

# CITY OF YORBA LINDA

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OFFICE OF THE CITY MANAGER

August 21, 2007

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

**Subject: Response To Grand Jury Report re: AB 939 Compliance**

Dear Judge Wieben Stock:

Herewith are the City of Yorba Linda's responses to the recent Grand Jury findings and recommendations concerning AB 939 waste diversion efforts in Orange County.

**Finding F-6: Non-Franchise Haulers**

The City of Yorba Linda is pleased that the Grand Jury has recognized the problems that "Ghost Haulers" and "Pirate Haulers" create for cities that are earnestly trying to meet AB 939 diversion goals. We believe that the Orange County Board of Supervisors' decision to impose landfill surcharges on unfranchised, out-of-county self-haulers will provide important financial disincentives that will ultimately help to curb this particular practice.

However, Yorba Linda is experiencing other problems that involve franchised haulers who are operating legally in their client's cities. In some cases, these haulers seek to improve their client's AB 939 diversion rates by reporting the trash they take to a landfill as belonging to some other jurisdiction. This serves to reduce their client's net annual reportable tonnage while artificially increasing other cities' tonnage (especially cities such as Brea and Yorba Linda that are located near a landfill). To address this problem, the City also encourages the County to consider a bill-of-lading or other such verification procedure at the landfills to ensure that all unrecycled trash is being properly attributed to its actual city of origin.

- The City's Code Enforcement and Business License staff also currently works with our franchised hauler and local businesses to identify and cite illegal haulers.

**Recommendation R-6: Unauthorized Waste Bins**

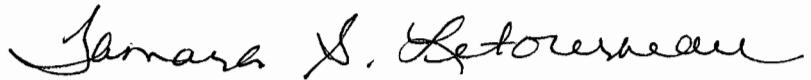
The City of Yorba Linda agrees with this recommendation. On August 7, 2007 the City Council adopted a comprehensive update of the City's Solid Waste ordinance which included a new provision authorizing the City's Code Enforcement officers to take action to impound illegal containers from waste haulers who are not authorized to operate within City limits.

Also, please note that the August 7<sup>th</sup> Municipal Code update instituted a Construction & Demolition Diversion Program and a Large Event Recycling Program.

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If you have any questions about our responses, please contact me at (714) 961-7110.

Sincerely,

A handwritten signature in cursive script that reads "Tamara S. Letourneau".

Tamara S. Letourneau  
City Manager

cc: Mayor and City Councilmembers  
David A. Gruchow, Assistant City Manager