually required to do so. It is the Grand Jury's view that most cities delegate much of the customers/public education efforts to the waste haulers. Contracts indicate both parties are responsible for educating the public.

The City of Huntington Beach wholly disagrees with Finding F3 as it pertains to Huntington Beach recycling education programs. Huntington Beach staff have been actively providing a variety of Reduce Reuse Recycle education and outreach to our residents for nearly 30 years. City staff and the hauler work in close partnership. They create and distribute education programs to our residents and work the

recycling booth at city and community events. Our partnership has been very effective in funding and providing a variety of programs, including newsletters distributed in the city's municipal services bills, school assemblies for Huntington Beach elementary and middle school children provided by the Discovery Science Center, composting workshops, press releases, printed materials, and promotional items.

F4. Cities are not in compliance with AB 341 mandates with respect to providing recycling containers for multi-family units.

The City of Huntington Beach wholly disagrees with Finding F4 as it pertains to Huntington Beach's compliance with AB 341.

CalRecycle is the State's regulatory authority for our jurisdiction's compliance with this legislation. The City of Huntington Beach reports annually to CalRecycle on our AB 341 Mandatory Commercial Recycling program, participation, and outreach. CalRecycle has accepted our AB 341 program and determined that our jurisdiction is compliant with AB 341.

In Huntington Beach, we provide multi-family properties with several options for AB 341 compliant services. First, we allow multi-family properties with four or fewer units to subscribe to our residential collection program, providing tenants with individual curbside recycling containers. Additionally, properties with five or more units and those not subscribed to residential service can subscribe to a commercial recycling bin for source-separated materials. Lastly, our Solid Waste Franchise Agreement requires the hauler to sort all commingled commercial solid waste to recover recyclables, which includes every multi-family property that is not subscribed to any of the other recycling services.

RECOMMENDATIONS

R1. All cities and county entities that do not have a contract review process in place should establish one to ensure regular reviews of service contracts are performed and that contract terms are still relevant as legislative changes are enacted. Serious consideration should be given to shortening the length of contracts to facilitate opportunities for competitive bidding where feasible. (F1)

The City of Huntington Beach has implemented Recommendation R1. In June of 2019, the City Council of the City of Huntington Beach voted to terminate the evergreen provision of the city's Solid Waste Franchise Agreement and convert the Agreement to its 15-year fixed term.

A contract review is conducted annually via a meeting between hauler representatives and city staff. When new legislation necessitates changes to contractual services, hauler representatives and city staff meet more frequently to negotiate and implement new programs.

City staff reviews hauler performance weekly via customer complaint and call logs and addresses deficiencies with the hauler as they occur. Throughout the year, city staff conducts informal field review of hauler routes, trucks and services periodically and when necessary in response to customer complaints.

R2. Municipalities should ensure that recycle bins be labeled with comprehensive recycling instructions to facilitate proper sorting of waste (F2 and (F3).

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The City of Huntington Beach has implemented Recommendation R2. The City of Huntington Beach's Solid Waste Franchise Agreement requires our hauler to include a label on the inside of the recycling container lid, which indicates with text and graphics the materials that are accepted in the recycling container. The hauler renews this label from time to time and distributes directly to the customer when containers are replaced and upon request.

R3. Cities, that have not already done so, should implement the requirements of AB 341 as they pertain to multi-family recycling programs. Additionally, such programs need to be closely monitored by city contract administrators rather than relying solely on waste haulers to fulfill the mandates (F4).

The City of Huntington Beach has implemented Recommendation R3. CalRecycle is the regulatory authority with regards to this legislation. CalRecycle has accepted Huntington Beach's AB 341 program and determined that our jurisdiction is fully compliant with AB 341. The city's staff contract liaison relies on the hauler to provide data regarding subscribed commercial customers and commercial recycling tonnage, but closely monitors the data to identify trends and ensure continued compliance.

Thank you for the opportunity to respond to the June 2020 Grand Jury Report Findings. Please contact me with any additional questions you may have.



Lyn Semeta
Mayor, City of Huntington Beach