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# CITY OF SANTA ANA

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September 4, 2007

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

Dear Presiding Judge Wieben Stock:

The City of Santa Ana has received and reviewed the Grand Jury's report and recommendations on "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?" We are offering our response to the following:

**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 Santa Ana generally agrees with this finding however the City is interested in correcting the problems associated with non-franchise haulers because it is in the best interests of the public and the waste haulers.

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

The City of Santa Ana is aware that haulers are operating in the City illegally.

The City has an exclusive agreement for collection and recycling of its residential, commercial, and industrial sectors and two non-exclusive agreements for construction and demolition debris. However, the City continues to experience problems with non-franchise haulers and we spend a great deal of time dealing with each incident.

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The City has an ordinance that makes it illegal to collect, transport, recycle, compost, or dispose of solid waste in the city without an agreement, with certain exceptions for self haulers. In addition, the City has implemented an administrative citation process that includes stepped-up fines for additional violations. The challenge that we face is the requirement that our city enforcement personnel must witness the violation in the field. With limited enforcement personnel coupled with the requirement to warn violators, this often results in non-authorized haulers coming into the City, providing the service, and exiting before a citation can be issued. Often, these companies just move to another location. We continue to pursue the violators; however, we also see the same companies on our tonnage reports each quarter.

The City does not currently have an ordinance that allows the impounding of bins and roll-offs that belong to non-franchise haulers. We are considering implementation of an ordinance providing for removal of illegal bins and need additional time to evaluate the option. At the same time the City will be reviewing our current enforcement tools to determine whether they could be utilized more effectively. The Public Works Agency will be responsible for coordinating the analysis. This will require discussions with our franchise hauler, a review of other cities' ordinances and implementation methods, and discussions with city management. If the City decides to implement the recommendation, a proposed ordinance will be submitted to the City Council in late 2007 or early 2008.

Please contact Teri Cable at (714) 647-5658 if there are any questions about this response.

Sincerely,



David N. Ream  
City Manager

c: Orange County Grand Jury  
Mayor and City Council Members