



CITY OF ANAHEIM
MAYOR ASHLEIGH E. AITKEN, ESQ.

August 21, 2024

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

Subject: Response to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste"

Dear Judge Hernandez:

As the Mayor of the City of Anaheim, I am pleased to respond on behalf of the City to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste." We take very seriously the role that local government has in the solid waste and recycling industry that impacts the life of the Anaheim residents, businesses, and visitors we serve. The City values the opportunity to respond to this Report. The responses contained in this letter were approved by the Anaheim City Council during regular session on August 20, 2024. The City's responses address the Orange County Grand Jury Reports findings and recommendations relevant to our City in accordance with California Penal Code Sections 933.05(a) and 933.05(b).

FINDINGS:

Finding 1:

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 Anaheim ("City") agrees with this finding. The City's 7th Amended and Restated Solid Waste Agreement dated June 1, 2023 ("Agreement") states that "all carts purchased after January 1, 2022, shall meet the SB 1383 color requirements" and "all new containers purchased after January 1, 2023, shall include labeling in compliance with the container labeling requirements specified in SB 1383. However, the hauler shall not be required to replace existing containers that do not comply with the labeling requirements, including containers purchased prior to January 1, 2022, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first." This language in the Agreement meets the requirements of SB 1383. Replacing containers prior to the end of their useful life would potentially create more

waste and be contradictory to the intent of the law. The hauler is replacing existing containers with SB 1383 compliant containers as customers call in for replacement due to wear and tear, or if a new service is being established.

Finding 2:

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 disagrees wholly with this finding. The City's Agreement does not allow the hauler to assess fines against residents that are not compliant with SB 1383, therefore this finding does not apply to the City.

Finding 3:

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 disagrees partially. The City agrees with the fact that the City will eventually start collecting fines from residents. The City disagrees with the finding that 'Cities have not yet determined whether the revenues will go into a waste and recycling enterprise fund'. The City has determined the revenues will go into its Sanitation Fund, which is an enterprise fund that is used to support solid waste and recycling collection systems.

Finding 4:

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 disagrees partially with this finding. The City has proactively worked together with its hauler and consultants to implement a comprehensive public education and outreach plan, as outlined in its Agreement. The City's public education and outreach plan includes education on new state mandates and the City's solid waste program. However, contrary to Finding 4, the City has utilized various methods of outreach beyond hard-copy paper mailings, including social media, website updates, educational booths at public events, attendance at residential community meetings and Council District meetings, school and community-organization presentations, and

meetings with large generators, property managers, and HOAs. Please reference Exhibit A for a partial listing of various methods of outreach the City and its hauler have conducted in the past 18 months.

Finding 5:

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 disagrees wholly with this finding. While routine inspections and audits are part of the City's process to confirm SB 1383 compliance and effectiveness, the City also tracks customer participation in its recycling and organics programs through its hauler monthly tonnage reports and SB 1383 program compliance program tracker. The City uses an online customer-relationship management software platform called Recyclist, which provides dashboards showing SB 1383 compliance percentages and includes the ability to track compliance rates over time.

Additionally, the City works in tandem with its consultants to review monthly hauler tonnage reports to track increases or decreases in recycling and organics diversion. The City works with its consultants to annually review per capita disposal rates to ensure it is in compliance with state regulations and to measure how much waste is being disposed per person from year to year.

The City also tracks the topics covered and the date of distribution for education and outreach touchpoints. These distribution dates can be reviewed in alignment with certain success metrics to determine effectiveness (example: outreach piece sent correlates with spike in participation or requests for new/enhanced services).

In addition, contamination monitoring results from ongoing route reviews are monitored throughout the year with the intent to inform future outreach. The City plans to work with its consultants to review contamination monitoring results in conjunction with education and outreach records and identify changes in behavior in response to outreach efforts. Additionally, as more data is collected and maintained in software systems, better analysis can be done to enhance outreach.

Finding 6:

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 agrees with this finding. However, the City is fortunate in that it has secured guaranteed organic waste processing capacity locally through its hauler franchise agreement. The hauler

currently takes commercial source separated food waste to its facility in the City of Anaheim where it is ultimately processed at a facility in Kettleman City, California to become renewable energy. Co-collected food scraps and green waste from residential and commercial generators are taken to a compost facility in Chino, California to become a high-quality compost.

Finding 7:

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 agrees with this finding. The City is interested in using RNG at its CNG fill station at its Public Works operations yard. However, after speaking with several RNG brokers, none of them were able to provide RNG that met the requirements needed to count towards the City's SB 1383 procurement target. The City also requested that its hauler explore fueling its collection fleet with RNG as a means to meet the City's procurement target. However, its hauler indicated that there was no RNG available locally that met the SB 1383 procurement requirements.

Finding 8:

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 agrees with this finding. However, the City has successfully met its 2023 SB 1383 procurement target through its Agreement by purchasing SB 1383-eligible compost for application at agricultural operations outside of the City limits. After close coordination with the City's landscaping operations and Community Services Department Parks Division, it was determined that there was insufficient local demand for the volume of compost or mulch needed to comply with the City's procurement target. The City is on track to meet the 2024 procurement requirements as well by applying compost outside of the City limits.

Finding 9:

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 agrees with this finding, although the City understands that the 50% and 75% organics landfill reduction targets are statewide goals and not directly imposed on local governments.

Finding 10:

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

Response:

The City partially disagrees with this finding. While many jurisdictions are struggling to meet their procurement requirements, the City is meeting its goal through provisions in its Agreement to purchase compost for application outside the City limits as local demand for such a magnitude of compost and/or mulch has not materialized at this time.

RECOMMENDATIONS:**Recommendation 1:**

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 will not be implemented. The City's Agreement includes SB 1383 container labeling and color standardization requirements which went into effect June 1, 2023. These requirements align with the State mandate, which states that "a jurisdiction is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this article [Section 18984.7 in SB 1383] prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first."

New containers are currently being deployed as new services are added, or as customers replace non-functional containers. With hundreds of thousands of functional containers currently in service, it would not be financially feasible or reasonable to update the Agreement and require the hauler to replace all containers not in alignment with SB 1383's color-coding or labeling requirements, as it not required by law.

Recommendation 2:

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:

Part one of the recommendation has been implemented. The City has updated its Agreement to comply with State statute so that the hauler is designated to perform certain required tasks but are not improperly delegated overall responsibility for compliance. This Agreement went into effect June 1, 2023.

Part two of the recommendation, which stipulates that any fines collected by a hauler are forwarded to the jurisdiction, will not be implemented. The Agreement does not permit the hauler to issue fines to residents for SB 1383 non-compliance. However, the hauler is permitted to issue fines to commercial generators for repeat violations of contamination, which can only be done after the hauler has issued a Courtesy Notice for the first violation. This process is intended to act as an educational tool to promote behavior change, as well as to cover the hauler's increased costs to remove and dispose of the contaminated materials from the organics and/or recycling stream(s). The City may require the hauler to modify the program parameters, the fee amount, or have the hauler return any funds generated by the contamination fee that exceeded the maximum threshold for a given period of time to be used for Recycling education and/or enforcement programming by the City.

Recommendation 3:

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 has been implemented. SB 1383 non-compliance fines that are collected by City Code Enforcement are returned to the City's Sanitation Fund, which is an enterprise fund that is used to support solid waste and recycling collection systems.

Recommendation 4:

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. The City, in tandem with its hauler and consultants, has issued various forms of public education and outreach, including social media, TV news appearances, flyer mailings, onsite technical assistance to businesses and multi-family properties, community events and other meetings and gatherings. Please reference Exhibit A for a partial listing of various methods of public education and outreach the City and hauler has conducted in the past 18 months. The City will continue to promote and disseminate a robust multi-media communications strategy to encourage behavior changes for participation in the City's organics recycling programs.

Recommendation 5:

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 not been implemented but will be implemented by December 31, 2024. The City will explore options to develop and distribute an online survey or quiz to gauge residential awareness and understanding of the City's organics recycling program. The City is planning to include a link and/or QR code on social media and in its Recycling Newsletter, which is mailed to all 55,000+ residential accounts and 48,000+ multi-family residential accounts.

Recommendation 6:

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. This effort is currently being led by Orange County Waste & Recycling (OCW&R). The City currently has a Waste Disposal Agreement with OCW&R and future negotiations are anticipated to include language regarding increased organics recycling infrastructure through expansion of co-located 'greeneries' at existing landfills as well as potential procurement opportunities in the form of expanded mulch and compost distribution infrastructure. The City is making use of compost provided by OCW&R at its compost giveaways to residents and by promoting free compost at County landfills to its residents. Furthermore, in the City's Agreement, the City retains the right to have the absolute ability to choose the location for the transportation of organic materials, should more local resources become available at a competitive rate. As such, the City has a vested interest in supporting the County's expansion of organics processing infrastructure and creating a robust local circular economy.

Recommendation 7:

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, however the City of Anaheim will meet with its state delegation by December of this year to educate them on the current challenges as it relates to SB 1383.

Exhibit A

Below is a partial listing of in-person events, meetings, and activities the City and hauler has attended or presented in the past 18 months:

- March 11, 2023 - Compost Giveaway Event 3
- March 18, 2023 - Community Resources Fair
- April 1, 2023 - Eggstravaganza
- April 15, 2023 – Anaheim Chamber of Commerce Workshop
- April 22, 2023 - Higher Ground Family Resources Fair
- April 29, 2023 - Children's Day Fun Fair
- May 6, 2023 - Cinco de Mayo Fair
- May 13, 2023 - OC Green Expo + EV Test Drive
- May 31, 2023 - HOA Property Managers and Board Members meeting, East Anaheim Community Center
- June – October 2023 – City, hauler and its consultants conducted over 6,346 pre-auto enrollment site visits and enclosure surveys for commercial and multi-family customer to assess compliance needs and SB 1383 organics waiver eligibility
- June 2023 – July 2024: The City and hauler have conducted over 15,823 compliance activities including site visits, phone calls, email correspondence, waiver assessments, customer trainings, and service proposals for commercial and multi-family customers
- June 6, 2023 - HOA Property Managers and Board Members meeting, Downtown Community Center
- April – December 2023 – Farmers Market Educational Organics Booth (Every Thursday)
- June 7, 2023 - District 1 Meeting at Dale Junior High School Ave
- June 8, 2023 - District 2 Meeting at Brookhurst Community Center
- June 10, 2023 – OC Green Expo
- June 14, 2023 - District 3 Meeting at Downtown Anaheim Community Center
- June 15, 2023 - Meeting - District 4 Meeting at Ponderosa Park Family Resource Center
- June 21, 2023 - District 5 Meeting at Anaheim United Methodist Church
- June 22, 2023 - District 6 Meeting at East Anaheim Community Center
- July 4, 2023 – 4th of July Event
- July 7, 2023 - Realtor Organics Talk at the Library
- July 8, 2023 – Community Health & Resource Fair
- July 15, 2023 - Eco Day at the Library
- July 27, 2023 - Farmer's Market
- July 29, 2023 – Community Resources Fair
- August 1, 2023 - National Night Out
- August 12, 2023 - City Council, Carlos Leon Back 2 School Bash

- August 24, 2023 - Farmer's Market
- August 29, 2023 - Trinity Lutheran Church and Preschool Presentation
- September 12, 2023 – Family Night with Anaheim Elementary Succeeds
- September 16, 2023 – Anaheim Health and Resource Fair
- September 20, 2023 – Touch a Truck at My Day Counts Event
- September 28, 2023 - Farmer's Market
- October 5, 2023 – District 1 & 2 Meeting at Brookhurst Community Center
- October 11, 2023 – District 3 Meeting at Anaheim High School
- October 12, 2023 - District 4 Meeting at Anaheim Ponderosa Park Family Resource Center
- October 13, 2023 – Monaco HOA Board Member Community Meeting
- October 18, 2023 - District 5 Meeting at Anaheim United Methodist Church
- October 19, 2023 - District 6 Meeting at Anaheim East Anaheim Community Center
- October 26, 2023 - Farmer's Market
- November 7, 2023 – Stoddard Elementary 5th/6th grade Recycling Presentation
- November 30, 2023 - Farmer's Market
- December 14, 2023 – Anaheim Kiwanis Recycling Presentation
- December 14, 2023 – Suburbia HOA Q&A Session
- February 2024 - District Community Meetings
 - February 7, District 1 & 2
 - February 8, District 3
 - February 15, District 4
 - February 21, District 5
 - February 22, District 6
- March 2, 2024 - Compost Event
- March 7, 2024 - Farmer's Market
- March 16, 2024 - Olive School Resource Fair
- March 23, 2024 - Community Resource Fair + EV Test Drive
- March 23, 2024 - Eggstravaganza
- April 3, 2024 - Community Meeting - 866 S. Claudina
- April 18, 2024 - Farmer's Market
- April 18, 2024 - Paul Revere Elementary School, Resource Fair
- April 20, 2024 - West Anaheim Organization - SHOW-OFF
- April 27, 2024 – 2nd Annual Children's Day Fun and Resource Fair
- May 2, 2024 - Farmer's Market
- May 4, 2024 - Cinco De Mayo Fiesta
- May 18, 2024 - Children's 32 Festival Downtown Anaheim
- June 6, 2024 – Farmer's Market
- June 8, 2024 - Green Expo +EV Test Drive
- June 22, 2024 - Community Health & Resources Fair
- July 4, 2024 – 4th of July Celebration

Additionally, below is a partial listing of digital media pieces that the City and hauler has disseminated in 2023:

- Digital Educational Tool Kits for Businesses and Multi-family (available at [Republic Services.com/municipality/Anaheim-CA](https://RepublicServices.com/municipality/Anaheim-CA))
- Updated City Website for the Organics Program (visit: Anaheim.net/organics)
- 18 social media posts between June 2023 – December 2023
- July 26, 2023 – ABC 7 news story on Anaheim’s new organics program

Lastly, below is a partial listing of paper educational materials that the City and hauler has disseminated in the past year. Many of these were mailed to each applicable customer based on when their new organics program was implemented during 2023 and 2024.

- 3-cart Residential SB 1383 Notification (English and Spanish)
- Residential Organics Cart Delivery SB 1383 Notification (English and Spanish)
- Residential Recycle Cart Delivery SB 1383 Notification (English and Spanish)
- Residential How-to-Guide (English and Spanish)
- Commercial SB 1383 Notification
- Commercial How-to-Guide
- Multi-family Residential SB 1383 Notification (English and Spanish)
- Multi-family Property Management SB 1383 Notification
- Multi-family How-to-Guide (English and Spanish)
- HOA SB 1383 Notification (Separate notification to Property Managers/Board members and Owners)
- Edible Food Recovery Flyer

I would like to express my appreciation for the effort of the Orange County Grand Jury and appreciate the opportunity to submit these comments. If you have any questions or need additional information, please contact Dora Delgadillo, Solid Waste Program Administrator at (714) 765-6881 or via e-mail at ddelgadillo@anaheim.net.

Sincerely,



Ashleigh Aitken
Mayor, City of Anaheim