



Nancy Wieben Stock
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

August 3, 2007

Subject: Response to Grand Jury Report "AB 939 Waste Diversion: Are We Finally Making Progress?"

Dear Judge Stock:

The City of Laguna Beach has reviewed the Grand Jury report titled "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?" As required by the Grand Jury report, and in accordance with California Penal Code Subsection 933.05(a), The City responds to Finding F-6 and Recommendation R-6 as follows:

Finding F-6: The presence of non-franchise haulers and so-called "Ghost Haulers" bins, in cities which bypass the recycling system, needs to be corrected in order to establish the waste haulers' confidence that their municipalities are looking out for their best interests.

Response to Finding F-6: The City agrees with this finding. The answer to this deficiency is provided in the response to Recommendation R-6 below.

Recommendation R-6: Municipalities need to solve their unauthorized waste bin problems by enacting city ordinances forbidding these practices, imposing fines, including stepped-up fines for additional violations, and impounding unauthorized bins.

Response to Recommendation R-6: Recommendation R-6 has been implemented. The City adopted ordinance 1469 six months ago. The ordinance requires all disposal bins to be supplied solely by the City's franchise waste hauler, Waste Management, and allows for the removal of unauthorized bins. The City's franchise waste hauler sends all of its bins to a separation facility where at least 50% diversion is achieved. The ordinance allows Waste Management to remove unauthorized bins and to charge the owners a fee to recover the bins. Since enactment of this ordinance, the City has seen a significant reduction in "ghost haulers" to the extent that only three have been identified within the past six months. Those bins were removed by their owners within 24 hours of being notified.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Frank".

Kenneth Frank
City Manager

Cc: Director of Public Works