



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE MAYOR

August 31, 2007

Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Grand Jury Report: Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?

Dear Judge Stock:

The City of Costa Mesa has reviewed the Orange County Grand Jury's Report and is submitting the enclosed response to Finding F-6 and Recommendation R-6 as required.

Please be assured the City of Costa Mesa will continue to implement as many Source Reduction and Recycling Programs as needed to continue to meet the mandates of AB 939.

Thank you for the opportunity to respond to the Orange County Grand Jury report. If you have any questions, or need additional information, please contact William J. Morris, Director of Public Services, at 714-754-5343.

Regards,

Allan R. Mansoor
Mayor

Enclosure: Grand Jury Report Response

c: City Council Members
Allan L. Roeder, City Manager
William J. Morris, Director of Public Services
Rob Hamers, Manager, Costa Mesa Sanitary District
Donna Theriault, Management Analyst

RESPONSE TO THE ORANGE COUNTY GRAND JURY'S REPORT
"ASSEMBLY BILL 939 WASTE DIVERSION: ARE WE
FINALLY MAKING PROGRESS?"
ISSUED JUNE 5, 2007

The City of Costa Mesa offers the following responses to the Grand Jury's Finding No. 6 and Recommendation No. 6:

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.

The City of Costa Mesa agrees with the Grand Jury's Finding. While it is important to establish the franchised hauler's confidence, we feel it is even more important to track the amount of waste the haulers are recycling and/or taking to the landfill. In Costa Mesa, the tracking is performed through quarterly reporting from the permitted and franchised haulers. Waste haulers who are operating without the proper permit/licenses/franchises do not report to the jurisdiction. This lack of reporting undermines the jurisdiction's efforts to monitor and divert the waste being sent to the landfill. The City, with the assistance of a consultant, performs periodic field checks to uncover illegal hauling firms operating in the City. When an unauthorized bin is reported or discovered, City staff will visit the site and attempt to make contact with the contractor or property owner. We will notify them that they must remove the bin or the hauling company needs to come to City Hall to get permitted.

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.

In order to meet the requirements of AB 939, the City of Costa Mesa adopted Ordinance 92-31 pertaining to garbage, refuse, and recyclable materials collection. This ordinance allows the City to monitor and regulate the solid waste haulers in the City through a permitting and franchising process. The City of Costa Mesa issues a non-exclusive franchise to the hauling companies serving the commercial, industrial and multi-family complexes. The City's open-competitive system currently has 20 waste hauling companies permitted to serve the commercial/industrial/multi-family sector of Costa Mesa. The City of Costa Mesa is currently meeting the AB939 mandate and has a recycling rate of 54%.

The single-family and small multi-family (4 units or less) residential trash service is governed by a separate governmental agency called the Costa Mesa Sanitary District. They contract with one of the City's permitted waste haulers to provide the single-family residential collection service.

The City of Costa Mesa does not currently have an illegal bin impound program. The illegal haulers are difficult to catch because they are in and out of the City in a day or two. However, the City's permitted haulers are diligent about reporting unauthorized bins they see in the City. When an unauthorized hauler is found operating in Costa Mesa, staff will attempt to make contact with the owner of the bin and request the bin be removed immediately or offer the company the opportunity to become a permitted/franchised waste hauler. In addition, the City provides a list of the permitted haulers to property owners and contractors who come to City Hall to pull demolition or construction permits.

The Integrated Waste Management District's surcharge on self haul waste has helped to reduce the number of unauthorized haulers operating in Costa Mesa. Legally permitted/franchised haulers are charged a reduced landfill gate fee established through the Solid Waste Agreements between the County of Orange and the City of Costa Mesa. With the self-haul surcharge, haulers are more inclined to become a legally permitted hauler in Costa Mesa in order to receive the reduced landfill gate fee. The City has recently permitted 5 new waste hauling companies as a result of the new self-haul surcharge.

Since the City of Costa Mesa does not have a single franchised hauler, a bin confiscation program would be more difficult to establish and monitor so we are not proposing to implement a bin confiscation program at this time.