



CITY OF
HUNTINGTON BEACH

Gracey Van Der Mark | Mayor

September 9, 2024

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

RE: June 11, 2024 Grand Jury Report: Talking Trash: Recyclables and Organic Waste

Dear Judge Hernandez,

FINDINGS

Below is the City of Huntington Beach response to findings within the Grand Jury Report, Talking Trash: Recyclables and Organic Waste, dated June 11, 2024.

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: The City of Huntington Beach partially agrees with this finding. Our residential recycling and organics containers are already color-compliant. The City intends that all residential containers will be color- and label-compliant no later than January 1, 2036 as required by CalRecycle. City's hauler distributes updated labels to residents when services are updated and upon request to replace worn containers. CalRecycle's January 1, 2036 deadline for 100% compliance is intended to reduce the environmental and financial impact of discarding serviceable containers prior to the end of useful life.

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: The City of Huntington Beach disagrees with this finding. The City has not delegated nor does it intend to delegate the task of imposing and collecting residential fines to its hauler.

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: The City of Huntington Beach agrees with this finding.

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: The City of Huntington Beach disagrees with this finding. The City disseminates education and outreach through various media types including electronically on its website, via social media, electronic newsletters, in-person at special events, and in print via utility bill inserts and regular mail.

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: The City of Huntington Beach disagrees with this finding. The City intends to survey its residents to help determine the effectiveness of its education and outreach materials.

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: The City of Huntington Beach agrees with this finding.

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: The City of Huntington Beach agrees with this finding.

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: The City of Huntington Beach agrees with this finding.

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: The City of Huntington Beach disagrees with this finding. Upon full implementation of SB 1383 programs, the City intends to attain the maximum reduction of organic waste to landfill possible for our jurisdiction. The City understands that the 75% reduction in organic waste sent to landfills is a statewide goal and not intended to be an organic waste reduction goal for the City of Huntington Beach.

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

Response: The City of Huntington Beach agrees with this finding.

RECOMENDATIONS

Below is the City of Huntington Beach status on recommendations made within the Talking Trash: Recyclables and Organic Waste, dated June 11, 2024.

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: This recommendation is being implemented. To date, 100% of our blue recycling containers are SB 1383 color- and label-compliant. Labels are updated periodically when accepted materials change or when requested to replace worn/damaged. Since January 1, 2022, our brown trash containers (also known as landfill) are gradually being replaced through regular replacement of damaged containers with color- and label-compliant black containers. Our green residential organics containers are 100% color-compliant and will be label-compliant upon full implementation of SB 1383 food waste collection. The City intends that 100% of its residential containers will be color- and label-compliant by January 1, 2036 as required by CalRecycle.

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 is in process. The City is currently negotiating a SB 1383 compliant agreement with its franchised hauler, Republic Services. The City does not intend to improperly delegate responsibility for overall compliance or for assessing residential fines to its hauler.

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: The City of Huntington Beach will consider this recommendation. The City is solely responsible to determine the disposition of fines for non-compliance with SB 1383 into its appropriate accounts and based in part on its costs for assessing and collecting those fines.

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 is fully implemented. The City of Huntington Beach provides education and outreach through various media types including electronically on its website, via social media, electronic newsletters, in-person at community events, and in print via utility bill inserts and regular mail.

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 will be implemented upon full implementation 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.



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Response: This recommendation is fully implemented to the extent realized by OCWR. City of Huntington Beach staff and hauler staff attend all regional meetings and discussions hosted by OC Waste & Recycling and participate with OCWR on county-wide SB 1383 implementation goals.

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 City of Huntington Beach will consider this recommendation. The Huntington Beach City Council is the City's legislative authority and sets the City's policies and priorities as approved by a majority vote of its 7 members.

Should you have any questions or require further information please do not hesitate to reach out to Senior Management Analyst, Debra Jubinsky, at 714-374-5321 or djubinsky@surfcity-hb.org.

Sincerely,

A handwritten signature in blue ink that reads "Gracey Van Der Mark".

Gracey Van Der Mark
Mayor

Cc: Eric G. Parra, Interim City Manager