



CITY OF LAGUNA NIGUEL

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August 29, 2024

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

The City of Laguna Niguel has reviewed the Orange County Grand Jury (OCGJ) Report "Talking Trash: Recyclables and Organic Waste." In accordance with California Penal Code 933 and 933.05, the City submits the following responses to the findings and recommendations.

Findings and Responses:

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: Disagree partially with the finding. The City of Laguna Niguel, in collaboration with the City's franchise waste hauler, has exchanged all residential containers to meet CalRecycle's standardized color requirements established by SB 1383. While many cities may still need to distribute residential containers that meet CalRecycle's standardized color requirements, cities have until January 1, 2036, to fulfill that requirement and are having to prioritize the multiple requirements of implementing organic waste recycling.

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: Disagree wholly with this finding. The City of Laguna Niguel has not delegated the responsibility of imposing and collecting fines from residents to a hauler, nor is the City aware of any Orange County jurisdiction delegating enforcement responsibilities. The City's franchise waste hauler performs contamination monitoring and verifies program compliance. When enforcement is necessary, including imposing and collecting fines, the franchise waste hauler refers those cases to the City for enforcement. The City's Code Compliance personnel would then investigate the matter and issue a Notice of Violation to correct the compliance issue before any citation is issued by the City.

F3: All jurisdictions will eventually start collecting fines from residents for noncompliance, 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: Disagree partially with the finding. The City of Laguna Niguel is unaware of other cities' non-compliance procedures, or if their fine revenue will be allocated to a recycling enterprise fund or the general fund. The City of Laguna Niguel is committed to implementing all SB 1383 requirements through outreach and education and utilizes enforcement actions only when necessary. The City utilizes a specified general fund account for recycling program revenues to track any fines collected for non-compliance with SB 1383.

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: Disagree partially with the finding. The City of Laguna Niguel utilizes a variety of approaches, including social media, direct print mailers, community booths, e-newsletters, and the City website to conduct education and outreach. The City actively communicates to its residents the new state requirements set forth by SB 1383 in partnership with the City's franchise waste hauler. The City has also conducted education and outreach activities in partnership with the City's waste hauler at Homeowners Association and Chamber of Commerce events. The City of Laguna Niguel is unaware of the education and outreach efforts of other Orange County Cities.

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: Disagree partially with the finding. The City of Laguna Niguel's franchise agreement with its franchise waste hauler requires the performance of both in-field contamination audits and twice-yearly waste characterizations of all streams of service. The data gathered by performing in-field contamination audits and waste characterizations allows the City to determine areas where additional education and outreach efforts are needed. The City of Laguna Niguel is unaware of the effectiveness of other Orange County Cities concerning their education and outreach efforts.

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: Agrees with the finding. The City of Laguna Niguel agrees with this finding. The City's franchise waste hauler transports all of the City's organic waste to Perris, California, for processing into Renewable Natural Gas (Gas).

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: Agrees with the finding. The City of Laguna Niguel agrees with this finding. The City obtains its State-approved RNG from its franchise waste hauler's anaerobic digestion facility in Perris, California. The City agrees that jurisdictions that use vehicles running on RNG procured from non-approved sources cannot count that RNG towards fulfillment of their procurement credit.

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: Agrees with the finding. The City of Laguna Niguel agrees with this finding. The current approach creates significant challenges for jurisdictions.

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: Agree with the finding. The City of Laguna Niguel agrees with this finding. The State failed to meet its 2020 deadline of decreasing organic waste in landfills and is on pace to fail to achieve its seventy-five percent reduction by 2025.

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

Response: Agrees with the finding. The City of Laguna Niguel agrees with this finding. The City of Laguna Niguel considers its procurement target unrealistic and may require additional assistance from the County/State to meet these needs should the current procurement target methodology remain unchanged.

Recommendation and Responses

- 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 Laguna Niguel completed the distribution of residential containers meeting CalRecycle's standardized color and labeling requirements in the Summer of 2022.

- 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: This recommendation has been implemented. The City of Laguna Niguel proactively entered into a new Franchise Waste Agreement in December 2018, incorporating all of the requirements established by state statute. The City completed Amendment No. 1 to the Franchise Waste Agreement in June 2024, strengthening contamination minimization compliance efforts. The City's waste hauler cannot collect fines for non-compliance with state statutes. The City's waste hauler can only charge additional fees for additional services, i.e., additional collections, bulk-item collections etc. The City's Franchise Waste Agreement has always remained in compliance with state statutes.

- 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 will not be implemented. The City of Laguna Niguel has no plans to implement this recommendation as it is unwarranted and unnecessary. The City has a specified General Fund account for recycling program revenues to track any fines collected for non-compliance with SB 1383. Any fines collected will be prioritized to offset costs related to the implementation of SB 1383.

- 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. The City of Laguna Niguel has used and continues to utilize a diversified method to conduct education and outreach. The City utilizes its social media platforms, website, direct print mailers,

and publications to inform residents and businesses of SB 1383 program requirements and implementation efforts. Additionally, the City's franchise waste hauler conducts presentations at community and school events, and presentations to community groups. The City will continue to seek appropriate opportunities to conduct additional outreach and education efforts.

- 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: The recommendation has not yet been implemented, but will be implemented in the future. The City will continue to seek new methods to engage residents directly to help better determine their awareness of SB 1383 requirements. The City will not perform door-to-door polling due to cost/staff/time constraints but will explore additional innovative strategies in 2025 to gauge resident awareness of SB 1383.

- 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.**

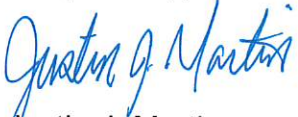
Response: The recommendation has been implemented. The City of Laguna Niguel actively participates in OCW&R-led efforts to develop and coordinate a county-wide approach to SB 1383 program implementation. The City and/or its Environmental Services Consultant attend all waste management coordinator meetings and actively utilize OCW&R compost and mulch services. The City will continue to participate in OCW&R-led programs.

- 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: The recommendation has been implemented. The City of Laguna Niguel has adopted a robust legislative advocacy platform and actively supports legislation that revises procurement targets and delays associated enforcement actions, including AB 1985 (2022), which created a phased-in approach for procurement targets. The City does not have a specific organic waste diversion requirement, as SB 1383 only

requires cities to implement an organic waste recycling program, which the City has successfully completed.

Respectfully,



Justin J. Martin
Assistant City Manager